

CITY OF SHOREWOOD
CITY COUNCIL REGULAR MEETING
MONDAY, APRIL 10, 2023

5755 COUNTRY CLUB ROAD
COUNCIL CHAMBERS
7:00 P.M.

For those wishing to listen live to the meeting, please go to ci.shorewood.mn.us/current_meeting for the meeting link. Contact the city at 952.960.7900 during regular business hours with questions.

AGENDA

1. CONVENE CITY COUNCIL MEETING

- A. Pledge of Allegiance
- B. Roll Call

Mayor Labadie____
Johnson____
Callies____
Maddy____
Sanschagrín____

- C. Review and Adopt Agenda

Attachments

2. **CONSENT AGENDA** The Consent Agenda is a series of actions which are being considered for adoption this evening under a single motion. These items have been reviewed by city council and city staff and there shall be no further discussion by the council tonight on the Consent Agenda items. Any council member or member of city staff may request that an item be removed from the Consent Agenda for separate consideration or discussion. If there are any brief concerns or questions by council, we can answer those now.

Motion to approve items on the Consent Agenda & Adopt Resolutions Therein:

- A. City Council Work Session Minutes of March 27, 2023 Minutes
- B. City Council Regular Meeting Minutes of March 27, 2023 Minutes
- C. Approval of the Verified Claims List Claims List
- D. Approve Public Works Seasonal Hire City Clerk/HR Director Memo
- E. Approve Multiple Dock License Planning Technician Memo
Location: 23500 Smithtown Road
Applicant: Minnetonka Marina
- F. Accept Resignation of Part-Time Administrative Assistant
Miechelle Norman and Approve Recruitment City Clerk/HR Director Memo

- G. Approve Contractor Agreement with Erica Heinrichs,
Daily Wellness Tai Chi

Parks/Rec Director Memo

3. **MATTERS FROM THE FLOOR** This is an opportunity for members of the public to bring an item, which is not on tonight's agenda, to the attention of the Council. Anyone wishing to address the Council should raise their hand, or if attending remotely please use the "raise hand" function on your screen and wait to be called on. Please make your comments from the podium and identify yourself by your first and last name and your address for the record. Please limit your comments to three minutes. No discussion or action will be taken by the Council on this matter. If requested by the Council, City staff will prepare a report for the Council regarding the matter and place it on the next agenda.

4. **REPORTS AND PRESENTATIONS**

- A. Oktoberfest Presentation by Excelsior Morning Rotary and Shorewood Parks/Rec Director

5. **PARKS**

- A. Amend Chapter 202 (Park Commission)
Adding Oversight of IPM plan/Maintenance

Planning Director Memo
Ordinance 599
Resolution 23-035

6. **PLANNING**

- A. Amend Chapter 1004 (Rental Housing Code)
Regarding Flues and Woodburning Fireplaces

Building Official Memo
Ordinance 598
Resolution 23-036

7. **ENGINEERING/PUBLIC WORKS**

8. **GENERAL/NEW BUSINESS**

- A. Therapeutic Massage Therapy License Ordinance

City Clerk/HR Director Memo
Ordinance 600
Resolution 23-037

9. **STAFF AND COUNCIL REPORTS**

- A. Staff

1. Spring Clean Up/Paper Shred

Communications Coordinator Memo

2. Tree Sale Update

Communications Coordinator Memo

3. Water Infrastructure and Delivery

City Engineer Memo

4. Response to Matters From the Floor -
Eureka Road Improvements

City Engineer Memo

5. Response to Matters From the Floor -
24835 Yellowstone subdivision

Planning Director Memo

B. Mayor and City Council

10. ADJOURN

CITY OF SHOREWOOD
CITY COUNCIL WORK SESSION MEETING
MONDAY, MARCH 27, 2023

5755 COUNTRY CLUB ROAD
COUNCIL CHAMBERS
6:00 P.M.

MINUTES

1. CONVENE CITY COUNCIL WORK SESSION MEETING

Mayor Labadie called the meeting to order at 6:00 P.M.

A. Roll Call

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

Absent: Councilmember Johnson

B. Review Agenda

Sanschagrín moved, Callies seconded, approving the agenda as presented. Motion passed 4/0.

2. INTEGRATED PEST MANAGEMENT

City Administrator Nevinski gave an overview of the process that City has followed in creation of an Integrated Pest Management Plan and noted that the workplan documents that were created to help guide the City are available on the City's website. He stated that following discussion at a recent work session, the plan is at the point where it needs to be started to be implemented. He noted that this will be a large undertaking and reminded the Council that the goal is to try to balance the parks, fields, community interests, and budget considerations. He stated that they have put together somewhat of a 'pilot program' that has been laid out in the draft workplan. He stated that staff is looking for feedback on the plan and an idea of what the Council sees as their priorities. He stated that staff has put together an estimated budget, but has not gone to market, so they are not sure if they will be able to hit the dollar amounts as projected. He noted that staff's intent is to hold some sort of public Open House in order to get feedback on this proposed plan and then by the end of April have a formalized work plan for the remainder of the year. He explained that they would then use the results of this year in the work plan for the following year. He stated that one of things that will need to be determined is the community's tolerance for things like weeds, but also to determine what financial resources the City will have to work with.

Ryan Anderson, Sustainable Communities Manager, IPM Institute of North America, introduced himself.

Councilmember Callies stated that at the recent work session the Council had talked about what would be implemented because the entire plan would not be implemented at this time. She stated that she didn't think 'avoiding chemicals' for the fields provides clear direction for staff in terms of what they are supposed to do. She stated that the resolution says that the City will 'gradually

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reduce the use of systemic pesticides' and feels there should be something more clearly outlined for staff.

Mayor Labadie asked Public Works Morreim to address this and asked if the word 'avoid' would give his crew clear enough direction.

Public Works Director Morreim stated that the language for this part is really guiding the contractors. He stated that Public Works is not licensed to apply chemicals and stated that they are hopeful that they can avoid those chemicals as much as possible to get a desired level of service, especially on the ball fields because they are high traffic and high impact areas within the parks.

Councilmember Callies asked if the word 'avoid' would make it clear to the contractors what the expectations would be.

Public Works Director Morreim stated that to him 'avoid' means that chemicals would not be used.

Councilmember Callies stated that she did not think that was what the true intent was within the most recent resolution. She stated that she does think the City needs to work towards reducing use of the ones that say 'danger'. She stated that she also feels that there may be some disagreement about what chemicals this is referring to, for example Round Up vs. Weed B Gone.

City Administrator Nevinski stated that on page six it talks about some of the different chemicals and how they are rated, which may be something that Mr. Anderson could review more thoroughly. He believes the plan says it will avoid chemicals with the word 'danger' which would be the guidance that Public Works director Morreim would then give to a contractor.

Councilmember Callies stated that she realizes that this sounds good, but her recollection was that almost everything had a warning, including Weed B Gone.

Mr. Anderson stated that the herbicide that the City has been using is called ArmorTech, which is a three-way herbicide that is typically used in turf grass management. He explained that normally the warning label on this type of product either says 'danger' or 'warning' and the least toxic is labeled 'caution'. He stated that they usually typically see the three way herbicides used as a broadcast which means applying across the entire landscape, so that would not be in line with the plan that is trying to reduce their use. He explained that their recommendation is to really focus on the fertilization aspect of it as well as soil and overseeding which has not been a focus in the City for those elements.

Councilmember Sanschagrin asked if he was recommending that the City use the phrasing 'don't use chemicals that are labeled – 'danger'.

Mr. Anderson stated that this was correct and would also recommend that they do not use chemicals that are labeled 'warning' and to use those labeled as 'caution' as a last resort. He noted that within their report they discussed weed tolerance thresholds. He noted that three way herbicides will not kill grass but will kill broadleaf weeds.

Councilmember Callies stated that she feels the use of the word 'don't' makes things more clear, but does not agree with the premise for the City at this point in time. She stated that she thought the Council had decided for the last resolution that the City should be working towards this, but

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cannot say that this spring the City will never use these chemicals. She stated that she felt the City could say that they will not do the broadcast type of application.

Mayor Labadie reminded the Council that the most recent Bee Safe resolution had been distributed to the dais.

Councilmember Sanschagrín asked if there could be an approval process with the intent of ultimately meeting the Bee Safe standards of eventually not using them at all. He stated that he feels that in order to reach the goal of not using it there needs to be some kind of system in place of approvals for using it and measurements. He gave the example of asking when it can be used, how much can be used and then having specific goals that outline, here is how much we used this year and next year the City will reduce that by fifty percent.

Councilmember Callies stated that she does not think the City has data about what was being done before in terms of quantity.

Public Works Director Morreim stated that he did not have first hand knowledge but has asked other staff members and the City did treat these areas one or two times per year, but did not know the actual quantity of material that was used.

Mayor Labadie stated that the outside contractor that the City uses is not hired to infinity and if they cannot follow the guidelines set forth by the City, they could be let go. She stated that providing clear guidance to staff who can then pass it along to the independent contractors and letting it be known that their performance would be reviewed would be a double safeguard moving forward. She stated that she likes the way the memo was laid out with the fields listed first.

Councilmember Maddy asked Mr. Anderson what the consequences would be if the City just said no to chemicals labeled 'danger' and how many chemicals would take off the table for possible use.

Mr. Anderson gave an overview of various products, their active ingredients and the inert ingredients that go alongside them. He noted that the active ingredient is not the only factor in determining a label of 'danger'.

Councilmember Callies stated that she is wondering if the City should reverse things and state, 'these are the chemicals that may be used'.

Councilmember Sanschagrín agreed and stated that he would also like to be specific about having a list of chemicals that will not be used because they are too toxic or dangers, such as the ones that cause cancer.

Councilmember Callies stated that she wants to make sure that there is enough clarity provided for staff and contractors to know exactly what they can and cannot do. She gave the example of the City treating weeds 'no more than twice per year', for example.

Councilmember Maddy stated that this is regulating with words, that are kind of general, when the original intent was removal of systemic insecticides. He asked if they would be more specific and explained that he was not as worried about a systemic pesticide, like a one-time use buckthorn killer that metabolizes in the soil and seemingly just goes away. He stated that the systemic insecticides which have been used, he would like to see that specifically noted. He

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stated that, in his opinion, he would like to see it just not be used and see what happens. He stated that they want to make sure that the ecosystem is not damaged in the long-term. He stated that he believes the easiest approach may be to direct the contractors not to use any chemicals that contain the word 'danger' or 'warning' and to come talk to the City if a need arises.

Mayor Labadie stated that she agreed and was not sure that the City wanted to get into micro-managing the chemicals.

Councilmember Callies stated that she felt it would be important for the Council to know what chemicals the City has been using and whether they were labeled as 'danger' or 'warning', so they can direct them to know what to change for future use.

City Administrator Nevinski stated that there are standard databases that categorize chemicals into these types of categories that have are put together by OSHA. He stated that using those trigger words, as discussed, the City can go to the database and see what falls under there, so he feels there will be sufficient guidance. He stated that he will verify that this information is correct as they prepare a more finalized work plan.

Councilmember Callies stated that she hopes this is the base because she feels that Mr. Anderson's group has a more stringent definition of those words than perhaps, OSHA.

Mr. Anderson explained that there are two different types of signal words and noted that the label would relate to the EPA and the safety data sheet would be from OSHA. He stated that there could be a product that on OSHA's safety data sheet could say 'danger' and on a label from the EPA could just say 'warning'. He explained that OSHA relates more to the worker handling the item and not necessarily the acute toxicity that they would be talking about with the EPA.

Councilmember Callies stated that is a good point because some of the cautions apply to the applicator versus the environment, so she questioned which the City should be following.

Mr. Anderson stated that they follow both, but noted that if one were to trump the other, he would say that would be the EPA.

Councilmember Callies asked about the possibility of doing this for two years and then taking another look to see what happens to the fields afterwards.

Councilmember Sanschagrin stated that he felt the City could update the process as it moves along. He suggested that the Council plan for a meeting in the fall to review the effectiveness of the program and the changes and discuss what can be done differently next year.

Mayor Labadie stated that the Council will do that and noted that the Parks Commission also conducts Park Tours that the Council is invited to attend. She stated that this would be a great opportunity to see the fields and parks first hand.

Public Works Director Morreim stated that he feels staff has gotten direction and noted that he did not feel this would be the last time the Council has this type of discussion. He stated that they intend to have fairly significant conversations with the athletic associations and will be getting feedback from them on the fields.

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Councilmember Callies stated that number seven relates to weed abatement and stated that her recollection of discussion at the retreat was that they talked about being able to use weed killers on the cracks in the sidewalk because the City won't be paying someone to hand pull those weeds every other week.

Public Works Director Morreim stated that he had discussed this with staff and noted that he has a lot of experience, from his past job, doing more mechanical removal and not using chemicals. He stated that their plans is to basically see how it goes with mechanical removal and noted that even if you put weed killer on things, weeds will still come back.

Councilmember Callies noted that Smithtown Trail has an immediate need for this work.

Public Works Director Morreim stated that area was specifically discussed and the hope is that this area will look different this year.

Mayor Labadie asked what guidance the Council would like to give on Manor Pond. She noted that staff is recommending contracting for the treatment of the pond with the recommendations from IPM. She stated that she is fine, moving ahead with this recommendation.

Councilmember Callies stated that she does not like the language where it says the City will 'seek to contract' and would like it clearly stated that the City will contract. She stated that she believes that the treatment that City was doing in the past does not fall within the parameters of what IPM is recommending.

Public Works Director Morreim explained that there were parts of the treatment where IPM gave different recommendations for, but believes the alum treatments were considered acceptable.

Mayor Labadie noted that the City has worked on Manor Pond for about ten years and what they have done worked, left the neighborhood happy, and also the wildlife has started to come back. She stated that she does not want the City to lose the progress that has been made on the pond. She noted that the City had received a grant for buckthorn removal a few years ago and had received many complaints about the buckthorn in Freeman Park because the City decided not to proceed with this method, which is the DNR 'best practice' method because it included daubing the stumps. She asked if the Council felt comfortable directing staff to proceed with following the DNR best practices for Buckthorn removal in Freeman Park. She stated that she would like to see the City utilize this grant money and get a good start on the buckthorn.

Councilmember Maddy stated that he was comfortable with that because it is a one time use.

Councilmember Sanschagrín stated that he would also be comfortable with it if it could be done during a time when it was not wet.

Mayor Labadie noted that she would assume that the contractor would know what the DNR best practices would be, but was not sure if there were restrictions on the time of the year.

Councilmember Callies asked about the goats.

Planning Director Darling stated that is a follow up item to make sure that the buckthorn does not come back.

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Mayor Labadie noted that the Council was almost out of meeting time and suggested that they revisit item number four related to Badger Park and number five related to Emerald Ash Borer at a future meeting.

Public Works Director Morreim noted that discussing those two items at a later date would not hinder their ability to start the others this spring.

Councilmember Maddy noted that he was okay letting some weeds grow erring on the side of fewer chemicals.

Councilmember Sanschagrin stated that he agreed.

Mayor Labadie stated that she is on the same side, however, last year no one applied for the two seasonal positions. She stated that if the City does not have the manpower, things will not look as pristine.

3. ADJOURN

Maddy moved, Sanschagrin seconded, Adjourning the City Council Work Session Meeting of March 27, 2023, at 6:49 P.M. Motion passed 4/0.

ATTEST:

Jennifer Labadie, Mayor

Sandie Thone, City Clerk

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CITY COUNCIL REGULAR MEETING
MONDAY, MARCH 27, 2023

5755 COUNTRY CLUB ROAD
COUNCIL CHAMBERS
7:00 P.M.

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.

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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

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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.

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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

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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 Sanschagrin 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 Sanschagrin 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.

CITY OF SHOREWOOD REGULAR COUNCIL MEETING MINUTES

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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.

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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 Sanschagrin 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.

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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.

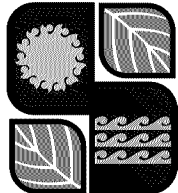
Motion passed.

ATTEST:

Jennifer Labadie, Mayor

Sandie Thone, City Clerk

DRAFT



City of Shorewood

City Council Meeting Item

Title/Subject: Verified Claims
Meeting Date: April 10, 2023
Prepared by: Michelle Nguyen, Senior Accountant
Reviewed by: Joe Rigdon, Finance Director
Attachments: Claims Lists

Item
2C

Background:

Council is asked to verify payment of the attached claims. The claims include compensation, operational or contractual expenditures anticipated in the current budget, or otherwise approved by the Council. Funds will be distributed following approval of the claims list.

Claims for Council authorization:

Payroll – 03/27/2023	\$52,598.08
AP-Payroll-03/27/2023	\$39,659.04
AP-Midwest Mailing System 04/04/2023	\$3,299.40
AP-04/10/2023	\$391,788.72

Total Claims: 68001 – 68021 & ACH	\$487,345.24
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Financial or Budget Considerations:

The expenditures have been reviewed and determined to be reasonable, necessary, and consistent with the City's budget.

Action Requested:

Motion to approve the claims list as presented.

Connection to Vision/Mission: Consistency in providing residents quality public services, a healthy environment, a sustainable tax base, and sound financial management through effective, efficient, and visionary leadership.

Mission Statement: *The City of Shorewood is committed to providing residents quality public services, a healthy environment, a variety of attractive amenities, a sustainable tax base, and sound financial management through effective, efficient, and visionary leadership.*

Clearing House

Distribution Report

User: mnguyen
Printed: 03/27/2023 - 2:06PM
Batch: 00027.03.2023



Account Number	Debit	Credit	Account Description
700-00-1010-0000	0.00	52,598.08	CASH AND INVESTMENTS
700-00-2170-0000	52,598.08	0.00	GROSS PAYROLL CLEARING
	52,598.08	52,598.08	
Report Totals:	52,598.08	52,598.08	

Accounts Payable

Computer Check Proof List by Vendor

User: mnguyen
Printed: 03/27/2023 - 2:13PM
Batch: 00005.03.2023 - PR-03-27-2023



Invoice No	Description	Amount	Payment Date	Acct Number	Reference
Vendor: 5	EFTPS - FEDERAL W/H			Check Sequence: 1	ACH Enabled: True
PR-03-27-2023	PR Batch 00002.03.2023 Federal Income Tax	7,657.59	03/27/2023	700-00-2172-0000	PR Batch 00002.03.2023 Federal Income T
PR-03-27-2023	PR Batch 00002.03.2023 FICA Employee Portio	4,890.22	03/27/2023	700-00-2174-0000	PR Batch 00002.03.2023 FICA Employee :
PR-03-27-2023	PR Batch 00002.03.2023 FICA Employer Portio	4,890.22	03/27/2023	700-00-2174-0000	PR Batch 00002.03.2023 FICA Employer I
PR-03-27-2023	PR Batch 00002.03.2023 Medicare Employee Pc	1,143.68	03/27/2023	700-00-2174-0000	PR Batch 00002.03.2023 Medicare Emplo
PR-03-27-2023	PR Batch 00002.03.2023 Medicare Employer Po	1,143.68	03/27/2023	700-00-2174-0000	PR Batch 00002.03.2023 Medicare Emplo
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Vendor: 2	ICMA RETIREMENT TRUST-302131-457			Check Sequence: 2	ACH Enabled: True
PR-03-27-2023	PR Batch 00002.03.2023 Deferred Comp-ICMA	2,582.68	03/27/2023	700-00-2176-0000	PR Batch 00002.03.2023 Deferred Comp-I
PR-03-27-2023	PR Batch 00002.03.2023 Deferred Comp-ICMA	90.09	03/27/2023	700-00-2176-0000	PR Batch 00002.03.2023 Deferred Comp-I
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Vendor: 11	MINNESOTA DEPARTMENT OF REVENUE			Check Sequence: 3	ACH Enabled: True
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Vendor: 1091	MSRS-MN DEFERRED COMP PLAN 457			Check Sequence: 4	ACH Enabled: True
PR-03-27-2023	PR Batch 00002.03.2023 Deferred Comp-MSRS	1,225.00	03/27/2023	700-00-2176-0000	PR Batch 00002.03.2023 Deferred Comp-I
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Vendor: 665	OPTUM BANK			Check Sequence: 5	ACH Enabled: True
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PR-03-27-2023	PR Batch 00002.03.2023 MN PERA Benefit Em	6,001.47	03/27/2023	700-00-2175-0000	PR Batch 00002.03.2023 MN PERA Benef

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	Check Total:	11,202.73			
	Total for Check Run:	39,659.04			
	Total of Number of Checks:	6			

Accounts Payable
Computer Check Proof List by Vendor

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Batch: 00001.04.2023 - AP-Midwest Mailing



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79916	Newsletter Postages	586.74	04/04/2023	101-13-4208-0000	
79916	Newsletter Svc	493.92	04/04/2023	101-13-4400-0000	
79922	Utility-Postage	407.55	04/04/2023	601-00-4208-0000	
79922	Utility-Svc	100.26	04/04/2023	601-00-4400-0000	
79922	Utility-Postage	407.55	04/04/2023	611-00-4208-0000	
79922	Utility-Svc	100.26	04/04/2023	611-00-4400-0000	
79922	Utility-Postage	407.55	04/04/2023	621-00-4208-0000	
79922	Utility-Svc	100.26	04/04/2023	621-00-4400-0000	
79922	Utility-Svc	100.26	04/04/2023	631-00-4400-0000	
79922	Utility-Postage	407.55	04/04/2023	631-00-4208-0000	
79922	Envelopes	187.50	04/04/2023	101-15-4200-0000	
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Accounts Payable

Computer Check Proof List by Vendor

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Vendor: 105	ADVANCED IMAGING SOLUTIONS			Check Sequence: 2	ACH Enabled: True
INV301999	Konica Minolta/C658 Copier	39.00	04/10/2023	101-19-4221-0000	
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Vendor: 1073	AMERICAN RESSURE INC.			Check Sequence: 3	ACH Enabled: False
133416	Pressure Washer Maint.	1,147.06	04/10/2023	101-32-4223-0000	
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Vendor: 677	BOLTON & MENK, INC.			Check Sequence: 4	ACH Enabled: True
309748	Sanitary Sewer Cleaning 2022	183.00	04/10/2023	611-00-4303-0000	
309750	General Engineering	8,522.00	04/10/2023	101-31-4303-0000	
309751	24250 Smithtown Road	519.00	04/10/2023	101-00-3414-0000	
309753	Birch Bluff St-Utility Imprvmt	10,484.00	04/10/2023	414-00-4303-0000	
309754	Eureka Road Street & Utility	15,048.50	04/10/2023	418-00-4303-0000	
309755	Freeman Park Trail Improvement	9,060.00	04/10/2023	402-00-4400-0000	
309756	GIS-Utilities-Street	1,743.00	04/10/2023	101-31-4303-0000	
309756	GIS-Utilities-Stormwater	6,265.50	04/10/2023	631-00-4303-0000	
309756	GIS-Utilities-Water	2,551.00	04/10/2023	601-00-4303-0000	
309756	GIS-Utilities-Sewer	2,080.50	04/10/2023	611-00-4303-0000	
309757	Lift Station 10 Rehabilitation	70.50	04/10/2023	611-00-4303-0000	
309758	Lift Station 11 Rehabilitation	9,481.80	04/10/2023	611-00-4303-0000	
309759	Lift Station 7 Rehabilitation	147.00	04/10/2023	611-00-4303-0000	
309760	Lift Station 9 Rehabilitation	157.00	04/10/2023	611-00-4303-0000	
309761	Maple Shores Development	3,603.00	04/10/2023	101-00-3414-0000	
309763	Mill Street Trail	4,498.00	04/10/2023	417-00-4303-0000	
309764	MS4 Administration	724.50	04/10/2023	631-00-4302-0009	
309765	Shorewood Ln Ravine Restore	3,257.00	04/10/2023	631-00-4303-0000	

