

MINUTES

1. CONVENE CITY COUNCIL REGULAR MEETING

Mayor Labadie called the meeting to order at 7:00 P.M.

A. Pledge of Allegiance

B. Roll Call

Present. Mayor Labadie; Councilmembers Callies, Maddy, and Sanschagrín; City Attorney Shepherd; City Administrator Nevinski; City Clerk/HR Director Thone; Finance Director Rigdon; Planning Director Darling; Parks and Recreation Director Crossfield; Director of Public Works Morreim; and, City Engineer Budde

Absent: Councilmember Johnson

C. Review Agenda

Maddy moved, Sanschagrín seconded, approving the agenda as presented. Motion passed.

2. CONSENT AGENDA

Mayor Labadie reviewed the items on the Consent Agenda.

Councilmember Callies asked about the PVC pipe mentioned in item 2.E and why it was considered a change order.

City Engineer Budde explained that ductile iron pipe has been the City's standard for a long time. He stated that there are many other communities that have taken on PVC over the last ten years. He stated that has added some 'competition' with regard to pricing, but noted that it is also a bit easier to work with when making repairs. He stated that there are a number of benefits that come out of switching to PVC piping versus the iron pipe.

Councilmember Sanschagrín noted that he also had questions about items 2.E and 2.F. of the consent agenda and asked if they could be removed for further discussion.

Maddy moved, Callies seconded, Approving the Motions Contained on the Consent Agenda and Adopting the Resolutions Therein.

A. City Council Work Session Minutes of March 13, 2023

B. City Council Regular Meeting Minutes of March 13, 2023

- C. **Approval of the Verified Claims List**
- D. **Approve Professional Services Contract for Garden Care with Mangold Horticulture**
- E. ~~**Approve Change Order for Strawberry Lane Reconstruction, City Project 19-05, Adopting RESOLUTION NO. 23-031**~~ (moved to item 7.A)
- F. ~~**Approve Change Order for Birch Bluff Street and Utility Improvements, City Project 21-01, Adopting RESOLUTION NO. 23-032**~~, (moved to 7.B)
- G. **Approve Permanent Appointment of Jeremy Moe, Light Equipment Operator – Shop Tech**
- H. **Accept Resignation of Community Center Attendant and Approve Recruitment for Position**

Motion passed.

3. MATTERS FROM THE FLOOR

Greg Larson, 25535 Orchard Circle, explained that he was here to serve as spokesperson for the neighborhood and to drop off a petition and copies of some e-mail messages from residents who were not available to sign the petition regarding Eureka Road north of Smithtown. He read aloud the language in the petition regarding the condition and plans for the roadway. He stated that the road is falling apart and they feel the City should spend some of the money set aside for the consulting firm to study the project and repair the road. He stated that the residents are opposed to many of the plans for the roadway that were proposed in January such as sidewalks and curb and gutter. He referenced the Birch Bluff project which they feel was not needed and unwanted and explained that they did not want the same thing to happen in their neighborhood. He expressed his frustration that residents are only allowed three minutes to speak to the Council about their situation and are not allowed to have a conversation or dialogue with the Council.

Mayor Labadie asked if City Engineer Budde would be able to address any of these concerns.

City Engineer Budde explained that he would be able to respond to some of the concerns raised by Mr. Larson during his update later in the meeting and could also put together a written response for the next City Council meeting.

Mr. Larson submitted his petition to City Administrator Nevinski.

George Greenfield, 24715 Yellowstone Trail, stated that he wanted to speak about the continuing debacle at 24835 Yellowstone Trail. He read aloud a portion of the variance that was granted by the City in November of 2021 related to lot width. He stated that he feels that the City has a history of upholding the rights of developers over the interests of residents. He stated that it appears that money prevailed over justice and simple legality in this situation. He stated that because an incorrect meeting date was published, citizens were not allowed to participate in the discussion and noted that he did not think the appropriate notices were sent out to residents within five-hundred feet of the project. He stated that he did not feel the Planning Commission paid attention to the criteria in the variance and were somewhat arrogant and dismissive to residents.

