

MINUTES

1. CONVENE CITY COUNCIL REGULAR MEETING

Mayor Labadie called the meeting to order at 7:01 P.M.

A. Roll Call

Present. Mayor Labadie; Councilmembers Johnson, Siakel, Gorham, and Callies; City Attorney Shepherd; City Administrator Lerud; City Clerk/HR Director Thone; Finance Director Rigdon; Planning Director Darling; Director of Public Works Brown; and, City Engineer Budde

Absent: None

B. Review Agenda

Siakel moved, Callies seconded, approving the agenda as presented.

Roll Call Vote: Johnson, Siakel, Callies, Gorham, and Labadie voted Aye. **Motion passed.**

2. CONSENT AGENDA

Mayor Labadie reviewed the items on the Consent Agenda.

Gorham moved, Siakel seconded, Approving the Motions Contained on the Consent Agenda and Adopting the Resolutions Therein.

A. City Council Work Session Minutes of February 28, 2022

B. City Council Regular Meeting Minutes of February 28, 2022

C. Approval of the Verified Claims List

D. Approve Proposal from Davey Resource Group, Adopting RESOLUTION NO. 22-025, "A Resolution to Accept Proposal from Davey Resource Group for Professional Arborist Services."

Roll Call Vote: Johnson, Siakel, Callies, Gorham, and Labadie voted Aye. **Motion passed.**

3. MATTERS FROM THE FLOOR

Alan Yelsey, 26335 Peach Circle, read aloud a statement about his opinion regarding ethics related to the Smithtown Ponds project and the potential for scandal for the City.

CITY OF SHOREWOOD REGULAR COUNCIL MEETING MINUTES

MARCH 14, 2022

Page 2 of 8

Kristine Sanschagrín, 27725 Island View Road, shared concerns about the trustworthiness of the Council and shared an example from a prior meeting when citizens were told that they would be able to talk during an agenda item and then were not given that opportunity. She stated that these actions cause mistrust in the community and with the government. She noted that Mayor Labadie had stated that she would recuse herself from discussion of the item related to her personal dock, but then was allowed to speak during that item when no other residents were given that opportunity. She stated that agenda items such as these and the pesticide issue are important and she feels the citizens should have the opportunity to discuss them with the Council. She stated that the City needs to be able to control costs and deal with the issues that are before them and not just pass along responsibility to another company.

Chris Rotunno, 5525 Howards Point Road, stated that week after week there have been half-truths and misinformation shared by a few individuals at the Council meeting. He commended the City for allowing these individuals to speak over and over again. He stated that he feels what he just heard this evening holds about one-quarter of the truth, but did not intend to turn this into a debate in front of the Council. He stated that because these individuals have been coming and speaking at the Council meetings without rebuttal, he feels it misleads the rest of the community. He would ask that rather than let this 'circus' continue, he would ask that the Council just shut them down because he is tired of their attacks on the City and Mayor Labadie.

4. PUBLIC HEARING

5. REPORTS AND PRESENTATIONS

A. Service Recognition – Dara Gault – Planning Commission

On behalf of Council and the residents of Shorewood, Mayor Labadie expressed the City's appreciation for the service of former Planning Commission Gault for the years 2019-2022. Planning Director Darling commended Mr. Gault for the time and research he put into each item that came before the Planning Commission.

6. PARKS

A. Report by Commissioner Tauer on March 8, 2022 Meeting Park Commission meeting

Park Commissioner Tauer gave an overview of the March 8, 2022 Park Commission meeting as reflected in the minutes.

B. Christmas Lake Public Access Ordinance

City Administrator Lerud explained that this ordinance is a culmination of an overall evaluation of the use of the space at the landing area. He stated that the Christmas Lake Homeowners Association has led a multi-year effort for aquatic invasive species control at the landing by conducting inspections and cleaning boats. He gave a brief overview of the usual practices for the landing area, gate access, and parking. He stated that staff has had discussion about possible electronic signage on Radisson Road that would let drivers know how many spaces are available in order to eliminate the need for boats and trailers to back down the road.

CITY OF SHOREWOOD REGULAR COUNCIL MEETING MINUTES

MARCH 14, 2022

Page 3 of 8

Mayor Labadie noted that the Christmas Lake HOA had been very active and thanked them for the e-mail that they submitted to the City this morning.

Councilmember Callies noted a minor typographical error within the ordinance under paragraph (c) she noted that this referenced section 'g' but believes it should be 'f'. City Administrator Lerud agreed that this was correct and would make that change.

Councilmember Callies stated that she would like to see the signage out on Radisson Road.