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309766	Smithtown Pond Engineering/PM	11,001.50	04/10/2023	631-00-4303-0000	
309767	Strawberry Ln St Reconst & Til	17,045.50	04/10/2023	409-00-4303-0000	
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03-30-2023	20405 Knightsbridge Rd	144.81	04/10/2023	601-00-4394-0000	
03-30-2023	28125 Boulder Bridge	222.09	04/10/2023	601-00-4396-0000	
03-30-2023	24200 Smithtown Rd	1,666.42	04/10/2023	101-32-4380-0000	
03-30-2023	6000 Eureka Road	246.24	04/10/2023	101-52-4380-0000	
03-30-2023	5755 Country Club Rd	446.40	04/10/2023	101-19-4380-0000	
79456885-032423	5735 Country Club Rd-SCEC	427.30	04/10/2023	201-00-4380-0000	
86501806-032423	20630 Manor Rd	85.86	04/10/2023	101-52-4380-0000	
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9524707819Mar23	952-470-7819-261-SSCC	131.26	04/10/2023	201-00-4321-0000	New Line
9524746340Mar23	952-474-6340-989-CH	120.34	04/10/2023	101-19-4321-0000	
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Vendor: 144	CITY OF EXCELSIOR			Check Sequence: 7	ACH Enabled: True
1st Qtr-2023-Water	Quarterly Water Usage	5,703.72	04/10/2023	601-00-4261-0000	
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Vendor: 1035	NELIA CRISWELL #8574			Check Sequence: 8	ACH Enabled: True
March-2023	Reimbursement-Mileage	44.93	04/10/2023	101-13-4331-0000	
March-2023	Target	3.00	04/10/2023	101-19-4245-0000	
March-2023	Dollar Tree	21.51	04/10/2023	101-13-4245-0000	
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Vendor: 163	DELEGARD TOOL COMPANY			Check Sequence: 9	ACH Enabled: False
266246/1	Small Tools	1,256.47	04/10/2023	101-32-4240-0000	
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Vendor: 167	ECM PUBLISHERS INC			Check Sequence: 10	ACH Enabled: True
939067	PH Rezoning TSML Property	57.60	04/10/2023	101-18-4351-0000	
939284	LS#11 Rehab Project	255.75	04/10/2023	611-00-4351-0000	
940220	LS#11 Rehab Project	396.80	04/10/2023	611-00-4351-0000	

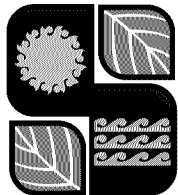
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509313	Water Meters Purchased	68.44	04/10/2023	601-00-4265-0000	
	Check Total:	68.44			
Vendor: 200	GOPHER STATE ONE CALL			Check Sequence: 12	ACH Enabled: True
3030744	Monthly Rental	19.35	04/10/2023	601-00-4400-0000	
3030744	Monthly Rental	19.35	04/10/2023	611-00-4400-0000	
3030744	Monthly Rental	19.35	04/10/2023	631-00-4400-0000	
	Check Total:	58.05			
Vendor: 1308	HI-LINE INC.			Check Sequence: 13	ACH Enabled: False
11027131	Misc. Hardware for Equipment	240.75	04/10/2023	101-32-4221-0000	
	Check Total:	240.75			
Vendor: 436	MARK HODGES			Check Sequence: 14	ACH Enabled: True
2023-004	Work Session - Council Recording-03-27-2023	70.00	04/10/2023	101-11-4400-0000	
	Check Total:	70.00			
Vendor: 896	HUEBSCH SERVICES			Check Sequence: 15	ACH Enabled: True
20211450	City Hall - Mats	140.38	04/10/2023	101-19-4400-0000	
20218257	SCEC - Mats	76.95	04/10/2023	201-00-4400-0000	
	Check Total:	217.33			
Vendor: 1263	IPM INSTITUTE OF NORTH AMERICA, INC.			Check Sequence: 16	ACH Enabled: False
11306007	Pest Management Consulting	3,263.75	04/10/2023	101-52-4400-0000	
	Check Total:	3,263.75			
Vendor: 1325	JS STEWART COMPANIES			Check Sequence: 17	ACH Enabled: False
26310BirchBluff	ROW-Escrow Security Deposit Refund - 26310	2,000.00	04/10/2023	880-00-2200-0000	
	Check Total:	2,000.00			
Vendor: 1151	TIMOTHY MARK KOSEK			Check Sequence: 18	ACH Enabled: False
March-2023	Mileage-Ferguson Conf.	44.54	04/10/2023	601-00-4331-0000	
	Check Total:	44.54			

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
Vendor: 467 84166	KREMER SERVICES, LLC Springs & Parts for Plow Truck	1,970.12	04/10/2023	Check Sequence: 19 101-32-4221-0000	ACH Enabled: False
	Check Total:	1,970.12			
Vendor: 247 March-2023 March-2023	DREW KRIESEL Building Maint. Services Events Program/Class Services	920.00 1,240.00	04/10/2023 04/10/2023	Check Sequence: 20 201-00-4400-0000 201-00-4248-0000	ACH Enabled: False
	Check Total:	2,160.00			
Vendor: 1326 PV#1-Strawberry	KUECHLE UNDERGROUND P.V.#1 - Strawberry Lane Reconstruction	80,465.00	04/10/2023	Check Sequence: 21 409-00-4680-0000	ACH Enabled: False
	Check Total:	80,465.00			
Vendor: 251 2023Q2Shor	LAKE MINNETONKA CONSERVATION DISTRICT Quarterly Levy Payment	5,565.50	04/10/2023	Check Sequence: 22 101-11-4433-0000	ACH Enabled: True
	Check Total:	5,565.50			
Vendor: 1281 PV#5-StwnPd-ShwdO	MEYER CONTRACTING, INC PV#5-Smithtown Pond-Shorewood Oaks Draina	130,709.71	04/10/2023	Check Sequence: 23 412-00-4680-0000	ACH Enabled: False
	Check Total:	130,709.71			
Vendor: 11 1st Qtr-2023-Sales Tax	MINNESOTA DEPARTMENT OF REVENUE Quarterly Water Sales Tax -	423.00	04/10/2023	Check Sequence: 24 601-00-2081-0000	ACH Enabled: True
	Check Total:	423.00			
Vendor: 298 ABR0303857X ABR0303875X	MINNESOTA DEPARTMENT OF LABOR & INDUSTRY 24200 Smithtown Road-Pressure Vessel 5755 Covington Road-Pressure Vessel	10.00 10.00	04/10/2023 04/10/2023	Check Sequence: 25 601-00-4437-0000 601-00-4437-0000	ACH Enabled: False
	Check Total:	20.00			
Vendor: 305 9168 97239-IN	MNSPECT, LLC Inspection Services -10/2022 Services Inspection Services -March-2023	892.50 132.60	04/10/2023 04/10/2023	Check Sequence: 26 101-24-4400-0000 101-24-4400-0000	ACH Enabled: False
	Check Total:	1,025.10			
Vendor: 1327 Mar-2023	MATTHEW MORREIM MN Rural Water Conf. in St Cloud-Mileage	216.15	04/10/2023	Check Sequence: 27 601-00-4331-0000	ACH Enabled: True

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
	Check Total:	216.15			
Vendor: 313	MICHELLE THU-THAO NGUYEN			Check Sequence: 28	ACH Enabled: True
March-2023	Mileage Reimbursement	121.46	04/10/2023	101-15-4331-0000	
	Check Total:	121.46			
Vendor: 336	PITNEY BOWES BANK INC PURCHASE POWER			Check Sequence: 29	ACH Enabled: True
10680032	Acct #8000-9000-0743-8223-for order#1068003	104.48	04/10/2023	101-13-4245-0000	
	Check Total:	104.48			
Vendor: 1328	PLAN IT SOFTWARE LLC			Check Sequence: 30	ACH Enabled: False
23Plan-It-1020	Capital Planning Software	800.00	04/10/2023	101-15-4221-0000	
	Check Total:	800.00			
Vendor: 355	SHRED-N-GO INC			Check Sequence: 31	ACH Enabled: False
148707	Shredded Svc	64.08	04/10/2023	101-13-4400-0000	
	Check Total:	64.08			
Vendor: 360	SOUTH LAKE MINNETONKA POLICE DEPARTMENT			Check Sequence: 32	ACH Enabled: False
February-2023-HCPF	Monthly-Henn Cty Process Fee	75.00	04/10/2023	101-21-4400-0000	
	Check Total:	75.00			
Vendor: 1317	SPARTAN PROMOTIONAL GROUP, INC			Check Sequence: 33	ACH Enabled: False
608827	Shorewood Logo Table Cover	143.00	04/10/2023	101-13-4245-0000	
608827	Shorewood Logo Table Cover	71.48	04/10/2023	101-53-4245-0000	
608827	Shorewood Logo Table Cover	71.47	04/10/2023	201-00-4245-0000	
608828	Spectra Highlighter	265.25	04/10/2023	101-13-4245-0000	
608828	Spectra Highlighter	132.63	04/10/2023	101-53-4245-0000	
608828	Spectra Highlighter	132.62	04/10/2023	201-00-4245-0000	
	Check Total:	816.45			
Vendor: 1181	SPLIT ROCK MANAGEMENT, INC.			Check Sequence: 34	ACH Enabled: True
87889	Custodial Service-CH Building	487.00	04/10/2023	101-19-4400-0000	
87890	Custodial Service-PWs Building	369.00	04/10/2023	101-32-4400-0000	
	Check Total:	856.00			
Vendor: 296	STATE OF MN-MINNESOTA DEPARTMENT OF HEALTH			Check Sequence: 35	ACH Enabled: False

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
1st Qtr-2023-SS	Quarterly Water Surcharges	3,842.00	04/10/2023	601-00-2082-0000	
	Check Total:	3,842.00			
Vendor: 657	SUMMIT FIRE PROTECTION			Check Sequence: 36	ACH Enabled: True
2216961	City Hall-Fire Extinguisher Inspection - New Co	4,135.00	04/10/2023	101-19-4221-0000	
	Check Total:	4,135.00			
Vendor: 821	SANDRA LEE THONE			Check Sequence: 37	ACH Enabled: True
Jan-Mar-2023	Reimbursement-Jan- Mar-2023 Mileage	65.50	04/10/2023	101-13-4331-0000	
	Check Total:	65.50			
Vendor: 694	TIMESAVER OFF SITE SECRETARIAL, INC.			Check Sequence: 38	ACH Enabled: True
M28124	Council & Workshop Meeting	234.50	04/10/2023	101-13-4400-0000	
M28129	Park Meeting	196.75	04/10/2023	101-53-4400-0000	
	Check Total:	431.25			
Vendor: 384	TOTAL PRINTING SERVICES			Check Sequence: 39	ACH Enabled: False
13671	Newsletters	2,075.00	04/10/2023	101-13-4351-0000	
	Check Total:	2,075.00			
Vendor: 386	TWIN CITY WATER CLINIC			Check Sequence: 40	ACH Enabled: True
18752	Monthly Water Testing	150.00	04/10/2023	601-00-4400-0000	
	Check Total:	150.00			
Vendor: 1329	TWIN ORCHARDS NURSERY			Check Sequence: 41	ACH Enabled: False
178235	Adopt-A-Garden - Gift Cards- Gardeners	700.00	04/10/2023	101-53-4245-0000	
	Check Total:	700.00			
Vendor: 415	WARNER CONNECT			Check Sequence: 42	ACH Enabled: True
29941406	C27F390FHN Monitor for Andrew Budde	217.99	04/10/2023	403-00-4640-0000	
29941428	Network Maint Services	5,206.79	04/10/2023	101-19-4321-0000	
29941446	Monitor-F24T454FQN - Sandie Thone	157.50	04/10/2023	403-00-4640-0000	
29941449	Network Maint Services	1,620.00	04/10/2023	101-19-4321-0000	
	Check Total:	7,202.28			
Vendor: 408	WM MUELLER & SONS INC			Check Sequence: 43	ACH Enabled: True
285102	Road Maint	143.25	04/10/2023	101-32-4250-0000	

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
285134	Road Maint	295.74	04/10/2023	101-32-4250-0000	
285235	Road Maint	154.38	04/10/2023	101-32-4250-0000	
	Check Total:	593.37			
Vendor: 411	XCEL ENERGY, INC.			Check Sequence: 44	ACH Enabled: True
821717606	24253 Smithtown Rd	1,430.25	04/10/2023	601-00-4395-0000	24253 Smithtown Rd
821724829	5735 Country Club Rd	840.96	04/10/2023	201-00-4380-0000	5735 Country Club Rd
821757301	5755 Country Club Rd	89.07	04/10/2023	101-19-4380-0000	5755 Country Club Rd
822041337	5700 County Rd 19	45.55	04/10/2023	101-32-4399-0000	5700 County Rd 19
822041337	5700 County Rd 19 - Unit Light	277.54	04/10/2023	101-32-4399-0000	5700 County Rd 19 - Unit Light
822131825	28125 Boulder Bridge Drive	429.01	04/10/2023	601-00-4396-0000	28125 Boulder Bridge Drive
822136734	4931 Shady Island Road	51.04	04/10/2023	611-00-4380-0000	4931 Shady Island Road
	Check Total:	3,163.42			
	Total for Check Run:	391,788.72			
	Total of Number of Checks:	44			



City of Shorewood

City Council Meeting Item

Title/Subject: Approve Public Works Seasonal Hire Will Foster
Meeting Date: April 10, 2023
Prepared by: Sandie Thone, City Clerk/Human Resources Director
Reviewed by: Matt Morreim, Public Works Director
Attachments: None

Item 2D

Background: On February 27, 2023 City Council approved the recruitment for two Public Works Seasonal positions. Each year the Public Works department hires temporary seasonal workers who perform maintenance in the city's parks and other duties as assigned. On Friday, February 24th, Staff interviewed candidate Will Foster for the seasonal position. Will is a Marquette University student, majoring in Public Relations, and a Scholarship athlete on the Marquette University's Men's Lacrosse team. Will lives in Shorewood in the off-college season. Will has experience at Bayside Marine, as an Athletic Trainer, and coaching youth lacrosse. Will enjoys working as part of a team and especially enjoys working outdoors.

Financial Considerations: As delineated below and planned for in the 2023 Budget.

Action Requested: Staff respectfully recommends the city council approve Will Foster's appointment as Public Works Seasonal working full-time at the rate of \$18.00 per hour. This temporary, seasonal position is not eligible for benefits and is exempt under the seasonal 185-calendar day limit for PERA. Will's expected start date will be mid-to-late May, dependent on his Lacrosse schedule and return from college.

Motion, second and simple majority vote required.

Connection to Vision/Mission: Consistency in providing residents quality public services, a sustainable tax base, and sound financial management through effective, efficient, and visionary leadership.

Mission Statement: *The City of Shorewood is committed to providing residents quality public services, a healthy environment, a variety of attractive amenities, a sustainable tax base, and sound financial management through effective, efficient, and visionary leadership.*



City Council Meeting Item

Title/Subject: Multiple Dock Facility License -Minnetonka Yacht Club, 23500
Smithtown Road
Meeting Date: April 10, 2023
Prepared by: Jason Carlson (Planning Technician)
Reviewed by: Marie Darling (Planning Director)
Attachments: Multiple Dock License Application

Item
2E

Background: Attached is the Minnetonka Yacht Club's annual multiple dock facility license application. City Code section 1201.24, Subd. 10 states that renewal of the license shall be granted provided the operation is in conformance with the terms of the conditional use permit, which primarily regulates the number of slips and length of certain boats. As indicated on the application, the owner agrees to arrange for necessary inspections to ensure that the property is in compliance with the city code. A site inspection will be conducted when the slips are occupied in the summer.

Financial or Budget Considerations: The fee for the license is \$2.00 per boat slip. The applicant has 117 boat slips and has paid the fee of \$234.00.

Action Requested: Approval of the Multiple Dock Facility License application for the Minnetonka Yacht Club for the year 2023, subject to the required inspection.

Connection to Vision/Mission: Providing residents quality public services.



MULTIPLE DOCK FACILITY LICENSE APPLICATION

CITY OF
SHOREWOOD

5755 COUNTRY CLUB ROAD · SHOREWOOD, MINNESOTA 55331 · (952) 474-3236

PLANNING AND PROTECTIVE INSPECTIONS

SITE MINNETONKA MARINA (formerly Shorewood Marins)
Address: 23500 SMITH TOWN RD, SHOREWOOD, MN 55331

Lot: _____ Block: _____ Subdivision: _____

P.I.N.: _____

RECEIVED

MAR 20 2023

CITY OF SHOREWOOD

OWNER

Name: Georgette Jabbour Telephone: (952) 474-0600

Address: 23500 SMITH TOWN RD
(Street)
SHOREWOOD MN 55331
(City) (State) (Zipcode)

AGENT OR MANAGEMENT REPRESENTATIVE (if different than owner)

Name: JAY LOCHNER Telephone: (612) 396-5747

Address: 23500 SMITH TOWN RD
(Street)
SHOREWOOD MN 55331
(City) (State) (Zipcode)

NUMBER OF BOAT SLIPS (AUTHORIZED BY CONDITIONAL USE PERMIT AND LMCD) 117

(Office Use Only – Do Not Write In Shaded Area)

ZONING

District: _____

Conforming Use ☐

Nonconforming Use ☐

LICENSE FEE

Fee Per Unit: \$ 2

No. of Boat Slips: X 117

Total Fee: = 234

Receipt No. 101344

Date: 3-27-23

INSPECTIONS

(Date) (Inspector)

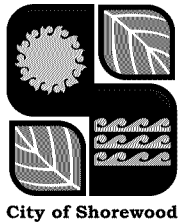
Initial Compliance: _____

Follow-up: _____

Approved: _____
(Compliance Official) (Date)

In signing this application, I hereby acknowledge that I have reviewed the requirements of the Lakeshore Recreational Zoning District and agree to arrange for necessary inspections to ensure that my property complies with the Code.

Hocher 3-17-23
Signature of Owner of Agent Date



City Council Meeting Item

Title/Subject: **Accept Resignation of Part-Time Administrative Assistant
and Approve Recruitment for Position**

Meeting Date: April 10, 2023

Prepared by: Sandie Thone, City Clerk/Human Resources Director

Reviewed by: Marc Nevinski, City Administrator

Attachments: **2023 City Compensation Schedule**

Item 2F

Background: Staff received the resignation of Part-Time Administrative Assistant Miechelle Norman on March 29, 2023, effective April 14, 2023. Miechelle has been an important part of the Administrative team, going above and beyond in supporting the many roles in the position and filling in for various vacant positions during her time here. Miechelle has proved a great employee and member of the team and will be missed. She will be pursuing a full-time opportunity and we wish her the very best!

In a letter received by Miechelle, she expressed gratitude for the opportunity to work for the City and what a wonderful experience it has been. She explained how much she values all of the relationships she has built. She is hoping she can continue serving as an election judge and helping out with community events!

Miechelle has worked in the capacity of Part-Time Administrative Assistant since July of 2021. She works 20 hours per week and her rate of pay is \$20.57 per hour. The City has employed a part time administrative staff position for many years in addition to the full-time staff. The position supports the City Hall functions mainly at the front desk and is also involved in elections during an election year. The position performs various duties including customer service at the front counter, on the telephone and via email, opening and closing City Hall, issuing building permits, scheduling inspections, receipting payments and processing utility bills, opening and distributing mail, scanning documents into Laserfich, and various other administrative responsibilities.

With Miechelle's departure and the recruitment of the position, staff is requesting council consider increasing the position's pay grade to make it more inline with administrative, front desk positions in nearby or similar cities. As discussed at the Council/Staff Retreat in February, some of our positions are not currently aligned with today's market and this position in particular is one that is at the very low end of the market. Please see the comparison below used to propose the "new" position salary range in recruiting for the position.

Mission Statement: *The City of Shorewood is committed to providing residents quality public services, a healthy environment, a variety of attractive amenities, a sustainable tax base, and sound financial management through effective, efficient, and visionary leadership.*

The position is currently classified on the city's compensation schedule as Grade 3 with a 2023 pay range of \$15.43 to \$23.14 per hour.

Shorewood

\$15.43 to \$23.14 per hour

Comparison City

2023 Pay Range

Bloomington	\$28.48 to \$30.21 per hour
Deephaven	\$25.88 to \$33.71 per hour
Excelsior	\$20.00 to \$25.00 per hour
Little Canada	\$25.52 to \$31.93 per hour
Minnetrista	\$26.17 to \$34.48 per hour
Minnetonka	\$27.80 to \$30.89 per hour

Staff proposes the position be upgraded to Grade 5 with a salary range of \$21.59 to \$26.99 per hour.

If council approves the proposed salary grade of Grade 5, it would be applied to both the full time and part time administrative assistant positions. If approved, our current full-time administrative assistant position would fall below the pay grade, as she currently is compensated at \$21.85 hourly and has been working at the City in this capacity for four years, since March of 2019. We would therefore ask that council approve a pay increase for the current person working full-time in this capacity to Grade 5, Step D of the pay scale to \$24.29 per hour for this position.

Financial Considerations: The impact of the proposed increase to the 2023 personnel budget for the part time position would be approximately \$630 over the remainder of the year. The impact of the proposed salary increase to the 2023 personnel budget for current full-time position would be approximately \$3,416 over the remainder of the year. Both proposed increases have been discussed and could be absorbed in the budget for this year due to the time many positions were left vacant.

Action Requested: Staff respectfully recommends the city council accept Michelle Norman's resignation and approve recruitment for replacement of her position as Part-Time Administrative Assistant at a Grade 5 on the City's Compensation Schedule with a range of \$21.59 to \$26.99 per hour.

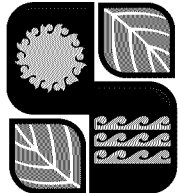
In addition, staff respectfully recommends the city council approve the upgrade of the Full-Time Administrative Assistant position to Grade 5 on the City's Compensation Schedule and approve the hourly salary increase to Grade 5, Step D \$24.29 per hour.

Motion, second and simple majority vote required.

Connection to Vision/Mission: Consistency in providing residents quality public services, a variety of attractive amenities, a sustainable tax base, and sound financial management through effective, efficient, and visionary leadership.