He stated that he felt that the Council needed to have better oversight over their staff because he feels they make frequent errors and give misinformation to residents. He stated that the City should also immediately dismiss any member of the Planning Commission who served at the time this variance was approved because they were not conversant with what they needed to be in order to do their job. He stated that he did not mean the people that are at the front desk or those that residents speak with on the phone because they have always been courteous and helpful.

Mayor Labadie asked Planning Director Darling to prepare a written response to Mr. Greenfield's concerns at the April 10, 2023 City Council meeting.

A man from the audience declared that he would like to give his time to Mr. Larson.

Mayor Labadie explained that since Mr. Larson was serving as the spokesperson for his neighborhood, she would allow him additional time to speak.

Mr. Larson read aloud some quotes from resident interviews that were conducted that are included in the City's Comprehensive Plan. He noted that the Comprehensive Plan has been described to him as both the Constitution and the Bible of the City.

Kirk Honour, 5320 Lee Circle, stated that he was not aware of the petition, so he did not have a chance to sign it. He stated that he is opposed to the widening of the cul-de-sac in Lee Circle. He stated that he basically wanted to say what was written in the letter by Mr. Larson and explained that the reason he moved to the City fifteen years ago was not for a modern, planned community. He stated that he likes the streets the way they are and widening them will lose the aesthetic of the City. He stated that he feels the streets need maintenance, but does not feel they need to be widened and noted that the City seems to be ignoring the comments from the residents who live on the roadways.

Diane Tessari, 5375 Eureka Road, stated that she was able to sign the petition presented by Mr. Larson. She stated that she has lived in the City for over twenty years and her partner has been here for more than fifty years. She noted that their home and some of the trees have been there for over one-hundred years. She explained that she cares about clean air, clean water, and healthy soil and ecosystem. She stated that when she moved here she found out that Shorewood was a 'green city' which made her proud, but since that time she has become more and more discouraged by what she has seen in the City, such as the cutting of trees on Strawberry Lane. She stated that she had also seen that the City did not keep their promise when it came to protecting bees. She stated that now that she is here she does not see a 'green city' but instead one that cuts a lot of trees. She stated that she feels the City should be more responsible to future generations and explained that she did not see things like cutting down trees, paving and widening roads as being 'green' and is just adding to climate change. She asked the Council to ask themselves how the children in the future will be affected by the decisions they are making today.

Mayor Labadie asked if there was anyone on-line who wished to speak.

Alan Yelsey, 26335 Peach Circle (via video-conferencing), stated that he has been a resident for forty years and supports everyone who has spoken thus far this evening. He noted that the 'raise your hand' feature was not available to him via Zoom this evening and asked for that issue to be fixed for future meetings. He stated that in his opinion, the City does not seem to want comments from residents and shared examples. He stated that the links included in the meeting

information were also not working. He stated that he feels the Council should be encouraging participation in the meetings and he finds it sad that most people do not because the Council does not make it easy. He stated that he feels they need to be able to have discussions and he finds it outrageous that it is not allowed. He stated that he would like to discuss 'poison' regarding buckthorn. He stated that if the City wants to put poison in the ground they will oppose that. He stated that people in the City want their water to be pure and clean and not carcinogenic. He noted that they want the City not to use poisons or systemic pesticides because there are alternatives available, including simply paying higher wages.

Chris Rotunno, 5525 Howards Point Road, stated that he feels that many of the comments made by Mr. Yelsey were not true. He explained that the raise the hand feature has worked and doubts that the City would take the time to single out Mr. Yelsey and not allow him to raise his hand to speak. He thanked the residents for taking the time to speak tonight but thinks one thing that is often overlooked is that the City has had these plans in place for years. He stated that these plans have involved many open meetings where people can come to voice their opinions. He stated that many people are concerned about the look and feel of their property but he sees that there are safety concerns on these streets and reminded people that they are City's property. He noted that he feels these types of decisions are only being made because of the safety of the community. He noted that they all had trees that were taken down so their own homes could be built. He stated that he feels like the residents who have spoken tonight are taking their hatchets out trying to go after the City for making plans to make the roads safer.