Councilmember Johnson agreed that this ordinance makes a lot of sense especially because kayaks and paddleboards are far more popular now than before.

Johnson moved, Gorham seconded, Adopting ORDINANCE NO. 586, "An Ordinance Establishing Section 902.05, Subdivision 4 of the City Code of Ordinances, Establishing Regulations for the Christmas Lake Boat Landing and Adjacent Parking Lot."

Roll Call Vote: Johnson, Siakel, Callies, Gorham, and Labadie voted Aye. **Motion passed.**

7. PLANNING

A. Report by Commissioner Riedel on March 1, 2022 Meeting

Planning Commissioner Riedel gave an overview of the March 1, 2022 meeting as outlined in the minutes.

**B. CUP for Co-location of Antennas on Existing Tower
SMJ International, LLC (Dish Wireless)
24283 Smithtown Road**

Planning Director Darling explained that this request is for a Conditional Use Permit to install three antennas in a triangular array and associated ground equipment on an existing monopole at 24283 Smithtown Road within the existing fenced enclosure. Staff and the Planning Commission recommend approval. She noted that there is a condition included that the installation needs to occur outside of the osprey nesting season.

Councilmember Gorham asked how long ago the City had considered a similar application. Planning Director Darling noted that it was about a year ago with a different provider, but there was a similar application from this provider in 2019.

Councilmember Gorham asked if the applicant had successfully dealt with the osprey situation in the past. Planning Director Darling confirmed that the tower owner and the other provider have and obtained a permit from the DNR in the off season to remove the osprey nest for routine maintenance.

Gorham moved, Siakel seconded, Adopting RESOLUTION NO. 22-026, "A Resolution Approving a Conditional Use Permit for an Antenna Collocation on an Existing Monopole and Related Equipment at 24283 Smithtown Road."

Roll Call Vote: Johnson, Siakel, Callies, Gorham, and Labadie voted Aye. **Motion passed.**

8. ENGINEERING/PUBLIC WORKS

A. Approve Plans and Specifications and Authorize for Advertisement for Bids for Smithtown Pond/Shorewood Oaks Drainage Project, City Projects 20-07 and 20-04

City Engineer Budde explained that on January 25, 2021, the Council approved the scoping study and authorized preparation of the plans and specifications for the Smithtown Pond project. He noted that the City had completed the Western Shorewood Drainage Study and the Smithtown Pond is a major component of the overall study with its proposed location at 26245 Smithtown Road to provide significant improvement in the drainage of the upstream areas. He stated that it is planned to be an area where drainage from Strawberry Lane will be routed and provide treatment for a future road reconstruction project that is slated for 2023 and is also sized to take the additional drainage, hold it, and release it at a slower rate to the downstream Grant Lorenz channel which will help reduce the erosion and sloughing of the slopes. He stated that this project would also include some improvements to the basins in Freeman Park and noted that the City has also been coordinating with the Hennepin County Regional Rail Authority and Three Rivers Park District on replacement of a culvert under the trail as part of this project, which will require a detour of the trail while the work is done. He stated that this will also help resolve the drainage concerns that are in the Shorewood Oaks development where there is some fairly deep drain tile that has caused back-ups into a number of homes. The City has acquired the major permits that are required for this project, received approval from the Minnehaha Creek Watershed District, and received a permit from the Army Corps of Engineers. He explained that the City had budgeted \$2,172,000 for this project out of three CIP items and noted that the Hennepin County Regional Rail Authority is expected to provide \$38,680 to cover the costs of replacing the culvert. He reviewed the tentative timeline and schedule for construction to begin in the summer of 2022, substantially completed the Shorewood Oaks drainage improvements by October 2022, and substantial completion of the entire project by March 2023.

Councilmember Gorham asked for more details about the process involved in getting a permit from the Army Corps of Engineers. He stated that it appeared to be very robust and thorough review by a very impartial third party. City Engineer Budde stated that the Army Corps of Engineers permit specifically addresses wetlands and stream impacts. He gave an overview of the channel that runs through Freeman Park and this property and explained that ultimately what the City needs to do is minimize impacts to the wetlands and streams. He noted that many of the agencies that review these types of projects, review them contingent upon each other and also have independent engineering companies reviewing them on their behalf.

Councilmember Gorham stated that Strawberry Lane was mentioned and he noted that he wanted to dispel the idea that somehow the City's engineers are somehow designing projects to benefit themselves. He stated that the City Engineers take their direction from the City Council, and the third party contractors along with the engineers are critical to functioning as a City because they cannot just do it on their own with just Public Works and in-house design staff. He noted that he had never met an engineer who had designed a project just to fill the coffers of his own vice-president.