2023

										COLA				
										\$ 19.26	\$ 19.84	3%		
										2022	2023			
Grade	Point Minimum	Point Maximum	Min	B	C	D	E	F	Max	Range Percent Spread	Max Spread	Annual Min	Annual Max	Step Value
1	130	140	\$13.23	\$14.33	\$15.43	\$16.53	\$17.63	\$18.74	\$19.84	50.0%		\$27,508	\$41,263	\$1.10
2	141	152	\$14.28	\$15.47	\$16.66	\$17.85	\$19.04	\$20.23	\$21.42	50.0%	8.00%	\$29,709	\$44,564	\$1.19
3	153	165	\$15.43	\$16.71	\$18.00	\$19.28	\$20.57	\$21.85	\$23.14	50.0%	8.00%	\$32,086	\$48,129	\$1.29
4	166	179	\$19.99	\$20.82	\$21.66	\$22.49	\$23.32	\$24.16	\$24.99	25.0%	8.00%	\$41,583	\$51,979	\$0.83
5	180	194	\$21.59	\$22.49	\$23.39	\$24.29	\$25.19	\$26.09	\$26.99	25.0%	8.00%	\$44,910	\$56,137	\$0.90
6	195	211	\$23.32	\$24.29	\$25.26	\$26.23	\$27.21	\$28.18	\$29.15	25.0%	8.00%	\$48,503	\$60,628	\$0.97
7	212	229	\$25.18	\$26.23	\$27.28	\$28.33	\$29.38	\$30.43	\$31.48	25.0%	8.00%	\$52,383	\$65,479	\$1.05
8	230	249	\$27.20	\$28.33	\$29.47	\$30.60	\$31.73	\$32.87	\$34.00	25.0%	8.00%	\$56,574	\$70,717	\$1.13
9	250	270	\$29.37	\$30.60	\$31.82	\$33.05	\$34.27	\$35.49	\$36.72	25.0%	8.00%	\$61,099	\$76,374	\$1.22
10	271	293	\$31.72	\$33.05	\$34.37	\$35.69	\$37.01	\$38.33	\$39.66	25.0%	8.00%	\$65,987	\$82,484	\$1.32
11	294	318	\$34.26	\$35.69	\$37.12	\$38.55	\$39.97	\$41.40	\$42.83	25.0%	8.00%	\$71,266	\$89,083	\$1.43
12	319	345	\$36.66	\$38.19	\$39.72	\$41.24	\$42.77	\$44.30	\$45.83	25.0%	7.00%	\$76,255	\$95,319	\$1.53
13	346	374	\$39.23	\$40.86	\$42.50	\$44.13	\$45.77	\$47.40	\$49.03	25.0%	7.00%	\$81,593	\$101,991	\$1.63
14	375	406	\$43.72	\$45.18	\$46.64	\$48.09	\$49.55	\$51.01	\$52.47	20.0%	7.00%	\$90,942	\$109,130	\$1.46
15	407	441	\$46.78	\$48.34	\$49.90	\$51.46	\$53.02	\$54.58	\$56.14	20.0%	7.00%	\$97,308	\$116,770	\$1.56
16	442	479	\$50.06	\$51.73	\$53.39	\$55.06	\$56.73	\$58.40	\$60.07	20.0%	7.00%	\$104,119	\$124,943	\$1.67
17	480	519	\$53.06	\$54.83	\$56.60	\$58.37	\$60.14	\$61.90	\$63.67	20.0%	6.00%	\$110,367	\$132,440	\$1.77
18	520	564	\$56.24	\$58.12	\$59.99	\$61.87	\$63.74	\$65.62	\$67.49	20.0%	6.00%	\$116,989	\$140,386	\$1.87
19	565	612	\$59.62	\$61.61	\$63.59	\$65.58	\$67.57	\$69.56	\$71.54	20.0%	6.00%	\$124,008	\$148,810	\$1.99
20	613	664	\$63.20	\$65.30	\$67.41	\$69.52	\$71.62	\$73.73	\$75.84	20.0%	6.00%	\$131,448	\$157,738	\$2.11
Step %				3.3%	3.2%	3.1%	3.0%	2.9%	2.9%					



City of Shorewood

City Council Meeting Item

Title/Subject: Contractor Agreement with Erica Heinrichs
Meeting Date: Monday, April 10, 2023
Prepared by: Janelle Crossfield, Parks and Recreation Director
Reviewed by: Mark Nevinski, City Administrator
Attachments: Parks and Recreation Independent Contractor Agreement

Item 2G

Background:

Erica Heinrichs is a Certified Instructor and Senior Trainer of Tai Chi for Health Programs. Shorewood Parks and Recreation is excited to offer Tai Chi programming for the community as Tai Chi has many health benefits. Tai Chi is a great fitness option for a wide range of participants as the slow and gentle moving meditation addresses muscles strength, flexibility, balance and promotes mental health. Tai Chi also has some aerobic benefits.

Financial or Budget Considerations: Instructor fees will be covered by registration fees.

Action Requested:

Staff respectfully recommends the City Council **approve** the independent contractor agreement. Approval of the agreement includes any future addenda executed between the contractor and Parks and Recreation Director through 2023. Addenda outlines program logistics such as location, dates, times, program fees and no class days, and program description.



City of Shorewood

City Council Meeting Item

Title/Subject:	Amend Chapter 202 (Park Commission)	Item 5A
Meeting Date:	April 10, 2023	
Prepared by:	Marie Darling, Planning Director	
Reviewed by:	Marc Nevinski, City Administrator; Janelle Crossfield, Park/Rec Director; Matt Morreim, Public Works Director	
Attachments:	Ordinance Resolution for Summary Publication	

Background: The IPM Institute recommending having a board or body to review the implementation of the integrated pest management plan for ongoing compliance and accountability. At their February 27, 2023 Council retreat, the City Council directed staff to assign the Park Commission as the reviewing body. In reviewing the plan, the Park Commission will annually and generally consider planned maintenance work in the parks, provide feedback on conditions and priorities. Staff is providing this ordinance amendment to formally acknowledge the new duty for the Commission. The code amendment is necessarily general and consistent with the description of the Commission's other duties. In the future, the City Council may add more specific duties in a policy or workplan.

Financial or Budget Considerations: The cost consideration is the additional staff time to provide administration for the new duties and create reports. The cost of using an existing board is less than creating a new board. The cost of the amendment itself is minimal outside of publication and staff time to draft the ordinance amendments.

Summary of Public Engagement: The ordinance amendment was posted on the city website and at City Hall and shared with the members of the public who have requested to see ordinance amendments.

Recommendation/Action Requested: Staff recommends approval of the ordinance amendments.

Action on the ordinances requires a majority vote of the entire council and action on the summary publication resolutions requires a super majority vote (4/5).

Next Steps and Timeline: If the ordinances are adopted, staff would publish the ordinance summaries.

Connection to Vision/Mission: Consistency in providing a healthy environment and a sustainable tax base.

Mission Statement: *The City of Shorewood is committed to providing residents quality public services, a healthy environment, a variety of attractive amenities, a sustainable tax base, and sound financial management through effective, efficient, and visionary leadership.*

CITY OF SHOREWOOD
COUNTY OF HENNEPIN
STATE OF MINNESOTA

ORDINANCE 599

AN ORDINANCE APPROVING AN AMENDMENT TO
SHOREWOOD CITY CODE CHAPTER 202
RELATED TO THE POWERS AND DUTIES OF THE PARK COMMISSION

THE CITY COUNCIL OF THE CITY OF SHOREWOOD, MINNESOTA, ORDAINS:

SECTION 1: AMENDMENT. That the Municipal Code of Shorewood, Minnesota, Chapter 202 (Park Commission). Section 202.04 (Powers and Duties), is hereby amended as set forth below by adding the underlined language and deleting the ~~stricken/crossed-out~~ language as follows:

202.04 POWERS AND DUTIES.

The Commission is designated the following responsibilities:

- Subd. 1. Consider, review, report and advise on all matters which the Council may refer to the Commission;
- Subd. 2. Plan, on a long-term basis, for the future park and recreational needs of the city and recommend to the Council a feasible means of financing the long-term requirements;
- Subd. 3. Recommend to the Council operating policies and procedures for use of existing parks;
- Subd. 4. ~~On or before July 15 of each year, d~~Develop and refer to the Council a recommended operational and capital improvement budget for parks for the ensuing year;
- Subd. 5. Submit to the Planning Commission comments on any proposed subdivisions, as the same may or may not affect the city's park and playground requirements.
- Subd. 6. Review park maintenance and provide comments to the Council on the maintenance program's overall effectiveness in managing park and open space amenities.

Section 2. EFFECTIVE DATE. This Ordinance 599 adopting the Amendments to City Code, Chapter 202, Park Commission shall take effect upon passage and publication in the City's official newspaper.

ADOPTED BY THE CITY COUNCIL of the City of Shorewood, Minnesota, this 10th day of April, 2023.

Jennifer Labadie, Mayor

ATTEST:

Sandie Thone, City Clerk

**CITY OF SHOREWOOD
COUNTY OF HENNEPIN
STATE OF MINNESOTA**

RESOLUTION 23-035

**A RESOLUTION APPROVING THE PUBLICATION OF
ORDINANCE 599 REGARDING CITY CODE ORDINANCE
AMENDMENTS RELATED TO THE POWERS AND DUTIES OF THE PARK COMMISSION**

WHEREAS, at a duly called meeting on March 27, 2023, the City Council of the City of Shorewood adopted Ordinance No. 599 entitled “AN ORDINANCE APPROVING AN AMENDMENT TO SHOREWOOD CITY CODE CHAPTER 202 RELATED TO THE POWERS AND DUTIES OF THE PARK COMMISSION”; and

WHEREAS, the City Council adopted a lengthy ordinance amending City Code Chapter 202.

04 (Powers and Duties) which contains a list of duties for the Park Commission and the City Council has approved an additional duty regarding park maintenance and the effectiveness of the park program’s overall effectiveness in managing park and open space amenities; and

WHEREAS, the purpose of this summary is to inform the public of the intent and effect of the ordinance but to publish only a summary of the ordinance with the full ordinance being on file in the office of the City Clerk during regular office hours and available on the city’s website.

NOW THEREFORE, IT IS HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF SHOREWOOD:

1. The City Council finds that the above title and summary of Ordinance No. 599 clearly informs the public of the intent and effect of the Ordinance.
2. The City Clerk is directed to publish Ordinance No. 599 by title and summary, pursuant to Minnesota Statutes, Section 412.191, Subdivision 4. Such summary is to be substantially the same as the attached ordinance.
3. A full copy of the Ordinance is available at Shorewood City Hall and on the city’s website.

Adopted by the City Council of Shorewood, Minnesota this 10TH day of April, 2023.

Jennifer Labadie, Mayor

Attest:

Sandie Thone, City Clerk



City Council Meeting Item

Title/Subject: Amend Chapter 1004 (Rental Housing Code)
Meeting Date: April 10, 2023
Prepared by: Wade Woodward, Building Official
Reviewed by: Marie Darling, Planning Director
Attachments: Ordinance
Resolution for Summary Publication

Item
6A

Background: Staff has found that the Rental Regulations in City Code are not consistent with current practices related to flues and woodburning fireplaces.

Flues : The current code states that every chimney flue shall be installed and maintained and shall function in a safe, sound and working condition. However, as homeowners have updated their mechanical equipment to high-efficiency equipment, many homes have flues that have been abandoned in place using caps or other means to safely close them off. This section appears to inadvertently require continued maintenance of all flues regardless of their use.

Staff recommend updating the code to continue to allow discontinued flues to be capped and made inoperable when needed, like for installing new high efficiency furnace.

Woodburning fireplace : Many homes have woodburning fireplaces, but when homes are rented out, staff require homeowners provide chimney reports to demonstrate their soundness as this is not something staff has the equipment to verify. Due to insurance concerns, some property owners have blocked off wood-burning fireplaces to prevent their use. Staff has had a long practice of requiring chimney reports for woodburning fireplaces or allowing property owners the ability to block off the fireplace or even install a gas insert.

Staff recommend these changes to codify the requirement and to continue to give property owners flexibility in how to repair or block off the chimney when necessary.

Financial or Budget Considerations: Outside of publication and staff time to draft the ordinance amendments, there is no additional impact to the budget related to the amendment.

Summary of Public Engagement: The ordinance amendment was posted on the city website and at City Hall and shared with the members of the public who have requested to see ordinance amendments at least 10 days prior to the meeting.

Mission Statement: *The City of Shorewood is committed to providing residents quality public services, a healthy environment, a variety of attractive amenities, a sustainable tax base, and sound financial management through effective, efficient, and visionary leadership.*

Recommendation/Action Requested: Staff recommends approval of the ordinance amendments.

Action on the ordinances requires a majority vote of the entire council and action on the summary publication resolutions requires a super majority vote (4/5).

Next Steps and Timeline: If the ordinances are adopted, staff would publish the ordinance summaries.

Connection to Vision/Mission: Consistency in providing residents quality public services and a healthy environment.

ORDINANCE 598

CITY OF SHOREWOOD
COUNTY OF HENNEPIN
STATE OF MINNESOTA

AN ORDINANCE APPROVING AN AMENDMENT TO
SHOREWOOD CITY CODE CHAPTER 1004
RELATED TO RENTAL HOUSING REGULATIONS

THE CITY COUNCIL OF THE CITY OF SHOREWOOD, MINNESOTA, ORDAINS:

SECTION 1: AMENDMENT. That the Municipal Code of Shorewood, Minnesota, Chapter 1004, Section 1004.03 (Licensing of Rental Units), is hereby amended as set forth below by adding the underlined language and deleting the ~~striketrough~~ language as follows:

Subd. 5. *Owner or agent to apply.*

...

- b. *Required information.* The applicant shall supply:
- (1) Name, address and telephone number of dwelling owner, owning partners if a partnership, and corporate officers if a corporation;
 - (2) Name, address and telephone number of designated resident agent, if any;
 - (3) Name, address and telephone number of management representative;
 - (4) Name, address and telephone number of vendee, if the dwelling is being sold through a contract for deed;
 - (5) Legal address of the dwelling;
 - (6) Type of dwelling;
 - (7) Type and number of dwelling units within the building;
 - (8) Description of procedure through which tenant inquiries and complaints are to be processed;
 - (9) Test results for domestic water supplied by a private well from a lab certified by the Minnesota Department of Health; and
 - (10) Test results (within 30 days) for the furnace performed by a certified mechanical contractor bonded with the Minnesota Department of Labor and Industry.
 - (11) Chimney report for operational wood-burning fireplaces

...

SECTION 2: AMENDMENT. That the Municipal Code of Shorewood, Minnesota, Chapter 1004, Section 1004.04 (Minimum Standards) Subd. 2 (General Provisions), is hereby amended as set forth below by adding the underlined language and deleting the ~~striketrough~~ language as follows:

...

I. *Facilities to function.* Every supplied facility, piece of equipment or utility required under city ordinances and the associated ~~every~~ chimney flue shall be installed and maintained and shall function effectively in a safe, sound and working condition. Wood-burning fireplaces may be rendered nonoperational if blocked or sealed to prevent use to the satisfaction of the Compliance Official.

....

SECTION 3. EFFECTIVE DATE. This Ordinance shall take effect upon publication in the City's official newspaper.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF SHOREWOOD, MINNESOTA this 10th day of April, 2023.

JENNIFER LABADIE, MAYOR

ATTEST:

SANDIE THONE, CITY CLERK

**CITY OF SHOREWOOD
COUNTY OF HENNEPIN
STATE OF MINNESOTA**

RESOLUTION 23-036

**A RESOLUTION APPROVING THE PUBLICATION OF
ORDINANCE 598 REGARDING CITY CODE ORDINANCE
AMENDMENTS RELATED TO THE RENTAL HOUSING REGULATIONS**

WHEREAS, at a duly called meeting on March 27, 2023, the City Council of the City of Shorewood adopted Ordinance No. 598 entitled “AN ORDINANCE APPROVING AN AMENDMENT TO SHOREWOOD CITY CODE CHAPTER 1004 RELATED TO RENTAL HOUSING REGULATIONS”; and

WHEREAS, the City Council adopted a lengthy ordinance amending City Code Chapters 1004.03 (Licensing of Rental Units) which contains requirements for license applications and 1004.04 (Minimum Standards) which includes regulations defining the minimum maintenance standards including those standards for flues and woodburning fireplaces for rental properties; and

WHEREAS, the purpose of this summary is to inform the public of the intent and effect of the ordinance but to publish only a summary of the ordinance with the full ordinance being on file in the office of the City Clerk during regular office hours and available on the city’s website.

NOW THEREFORE, IT IS HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF SHOREWOOD:

1. The City Council finds that the above title and summary of Ordinance No. 598 clearly informs the public of the intent and effect of the Ordinance.
2. The City Clerk is directed to publish Ordinance No. 598 by title and summary, pursuant to Minnesota Statutes, Section 412.191, Subdivision 4. Such summary is to be substantially the same as the attached ordinance.
3. A full copy of the Ordinance is available at Shorewood City Hall and on the city’s website.

Adopted by the City Council of Shorewood, Minnesota this 10TH day of April, 2023.

Jennifer Labadie, Mayor

Attest:

Sandie Thone, City Clerk



City Council Meeting Item

Title/Subject:	Therapeutic Massage Therapy License Ordinance 600 Repealing and Replacing City Code Chapter 311	<div>Item 8A</div>
Meeting Date:	April 10, 2023	
Prepared by:	Sandie Thone, City Clerk/Human Resources Director	
Reviewed by:	Jared Shepherd, City Attorney Marc Nevinski, City Administrator	
Attachments:	Ordinance 600 An Ordinance Approving Amendments to Shorewood City Code Chapter 311 (Massage Licensing) Resolution Approving Summary Publication Current City Code, Chapter 311 Therapeutic Massage Licensing	

Background:

August 27, 2001 the Shorewood City Council approved Ordinance 373-b Establishing regulations for Therapeutic Massage Licensing. The ordinance was codified as Chapter 311 into Shorewood City Code. On February 13, 2012, the City Council approved Ordinance 490, which repealed and replaced the existing Chapter 311 in its entirety and replaced it with what is still the current code today. The action in 2012 provided for more robust application requirements and general conditions of the license, but the educational requirements and the remainder of the massage therapy code have remained consistent since 2001.

Massage Therapists and Massage Therapy businesses are not subject to any national regulations. This leaves regulation of the industry to the states. Minnesota is one of four states (MN, WY, VT, KS) nationwide that do not regulate or license massage therapy. This leaves full regulation and licensing to the local level.

In 2022, the city clerk's office began receiving an unprecedented number of massage therapy applications to perform massage therapy at one of two locations in Shorewood. After a more extensive background was performed including in-depth checks on the education verification of each of the applicants, several applications were denied. It was during this period of time, that several more "future applicants" were requesting city staff to check if they would "qualify for a license" before submitting the actual full application packet and license fee. These requests were denied. After a full investigation, it was found that one of the educational institutions certifying one of the students had its license revoked and was under investigation for human trafficking. In addition, many of the locations, the therapists had received licenses were being watched for "questionable behavior." It became clear that in order to protect the integrity of the business community in Shorewood, the city may need to consider a more robust Massage Therapy code to avoid any of the situations playing out in other nearby communities.

Mission Statement: *The City of Shorewood is committed to providing residents quality public services, a healthy environment, a variety of attractive amenities, a sustainable tax base, and sound financial management through effective, efficient, and visionary leadership.*

The city is more than happy to support the legitimate health care and health maintenance practice of massage therapy, but could see, being the sole regulator of the industry, the attention paid to the requirements would be important.

Ordinance 600 An Ordinance Approving Amendments to Shorewood City Code Chapter 311 (Massage Licensing) proposes repealing and replacing existing city code with new, more robust code language in considering massage therapy businesses and massage therapist licenses in our community. In the past few years, many cities have revised and updated their Massage Therapy licensing and enforcement, due to the conditions observed within the industry. The most significant changes proposed to the existing code are as follows:

1. The definitions section has been expanded and revised to current day standards
2. The penalties section has been expanded and updated to relevant state statute
3. Proof of local residency has been added (MN or WI)
4. Business Licensing section has been expanded significantly. This section will help to identify the Massage Therapy business requirements and separate them from the therapist licenses.
5. Personal Services Licenses section has been expanded and include updated educational requirements.
6. Ineligibility for License section has been added and includes prior conviction language.
7. Processing of License Application; Granting or Denial of License section has been added, including c) Criteria for Issuance section, which will aid the City Clerk in consideration of granting, denying, renewing, or declining to renew a license.
8. Transfer of License section has been added which states the license is not transferrable.
9. Operation of Business; License Conditions section has been added.
10. Suspension or Revocation of License section has been added.
11. Approval of Plans and Specifications for Massage Parlors and Saunas section has been added.
12. Construction and Maintenance of Premises Used for Massage Business section has been added.
13. Guest Registry and Inspection Requirements has been added.
14. Insurance section has been updated to reflect increased requirements.
15. Exceptions section has been expanded

Financial Considerations: Staff is expected to perform an audit of city fees as it relates to massage therapy business and personal licenses if and when Ordinance 600 is approved, to ensure we are licensing both services and capturing the cost of staff time in issuing the licenses.

Action Requested: Staff respectfully recommends the city council Approve Ordinance 600 An Ordinance Approving Amendments to Shorewood City Code Chapter 311 (Massage Licensing) Motion, second and simple majority vote required.

Staff respectfully recommends the city council Approve the Resolution for the Summary Publication of Ordinance 600 Amendments to Shorewood City Code Chapter 311 Motion, second and 4/5 vote required.

ORDINANCE 600

CITY OF SHOREWOOD
COUNTY OF HENNEPIN
STATE OF MINNESOTA

AN ORDINANCE APPROVING AMENDMENTS TO SHOREWOOD CITY CODE
CHAPTER 311 (MASSAGE LICENSING)

THE CITY COUNCIL OF THE CITY OF SHOREWOOD, MINNESOTA, DOES ORDAIN:

SECTION 1: AMENDMENT. That the Municipal Code of Shorewood, Minnesota, Chapter 311, is hereby repealed and replaced in its entirety with the following:

311.01 DEFINITIONS.

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Adequate and approved mean acceptable to the county health inspector following their determination as to conformance with public health practices and standards.

Health care facility or provider means any person providing medical, surgical, dental, chiropractic or osteopathic services, or physical therapy services pursuant to a prescription therefor, wherein practitioners are licensed by the state, such as, but not limited to, a hospital, sanitarium, rest home, nursing home, boarding home, or other institution for the hospitalization or care of human beings duly licensed under the provisions of Minn. Stats. §§ 144.50—144.69.

Manager means the individual responsible for administering the daily operations of the Massage business, including supervision of staff and the premises.

Massage means the method of treating the superficial parts of the human body of another by rubbing, pressing, stroking, kneading, tapping, pounding, vibrating, or stimulating with the hands or any instrument for hire or for consideration with the intention of positively affecting the health and well-being of the client. The term "massage" shall not include such activities when performed exclusively on a person's hand and/or foot in conjunction with a manicure or pedicure.

Massage business means the offering of massage services to the general public, regardless of whether the offer is limited only to select invitees or organizational members.

Massage therapist means a person who practices or administers a massage.

Operate means to own, manage or conduct.

Sanitary means to be free from pathogenic micro-organisms.

Within the city means physical presence as well as telephone referral situations, such as a "phone-a-message" type operation, in which the business premises, although not actually located within the city, serves as a point of assignment of employees who respond to requests for services from within the city.

311.02 PENALTIES.

- (a) Every person who commits or attempts to commit, conspires to commit or aids or abets in the commission of any act constituting a violation of this article or any rule promulgated thereunder, whether individually or in connection with one or more other persons or as principal, agent, or accessory, shall be guilty of a misdemeanor and, upon conviction, shall be punished in accordance with section 104.01. Every person who falsely, fraudulently, forcibly or willfully induces, causes, coerces, permits or directs another to violate any of the provisions of this article or any rule promulgated thereunder is likewise guilty of a misdemeanor.
- (b) The city may seek to enforce this chapter through criminal prosecution and/or civil relief. Nothing in this article shall prohibit the city from seeking misdemeanor prosecution, administrative penalties, or both, and does not affect the city's right to suspend or revoke the license of a licensee as the city council deems appropriate. No administrative penalty or license suspension or revocation may take effect until the licensee or other individual has received notice, served personally by mail, of the alleged violation and of the opportunity for a hearing.

311.03 LICENSE REQUIRED.

Except as may otherwise be provided in this article and with the exception of health care facilities or providers, it shall be unlawful for any person to operate a massage business or to personally perform massage services or to hold one's self out as being a massage therapist within the city unless such business or individual performing massage services is currently licensed under this article. Employees of a massage business must be separately licensed to perform personal massage services under this article if they perform such services.