Mayor Labadie thanked the residents for taking the time to address the Council and explained that when things are scheduled for public hearings or listed on the agenda, more robust discussion will occur. She noted that comments during public hearings do not have a time limit.

4. REPORTS AND PRESENTATIONS

5. PARKS

A. Report by Commissioner Levy on March 14, 2023 Parks Commission Meeting

Parks Commissioner Levy gave an overview of the discussion and actions taken at the March 14, 2023 Park Commission meeting.

B. 2023 Park Commission Work Program

Park and Recreation Director Crossfield gave an overview of the 2023 Park Commission Work Program recently approved by the Park Commission.

Mayor Labadie noted that the Park Commission holds park tours throughout the summer months that are open to the public.

6. PLANNING

A. Report by Commissioner Holker on March 7, 2023 Planning Commission Meeting

Planning Commissioner Holker gave an overview on the discussion and actions taken at the March 7, 2023 Planning Commission meeting.

Councilmember Sanschagrín stated that the meeting minutes indicate that the item that the Planning Commission had recommended for denial would be discussed at tonight's Council meeting, however it is not on the agenda for tonight.

Planning Director Darling explained that the applicant had made a change to the site plan which was significant enough that it needed to go back to the Planning Commission for review prior to being forwarded to the Council.

B. Variance to Side Yard Setback
Location: 28170 Woodside Road
Applicant: Kyle Hunt and Partners, Inc.

Planning Director Darling gave an overview of the request for a side-yard setback variance to allow a new home to be constructed on the property located at 28170 Woodside Road. Staff and the Planning Commission recommend approval, subject to the conditions included in the resolution.

Councilmember Sanschagrín asked for an explanation of the actual variance request measurements.

Planning Director Darling stated that the variance is to the combined side-yard setback on lots that are directly abutting a lake which means the two side-yard setbacks need to have a total of thirty feet.

Councilmember Sanschagrín asked about property located at 28180 Woodside Road and noted that he had not seen any comments from them on the application. He asked if they had been contacted during this process.

Planning Director Darling stated that they were notified of the request, but the City did not receive any correspondence from them. She noted that she believed that they spoke directly to the property owner.

Kyle Hunt, 18324 Minnetonka Boulevard, stated that they built the home for the neighbor about twelve years ago. He stated that they had a full discussion with them at their office and walked them through the plan details for this home and they did not have any problems with it. He explained that Dr. Patrick Carney, the owner, and his architect are also present tonight if the Council has any questions for them.

Maddy moved, Sanschagrín seconded, Adopting RESOLUTION NO. 23-033, "A Resolution Approving a Side-Yard Setback Variance for Property Located at 28170 Road." Motion passed.

C. Final Plat and Development Agreement for Maple Shores
Location; 20430 Radisson Road
Applicant: Chamberlain Capital, LLC

Planning Director Darling gave an overview of the proposal for a seven unit subdivision called Maple Shores. She noted that the Council had previously approved a concept and development plan as well as a preliminary plat. She noted that the majority of the changes since that time have

been generally small and technical. She noted that the developer has asked for a clustered mailbox which she had not included in her report and would like to add that as an acceptable use under item 26.K of the development agreement.

Councilmember Maddy asked about the up-light in the bollards and expressed concern that this may not meet the City's lighting ordinance standards.

Planning Director Darling stated that she can take another look to ensure it is consistent. She stated that the Council could include a condition in the resolution that says it would need to conform to the City ordinance requirements.

Councilmember Sanschagrín stated that there are a lot of conditions included and asked how the City ensures that those conditions are met.

Planning Director Darling explained that with the resolution and the development agreement, she goes through each one when the plans come in. She noted that she color codes them so she can tell at a glance which ones are met and which ones have not been met.

Councilmember Callies asked about the utilities mentioned in the report by City Engineer Budde.

City Engineer Budde explained that the development would extend watermain across Highway 7 from the north side and when it gets to Radisson Road, it will run about three hundred feet to the northeast which would allow residents on the opposite side of the street to connect to the watermain at some point in the future.

Councilmember Callies asked about the possibility of tearing up the roads that was mentioned in number eight..