Councilmember Siakel stated that the topic of drainage, water, and stormwater management has been on the Council agenda for the last six or seven years. She stated that this project has not been done in a vacuum and is meant to be something that is very comprehensive and has been studied in that manner. She stated that to Councilmember Gorham's point, the City went out of

CITY OF SHOREWOOD REGULAR COUNCIL MEETING MINUTES

MARCH 14, 2022

Page 5 of 8

its normal engineering channel and went to the water experts which was Barr Engineering, to do the work to study the situation and bring back a plan that solves problems for an entire area and not just one neighborhood. She stated that one thing that has not been mentioned is that all this water ultimately ends up in Lake Minnetonka. She stated that this has been thoroughly studied and she would reject any claims that there has been any misappropriation or that it has not been well thought out. She stated that it has been reviewed by the Minnehaha Creek Watershed District, the Army Corps of Engineers, and Barr Engineering. She explained that she felt that the City had done everything it could to ensure that there is a plan that meets the needs of the City. She stated that she was on the Council when the family of the gentleman who lived on Smithtown Road had passed away came and did their presentation to the City. She stated that she totally rejects the idea that anyone was treated unfairly. She stated that this has been well thought out, well planned, well scrutinized by multiple agencies, and will be beneficial when it has been completed. She stated that at one point there was discussion about adding a walking path through the area so there may be the added benefit of a trail for the public to use and asked if that was still included in the plans.

City Engineer Budde stated that there are plans to make a trail connection from Smithtown Road to the Lake Minnetonka Regional Trail. He stated that in addition to a trail for public use it will also serve as access to the City to maintain the infrastructure that will be built with this project.

Councilmember Johnson stated that he would echo the comments made by Councilmember Siakel and noted that during his time on the Council he has received more inquiries about how to improve drainage than any other issue.

Gorham moved, Siakel seconded, Adopting RESOLUTION NO. 22-027, “A Resolution Approving the Plans and Specifications and Authorizing Bidding for the Smithtown Pond/Shorewood Oaks Drainage Project, City Projects 20-07 and 20-04.”

Roll Call Vote: Johnson, Siakel, Callies, Gorham, and Labadie voted Aye. **Motion passed.**

9. GENERAL/NEW BUSINESS

A. Redistricting: Declare New Precinct Boundaries and Polling Place Locations

City Clerk/HR Director Thone explained the City is in the final phase of redistricting and redrawing the City's precinct boundaries which are due March 29, 2022. She stated that the City's legislative district was split which resulted in two legislative districts, 45A and 45B, which required redrawing the precinct boundaries. She stated that another issue was with regard to the polling place for the islands which was formerly in a residence and in 2020 had to be moved to the community center under an emergency order due to the pandemic. This resulted in combining Precinct 1 and Precinct 2 to create a new Precinct 1 that will now have a polling place located within the boundaries and is fully compliant with state law. She stated that these proposed changes will reflect four precincts in the city limits versus the previous five. She provided an overview of the proposed precinct boundaries and polling places for each voting district. She noted that the City's proposed precincts were submitted to Hennepin County on February 23, 2022.

Councilmember Johnson asked about the map that appears to show a big swatch of area that extends out into Lake Minnetonka. City Clerk/HR Director Thone explained that all property is assigned and encompassed within a precinct pursuant to State Statute. That includes lakes and parks, she explained, and sometimes that apportion allows for odd shapes.

CITY OF SHOREWOOD REGULAR COUNCIL MEETING MINUTES

MARCH 14, 2022

Page 6 of 8

Councilmember Gorham asked why a precinct was needed for Cathcart Park if no one is there. City Clerk/HR Director Thone explained that if it were to ever be redeveloped, it is part of State statute that every piece of land in the State has to be assigned a precinct.

Councilmember Gorham asked why it would not just be included with Precinct 1. City Administrator Lerud noted that Cathcart Park is also located within Carver County so it needs to have its own precinct. City Clerk/HR Director Thone noted that there have been some talks about allowing this area to become part of Hennepin County.

Councilmember Siakel asked about the people on the island. She stated that they have always taken a lot of pride in voting in the house that is historical for them. She stated that this will be a big change and asked if anything had been done to communicate with those residents and explain why the change was needed.

City Clerk/HR Director Thone stated that the City did reach out to them and sent letters to everyone who lives on the islands and also communicated with some of the election judges. She stated that they asked for their feedback and did not receive any comments from the residents, but did discuss it extensively with the election judges. She stated that she is hopeful that receiving no comments was a sign that nobody is protesting this change.