311.04 PROOF OF LOCAL RESIDENCY REQUIRED.

Any applicant for a business license or personal service license shall show proof of Minnesota or Wisconsin residency. In the case of a business license, the manager must also reside within Minnesota or Wisconsin.

311.05 FILING AND CONTENTS OF LICENSE APPLICATION.

- (a) Every application for a license under this article shall be filed with the City Clerk. Each application shall be made on a form supplied by the city and shall contain the following information:

(1) *Business licenses.*

- a. Whether the applicant is a natural person, a corporation, a partnership, or other form of organization.
- b. If the applicant is a natural person:
 1. The true name, place, and date of birth, address, and phone number of the applicant.
 2. Whether the applicant has ever used or has been known by a name other than their true name, and, if so, what was such name and information concerning dates and places where used.
 3. The name of the business if it is to be conducted under a designation, name or style other than the full individual name of the applicant; in such case, a certified copy of the certificate as required by Minn. Stats. Ch. 333 shall be attached to the application.
 4. A Minnesota tax identification number accompanied by the corresponding certificate of organization issued by the Minnesota Secretary of State's Office.
 5. The street address at which the applicant has lived during the preceding five years.
 6. The type, name and location of every business or occupation the applicant has been engaged in during the preceding five years.
 7. The names and addresses of the applicant's employers and partners, if any, for the preceding five years.
 8. Whether the applicant has ever been convicted of any felony or other crime or violation of any ordinance other than traffic ordinances. If so, the applicant shall furnish information as to the time, place and offense for which convictions were had.
 9. The physical description of the applicant (i.e., height, eye color, hair color, approximate weight).
 10. A government issued photo ID card. Non-U.S. citizens must provide documentation indicating authorization to work in the U.S. Identification documents shall be copied and made part of the application.
 11. The applicant's training or experience in performing massage services.
 12. The name of the manager or proprietor or other agent in charge of the business to be licensed.
 13. The applicant must allow the city to photograph the applicant. The photograph will be affixed to the issued license.
- c. If the applicant is a partnership:
 1. The names, addresses and interest of all partners and all information concerning each partner as is required of an individual applicant in subsection (a)(1)b of this section. A separate application form shall be submitted for each business partner.
 2. The name of the manager.
 3. A true copy of the partnership agreement, which shall be

submitted with the application. If the partnership is required to file a certificate as to a trade name under the provisions of Minn. Stats. Ch. 333, a certified copy of such certificate shall also be attached.

- d. If the applicant is a corporation or other organization:
 - 1. The name and, if incorporated, the state of incorporation.
 - 2. A true copy of the certificate of incorporation, articles of incorporation or association agreement, and bylaws, which shall be attached to the application. If a foreign corporation, a certificate of authority, as described in Minn. Stats. Ch. 303, shall also be attached.
 - 3. The name of the manager of the business to be licensed and all information concerning such persons as is required in subsection (a)(1)b of this section. The individual designated by the corporation, partnership or other organization as manager shall remain responsible for the conduct of the daily operations of the business until another suitable person has been designated in writing by the licensee. The licensee shall promptly notify the city in writing of any change in manager, indicating the name, address and telephone number of the new manager and the effective date of the change. The licensee is not relieved of any obligations under this chapter by designation of a manager.
 - 4. A list of all persons who are officers or directors of the corporation or organization or who control or own an interest in excess of five percent in such corporation or organization, and all information concerning such persons as is required in subsection (a)(1)(b) of this section. A separate application form shall be submitted for each business partner.
- e. Identify any prior or current professional, personal, or business license or license application from a jurisdiction other than the city. For each license or application supply the date of application, the nature of the license, whether the application was granted or denied, current status of the license or application, specify any adverse action (such as revocation, suspension, cancellation, or conditional provisions of practice or use of a professional, personal, or business license, or criminal charges) taken against the license, licensee, any employee, agent, contractor, or other person associated with any license or license application from another jurisdiction.
- f. The names of those individuals to be licensed and working for the applicant. At least one licensed massage therapist, or an applicant for a personal service license contemporaneously filed with the business license application, must be employed or associated with the business prior to the issuance of a business license.
- g. The names, residences, and business addresses of three residents of the State of Minnesota, of good moral character, not related to the applicant or financially interested in the premises or business, which may provide reference as to the applicant's and/or manager's character.

- h. The address and legal description of the business premises.
- i. Proof acceptable to the city that the applicant has current insurance coverage as provided in section 311.18.
- j. A copy of the businesses sexual harassment and sexual assault policy, which shall include standards for training employees on sexual harassment and sexual assault and the reporting and investigation of complaints.
- k. Such other information as city staff or city council may require, including any additional information related to the foregoing mandatory application contents.

(2) *Personal service licenses.*

- a. All information required above for business licenses under subsections (a)(1)b.1, b.2, (a)(1)b.5—10, (a)(1)b.12, (a)(1)e, and (a)(1)g—i.
- b. Proof acceptable to the city that the applicant:
 - 1. Is legally authorized to work in the U.S. Non-U.S. citizens must provide documenting indicating authorization to work in the U.S.
 - 2. Possesses current personal professional liability insurance coverage or is an additional insured and/or is subject to an insurance policy held by a business licensed under section 311.05, with coverage as required by in City Code section 311.18.
 - 3. Is affiliated with, employed by, or owns a massage business licensed by the city or is exempt from such requirement.
- c. Certificates shall be issued only to persons who have received and can furnish proof of receiving a qualifying amount of education. These minimum requirements are any of the following:
 - 1. Hold an associate's degree or greater level degree in a field of nursing or physical therapy from a state-accredited, post-secondary educational institution, and hold a current license, in good standing, from the State of Minnesota to practice nursing or physical therapy;
 - 2. Has completed 500 hours of certified therapeutic massage training from a member school of the National Certification Board for Massage Therapeutic Massage and Bodywork (NCBTMB) or other organization of therapeutic massage professionals which has a similar written and enforceable code of ethics as approved by the City Clerk.
 - 3. Successfully pass the National Examination for Therapeutic Massage within the year prior to application as offered by the U.S. National Organization Board for Therapeutic Massage and Bodywork.
 - 4. Have been previously licensed by the city and provide documentation that shows an ongoing effort to maintain or improve their massage therapy skills.
- d. The location where the applicant will perform massage services, which location must conform with sections 311.4 and 311.5 unless otherwise provided in this article.

- (b) The applicant and licensee shall have a continuing duty to immediately disclose to the city any change in the information supplied in the application.

311.06 EXECUTION OF LICENSE APPLICATION.

All applications for a license under this article, whether for business or personal service, shall be signed and sworn to. If the application is that of a natural person, it shall be signed and sworn to by such person; if by a corporation, by an officer thereof; if by a partnership, by one of the partners; and if by an unincorporated association, by the manager or managing officer thereof.

311.07 FEES.

Each application for a license under this article shall be accompanied by payment in full of the required license fee. Upon rejection of any application for a license, the city shall refund the amount paid. No other refunds shall be made.

311.08 INELIGIBILITY FOR LICENSE.

No license shall be issued under this article to the following:

- (1) An individual less than 18 years of age.
- (2) An individual who has been convicted of prostitution, sex trafficking, criminal sexual conduct, or any other crime or violation involving moral turpitude.
- (3) Any other person whose application lists one or more individuals who have been convicted of prostitution, sex trafficking, criminal sexual conduct or any other crime or violation involving moral turpitude.
- (4) Any premises currently licensed in accordance with article XIII of this chapter or currently licensed to sell alcoholic beverages in accordance with chapter 401.

311.09 PROCESSING OF LICENSE APPLICATION; GRANTING OR DENIAL OF LICENSE.

- (a) **Business licenses.** Applications for business licenses under this article shall be processed as follows:
 - (1) **Investigation and report.** Complete applications shall be referred to the chief of police for investigation and to such other city departments as the City Clerk shall deem necessary for verification and investigation of the facts set forth in the application. Within 15 business days of such referral, the chief of police and other departments shall make a written recommendation to the City Clerk as to issuance or non-issuance of the license. The City Clerk may order and conduct such additional investigation as he deems necessary.

- (2) **Determination by City Clerk.** The City Clerk shall make the determination whether to approve or deny the license. Any denial shall be communicated to the applicant in writing, specifying the reasons for denial.
- (b) **Personal service licenses.** Applications for personal service licenses shall be processed as follows:
 - (1) **Investigation.** Complete applications shall be referred to the chief of police for investigation and to such other departments as the City Clerk shall deem necessary for verification and investigation of the facts set forth in the application. Within 15 business days of such referral, the chief of police and other departments shall make a written recommendation to the City Clerk regarding issuance of the license. The City Clerk may conduct or authorize such additional investigation as he reasonably deems necessary.
 - (2) **Determination by City Clerk.** Upon receipt of the written report and recommendation by the chief of police and within 15 business days thereafter, the City Clerk shall make the determination whether to approve or deny the license. Any denial shall be communicated to the applicant in writing specifying the reasons for denial. The applicant may appeal this denial in accordance with the procedure specified in section 308.10.
 - (3) **Renewal.** Complete applications for renewal of licenses shall be submitted to the City Clerk at least 30 days prior to the expiration of the license. The City Clerk's determination regarding approval or denial of the license renewal shall be communicated to the applicant in writing, specifying the reasons if the license is denied. The applicant may appeal the denial in accordance with the procedure specified in section 308.10.
- (c) **Criteria for issuance.** The City Clerk shall have the discretion to consider the following in granting, denying, renewing, or declining to renew a license:
 - (1) The character and suitability of the area in which the licensed premises is to be located.
 - (2) The proximity of the site for the massage business to churches, schools, playgrounds, parks or other community facilities that may be adversely affected.
 - (3) Numbers and proximity of existing massage businesses so as not to cause excessive concentration in an area.
 - (4) Traffic congestion and parking problems.
 - (5) False statements or representations, fraud, or deception in the license application.
 - (6) History of violations of laws or ordinances that apply to health, safety, welfare or moral turpitude.
 - (7) Evidence of reputation or character of applicant, deemed by the City Clerk to support a reasonable conclusion that applicant's operation of a business or performance of a licensee will not be consistent with the public health, safety, and welfare, or the requirement of this Code.
 - (8) Convictions of crimes or offenses involving sexual misconduct, prostitution, sex trafficking, or fraud.
 - (9) Inability to provide authorization to work in the U.S.
 - (10) Police report and/or law enforcement investigation deemed by the City Clerk to contain a credible allegation of prostitution or criminal sexual misconduct.
 - (11) If, for a business license, the applicant or licensee has provided a copy of its sexual harassment and sexual abuse/assault policy, which is deemed by the City Clerk,

to be fundamentally inadequate to prevent and protect against sexual assault and abuse.

(12) Revocation or denial of similar licenses within the last five years.

(13) Any other matter deemed by the City Clerk to be relevant to protection of the public's health, safety and welfare.

(d) **Conditions.**

(1) The City Clerk, in their sole discretion, may impose appropriate additional terms, conditions and stipulations upon the business licensee or personal service license holder before granting a license application or renewing a license. An applicant has the ability to appeal any terms, conditions, or stipulations on the grant of license in accordance with section 308.10.

(2) The city council, in its sole discretion, may impose appropriate additional terms, conditions, and stipulations upon the licensee or personal service license holder, if reinstating a license after revocation or suspension, consistent with 311.12

311.10 TERM OF LICENSE.

(a) All licenses issued pursuant to this article shall be valid for one year or part thereof and shall expire on December 31. Complete renewal applications shall be filed with the City Clerk by November 30. If a licensee does not apply for renewal by November 30 (i.e., a month before the license's expiration), to allow the city the opportunity to process the application prior to their current license's expiration, the licensee must apply for and provide all information required of a new license application, including but not limited to, a criminal background check.

(b) When a licensee makes application for renewal of a current license and pays the required fee to the issuing authority on or before the termination date, the licensee is authorized to operate until such time as the license is either renewed or denied.

311.11 TRANSFER OF LICENSE.

Each personal service license issued under this article shall be issued to the applicant only and shall not be transferable to another holder. No business licensee shall loan, sell, give, or assign a license to another person or location.

311.12 OPERATION OF BUSINESS; LICENSE CONDITIONS.

(a) No massage business shall employ or use any person as a massage therapist unless such person is licensed for performing personal services by the city.

(b) Except with respect to health care facilities or providers, no customers or patrons shall be allowed to enter or remain upon the licensed premises, nor shall any massage or massage business be offered or conducted, after 10:00 p.m. and before 8:00 a.m. daily.

The actual hours when a licensee chooses to conduct business must be on file with the police department and city and be in accordance with the business hours designated on their license application. These designated hours must be prominently displayed on the interior and exterior of the licensed premises. No person may engage in the practice of any service regulated by this chapter outside of those designated hours. Clientele may be on the licensed premises for no more than 15 minutes before or after the designated hours.

- (c) Any person acting as a massage therapist in any massage business shall have their license or a true copy thereof displayed in a prominent place on the licensed premises.
- (d) Each personal service licensee shall perform massage service only in an establishment licensed pursuant to this article or an establishment exempted from a license under this article.
- (e) No licensee shall discriminate on grounds of race, creed, color, sex, national origin, or ancestry in performing services offered by the licensee.
- (f) The person who is receiving the massage shall at all times have their anus and genitals covered with a nontransparent covering.
- (g) The massage therapist shall wash their hands and arms with water and soap, antibacterial scrubs, alcohol, or other disinfectants prior to and following each massage service performed.
- (h) Any massage therapist performing any massages shall at all times have their anus, buttocks, breasts and genitals covered with a nontransparent material.
- (i) Every employee of any licensee shall at all times be covered as provided in subsection (h) of this section.
- (j) No personal service licensee shall solicit business in any public place or in any licensed liquor establishment within the city. If a business license or personal service license is under suspension or revocation, the licensee or former licensee, as the case may be, shall not solicit business or offer or agree to perform massage services, nor shall any business licensee affected by a suspension or revocation of such license allow, encourage, or direct any employee to solicit business or offer or agree to perform massage services within the city.
- (k) Where a reasonable basis is found by the City Clerk to impose other reasonable restrictions upon a license, taking into consideration one or more of the facts or circumstances set forth in section 311.12, the City Clerk may upon issuance or renewal of a license impose such additional reasonable conditions and restrictions on the manner and circumstances under which the licensed activity shall be conducted to preserve the public peace and protect and promote the public's health, safety, welfare, good order and security.
- (l) The business licensee is responsible for the conduct of themselves, their business, and their employees.
- (m) The licensee shall engage in practices designed to ensure cleanliness and health and which are designed to resist anything detrimental to the public's health, safety or welfare.
- (n) No person, whether as a licensee or employee or agent thereof or otherwise, shall engage or offer to engage in any sexual activity or engage or offer to engage in any activity prohibited by statute, ordinance, regulation or rule, on the licensed premises or in connection with a massage or massage business.
- (o) The licensee shall report any complaints of sexual misconduct or sexual assault made by its patrons against its employees. The licensee shall take such action as required by

its sexual harassment and/or sexual assault policies on file with the city. In reporting to the city, the licensee shall protect the identity of the complainant if the complainant is the victim of sexual assault or abuse.

- (p) No licensee shall knowingly permit on the licensed premises or in any room of the licensed premises, or in any adjoining building directly or indirectly under his or her control any violation of city ordinances or state or federal law.
- (q) In order to inhibit illicit or illegal activity, including prostitution and human trafficking, no licensee shall advertise massage services through any media that is classified for adults only or targeted toward sexually-oriented businesses, or use of any advertising that refers to the massage services as appealing to or satisfying an erotic or prurient interest, lust, sexual or passionate desire.

311.13 SUSPENSION OR REVOCATION OF LICENSE.

The city council may suspend or revoke a license issued under this article. Any suspension or revocation of a license shall be accomplished in accordance with the procedure specified in sections 308.09 and 308.10. In addition, the council may, without any notice, suspend any license pending a hearing on revocation for a period not exceeding 30 days, which suspension shall be communicated to the licensee personally or by leaving the notification at the licensed premises with the person in charge thereof. Any one of the following shall be grounds for suspension or revocation of a license:

- (1) Failure of the licensed premises or personal licensee to comply with any of the ordinances of the city, rules promulgated thereunder, or statutes of state. Added Space
- (2) Control or possession by the owner, manager, lessee, or any employee of the massage business of any alcoholic beverages or narcotic drugs or controlled substances on the premises, possession of which is illegal as defined by state statutes or city ordinances.
- (3) Conviction of the owner, manager, lessee, or any employee of the massage business of a violation of any ordinance or state statute or any rule promulgated under either, arising on the premises to which the license was granted under this article.
- (4) Conviction of the owner, manager, lessee or any employee of the massage business of prostitution or any other crime or violation involving moral turpitude, sex trafficking, or sexual misconduct on the licensed premises.
- (5) Police report and/or law enforcement investigation deemed by the City Clerk to contain a credible allegation of prostitution, sex trafficking, or criminal sexual misconduct.
- (6) Report of internal investigation by business licensee wherein a personal licensee is suspended or terminated for credible allegations of prostitution or criminal sexual conduct.
- (7) Failure of business licensee to adopt, implement, or effectively utilize a sexual harassment or sexual abuse/assault policy.
- (8) Failure to promptly notify the director of community development of any change in the information or facts required to be submitted in connection with an application for a license.

- (9) Failure of the premises to comply with the health, safety and building regulations of the city and state.
- (10) Presence of the massage business being found to be detrimental to the health, safety or welfare of the citizens of the city.
- (11) Evidence of a material variance, without prior approval of the City Clerk, in the actual plan and design of the premises from the plan submitted pursuant to 311.14 or from the original design of the premises when initially licensed.
- (12) If a license is revoked pursuant to this section, the licensee cannot apply for a new license for a period of one year after revocation.

311.14 APPROVAL OF PLANS AND SPECIFICATIONS FOR MASSAGE PARLORS AND SAUNAS.

All persons who hereafter construct, extensively remodel or convert buildings or facilities for use as a massage business shall conform and comply in their construction, erection or alteration with the requirements of this article. Plans and specifications for such layout, arrangement and plumbing and construction materials of the sauna and massage areas, and location, size and type of equipment and facilities, shall be filed by the owner in the building department. No construction, alteration, or remodeling will occur without issuance of a building permit.

311.15 CONSTRUCTION AND MAINTENANCE OF PREMISES USED FOR MASSAGE BUSINESS.

- (a) ***Walls and other surfaces.*** All massage rooms, locker rooms, restrooms and bathrooms used in connection with a massage business shall be constructed of smooth and easily cleanable materials which are resistant to moisture, bacteria, mold or fungus growth. The floor-to-wall and wall-to-wall joints shall be constructed to provide a sanitary cove with a minimum radius of one inch.
- (b) ***Restrooms.*** Restrooms shall be provided for each sex. Each restroom shall be provided with ventilation as required pursuant to the building code, a handwashing sink equipped with hot and cold running water under pressure, sanitary towels and a soap dispenser. Waste shall be removed from each restroom at least daily.
- (c) ***Maintenance and sanitation generally.*** Floors, walls and equipment in massage rooms, restrooms and bathrooms used in connection with the massage business must be kept in a state of good repair and sanitary at all times. Linens and other materials shall be stored at least six inches off the floor. Sanitary towels, washcloths, cleaning agents and toilet tissue must be made available for each customer.
- (d) ***Paper/linen requirements.*** A licensed therapeutic massage enterprise shall provide single-service disposal paper or clean linens to cover the table, chair, furniture or area on which the patron receives the massage; or in the alternative, if the table, chair or furniture on which the patron receives the massage is made of material impervious to moisture, such table, chair or furniture shall be properly sanitized after each massage.

- (e) **Massage rooms.** Doors on massage rooms shall not be locked or capable of being locked. No locks, latches or other devices intended to secure a door so as to prevent its being opened by any person from either side of the door with or without a key may be present on any doors on massage rooms. All massage rooms shall be clearly identified by signs. Massage rooms must be equipped with mechanical air ventilation or an exhaust fan. A hot and cold water hand washing sink with soap and hand drying by mechanical or disposable towel is required in the therapeutic massage area. Use of a public bathroom or janitor's sink is not allowed. One sink may serve multiple massage therapy rooms in the same therapeutic massage area.
- (f) **License display.** The business license and personal license of all massage therapists employed by the business must be displayed at all times in an open and conspicuous area of the premises which patrons can readily view.

311.16 GUEST REGISTRY AND INSPECTION REQUIREMENTS.

- (a) The business licensee is required to retain a guest/customer registry at all times. The guest registry shall include the guest's name and address, their arrival and departure date and times, the amount collected and the method of payment. If a guest pays with cash, they must present photographic identification, which the business must copy and record the number and expiration date of the document. Failure of the business licensee to maintain an up-to-date guest/customer registry may result in suspension or revocation under section 311.13. Upon demand by any police officer or the City Clerk or their designee, the guest/customer registry must be made available for inspection. If the business licensee does not voluntarily produce the guest/customer registry, the business licensee is required to secure any written registry or electronic registration system in the presence of the police officer, or the City Clerk or their designee, in the manner directed by the police officer, or the City Clerk or their designee. The business licensee must ensure that no one is able to tamper with the records until such time as a subpoena, warrant, or court order has been issued or denied. A subsequent refusal to comply with an authorized subpoena, warrant, or court order shall constitute a violation of this section.
- (b) During any hours in which any person is present on the licensed premises, all massage businesses shall be open to inspection by county health and city building and license inspectors, police officers, and the City Clerk or their designee. Failure to allow an unimpeded inspection shall be a violation of this article. If the business licensee or the manager or proprietor of the licensed premises does not voluntarily permit an inspection of the premises, the business licensee or the manager or proprietor of the licensed premises is required to secure the premises in the presence of the police officer, or the City Clerk or their designee, in the manner directed by the police officer, or the City Clerk or their designee. The business licensee must ensure that no one is able to tamper with the records or items on the premises until such time as a subpoena, warrant, or court order has been issued or denied. A subsequent refusal to comply with an authorized subpoena, warrant, or court order shall constitute a separate violation of this section.

- (c) Upon demand by any police officer, any person engaged in providing services in any licensed premises shall provide their true legal name and correct address. The business licensee is independently responsible for immediately providing the true legal name and correct address of any person engaging in massage services on the licensed premises.

311.18 INSURANCE

- (a) Prior to the issuance of a license under this chapter, the applicant shall submit proof to the City in the form of insurance policies or certificates of insurance acceptable to the City, and issued by insurance companies authorized to do business in the state for the following policies:
 - (1) Professional liability in the practice of massage for a minimum limit of \$1,000,000.00.
 - (2) General liability for bodily injury and property damage liability with a minimum combined single limit as follows:
 - a. General Aggregate \$2,000,000.00
 - b. Each Occurrence \$1,000,000.00
 - (3) Workers' compensation and employers' liability as required by the state.
- (b) Should any of the policies be canceled or not renewed before the expiration date thereof, the issuing company shall mail 30 days' written notice to the city clerk, except such notice shall be ten days for nonpayment of premium.
- (c) The insurance policies shall be written with an insurance company having a minimum Best's Key Guide of A-VII, or as approved by the city's insurance agent.

311.19 EXCEPTIONS.

- (a) No business license shall be required for any premises where massage is offered as an accessory use if it meets the following criteria as evidenced by affidavits and other documents submitted to and reasonably acceptable to the city:
 - (1) The principal activity of the business shall not be massage.
 - (2) No more than 25 percent of the establishment's annual gross revenue shall be derived from massage as shown by financial statements certified as being true and correct by an independent certified public accountant.
 - (a) Such statements shall be filed each year with the City Clerk by the person who operates the business establishment.
 - (b) Such filing shall be made within 30 days of the end of the establishment's fiscal year and shall be for the fiscal year just completed.