City Engineer Budde explained that was intended so that if the watermain were to extend to the west on Radisson Road that the City would not have to go dig up the street that was just built. He stated that they want to make sure that the stubs are far enough away from the street so they are not doing any damage to them in the future.

Councilmember Callies referenced the development agreement and asked some clarifying questions about the content.

Councilmember Sanschagrín asked for an explanation of 'dewatering'.

Planning Director Darling stated that dewatering is essentially when you are digging down into the ground and the groundwater is high and you have to remove the groundwater from a specific area.

Councilmember Callies asked about site clean up and noted that she believes the City should be more specific about how often they should be cleaning up.

Planning Director Darling stated that they could add more language but noted that typically they require clean up at least once a day when they are hauling and mass grading, or as directed.

Paul Cameron, 3918 Wilmat Hill, Minnetonka, stated that he will be a resident in this development. He noted that typically they have the street sweeping bobcats that go out and clean up. He stated that they have a site manager who will be there on site every day.

Councilmember Callies stated that she felt that there should be language related to the frequency of clean up included in the agreement.

City Engineer Budde stated that there are inspections that the City conducts as the development is happening, so staff are aware and on site every day as well.

Planning Director Darling noted that the Council could also direct staff to add another paragraph to address Councilmember Callie's concerns.

Councilmember Callies stated that HOA documents list the common properties and include the access to the bathing beach on Lot #11. She asked if the applicant had further communications with the adjacent property owner, Mr. Hitler and Ms. Watts.

Mr. Cameron stated that he had coffee with Ms. Watts and has had positive discussions. He stated that there is a collaboration attempt going on to resolve the Torrens property issues that are present, but he does not have anything to report on those efforts and noted that there should be nothing that is relevant to this agreement. He explained that they are looking at Lot #11 as being analogous to a pool where the ownership of the association has nothing to do with it, but does have the ability to control the behaviors of the seven units on that property.

Callies moved, Labadie seconded, Adopting RESOLUTION NO. 23-034, "A Resolution Approving a Final Plat for Maple Shores for Property Located at 20430 Radisson Road and Four Adjacent Vacant Properties", with the addition of language related to cluster mailboxes and more specificity regarding the frequency of clean-up, as discussed.

Councilmember Maddy noted that he had looked up the information related to lighting and theirs should be within the City standards, but cautioned that the neighbors may not like uplighting on the bollards.

Mr. Cameron explained that they are intended to be like what you see in a resort area where people can walk and is definitely down lighting. He noted that the light is meant to go 'out' seven feet and not 'up' seven feet. He stated that the intent is for people to be able to walk from the car to the front door of each unit with the lighting.

Motion passed.

D. 2023 Planning Commission Work Program

Planning Director Darling gave an overview of the proposed 2023 Planning Commission Work Program.

Councilmember Callies asked if everything had been submitted to the Met Council.

Planning Director Darling explained that the Met Council had given the City a letter of incompleteness and there are a few tweaks that need to happen with sewer agreements with

surrounding cities that they would like to have in the text of the Comprehensive Plan. She noted that the staff were hoping to be able to have it back to them very shortly.

7. ENGINEERING/PUBLIC WORKS

A. Approve Change Order for Strawberry Lane Reconstruction, City Project 19-05, Adopting RESOLUTION NO. 23-031, - (moved from Consent Agenda item 2.E)

B. Approve Change Order for Birch Bluff Street and Utility Improvements, City Project 21-01, Adopting RESOLUTION NO. 23-032, (moved from Consent Agenda item 2.F)

City Engineer Budde stated that both of these items were looking to change the material of the watermain pipe that was proposed. He stated that both of the projects were bid in the fall of 2022 and following more recent discussions with staff, they had discussions about the ductile iron pipe which has some issues with corrosion which PVC does not have. He stated that in the long term, the hope is that using PVC piping will help reduce some of the watermain breaks due to corrosion. He stated that using PVC results in cost savings of about \$38,000 for Strawberry Lane and also result in costs savings for the Birch Bluff project. He noted that Public Works has indicated that they prefer working with PVC when given the option because it does not require additional equipment to move the pipe around.

Councilmember Sanschagrín asked if there were any cons associated with using PVC piping.