City Administrator Lerud noted that he had received one call from a resident who understood the reason for the change, but were disappointed that they were losing this tradition. He noted that during the last election 88 percent of the island residents voted absentee.

Callies moved, Labadie seconded, Adopting RESOLUTION NO. 22-028, “A Resolution Establishing Precincts and Polling Places.”

Roll Call Vote: Johnson, Siakel, Callies, Gorham, and Labadie voted Aye. **Motion passed.**

B. Letter of Agreement with IPM Institute

City Administrator Lerud explained that the Council had directed staff to prepare an agreement to develop an Integrated Pest Management plan for the City. He stated that he had the dollar amount incorrect in the original memo and noted that it is a bit higher than presented but is still about \$2,000 less than the next low quote the City received. Staff recommends approval of the agreement, as presented.

Councilmember Gorham stated that to address an earlier comment that was made, he asked when updates will occur with the work that is going on. City Administrator Lerud stated that the agreement calls for IPM to have the draft plan done by May 1, 2022, and he envisions that this would happen at a work session where they would also take some public comment.

Councilmember Gorham asked if there was also an aspect to this agreement that called for yearly updates. City Administrator Lerud stated that once the plan is formally adopted by the City then there will be regular updates for the Council and noted that staff will check-in regularly with IPM.

Councilmember Siakel stated that this was something that was recommended by and had the approval of the Humming for Bees organization.

CITY OF SHOREWOOD REGULAR COUNCIL MEETING MINUTES

MARCH 14, 2022

Page 7 of 8

City Administrator Lerud clarified that this was the firm that the Humming for Bees organization had recommended.

Callies moved, Siakel seconded, Adopting RESOLUTION NO. 22-029, “A Resolution Approving an Agreement with the IPM Institute to Prepare and Assist in Implementing an Integrated Pest Management Program.”

Roll Call Vote: Johnson, Siakel, Callies, Gorham, and Labadie voted Aye. **Motion passed.**

10. STAFF AND COUNCIL REPORTS

A. Administrator and Staff

1. Tree Sale and Organics Recycling

City Administrator Lerud noted that this is an informational item and explained that the tree sale started on March 1, 2022 and has been very popular. He stated that the City is working with the City of Deephaven regarding an organics drop-off site and the City is using the Hennepin County grant funds for that work. He stated that if anyone has any specific questions he would encourage them to reach out to Communications and Recycling Coordinator Moore.

Other

Public Works Director Brown stated that seasonal weight restrictions will go into effect at midnight on March 16, 2022.

Finance Director Rigdon noted that the City had its financial audit field work performed last week and everything has gone well.

Planning Director Darling stated that the new Planning Technician, Jason Carlson, will begin March 21, 2022

City Attorney Shepherd stated that the Court of Appeals issued its opinion in the City of Shorewood vs. Sanschagrín matter this morning. He stated that there will be a special closed session meeting to discuss this opinion sometime next week. He stated that because of some of the comments made at the beginning of the meeting, he wanted to reiterate his previous statement that the City Council meeting is a business meeting, which means they are here to take information, pass ordinances and resolutions. He stated that sometimes the Council does take public comments on various matters, but they are not required to take public comment on every matter that is in front of them. He stated that there are statutory requirements for matters that require public hearings that the City abides by. He stated that he wanted to make it clear that the Council is proceeding in a way that every other city does with respect to moving through its agenda.

City Administrator Lerud stated that he believes the audit will be presented to the Council at the second meeting in April. He stated that the City has conducted interviews for a Public Works LEO and have extended a verbal offer that has been accepted and following the appropriate background checks will come before the Council for consideration at their first meeting in April.

B. Mayor and City Council

Mayor Labadie stated that she held Coffee with the Mayor at the Pillars of Shorewood Landing with guest speaker, former City Mayor Scott Zerby which was very well attended. She explained that he had given a presentation on a history of Shorewood called, 'We Have Them Surrounded'. She stated that earlier today she attended the Regional Council of Mayors meeting. She noted that recently, LMCC helped her film the State of the City address which should be available within the next two weeks.

11. ADJOURN

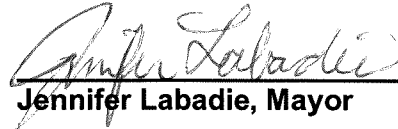
Gorham moved, Johnson seconded, Adjourning the City Council Regular Meeting of March 14, 2022, at 8:11 P.M.

Roll Call Vote: Johnson, Siakel, Callies, Gorham, and Labadie voted Aye. **Motion passed.**

ATTEST:



Sandie Thone, City Clerk


Jennifer Labadie, Mayor