- (c) The City Clerk may require additional or more frequent financial filings when deemed by him to be necessary to determine compliance with this section.
- (3) All persons performing massage must possess a valid personal services license issued by the city.
- (4) The rooms where massage is performed shall not have an exclusive entrance from or exit to the exterior of the building in which the principal business is located or to a public concourse or public lobby. Notwithstanding this restriction, massage may be performed by a licensed individual at the residence or business of the person receiving the massage, but may not be performed or offered at any premises requiring a license pursuant to chapter 309 or chapter 401.
- (5) All fees or other consideration derived from performing massage shall be received by and be accounted for by the proprietor of the principal business.
- (6) All individuals performing massage in connection with the business shall be employees of the principal business or shall be independent contractors or agents who perform massage pursuant to a written agreement with the owner of the principal business.
- (b) No business license shall be required for an individual who does not maintain a business premises within the city and who performs massage solely at the residence or business of the person receiving the massage. Such individuals, however, shall possess a valid personal services license, shall not employ any individuals in connection with the practice of massage, and shall not offer or perform massage at any premises requiring a license pursuant to chapter 309 or chapter 401.
- (c) All other provisions of this article and this Code shall apply except those which by their nature cannot reasonably be applied to the persons and premises exempted from a business license.

311.19 RESERVED.

SECTION 2. EFFECTIVE DATE. This Ordinance shall take effect upon its passage and publication in the City's official newspaper.

Passed and adopted by the City Council of the City of Shorewood this 10th day of April, 2023.

Jennifer Labadie, Mayor

ATTEST:

Sandie Thone, City Clerk

**CITY OF SHOREWOOD
COUNTY OF HENNEPIN
STATE OF MINNESOTA**

RESOLUTION 23-037

**A RESOLUTION APPROVING THE SUMMARY PUBLICATION FOR ORDINANCE 600
AMENDMENTS TO SHOREWOOD CITY CODE, CHAPTER 311 (MASSAGE LICENSING)**

WHEREAS, at a duly called meeting on April 10, 2023, the City Council of the City of Shorewood adopted Ordinance No. 600 entitled “AN ORDINANCE APROVING AMENDMENTS TO SHOREWOOD CITY CODE CHAPTER 311 (MASSAGE LICENSING) repealing and replacing it in its entirety; and

WHEREAS, Ordinance No. 600 establishes the requirements for engaging in the business of massage within the City of Shorewood, including licensing and performance standards; and

WHEREAS, Ordinance No. 600 is lengthy; and

WHEREAS, as authorized by Minnesota Statutes, Section 412.191, subd. 4, the City Council has determined that publication of the title and summary of the ordinance will clearly inform the public of the intent and effect of the ordinance.

NOW THEREFORE, IT IS HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF SHOREWOOD:

1. The City Council finds that the above title and summary of Ordinance No. 600 clearly informs the public of the intent and effect of the Ordinance.
2. The City Clerk is directed to publish Ordinance No. 600 by title and summary, pursuant to Minnesota Statutes, Section 412.191, Subdivision 4.
3. A full copy of the Ordinance is available at Shorewood City Hall during regular office hours and on the city’s website.

ADOPTED by the Shorewood City Council on this 10th day of April 2023.

Jennifer Labadie, Mayor

Attest:

Sandie Thone, City Clerk

CHAPTER 311

THERAPEUTIC MASSAGE LICENSING

Section

- 311.01 Purpose
- 311.02 Definitions
- 311.03 License
- 311.04 Fees
- 311.05 General conditions of license
- 311.06 Educational requirements
- 311.07 Exceptions to licensing requirements
- 311.08 License restrictions and regulations
- 311.09 Violations

311.01 PURPOSE.

The purpose of this chapter is to regulate therapeutic massage services and provide for the licensing thereof.

(Am. Ord. 373-b, passed 8-27-2001; Am. Ord. 490, passed 2-13-2012)

311.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

MASSAGE THERAPY. A scientific health care or health maintenance technique or procedure carried out by a massage therapist, involving the massaging, kneading, rubbing, pressing, stroking, tapping, pounding, vibrating or stimulating the human skin, muscles and tissues for no other purpose than physical fitness, health-care referral, healing relaxation or beautification.

MASSAGE THERAPIST. A person, other than a person licensed as a medical doctor, chiropractor, osteopath, podiatrist, licensed nurse, physical therapist, athletic director or trainer or beautician or barber who confines his or her treatment to the scalp, face and neck; who for compensation practices and provides massage therapy; and who has a certificate of completion with a minimum of 500 hours of class credits from a recognized massage therapy school.

MASSAGE THERAPY BUSINESS. A place of business providing massage therapy to the public for consideration. The term does not include a hospital, sanitarium, rest home, nursing home, boarding home, or other institution for the hospitalization or care of human beings, duly licensed under the provisions of M.S. §§ 144.50 through 144.69.

(Am. Ord. 373-b, passed 8-27-2001; Am. Ord. 490, passed 2-13-2012)

311.03 LICENSE.

It shall be unlawful to operate, offer, engage in, or carry on massage therapy services in the city without first obtaining a massage therapy business license.

Subd. 1. *Application.* All applications for a massage therapy business license, whether submitted by an individual, corporation, partnership or other form of organization, shall contain, at minimum, the following:

a. The name and date of birth of the owner of the business. If a partnership or corporation, the names and dates of birth for all owners must be provided.

b. Information on other personal or business names the applicant, partners or officers have used or by which they have been known.

c. Information as to whether the applicant, partners or officers have been convicted of a felony, crime or ordinance violation other than minor traffic offenses, and if so, the date, place and conviction.

d. Floor plan of the premises in which the massage therapy services will be conducted, showing areas where massage therapy will be performed.

e. If an individual, proof the individual completed the necessary course work, training and hours required to be a certified massage therapist from a certified massage therapy school, pursuant to § 311.06 of this chapter.

f. Proof of general liability insurance of at least \$1,000,000.

Subd. 2. *Term.* All licenses issued under this chapter shall expire on the last day of December of each year.

Subd. 3. *Renewals.* Licenses must be renewed annually. The renewal application shall be accompanied by an annual fee as provided in § 1301.02 of this code.

(Am. Ord. 373-b, passed 8-27-2001; Am. Ord. 490, passed 2-13-2012) Penalty, see § 104.01

311.04 FEES.

All initial applications shall be accompanied by a non-returnable license fee as provided in § 1301.02 of this code. Licenses are issued for the calendar year; if a portion of the license year has elapsed when the initial application is made, a license may be issued for the remainder of the year for a pro rata fee. In computing the fee, any unexpired fraction of a month shall be counted as one month.

(Am. Ord. 373-b, passed 8-27-2001; Am. Ord. 490, passed 2-13-2012)

311.05 GENERAL CONDITIONS OF LICENSE.

Subd. 1. *Therapists.* The holder of a massage therapy business license shall adhere to the following conditions:

a. Hire only massage therapists 18 years of age or older.

b. Hire only massage therapists qualified as set forth in § 311.06 of this chapter.

c. Maintain necessary hiring records on the premises, documenting the training, certification and contact information of each therapist pursuant to § 311.06 of this chapter.

Subd. 2. *Access to records.* The owner, general manager of the facility, or someone authorized to access employment records must be present during business hours and allow city inspection staff access to documentation in order to verify compliance with this section.

Subd. 3. *Insurance.* Each holder of a massage therapy business license shall carry general liability insurance in the amount of \$1,000,000.

(Am. Ord. 373-b, passed 8-27-2001; Am. Ord. 490, passed 2-13-2012)

311.06 EDUCATIONAL REQUIREMENTS.

The massage therapy business must maintain records for each massage therapist hired on the premises, furnishing proof that each therapist has met the following:

Subd. 1. *Educational requirement.* Each therapist must have:

a. A diploma or certificate of graduation from a school approved by the American Massage Therapist Association or other similar reputable massage association; or

b. A diploma or certificate of graduation from a school which is either accredited by a recognized educational accrediting association or agency, or is recognized by the Minnesota Higher Education Coordinating Board or other state agency having jurisdiction over the school.

Subd. 2. *Areas of training.* Each applicant shall also furnish proof at the time of application of a minimum of 500 hours of successfully completed course work in the following areas:

a. The theory and practice of massage, including, but not limited to, Swedish, esalen, shiatsu and/or foot reflexology techniques; and

b. Anatomy, including, but not limited to, skeletal and muscular structure and organ placement and physiology; and

c. Hygiene.

(Am. Ord. 373-b, passed 8-27-2001; Am. Ord. 490, passed 2-13-2012)

311.07 EXCEPTIONS TO LICENSING REQUIREMENTS.

This chapter shall not apply to persons in the following professions:

Subd. 1. *Medical professionals.* A state-licensed physician, chiropractor, osteopath, podiatrist, nurse, physical therapist or assistant working under the direction of any of the above-described professionals;

Subd. 2. *Physical therapists.* A state-licensed physical therapist, athletic director or trainer or an assistant working under the direction of any of the above-described professionals;

Subd. 3. *Beauticians and barbers.* A state-licensed beautician or barber, provided treatment is limited to the scalp, face and neck.

(Am. Ord. 373-b, passed 8-27-2001; Am. Ord. 490, passed 2-13-2012)

311.08 LICENSE RESTRICTIONS AND REGULATIONS.

All massage therapist licensees shall:

Subd. 1. *Display license.* Display current license in a prominent place at the place of business;

Subd. 2. *Identification.* Upon demand of any police officer or city inspections staff at the place of business, produce correct identification;

Subd. 3. *Location limited.* Practice massage only at the location as is designated in the license;

Subd. 4. *Change in location.* Inform the City Administrator/Clerk in writing of any change in location prior to the change;

Subd. 5. *Use of controlled substances.* Refrain from the use of and not be under the influence of alcoholic beverages or any controlled substance as defined in Minnesota Statutes while practicing massage therapy;

Subd. 6. *Appropriate covering.* Require that a person who is receiving a massage shall have his or her genital areas covered with an appropriate opaque covering.

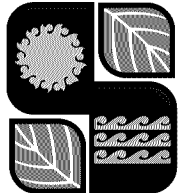
(Am. Ord. 373-b, passed 8-27-2001; Am. Ord. 490, passed 2-13-2012)

311.09 VIOLATIONS.

Subd. 1. *Misdemeanor.* Every person who commits or attempts to commit, conspires to commit or aids or abets in the commission of any act constituting a violation of this chapter, whether individually or in connection with one or more persons, or as principal, agent or accessory, shall be guilty of a misdemeanor, and every person who falsely, fraudulently, forcibly or willfully induces, causes, coerces, requires, permits or directs another to violate any of the provisions of this chapter is likewise guilty of a misdemeanor. Each violation of this chapter shall constitute a separate offense.

Subd. 2. *Conviction/penalty.* Conviction of a violation of this chapter shall be grounds for administrative enforcement pursuant to § 104.03 of this code, or suspension or revocation of any license issued hereunder.

(Am. Ord. 373-b, passed 8-27-2001; Am. Ord. 490, passed 2-13-2012)



City of Shorewood

City Council Meeting Item

Title/Subject: Spring Clean-Up and Paper Shred Event
Meeting Date: 4/10/2023
Prepared by: Eric Wilson, Communications Coordinator
Reviewed by: Brenda Pricco, Deputy Clerk
Attachments:

Item 9A.1

Background: Every year, City of Shorewood offers a spring drop-off for large bulky items and some items that cannot be recycled curbside. This event, called Spring Clean-Up, is always held on the third Saturday in May 8 a.m. to 1 p.m. The drop-off is located at Shorewood Public Works Department.

In conjunction with Spring Clean-Up, a free paper shred event is held in the city hall parking lot, on the same day 9 a.m. to 12 p.m. (or until the trucks are filled).

Financial or Budget Considerations: No financial or budget considerations. Spring Clean-Up is only available to Shorewood residents. A driver's license or other ID with Shorewood address is required for anyone dropping off items at Public Works. Cash or check payments will be accepted during the event.

Action Requested: n/a

Connection to Vision/Mission: Consistency in providing residents quality public services, a healthy environment, a sustainable tax base, and sound financial management through effective, efficient, and visionary leadership.



City of Shorewood Council Meeting Item

Title/Subject: Tree Sale 2023 Update
Meeting Date: Monday, April 10, 2023
Prepared by: Eric Wilson, Communications Coordinator
Reviewed by: Sandie Thone, City Clerk/HR Director
Attachments: n/a

9A.2

MEETING
TYPE
Regular
Meeting

Background: For several years, the City of Shorewood has participated in and hosted an annual tree sale. As in the past, the City of Shorewood will order the trees, offer them for sale, and be responsible for the purchase of any unsold trees that were ordered. Unsold trees purchased by the city will be planted in public spaces.

The City of Shorewood began accepting orders for the 2023 Tree Sale at 8 a.m. on Monday, April 3, 2023, online and in-person. 124 trees (18 varieties) were offered. Sales will continue until all trees are sold.

Status of sales*

- 20 paying customers have purchased 88 trees
- 11 of 18 varieties are sold out
- 36 trees remain (City will need to purchase at least 2 trees because resident did not receive 2 trees in 2022 for City of Shorewood construction projects)
- Current revenue: \$6,139.25 (cost to purchase trees in advance = \$9,603.70)
- 43 trees waitlisted

* As of 4:00 p.m. on April 5.

Action Requested: n/a

Timeline: The tree sale will continue to be advertised on the city website and through social media until all trees are sold. Residents will pick up trees during the first week of September 2023.

Connection to Vision/Mission: Consistency in providing residents quality public services, a healthy environment, a variety of attractive amenities, a sustainable tax base, and sound financial management through effective, efficient, and visionary leadership. This program helps protect, preserve, and enhance the environment of the community.

Mission Statement: *The City of Shorewood is committed to providing residents quality public services, a healthy environment, a variety of attractive amenities, a sustainable tax base, and sound financial management through effective, efficient, and visionary leadership.*

Page 1



City of Shorewood Council Meeting Item

Title/Subject: Water Infrastructure and Delivery
Meeting Date: Monday April 10, 2023
Prepared by: Andrew Budde, City Engineer
Reviewed by: Matt Morreim, Director of Public Works
Attachments:

9A.3 MEETING TYPE Regular Meeting

Background: At the February 27, 2023 Council Retreat the water system and water quality were discussed as a topic. Council was supportive of staff completing additional testing to better determine the source and levels of iron and/or hardness in the water. The main concerns with iron and hardness are taste, odor, aesthetics and it can clog water fixtures. Iron is a secondary drinking water regulation and is not currently tested during the monthly samples taken at each of the wells.

Staff will pull and test samples from the 6 active wells within the city and have the samples tested for iron and water hardness. They will also pull a sample downstream of the city's lone iron filters at well 7 to understand their effectiveness. These distribution samples and testing results will provide additional insight into the quality of the city's water sources.

Staff will review and analyze the water testing results before providing additional recommendations for further water testing, water modeling or capital or maintenance recommendations.

Financial Considerations: Approximately \$1,000-\$1,500 for tests plus staff time.



City of Shorewood Council Meeting Item

Title/Subject: Eureka Road Improvements
Meeting Date: Monday April 10, 2023
Prepared by: Andrew Budde, City Engineer
Reviewed by: Matt Morreim, Marc Nevinski
Attachments: Resident Petition, 2011 Trail Map,
Project Process & Decision Chart

9A.4 MEETING TYPE Regular Meeting

Background: At the March 27, 2023, council meeting there were comments made by residents at the Matters from the Floor with concerns about the upcoming Eureka Road project that is currently slated in the Capital Improvement Plan for construction in 2025. The general concerns from residents, that included a petition signed by approximately 40 residents, is that they want the roadway resurfaced in 2023 due to its poor condition and they don't want the roadway widened, addition of curb & gutter, addition of sidewalk, tree removal, or the city to acquire easements if needed for those improvements.

The city has been budgeting for improvements to Eureka Road north by including it in the Capital Improvement Plan since 2018. The city's practice for larger street improvement projects such as this, is to complete a scoping study approximately two years prior to construction. This process and document help the city council, staff, and residents gather accurate information to better understand the benefits and associated impacts that could be implemented as part of the overall project. The process is intended to have a long-term vision that will create the necessary infrastructure for the next 30-50 years. The city evaluates its existing infrastructure to see if it needs any significant repairs. In this case watermain and sanitary sewer both currently exist under the roadway along with some limited storm sewer. The city also looks at other infrastructure that the community could benefit from if it was included in the project such as additional drainage improvements, adding curb & gutter, sidewalk/trails, on-street parking, emergency services, and other safety concerns. The 2011 Trail Plan identified Eureka Road as a location that the community could benefit from by adding a sidewalk or trail, so it is appropriate for the city to evaluate the impacts of a sidewalk and if this planned project is the appropriate time to install that sidewalk. The city has also developed a Project Process and Decision Chart that is used as a guide when working through these types of projects with the intent to inform the city and residents of information needed to make educated decisions and when resident feedback on the project is most beneficial.

Staff will approach the study in two main steps. First, preliminary data, such as verifying existing utility infrastructure and resident input will be gathered to current conditions and community goals for Eureka Road. Staff will then provide an update to the Council with

Mission Statement: *The City of Shorewood is committed to providing residents quality public services, a healthy environment, a variety of attractive amenities, a sustainable tax base, and sound financial management through effective, efficient, and visionary leadership.*

preliminary finding and options before proceeding with more detailed work, such as topographic surveying and wetland delineation.

Eureka Road Petition

To: Shorewood City Council

Eureka Road is a potholed mess and must be repaved in 2023 using the \$122,000 allocated to a "scoping study". Other than repaving, we are strongly and universally opposed to a project that includes any of the following:

- Widening Eureka road beyond the current footprint
- Removal of trees and vegetation in and near the ROW
- Construction of curb and gutter except where required to redirect storm water
- Construction of retaining walls
- Construction of sediment ponds
- Construction of a sidewalk or "trail"
- Purchase of new ROW and/or easements
- Use of eminent domain for any of the above purposes

Name	Address	Contact
Jim Besson	25670 Maple View Court	612-269-0909
Joanne Isvari	5375 Eureka Rd	952 474 2386
Wincom Stordis	"	"
Nathan Schmitz	25845 Birch Bluff	612 363 9553
Doug Miller	26850 Marsh Pt. Cir.	612-254-9000
Bard Standaal	5040 Eureka Rd	952-474-1928
Kathy A. Bongers	26260 Birch Bl.	952-541-0378
LARRY OFFER	25900 WILD ROSE LN	612 419 5396

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- Use of eminent domain for any of the above purposes

Name	Address	Contact
Nick Frederick	5555 Eureka Rd	612-296-3944
Ryan Chang	25500 Nelsine Dr.	612-799-7959
Sam Chang	25500 Nelsine Dr	612-799-0238
Gregory Quail	25305 Nelsine Dr	952-474-0114
Angie Boyle	5595 Eureka Rd.	952-292- ⁹⁹²¹ 9921
Alan Nien	5645 Eureka Rd	952-474-1757
Bjorn Veien	25645 Valleywood LN	612-254-5453
Kjersten Stock	5615 Eureka Rd	612-518-4071

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Name	Address	Contact
Steve Aufderheide	25585 Birch Bluff	612-719-8999
Michelle " " "	" " "	
Mr. Harland	5300 Eureka Rd	Mark Harland @gmail
Jeff Webb	5335 Eureka Rd	JEFF.WYATTEYAKA.COM
Shela Wyatt	5335 Eureka Rd.	wyattsheila@gmail.com
Dan Kunkin	25635 Maple View	312-256-1950
Kristen Kunkin	25635 Maple View	312-342-7192
Maryn Benson	25670 Maple View Ct	612-269-5942

Eureka Road Petition

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- Use of eminent domain for any of the above purposes**

Name	Address	Contact
Ryan & Karin Firkus	25625 WILD ROSE LN	952-288-4910 612-401-4038
RICK STROMBERG	5510 WEDGEWOOD DR	952 836 5997
Zephie Nelson	25635 Valleywood Ln	612 644-3276
Tina Johnson	25520 Orchard Circle	612.220.9522
Judy Englund	25555 Orchard	612 619-7885
Donna Englund	25555 ORCHARD	612 619 7876
Jeff & Ann H. H.	5320 Eureka Rd	612-790-4490
Jay Bix	25545 ORCHARD CIR	

612 382 7841

Eureka Road Petition

To: Shorewood City Council

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- Construction of a sidewalk or "trail"**
- Purchase of new ROW and/or easements**
- Use of eminent domain for any of the above purposes**

Name	Address	Contact
Steve Stens	5315 Eureka Rd	JBStens@hotmail.com
Julie Stens	"	"
Mike Murphy	25525 Orchard Circle	murphy.mike1128@gmail.com
Lisa Murphy	"	l.samurphy1903@gmail.com
Tracie Marshall	5370 Eureka Rd.	612.518.9266
Rick Mann	4545 Birch	RPMann@joe.com
Pat Larson	25535 Orchard Circle	plarson3@hotmail.com
Greg Larson	25535 Orchard Circle	g.larson@mchsi.com

greg laron

From: Christopher Joslin <joslincn@gmail.com>
Sent: Friday, March 24, 2023 11:44 AM
To: g.larson@mchsi.com
Subject: Eureka Road Petition

Hi Greg-

Jeff Wyatt circulated this to me and Stacy & I would like to sign the petition. We are out of town until April. Unfortunately, we will not be able to make the March 27th meeting, but are interested in expressing our opposition via the petition and by any other means. Last year, I attended the public meeting regarding the Birch Bluff project and was appalled by the lack in justification and reasoning for the city's expansive plans to Birch Bluff. I was vocal in my opposition, knowing it would only lead to impacting residents along Eureka Road.

Please put our names on the petition - or let me know if we need to sign electronically. We're fine if someone signs for us in our absence. Also, if there is anything I can do further to help the cause, please let me know.

Thanks for organizing your neighbors around this petition!

Best regards-
Chris (& Stacy)

Chris Joslin
m: 612-669-7374

Sent from my iPhone

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This email has been checked for viruses by AVG antivirus software.
www.avg.com

From: Julie Sherf [mailto:jbsherf@hotmail.com]

Sent: Monday, March 20, 2023 11:38 AM

To: greg larsen

Subject: Re: Eureka road petition

Sorry we can't be there for the meeting as we are out of the country. Please add our name to the petition you are presenting opposing the proposed expansion and improvements of Eureka Road North.

Steve & Julie Sherf

5315 Eureka Road

Sent from my iPhone

greg laron

From: Dave Vierthaler <dfvierthaler@gmail.com>
Sent: Tuesday, March 21, 2023 6:07 AM
To: g.larson@mchsi.com
Cc: Cherri Vierthaler; JeffnSheila Wyatt
Subject: Eureka Road petition

Hello Greg,

My name is Dave Vierthaler. My wife Cherri (Cheryl) and I live at 25755 Maple View Ct. The Eureka Rd petition was passed on to us by Jeff Wyatt. We want to support the petition for the repaving of Eureka. It is in desperate need.

We could also support minor curb and gutter at intersections for directing water run off but we do not support any of the cities other plans for Eureka Rd.

- 1) We do not support widening the road and removing vegetation.
- 2) We do not support the addition of sidewalks or a trail
- 3) We do not support retaining walls
- 4) We do not support the addition of sediment ponds (quite to the contrary our current marshes are very dry and can accommodate any run off)
- 5) We do not support purchase of ROW and or easements
- 6) We do not support the use of eminent domain

We moved to this area 4 years ago. One of the reasons for choosing this neighborhood is the rural residential feel. If we wanted curb, gutter and sidewalks we would have chosen a city suburb. I would prefer the city concentrate on the condition of the roadways, health of the marshes and quality of our drinking water. I have open inquiries to the city regarding the marshes (invasive species) and drinking water (iron sediment).