City Engineer Budde stated that they have not found many, but noted that they are not as robust as ductile iron piping, so if they are laying around on the site and got hit by a piece of equipment, it could break more easily. He stated that there are a lot of pros to making this change in material and not very many cons.

Councilmember Sanschagrín asked if staff had done research with other cities who have used the PVC material.

City Engineer Budde explained that a lot of cities prefer PVC and do not want to deal with ductile iron pipes because it is heavy and has issues with corrosion.

Councilmember Sanschagrín asked if staff thought there may be other opportunities for cost savings for these two projects.

City Engineer Budde stated that this is a unique one that it does not really change the quality of anything that they are doing. He stated that there would obviously be cost savings if the City were willing to reduce the quality.

Sanschagrín moved, Maddy seconded, Adopting RESOLUTION NO. 23-031, “A Resolution to Approve Change Order No. 1 for Strawberry Lane; City Project 19-05.” Motion passed.

Callies moved, Maddy seconded, Adopting RESOLUTION NO. 23-032, “A Resolution to Approve Change Order No. 1 for Birch Bluff Road; City Project 21-01.” Motion passed.

8. GENERAL/NEW BUSINESS

9. STAFF AND COUNCIL REPORTS

A. Staff

Parks and Recreation Director Crossfield noted that the Pot of Gold event had concluded and had over sixty participants. She stated that they went to more than one park so this was a good event to encourage people to get out and explore the City's parks. She explained that the residents will soon have a new health and wellness amenity in the area with Minnetonka purchasing The Marsh, and explained that they have opened up membership to non-residents. She stated that this means residents can have memberships at The Marsh, Williston, or both, beginning in May. She stated that she will be sharing some information on this amenity on the City's website and social media accounts.

Mayor Labadie asked about the event that was held at the Minnetonka High School that City staff had attended.

Public Works Director Morreim stated that they are waiting for the snow to melt so they can get going on sweeping. He noted that they had started pot hole patching with hot mix last week.

Councilmember Callies mentioned Vine Hill Road and noted that there is a big hole that somebody has to fill about every other day.

Public Works Director Morreim explained that is the responsibility of the City of Minnetonka because it is due to a watermain break, so they have not had a chance to permanently restore that area. He stated that when the City receives calls about it they let them know and the City of Minnetonka has been fairly responsive and agreed that it is not a great spot for road conditions. He stated that half of the road is the City's and half belongs to the City of Minnetonka, so they each patch the portion that is theirs.

City Engineer Budde stated that he can share a few thoughts related to the comments made during Matters from the Floor. He stated that when it relates to Eureka Road and the larger projects that the City does where they are intending to come in and make major repairs to the street so they do not have to come back to it for generations. He explained that they look at these as forty or fifty year fixes, which to him means it is a bit short-sighted to just go fix the pavement. He stated that if the thought is that they do not want to go back to the area for forty or fifty years, it is his due diligence to at least take a step back and look at some of the planning documents that have been in place, such as the 2011 Trail Plan that does identify a sidewalk or trail going up Eureka to Birch Bluff. He stated that he understands the concerns raised by the residents in the area, but he still believes it is in the City's best interest to go through the process and engage the residents on whether or not the City should put in a sidewalk with this project. He stated that curb and gutter had been discussed, but he was not sure things had really even gotten to that point yet. He noted that they have not really started doing any of the public engagement yet for this project but were hoping to have information available on the City website sometime in April and noted that there will be public meetings on this project. He noted that when residents contact him he has been encouraging them to reach out to the City Council because they are the ones who need to hear their voices and opinions.

Mayor Labadie asked if the public engagement would include an open house or town hall.

City Engineer Budde stated that it would include at least one of that type of meeting and noted that there would also be the opportunity for some on-line engagement so people can provide comments.

Councilmember Callies stated that these are just proposed plans and the City needs to budget ahead and investigate the possibilities. She stated that she feels this is all part of appropriate planning on the part of the City.

Mayor Labadie noted that she felt it was important to point out that the only thing that has been approved or had voted on was the scoping study. She stated that no decisions have been made beyond that initial step.

1. Mill Street Trail Update

Planning Director Darling gave an update on the Mill Street Trail design and reviewed the feasibility study conducted in 2013. She explained that Hennepin County had contacted the City in 2017/2018 to inform the City that Excelsior was also looking at a feasibility study for the same project and wanted to take both studies through the public process. She stated that was begun in 2018, but noted that the project was slowed down a bit because of COVID-19. She noted that they started working on this project once again about a year ago as a joint effort involving Hennepin County, Carver County, Excelsior, Chanhassen, and Shorewood. She explained that they are looking at two possible alternatives and noted that these had been shared with the Park Commission at their last meeting. She stated that these options should be shared with the residents at a few different events in April. She stated that they are looking at scoping the addition of a watermain along Mill Avenue because the City has had quite a few requests for water service in that area. She briefly described each trail option as well as the possible advantages and disadvantages with each design.

Planning Director Darling gave a brief synopsis of the variance request that was previously approved on Yellowstone. She stated that previously, the City had received a request to subdivide one property into two properties which had been platted as two lots in about 1956. She stated that a developer was proposing to split the parcel into two lots along the same property lines, but when staff was reviewing the application, staff had noticed that the easterly lot was between three and four inches short of ordinance requirements. She stated that they proposed that the applicant move the lot line or request a variance in order to keep the previous legal description. She noted that the applicant applied for a variance that went through the Planning Commission and noted that notices were sent to the neighborhood.

City Administrator Nevinski stated that staff was recently at the Minnetonka High School for the Volunteer and Job Fair. He stated that he feels that participating in this event was a great success and they received a lot of interest.

B. Mayor and City Council

Councilmember Sanschagrín attended the Park Commission meeting and the LMCC Summit meeting. He expressed his appreciation for all the residents who came and spoke at tonight's meeting. He stated that he thinks the City may need to take a look at Eureka overall and reconsider that portion of the CIP.

Councilmember Callies stated that the scoping document is looking at what all of the options may be. She asked if Councilmember Sanschagrín was saying that the City could save a certain amount of money by eliminating the sidewalk now.

Councilmember Sanschagrín stated that he has received phone calls from residents and, like they shared, they just want the road repaved.

Mayor Labadie stated that may not be the opinion of all of the residents so putting it into an open town hall or open house format after the City has gotten the opinion of the professionals is the correct way for the City to make the most educated decision. She stated that she feels this is a generational decision that needs to be made with courage and not emotion.

Councilmember Maddy stated that he attended the Excelsior Fire District working session meeting where they worked on budget issues.

Councilmember Callies asked about the way the Council was handling response to public comments. She explained that it feels a bit funny to her that people raise concerns and now at the end of the meeting, staff responds, after those individuals have already gone home. She stated that she understands that the Council cannot get into a back and forth conversation or debate during public comment, but this seems odd to her that staff is responding to the questions that were raised at the end of the meeting, but the people who asked them were not present. She stated that she would like the Council to find another way to handle this.

Mayor Labadie explained that she felt the reasoning behind it was that doing it at the end of the meeting would allow staff to give a succinct response in a situation where there are ten residents who had the same question. She stated that she agreed that the Council should discuss procedure moving forward and noted that there are quite a few brand-new staff members as well as new Councilmembers. She stated that she believes that there had been a suggestion that things like this be placed on a work session for deeper discussion.

City Administrator Nevinski stated that this is a topic that is already scheduled for an upcoming work session.

Councilmember Callies stated that she does not want staff or the Council to be put on the spot in those situations when they do not know what people will be bringing up, but reiterated that something just did not feel right about the way it was currently being handled.

Mayor Labadie stated that she was contacted last week by Representative Lucy Rehm to testify in front of the House Transportation/Finance Committee regarding HF2361. She stated that she believes the City needed to continue working with the State leaders in order to get the safety concerns surrounding Highway 7 addressed. She noted that she can share a link to her testimony with anyone interested.

10. ADJOURN

Sanschagrín moved, Callies seconded, Adjourning the City Council Regular Meeting of March 27, 2023, at 8:55 P.M.

Motion passed.

ATTEST:



Sandie Thone, City Clerk



Jennifer Labadie, Mayor