Cherri and I are currently in Florida and will not return until early May. If you can, please print this e-mail and use it as support for the petition. My contact information is below in the event this is e-mail is contested and the city needs to personally contact me.

David and Cheryl Vierthaler
25755 Maple View Ct.
920-216-5333

Florida mailing address:
1210 Merryweather Way
The Villages, FL 32162

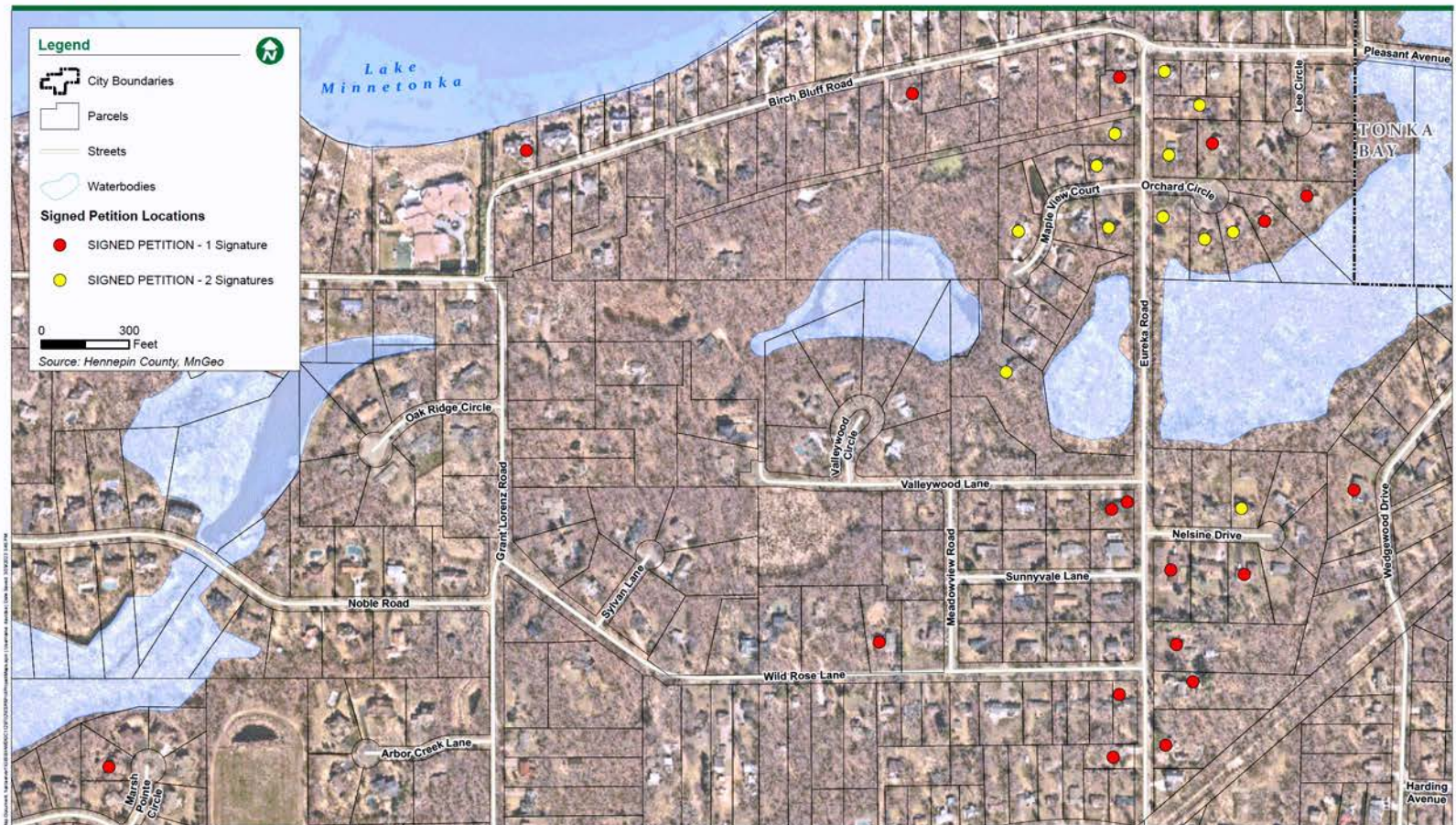
Regards, thank you and good luck with the Council meeting.

Dave Vierthaler

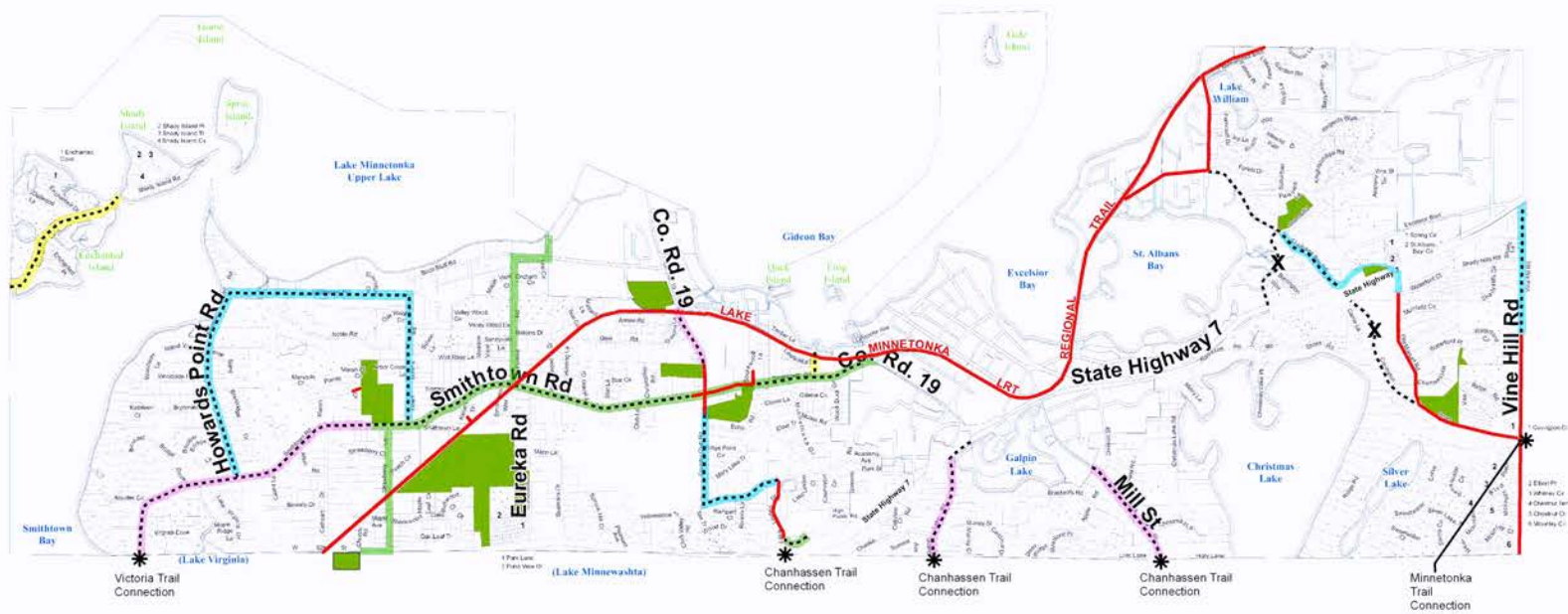
Sent from Dave's iPad

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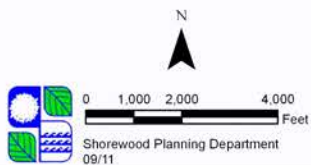
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CITY OF SHOREWOOD

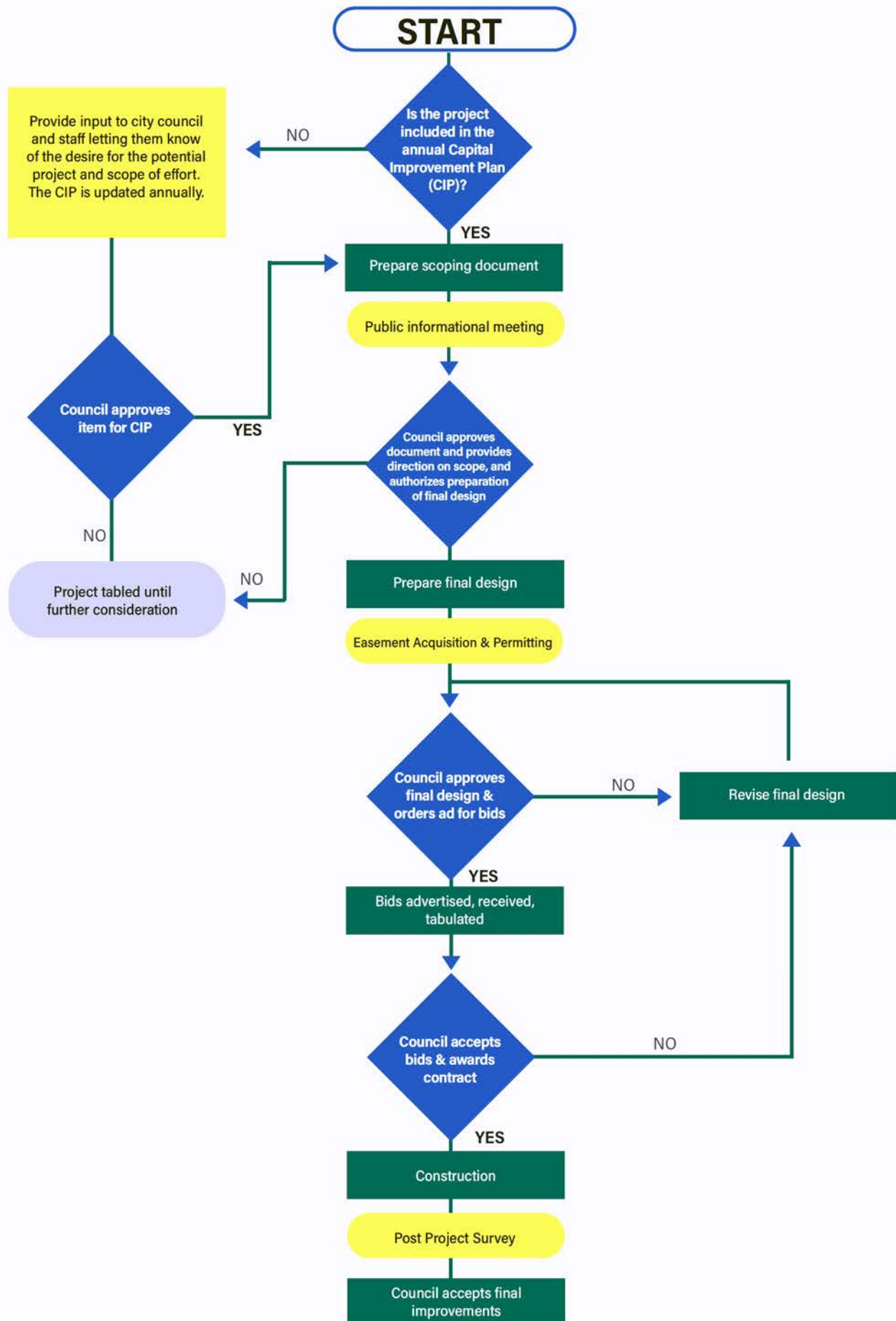


Trail Plan Priorities





City of Shorewood PROJECT PROCESS AND DECISION CHART





City Council Meeting Item

Title/Subject: Response to Concerns Raised by Mr. Greenfield on 3-27-2023
Matters from the Floor

Item
9.A.5

Meeting Date: April 10, 2023

Prepared by: Marie Darling, Planning Director

Reviewed by: Marc Nevinski, City Administrator

Attachments: Staff memos from November 16, 2021 Planning Commission meeting and November 22, 2021 City Council meeting
Minutes from the November 16, 2021 Planning Commission meeting and November 22, 2021 City Council meeting
Copy of the letter and notification list
Copy of a returned notification letter
Deerfield Addition
Newsletter November 2021

Background: Mr. George Greenfield came to Matters from the floor on March 27, 2023. He lives at 24715 Yellowstone Trail, which is two homes east of a subdivision that was reviewed by the Planning Commission and City Council in late 2021 on property addressed as 24835 Yellowstone Trail.

Mr. Greenfield raised the following points:

- He disagrees with the statement in the approving resolution that says that comments from the public were reviewed.
- He disagrees that notice for the meeting was sent out.
- The Planning Commission did not correctly apply the variance criteria.

Mr. Greenfield asked for the following to occur:

- More Council oversight of staff, except the front counter staff
- Immediately dismiss any member of the Planning Commission that was on the commission on November 16, 2021.

Mr. Greenfield also summarized a conversation that he had with staff by telephone, asserting that staff stated that variances do not give someone special approval that would not be otherwise approved. Staff told Mr. Greenfield that variances by their very nature give an applicant a right that would not otherwise be allowed. Mr. Greenfield also asked if the minor subdivision could have gone forward without the variance. Staff responded that the applicant could have redesigned the subdivision to meet the requirement.

Mission Statement: *The City of Shorewood is committed to providing residents quality public services, a healthy environment, a variety of attractive amenities, a sustainable tax base, and sound financial management through effective, efficient, and visionary leadership.*

In 1956, the plat for the Deerfield Addition was recorded. The subject property was created as two lots which were combined together at some point after the plat was recorded. The applicant was proposing a subdivision with the same simple legal descriptions (Lot 3 and lot 4 Deerfield Addition) as the recorded plat rather than more complicated metes and bounds descriptions.

Specific response to Mr. Greenfield's points:

Concern with "reviewed the public testimony": The Planning Commission took Mr. Greenfield's testimony, which is recorded in the Planning Commission minutes. Staff investigated the concerns and the engineer provided the Planning Director with more detailed follow-up information for the City Council meeting beyond what was captured in the staff memo, which is noted in the minutes. The date of the City Council meeting was announced at the Planning Commission meeting, although the date was different than what was originally published in the November 2021 newsletter (page attached). The newsletter acknowledges that the dates shown are tentative.

Notice: Notice was sent as required to all homeowners within 500 feet. The notice and list of property owners are attached. Other neighbors did receive notices and only one notice was returned (attached).

Variance Criteria: The variance criteria were listed in the staff report. The criteria are somewhat subjective and open to interpretation. Mr. Greenfield's conclusions are different than the findings of Planning Commission and City Council.

Action Requested: This information is provided for informational purposes only.



City of Shorewood Council Meeting Item

#7B

MEETING TYPE
Regular Meeting

Title / Subject: Minor Subdivision and Variance to Lot Width

Applicant: Zehnder Homes, Inc.

Location: 24835 Yellowstone Trail

Meeting Date: November 22, 2021

Prepared by: Marie Darling, Planning Director

Review Deadline: January 26, 2022

Attachments: Planning Staff Memorandum
Resolution

Background: See attached memorandum for detailed background on this item.

At the November 16, 2021 meeting, the Planning Commission unanimously recommended approval of the minor subdivision and variance request to subdivide the property into two parcels, based on the finding that the applicant has met the variance criteria and the intent of the subdivision regulations. The applicant was present at the meeting. Two residents requested to speak and raised concerns regarding neighborhood character and drainage, which is addressed below.

Drainage concerns:

The resident was concerned that the low area on the west side of the subdivision could carry water from the Minnetonka Country Club. After the meeting, staff requested the City Engineer review the subdivision and review the neighborhood situation. The low area does drain to Lake Minnewashta, but does not from the Minnetonka Country Club. The applicant has proposed to create a rain garden to provide rate control for the impervious surfaces expected on the new lot. Between the rain garden and the new easements that would be provided around the periphery of each lot, the subdivision would not negatively impact the area.

Financial or Budget Considerations: The application fees cover the cost of processing the request. If approved, the applicant would be required to pay one park dedication fee (\$6,500) and one local sewer connection charge (\$1,200) prior to recording the subdivision.

Recommendation / Action Requested: Staff and the Planning Commission recommend approval of the request to subdivide the property with a variance for lot width at 24835 Yellowstone Trail.

Motion requires a simple majority to adopt.

Mission Statement: *The City of Shorewood is committed to providing residents quality public services, a healthy environment, a variety of attractive amenities, a sustainable tax base, and sound financial management through effective, efficient, and visionary leadership.*

Next Steps and Timelines: If the City Council approves the request, the applicant would need to meet the conditions of approval and could then request a certified copy of the resolution for recording at Hennepin County. Once the subdivision is recorded, the applicant could request a building permit.



CITY OF SHOREWOOD

5755 COUNTRY CLUB ROAD, SHOREWOOD, MINNESOTA 55331-8927 • 952.960.7900

www.ci.shorewood.mn.us • cityhall@ci.shorewood.mn.us

MEMORANDUM

TO: Planning Commission, Mayor and City Council

FROM: Marie Darling, Planning Director

MEETING DATE: November 16, 2021

RE: Minor Subdivision and Variance to Lot Width

APPLICANT: Zehnder Homes

LOCATION: 24835 Yellowstone Trail

REVIEW DEADLINE: January 26, 2022

ZONING: R-1C/S

COMPREHENSIVE PLAN: Low Density Residential (1-2 units per acre)

FILE NO.: 21.28

REQUEST

The request includes the following to subdivide the property into two lots:

1. A minor subdivision to re-establish the lot line between the two parcels.
2. A variance to allow the easterly lot to be 99.65 feet wide where 100 feet is required.

Under the plan, the existing home would remain on the westerly lot and a new home would be constructed on the easterly lot.

Notice of the application was mailed to all property owners within 500 feet of the property at least 10 days prior to the meeting.



BACKGROUND

Context: The subject property was originally created as lots 3 and 4 in the Deerfield Addition in 1955 and the two lots were consolidated together at some point in the past. The applicant is proposing to split the property along the same lot line as the previous subdivision.

The property contains mature trees and is subject to tree preservation. The topography of the site is relatively flat and it contains no property within a floodplain overlay district or wetlands. The far west side of the property is within the Shoreland Overlay district for Lake Minnewashta.

ANALYSIS

Minor Subdivision:

Lot Width/Area: Section 1202.05 subd. 2. c. of the subdivision regulations requires that all lots have adequate frontage on a city-approved street to accommodate a driveway and required driveway setbacks. Additionally, section 1201.13 of the zoning regulations has specific area and width requirements for newly created lots. The current and proposed lot areas and widths are shown below. The variance is discussed later in the report.

LOT	EXISTING		PROPOSED		REQUIRED IN R-1C	
	Lot Area	Lot Width*	Lot Area	Lot Width*	Lot Area	Lot Width*
Existing Property	79,102 sf	±247 feet	NA		20,000 sf	100 feet
Lot 3 (easterly)	NA	NA	21,217 sf	99.65 feet**		
Lot 4 (westerly)			57,885 sf	147 feet		

*As measured at the front setback ** Variance Requested

Impervious surface coverage: After the subdivision is recorded, future Lot 4 would have about 11 percent impervious surface coverage. The maximum impervious surface coverage allowed on Lot 3 would be 33 percent.

Right-of-Way/Easements:

Section 1202.05 subd. 6 requires 10-foot drainage and utility easements around the periphery of each lot and the applicant has provided the necessary legal descriptions for these easements.

Stormwater Run-Off/Grading: The applicant is proposing to construct a rain garden in a low spot toward the front of Lot 4 to provide the required rate control for the added impervious surface for Lot 3. Staff reviewed the stormwater calculations based on the additional impervious surfaces created by construction of the new home and the grading proposed and found that it generally meets the city's requirements, subject to the conditions included in the attached engineer's memo.

Utilities: Both lots have access to municipal sewer but the developer would provide water using a well for each lot. A right-of-way permit issued by the City of Shorewood would be required to install a new service in the right-of-way. The well that serves future Lot 4 is not shown on the plans. Staff recommends a condition that the applicant identify where the well is located prior to recording the subdivision.

Tree Preservation: The applicant has identified twelve significant trees that would be removed to accommodate the new home. Based on the size and number of trees removed and the size of the property, 11 new trees would need to be planted on the lots. The applicant has shown where the trees would be planted. One of the proposed trees is proposed to be planted in the right-of-way and staff recommend that a condition be included that it be moved to private property.

Accessory Building: Section 1201.03 subd. 2. d. (1) states that no detached accessory building or structure shall be allowed on any lot without a principal building to which it is accessory. Once the subdivision is recorded, Lot 3 would have an accessory building without a principal. Staff recommends a condition that the shed be removed prior to recording the subdivision.

Variance:

The subdivision regulations allow for variances upon showing that unusual hardship exists and that the request is consistent with the intent of the regulations. Section 1202.08 Subd. 1 of the Shorewood Subdivision Regulations sets forth criteria for the consideration of variance requests. Staff reviewed the request according to these criteria, as follows:

1. Are the proposed uses compatible with the existing uses in the vicinity?

The subject property and all the surrounding properties are currently zoned and guided for residential purposes. No change in use is proposed and consequently the uses would remain compatible. The lot size proposed is consistent with the original approval of the subdivision.

2. Are there special and unique circumstances or conditions affecting the property that are not common to other properties in the city and the strict application of the provisions of this chapter would deprive the applicant of the reasonable and minimum use of its land?

The original plat measured the front property line with an angle or bend. The bend resulted in a slight narrowing of the front of the lot. The rear property line is 100.52 feet long showing that the lot originally was slightly wider at the rear than the front.

The applicant could increase the size of this parcel but keeping the parcel at the original lot lines keeps the legal descriptions simple and unencumbered into the future.

3. Would the variance cause detrimental impact to public welfare/adjacent properties?

Approval of the variances would not cause detrimental impact to public welfare/adjacent properties. The missing four inches of lot width would not be apparent to anyone in the vicinity.

4. Would the variance correct the unusual hardship related to any other physical factors of the land?

Approval of the variance would correct the inequity.

RECOMMENDATION

Staff recommends approval of the minor subdivision and variance to lot width based on the finding that the lots would be consistent with subdivision and zoning requirements and the criteria for variance approval, subject to the following conditions:

- Prior to recording the subdivision, the applicant shall complete the following:
 - Submit executed drainage and utility easements and a maintenance agreement.
 - Submit payment of one park dedication fee (\$6,500) and one local sanitary sewer access charge (\$1,200).
 - Remove the accessory shed on future Lot 3.
 - Identify the location of the well on future Lot 4.
- Prior to issuance of a building permit:
 - The applicant shall submit proof of recording for the subdivision, easements and maintenance agreement.
 - Prior to construction of improvements on either lot, the applicant must acquire the appropriate permits.
 - With a building permit application, the applicant shall submit a revised tree preservation/landscaping plan shows all the proposed trees in conforming locations and revise the plans to be consistent with the City Engineer's memo dated November 8, 2021 and City Code.
 - Prior to installing services or conducting other work in the right-of-way, the applicant shall obtain the appropriate right-of-way permit.

ATTACHMENTS

Location map

Engineer's memo

Applicant's narrative and plans

24835 Yellowstone Trail Location Map





MEMORANDUM

Date: 11/08/2021
To: Marie Darling, Planning Director
From: Matt Bauman, PE
Subject: 24835 Yellowstone Trail Lot Split and Variance Review
City of Shorewood
Project No.: 0C1.123603

The following documents were submitted for review of compliance with the City of Shorewood's City Code, Local Surface Water Management Plan and Engineering Standards:

- Administrative Subdivision revised dated 8/2/2021
- Proposed Site Plan, Grading and Erosion Control Plan revised dated 8/2/2021
- Stormwater Management Plan and HydroCAD models dated 7/30/2021
- Certificate of Survey revised dated 6/28/2021

This review only included the documents listed above, primarily dealing with grading, modelling and stormwater management and lot split and variance requests.

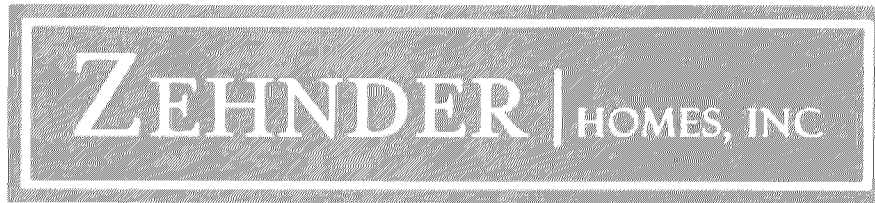
1. Update reference on the Grading, Drainage and Erosion Control plan to the Minnehaha Creek Watershed District.
2. The Grading plan shows an existing storm sewer line crossing the driveway within lot 4, but not shown on the Existing Conditions Survey. Clarify if this line exists and what is happening with it.
3. List pipe material and sizes of proposed driveway culvert. Culvert shall be installed to City standard detail: STO-14.
4. The property must meet the City of Shorewood Surface Water Management Plan Regulations (Section 5.3). The proposed plan meets these regulations, with a few clarifications needed.
 - a. Verify the time of concentration and flow length of catchment PR 1.
 - b. Verify that there is at least 3.0 feet of separation from the bottom of the infiltration basin to the groundwater elevation. This should be confirmed with a soil probe prior to during construction.
5. Modify the ponded area to be fully within one property or the other, not both.
6. The proposed infiltration basin shall be constructed within the proposed drainage and utility easement since it will be serving lot 3, but placed on the existing home lot 4. This makes it accessible to City staff.
7. Owners of private stormwater facilities shall enter into an agreement with the City describing responsibility for the long-term operation and maintenance of the stormwater facilities and shall be executed and recorded with building permit application. An operations and maintenance plan for the proposed stormwater system should be included with future submittals.
 - a. A template plan is attached.

Name: 24835 Yellowstone Trail Lot Split and Variance Review

Date: 11/08/2021

Page: 2

8. Applicant shall determine if it wishes for Lot 3 to be responsible for long term maintenance of the stormwater facility or Lot 4. Lot 3 necessitates the need for the basin, but both lots do contribute some drainage to it.
 - a. If Lot 3 is responsible, the maintenance agreement will be written requiring they maintain, and a separate agreement needed for Lot 4 to allow Lot 3 right of access to maintain.
 - b. If Lot 4 is responsible, the maintenance agreement will be sufficient for the single lot, however if future improvements to Lot 3 are proposed that would trigger more stormwater control, Lot 3 would not have access to the basin to add storage or make changes. Lot 3 would need to come up with additional control features on their lot.
9. A permit will be required with Minnehaha Creek Watershed District for Erosion and Sediment Control.



10300 10TH AVENUE • PLYMOUTH, MN 55441 • 763-204-8114 • LICENSE #: BC582356

September 27, 2021

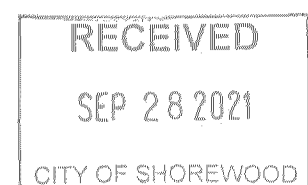
RE: 24835 Yellowstone Trail – Variance Request

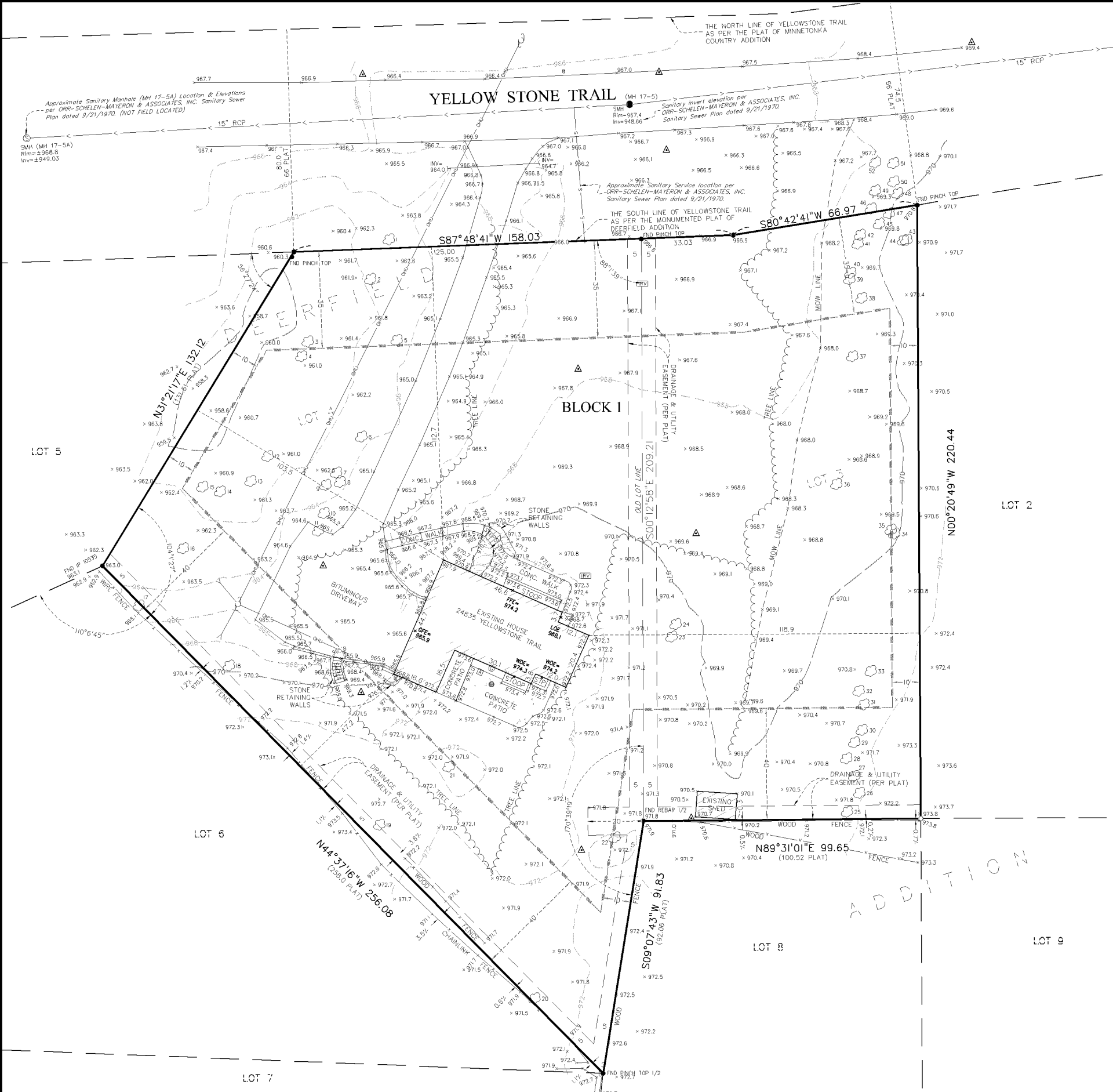
Description of Request:

We are asking for a 0.35' lot width variance for a proposed new lot.

Answers to Variance Application Questions:

1. The end use is a single-family residence, which is consistent with the comprehensive plan and aligns with the intended zoning regulations.
2. Practical difficulties:
 - a. The variances requested are reasonable to keep with the spirit of the zoning. This lot was previously platted, but was combined with the lot to the west at some point. We are proposing splitting it back into a separate lot, but it is .35' of the required 100' lot width.
 - b. As mentioned, this lot existed previously and we are just trying to convert it back to a separate lot. It was .35' short of 100' when it was platted previously as well.
 - c. If approved, the request would not negatively alter the character of the property. This request is not something that will be noticeable.
3. This variance request is not based on any economic considerations.
4. This variance request will not impair any neighbors light, won't increase traffic and doesn't pose any additional risk of fire or public safety. A variance of .35' lot width will have no effect on any of these items.
5. This variance request and the resulting construction project is not detrimental to public welfare. As stated earlier, the .35' lot width request will not even be noticeable. The new home on this lot will only improve the aesthetic and home values in the area as well.
6. I think the variance request is the minimum necessary to alleviate the practical difficulties.





DESCRIPTION OF PROPERTY SURVEYED
Lots 3 & 4, DEERFIELD ADDITION, according to the recorded plat thereof, Hennepin County, Minnesota.

STANDARD NOTES

- Site Address:** 24835 Yellowstone Trail, Shorewood, Minnesota 55331
- Flood Zone Information:** This property appears to lie in Zone X (area determined to be outside of the 0.2% annual chance floodplain) per Flood Insurance Rate Map, Community Panel No. 27053C03131, effective date of 11/04/2016.
- Parcel Area Information:** Gross Area: 57,885 s.f. ~ 1.32 acres
*We do not affirmatively insure the quantity of acreage set forth in the description
- Benchmark:** Elevations are based on MN/DOT Geodetic Station Name: 1004G which has an elevation of: 962.63 feet (NAVD88).
- Zoning Information:** The current Zoning for the subject property is R-1-C (Single Family Residential District) per the City of Shorewood's zoning map dated January 2017. The setback, height, and floor space area restrictions for said zoning designation are as follows:
Principal Structure Setbacks - Street(s): 35 feet (Yellowstone Trail)
Side: 10 feet or 30 feet on side yard abutting a street
Rear: 35 feet
Height: 2-1/2 Stories or 35 feet
Hardcover: 25 percent of lot area

Please note that the zoning information shown herein may have been amended through a city process. We recommend that a zoning letter be obtained from the Zoning Administrator for the current restrictions for this site. All setback information and hardcover data for planning and design must be verified by all parties involved in the design and planning process.

We have not received the current zoning classification and building setback requirements from the insurer.

- Utilities:** We have shown the location of utilities on the surveyed property by observed evidence only. There may be underground utilities encumbering the subject property we are unaware. Please note that we have not placed a Gopher State One Call for this survey. There may or may not be underground utilities in the mapped area, therefore extreme caution must be exercised before any excavation takes place on or near this site. Also, please note that seasonal conditions may inhibit our ability to visually observe all the utilities located on the subject property. Before digging, you are required by law to notify Gopher State One Call at least 48 hours in advance at 651-454-9002.

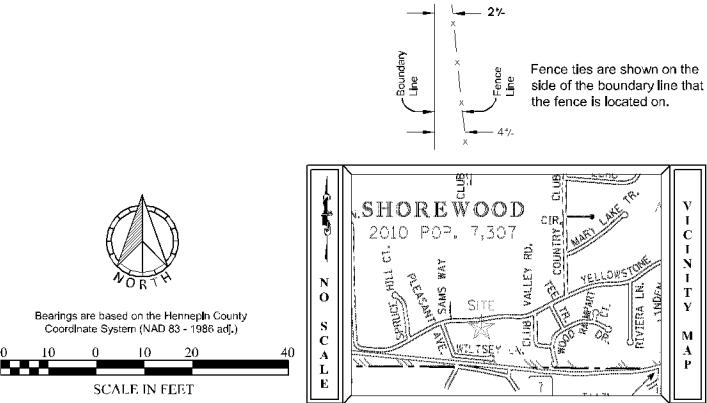
Existing Elevations
Garage Floor Elevation = 965.9
First Floor Elevation = 974.2
Lowest Opening Elevation = 969.1

Existing Hardcover
Lot Area = 57,885 S.F.
House Area = 1,827 S.F.
Shed Area = 132 S.F.
Driveway Area = 3,263 S.F.
Front Sloop Area = 83 S.F.
Coac. Walk & Steps Area = 350 S.F.
Rear Sloop Area = 45 S.F.
Cone. Patio Areas = 527 S.F.
Stone Walls Area = 159 S.F.
Coverage = 11.03%

Prepared by:
Stephen Nicholson CF
Certified Forester #2368
Certified Arborist #N4305-A
TreeBz LLC 651-336-8096

Tree Summary

Tree #	Species	DBH	Condition	Stems	Healthy	Significant	Notes
1	Ash, green	9.0	Good	1	Yes	Yes	
2	Ash, green	8.0	Good	1	Yes	Yes	
3	Ash, green	11.0	Good	1	Yes	Yes	
4	Ash, green	16.5	Fair	1	Yes	Yes	
5	Elm, Siberian	23.0	Poor	1	No	No	decay
6	Locust, black	9.5	Good	1	Yes	Yes	
7	Locust, black	10.5	Fair	1	Yes	Yes	
8	Locust, black	10.0	Poor	1	No	No	decay
9	Locust, black	12.5	Fair	1	Yes	Yes	
10	Locust, black	11.0	Poor	1	No	No	decay
11	Locust, black	12.0	Fair	1	Yes	Yes	
12	Ash, green	13.5	Poor	1	No	No	wound/decay
13	Elm, American	10.0	Good	1	Yes	Yes	
14	Basswood	13.5	Fair	1	Yes	Yes	
15	Ash, green	12.0	Good	1	Yes	Yes	
16	Basswood	10.0	Good	1	Yes	Yes	
17	Ash, green	17.0	Good	1	Yes	Yes	
18	Willow	35.0	Fair	1	Yes	No	
19	Maple, sugar	20.5	Good	1	Yes	Yes	
20	Maple, sugar	18.0	Good	1	Yes	Yes	
21	Birch, paper	20.0	Dead	2	No	No	dead
22	Ash, green	19.5	Good	2	Yes	Yes	
23	Walnut	19.0	Good	1	Yes	Yes	
24	Walnut	17.0	Good	1	Yes	Yes	
25	Arborvitae	30.0	Fair	4	Yes	Yes	
26	Arborvitae	13.5	Fair	1	Yes	Yes	
27	Arborvitae	14.0	Poor	2	No	No	decay
28	Arborvitae	9.0	Fair	1	Yes	Yes	
29	Arborvitae	7.5	Fair	1	Yes	Yes	
30	Arborvitae	9.5	Fair	1	Yes	Yes	
31	Arborvitae	18.0	Poor	1	No	No	decay
32	Arborvitae	17.0	Fair	2	Yes	Yes	
33	Arborvitae	10.5	Poor	1	No	No	decay
34	Ash, green	17.5	Good	1	Yes	Yes	
35	Elm, American	8.5	Good	1	Yes	Yes	
36	Ash, green	12.0	Good	1	Yes	Yes	
37	Hackberry	20.5	Good	1	Yes	Yes	
38	Ash, green	10.0	Fair	1	Yes	Yes	
39	Ash, green	9.0	Poor	1	Yes	Yes	healthy
40	Arborvitae	18.5	Fair	1	Yes	Yes	
41	Maple, sugar	9.0	Fair	1	Yes	Yes	
42	Elm, red	9.5	Good	1	Yes	Yes	
43	Ash, green	11.0	Good	1	Yes	Yes	
44	Maple, sugar	8.5	Good	1	Yes	Yes	
45	Ash, green	13.5	Good	1	Yes	Yes	
46	Ash, green	11.0	Good	1	Yes	Yes	
47	Ash, green	8.0	Good	1	Yes	Yes	
48	Ash, green	19.5	Good	1	Yes	Yes	
49	Elm, American	9.5	Good	1	Yes	Yes	
50	Ash, green	25.0	Good	1	Yes	Yes	
51	Maple, sugar	15.0	Good	1	Yes	Yes	
52	Ash, green	13.0	Fair	1	Yes	Yes	



SURVEY LEGEND

● CAST IRON MONUMENT	● PIEZOMETER	WOE WALKOUT ELEVATION
○ IRON PIPE MONUMENT SET	● POWER POLE	FFE FIRST FLOOR ELEVATION
● DRILL HOLE FOUND	● GUY WIRE	GFE GARAGE FLOOR ELEVATION
✕ CHISELED "X" MONUMENT SET	● ROOF DRAIN	TOF TOP OF FOUNDATION ELEV.
✕ CHISELED "X" MONUMENT FOUND	● SANITARY MANHOLE	LOE LOWEST OPENING ELEV.
★ REBAR MONUMENT FOUND	● SANITARY CLEANOUT	CONCRETE
△ PK NAIL MONUMENT SET	● STORM MANHOLE	BUILDING SETBACK LINE
▲ PK NAIL MONUMENT FOUND	● STORM DRAIN	CABLE TV
○ PK NAIL W/ ALUMINUM DISC	● CATCH BASIN	CONCRETE CURB
△ SURVEY CONTROL POINT	● FLARED END SECTION	CONTOUR EXISTING
□ A/C UNIT	● CABLE TRANSFORMER	CONTOUR PROPOSED
□ CABLE TV PEDESTAL	● TREE CONIFEROUS	QUARD RAIL
□ ELECTRIC TRANSFORMER	● TREE DECIDUOUS	DRAIN TILE
□ ELECTRIC MANHOLE	● TREE CONIFEROUS REMOVED	ELECTRIC UNDERGROUND
□ ELECTRIC METER	● TREE DECIDUOUS REMOVED	FENCE
□ ELECTRIC OUTLET	● TELEPHONE MANHOLE	FO FIBER OPTIC UNDERGROUND
○ YARD LIGHT	□ TELEPHONE PEDESTAL	GAS GAS UNDERGROUND
○ LIGHT POLE	● UTILITY MANHOLE	OVERHEAD UTILITY
○ FIBER OPTIC MANHOLE	□ UTILITY PEDESTAL	TREE LINE
● FIRE DEPT. HOOK UP	● UTILITY VAULT	● SANITARY SEWER
● FLAG POLE	● WATERMAIN MANHOLE	● STORM SEWER
● FUEL PUMP	● WATER METER	● TELEPHONE UNDERGROUND
● FUEL TANK	● WATER SPIGOT	● RETAINING WALL
● PROPANE TANK	● WELL	● UTILITY UNDERGROUND
● GAS METER	● MONITORING WELL	● WATERMAIN
● GAS VALVE	● CURB STOP	● TRAFFIC SIGNAL
● GAS MANHOLE	● GATE VALVE	● RAILROAD TRACKS
● GENERATOR	● HYDRANT	● RAILROAD SIGNAL
● IRRIGATION VALVE	● POST INDICATOR VALVE	● RAILROAD SWITCH
● HAND HOLE	● SIGN	● SATELLITE DISH
● MAIL BOX	● SOIL BORING	● WETLAND BUFFER SIGN

FIELD CREW	NO.	BY	DATE	REVISION
DM, AK	1	JRS	6/28/2021	ADDED TREE SUMMARY
DRAWN				
JRS				
CHECKED				
DLS				
DATE				
6/2/2021				

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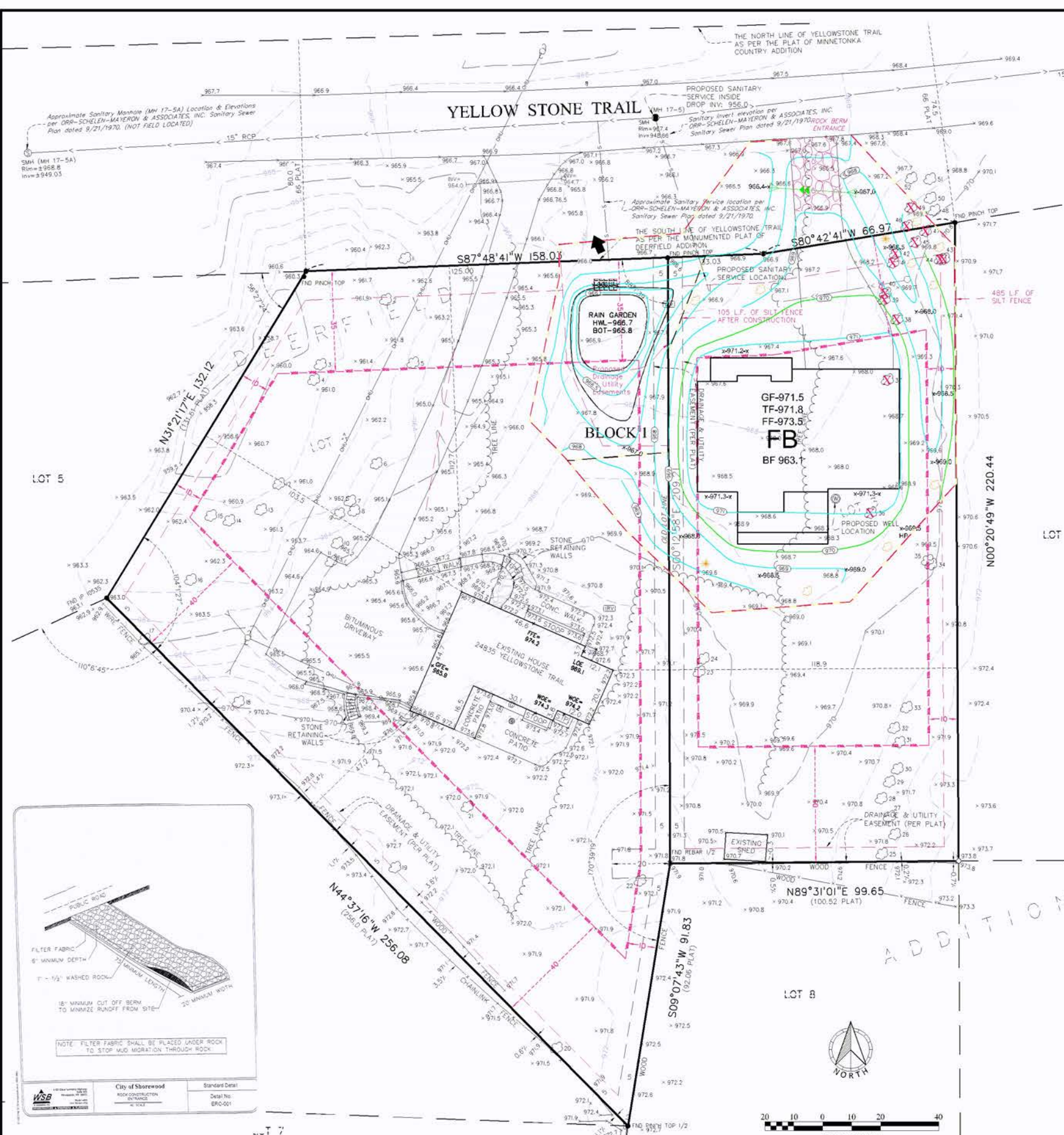
I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.
Dated this 7th day of June, 2021.
Daniel L. Schmidt
Daniel L. Schmidt, PLS
schmidt@sathre.com
Minnesota License No. 26147

ENGINEERS SURVEYORS
DESIGNERS PLANNERS
SATHRE-BERGQUIST, INC.
150 SOUTH BROADWAY WAYZATA, MN, 55391 (952) 476-6000
WWW.SATHRE.COM

TWP:117-RGE-233-SEC.33
Hennepin County
SHOREWOOD, MINNESOTA

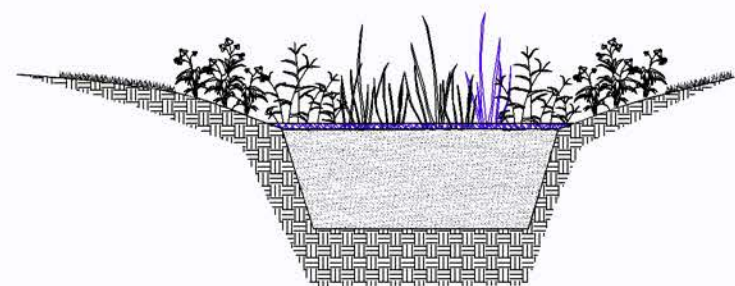
CERTIFICATE OF SURVEY
PREPARED FOR:
ZEHRER HOMES
FILE NO.
99595-130
1
1

FILE NO. 99595-130	1
	1



- CONSTRUCTION SEQUENCING
1. INSTALL APPROPRIATE TEMPORARY EROSION CONTROL DEVICES TO PREVENT SEDIMENT FROM LEAVING OR ENTERING THE PRACTICE DURING CONSTRUCTION.
 2. ALL DOWN-GRADIENT PERIMETER SEDIMENT CONTROL BMP'S MUST BE IN PLACE BEFORE ANY UP GRADIENT LAND DISTURBING ACTIVITY BEGINS.
 3. PERFORM CONTINUOUS INSPECTIONS OF EROSION CONTROL PRACTICES, ESPECIALLY AFTER EACH RAINFALL EVENT.
 4. INSTALL ALL UTILITIES (WATER, SANITARY SEWER, ELECTRIC, NATURAL GAS, PHONE, FIBER OPTIC, HOME CONSTRUCTION, ETC) PRIOR TO SETTING FINAL GRADE OF INFILTRATION BASIN.
 5. INFILTRATION AREAS ARE NOT ALLOWED TO BE USED AS TEMPORARY SEDIMENT BASINS.
 6. COMPLETE, STABILIZE, AND VEGETATE ALL OTHER SITE IMPROVEMENTS.
 7. RIP SOILS TO A DEPTH OF 12" BELOW TOP OF MIX PRIOR TO PLACEMENT OF SOIL MIX.
 8. ONLY AFTER UPSTREAM CONSTRUCTION IS COMPLETED, CAN THE INFILTRATION BASIN BE CONSTRUCTED TO FINAL GRADE. ONCE GRADING IS COMPLETED, INSTALL FILTER TOPSOIL BORROW AND VEGETATE IN ACCORDANCE WITH THE RESTORATION PLAN.
 9. MNDOT FILTER TOPSOIL BORROW SHALL BE TILLED TO A DEPTH OF 12" AFTER INSTALLATION IN THE BASIN TO REDUCE COMPACTION DURING INSTALLATION.
 10. REMOVE TEMPORARY EROSION CONTROL DEVICES AFTER THE CONTRIBUTING DRAINAGE AREA IS ADEQUATELY VEGETATED.
 11. SEED BASIN IN ACCORDANCE WITH SEED MIX 33-262

INFILTRATION BASIN DESIGN INFORMATION			
INFILTRATION BASIN	TOP OF MEDIA	DEPTH OF FILTER TOPSOIL BORROW	Drainage Elevation
BASIN #1	965.8	5'	None



INFILTRATION BASIN

- SCALE: NONE
- GENERAL NOTES:
1. INSTALL SILT FENCE AS SHOWN ON PLAN, AS REQUIRED BY THE CITY OF SHOREWOOD OR DIRECTED BY THE ENGINEER.
 2. THE WATER QUALITY POND MUST BE EXCAVATED AT THE BEGINNING OF GRADING OPERATIONS TO PROVIDE TEMPORARY STORM WATER DETENTION DURING CONSTRUCTION. SAND AND SILT MUST BE REMOVED FROM THE POND AS NECESSARY DURING CONSTRUCTION AND AT THE COMPLETION OF THE PROJECT.
 3. INSPECT POND, SILT FENCE, AND ROCK ENTRANCE BERM AFTER ALL RAINFALL EVENTS AS REQUIRED BY THE NPDES PERMIT.
 4. LINE ALL PONDS WITH A MINIMUM 3" ORGANIC SOILS & SEED SLOPES BETWEEN BASIN BOTTOM AND 100 YR HWL WITH A WATER TOLERANT MIX. (OR AS NOTED)
 5. NO NPDES PERMIT IS REQUIRED SINCE THE GRADED AREA IS BELOW 1 ACRES.
 6. ALL RETAINING WALLS WILL REQUIRE A STRUCTURAL DESIGN, A BUILDING PERMIT & A FINAL INSPECTION REPORT.
 7. A 1'-2" CRUSHED ROCK ENTRANCE BERM SHALL BE PLACED AT THE SITE ENTRANCE, TO REPLACE SILT FENCE, AND MINIMIZE EROSION ON TO THE STREETS. THE ROCK BERMS SHALL BE THE WIDTH OF THE ENTRANCE AND 2 FEET HIGH WITH 4:1 SLOPES.
 8. THE CONTRACTOR SHALL MAINTAIN POSITIVE DRAINAGE AWAY FROM THE BUILDING PAD AND STREET AREAS THROUGHOUT CONSTRUCTION.
 9. THE CONTRACTOR SHALL ATTEMPT TO PREVENT SOIL MATERIALS FROM LEAVING THE SITE BY EROSION AND VEHICLE WHEEL TRACKING. HE SHALL BE RESPONSIBLE FOR CLEANING OF STREET, BOULEVARD AND UTILITY FACILITIES THAT RECEIVE ANY ERODED OR TRACKED SOIL MATERIAL OR OTHER CONSTRUCTION DEBRIS OR MATERIAL.
 10. EXISTING UTILITIES SHOWN ARE SHOWN IN AN APPROXIMATE WAY ONLY. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ANY AND ALL EXISTING UTILITIES BEFORE COMMENCING WORK. HE AGREES TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES ARISING OUT OF HIS FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL EXISTING UTILITIES.
 11. CUT - 250 C.Y. FILL - 350 C.Y.
 12. SILT FENCE BEFORE GRADING - 485 FT SILT FENCE AFTER GRADING - 105 LF
 13. A POST CONSTRUCTION TEST ON THE INFILTRATION BASIN WILL BE CONDUCTED BY FILLING THE BASIN TO A MINIMUM DEPTH OF 6 INCHES WITH WATER AND MONITOR THE TIME NECESSARY TO DRAIN. THE COON CREEK WATERSHED DISTRICT SHALL BE NOTIFIED PRIOR TO THE TEST TO WITNESS THE RESULTS.
 14. STABILIZE THE VEGETATION OF DISTURBED AREAS AND SOIL STOCKPILES WITHIN 7 DAYS OF ROUGH GRADING OR INACTIVITY.
 15. DE-WATERING WILL NOT BE REQUIRED FOR THE CONSTRUCTION OF THIS PROPOSED PROJECT. IF DE-WATERING BECOMES NECESSARY, THE ENGINEER SHALL BE CONTACTED AND A DE-WATERING PERMIT WILL NEED TO BE ACQUIRED.

- ON-SITE BMPs
1. INFILTRATION/RETENTION AREAS - INFILTRATION/RETENTION AREAS WILL BE UTILIZED TO REDUCE/RETAIN THE RUNOFF FROM THE INCREASED HARD SURFACE.
 2. RIP RAP - RIP RAP WILL BE UTILIZED AT ALL APRONS FOR ENERGY DISSIPATION AND PROVIDE SEDIMENT CONTROL.
 3. INLET PROTECTION - INLET PROTECTION WILL BE INSTALLED AND MAINTAINED IN ALL CATCH BASINS & REAR YARD STRUCTURES. REFER TO THE CITY DETAILS ST-22 & ST-23 TO DETERMINE WHICH INLET PROTECTION DEVICE IS APPLICABLE.
 4. SLOPE STABILIZATION - SILT FENCE WILL BE INSTALLED ALONG DOWN GRADIENT GRADING LIMITS AND WOODFIBER BLANKET WILL BE UTILIZED ON ALL SLOPES 3:1 OR GREATER TO PROVIDE ADEQUATE SLOPE STABILIZATION.
 5. BIOROLLS - BIOROLLS WILL BE INSTALLED ALONG REAR YARD SWALES TO PREVENT SEDIMENT FROM REACHING THE NURP POND AND ULTIMATELY DOWNSIDE WETLANDS.



33-262 Dry Swale / Pond					
Common Name	Scientific Name	Rate (kg/ha)	Rate (lb/acre)	% of Mix (by wt)	Seeds / sq ft
Sig Mueslium	Andropogon gerardii	1.58	1.50	3.40%	5.50
American slough grass	Beckmannia eryzophora	1.58	1.50	3.40%	27.80
flipped brome	Bromus ciliatus	1.58	1.50	3.40%	6.05
nodding wild ryegrass	Elymus canadensis	4.48	4.00	9.80%	7.84
lucerne alfalfa	Elymus inodorus	4.48	4.00	9.80%	10.15
virginia wild ryegrass	Elymus virginicus	2.50	2.50	5.87%	3.95
swallowtail	Panicum virgatum	0.45	0.40	0.91%	2.05
low bluestem	Poa palustris	1.79	1.50	3.64%	8.60
Indian grass	Sorghastrum nutans	1.58	1.50	3.40%	8.60
Total Grasses		20.74	18.90	42.03%	148.84
marsh milkweed	Asclepias incarnata	0.07	0.06	0.13%	0.10
purple profile clover	Desmodium illinoense	0.10	0.09	0.21%	0.50
Canada tick trefoil	Desmodium canadense	0.10	0.09	0.21%	0.19
ox-eye	Helianthus scaberrimus	0.10	0.09	0.20%	0.20
black-eyed susan	Rudbeckia hirta	0.08	0.07	0.17%	2.49
blue vervain	Verbena nasuta	0.11	0.10	0.23%	3.50
Total Forbs		0.56	0.50	1.19%	8.88
Oats		28.02	25.00	58.82%	11.14
Total Cover Crop		49.38	44.00	100.00%	164.06

Purpose: Temporally flooded swales in agricultural settings

Planting Area: Tallgrass Aspen Parklands, Prairie Parkland, and Eastern Broadleaf Forest Provinces. MNDOT Districts 2west, 3S, 4, Metro, 5, 7 & 8.

7265 WASHINGTON AVE S EDINA, MINNESOTA 55439
PHONE: 952-944-7105 FAX: 952-944-7239 800-545-TURF EMAIL: twincityseed@twincityseed.com

- ROCK ENTRANCE BERM
- SILT FENCE
- POST GRADING SILT FENCE
- BIO-ROLL
- CONCRETE WASHOUT

SYMBOL LEGEND

DESCRIPTION	PROPOSED	EXISTING
MINOR CONTOUR		
MAJOR CONTOUR		
LOT LINE		
WATERMAIN		
BUILDING SETBACK BOUNDARY		
PARCEL BOUNDARY LINE		
DRAINAGE AND UTILITY EASEMENTS		
CURB AND GUTTER		
RIGHT-OF-WAY		
DRAINAGE WELLS/OUTS		
BACKYARD CATCH BASIN		
CATCH BASIN		
STORM SEWER MANHOLE		
FLARED END SECTION WRAP-AROUND		
STORM STRUCTURE LABEL		
SANITARY STRUCTURE LABEL		
SANITARY SEWER MANHOLE		
HYDRANT		
GATE VALVE		
WELL		
DRAIN FLOW/TURN OFF ARROW		
EMERGENCY OVERFLOW SWALE		
SOIL BORING LOCATION		
SILT FENCE		
WETLAND BUFFER POST		
BARICADE		
SPOT ELEVATION		
TBC SPOT ELEVATION		
UTILITY POLE		
LIGHT POLE		
HANDICAP PARKING SPACE		

FIELD CREW	NO.	BY	DATE	REVISION
DM, AK	1	JRS	6/28/2021	ADDED TREE SUMMARY
DRAWN	2	EMW	8/2/2021	PROP, SAN, SERV. & WELL / ADDED FFE
JRS	3	EMW	11/3/2021	CITY COMMENTS
CHECKED				
DLS				
DATE				
6/2/2021				

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I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Dated this 7th day of June, 2021.

Daniel L. Schmidt
Daniel L. Schmidt, PLS
schmidt@sathre.com

Minnesota License No. 26147

ENGINEERS SURVEYORS DESIGNERS PLANNERS

SATHRE-BERGQUIST, INC.
150 SOUTH BROADWAY WAYZATA, MN, 55391 (952) 476-6000
WWW.SATHRE.COM

TWP:117-RGE-23-SEC.33
Hennepin County

SHOREWOOD, MINNESOTA

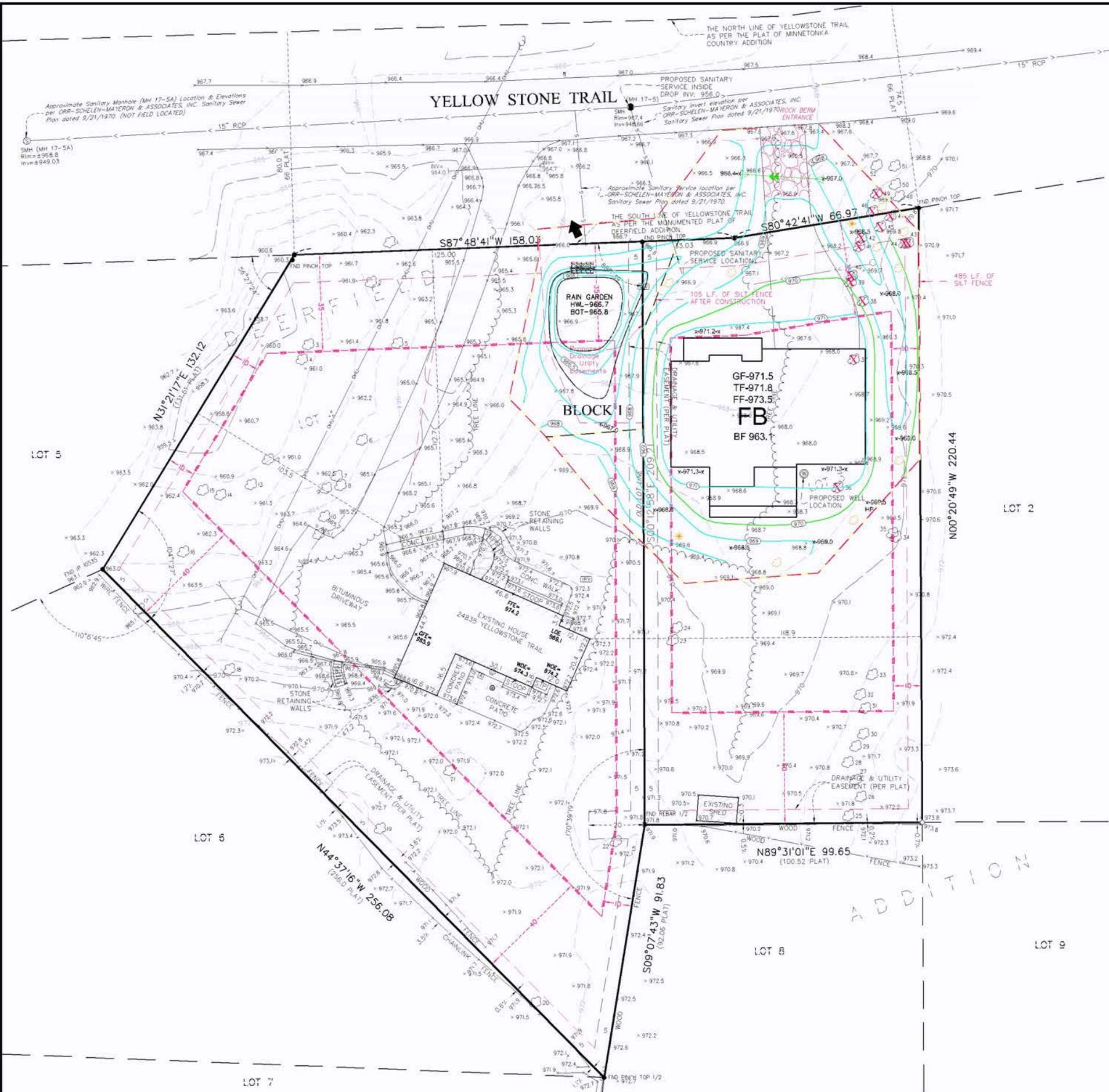
GRADING, DRAINAGE, AND EROSION CONTROL PLAN

PREPARED FOR:
ZEHNDER HOMES

FILE NO.
99585-130

1

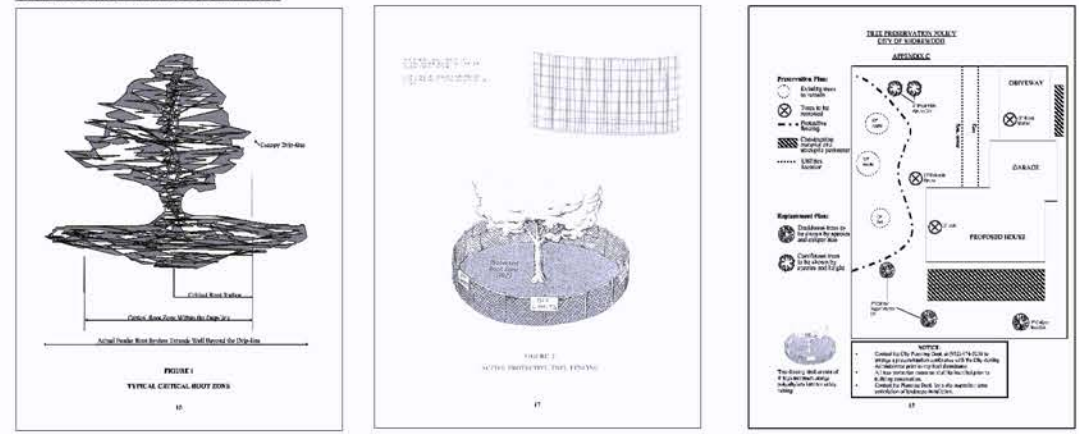
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DESCRIPTION OF PROPERTY SURVEYED
Lots 3 & 4, Block 1, Deerfield Addition, Hennepin County, Minnesota
Per Warranty Deed No. 19968007

STANDARD NOTES
1) Site Address: 24835 Yellowstone Trail, Shorewood, Minnesota 55331

TREE PRESERVATION DETAILS



City Contact Information

- Contact the City Planning Department at (952) 474-3236 to arrange a preconstruction conference with the City Zoning Administrator prior to any land disturbance.
- All tree protection measures shall be installed prior to building construction.
- Contact the City of Shorewood Planning Department at (952) 474-3236 for a Site Inspection upon completion of landscape installation.

Tree Summary

Tree #	Species	DBH	Condition	Stems	Healthy	Significant	Notes
1	Ash, green	9.0	Good	1	Yes	Yes	
2	Ash, green	8.0	Good	1	Yes	Yes	
3	Ash, green	11.0	Good	1	Yes	Yes	
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49	Elm, American	9.5	Good	1	Yes	Yes	
50	Ash, green	25.0	Good	1	Yes	Yes	
51	Maple, sugar	15.0	Good	1	Yes	Yes	
52	Ash, green	13.0	Fair	1	Yes	Yes	

Tree Replacement Ratio

- Significant deciduous trees eight inches (8") DBH or greater shall be replaced by two (2), three (3) inch caliper or greater deciduous trees or two, six-foot (6') high coniferous trees.
- Significant deciduous trees twelve inches (12") DBH or greater shall be replaced by three (3), three (3) inch caliper or greater deciduous trees or three (3) six-foot (6') high coniferous trees.
- Significant coniferous trees six feet (6') high or greater shall be replaced by one (1) six-foot (6') high or greater coniferous tree.
- Significant coniferous trees twelve feet (12') high or greater shall be replaced by two (2) six-foot (6') high or greater coniferous trees.
- In no case will the total number of replacement trees exceed eight (8) trees per acre.

Tree Removal Summary - Parcel 1

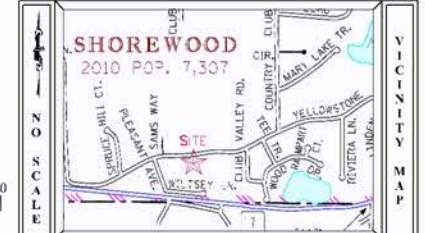
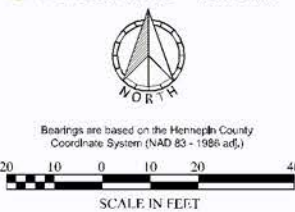
Deciduous Trees 8" DBH or greater = 9
Deciduous Trees 12" DBH or greater = 2
Coniferous Trees 12' high or greater = 1

Tree Replacement Options

Trees To Be Removed	# of Deciduous Trees	# of Coniferous Trees
9 Deciduous Tree	18 - 3 inch	18 - 6 foot
2 Deciduous Tree	6 - 3 inch	6 - 6 foot
1 Coniferous Trees		2 - 6 foot

Total number of trees not to exceed 8 trees per acre, 1.32 x 8 = 10.56 or 11

PROPOSED SPRUCE - CONIFEROUS
PROPOSED MAPLE - DECIDUOUS



SURVEY LEGEND

CAST IRON MONUMENT	PIEZOMETER	W/OE WALKOUT ELEVATION
IRON PIPE MONUMENT SET	POWER POLE	FPE FIRST FLOOR ELEVATION
IRON PIPE MONUMENT FOUND	GUY WIRE	GFE GARAGE FLOOR ELEVATION
DRILL HOLE FOUND	ROOF DRAIN	TOP OF FOUNDATION ELEV.
CHISELED "X" MONUMENT SET	MONUMENT SET	LOE LOWEST OPENING ELEV.
CHISELED "X" MONUMENT FOUND	SANITARY MANHOLE	CONCRETE
REBAR MONUMENT FOUND	SANITARY CLEANOUT	BITUMINOUS
PK NAIL MONUMENT SET	STORM MANHOLE	BUILDING SETBACK LINE
PK NAIL MONUMENT FOUND	STORM DRAIN	CABLE TV
PK NAIL W/ ALUMINUM DISC	CATCH BASIN	CONCRETE CURB
SURVEY CONTROL POINT	FLARED END SECTION	CONTOUR EXISTING
A/C UTILITY	CABLE TV PEDESTAL	CONTOUR PROPOSED
ELECTRIC TRANSFORMER	ELECTRIC MANHOLE	GUARD RAIL
ELECTRIC MANHOLE	TELEPHONE MANHOLE	DRAIN TILE
ELECTRIC METER	TELEPHONE PEDESTAL	ELECTRIC UNDERGROUND
ELECTRIC OUTLET	UTILITY PEDESTAL	FENCE
YARD LIGHT	UTILITY VALVE	FIBER OPTIC UNDERGROUND
LIGHT POLE	WATERMAN MANHOLE	GAS UNDERGROUND
FIBER OPTIC MANHOLE	WATER METER	OVERHEAD UTILITY
FIRE DEPT. HOOK UP	FUEL PUMP	TRAIL LINE
FLAG POLE	FUEL TANK	SANITARY SEWER
PROPANE TANK	GAS METER	STORM SEWER
GAS VALVE	GAS MANHOLE	TELEPHONE UNDERGROUND
GENERATOR	POST INDICATOR VALVE	RETAINING WALL
GUARD POST	HAND HOLE	UTILITY UNDERGROUND
MAIL BOX	SOIL BORING	WATERMAN
		RAILROAD TRACKS
		RAILROAD SIGNAL
		RAILROAD SWITCH
		SATELLITE DISH
		WETLAND BUFFER SIGN

Emma Notermann

From: Dale Shrode <dcshrode@icloud.com>
Sent: Friday, November 12, 2021 12:20 PM
To: Planning
Subject: Zehnder Homes Inc. variance request

November 12, 2021

To: Planning Dept.
City of Shorewood
5755 Country Club Road
Shorewood, MN 55331

From: Dale Shrode
24755 Yellowstone Trail
Shorewood, MN 55331

Re: Zehnder Homes Inc. variance request

Dear Planning Dept;

I am the property owner on the east side from 24835 and oppose the subdivision.

I purchased my property because I was attracted to the green space of the golf course across the street and the distance between my neighbors. Appears I may be losing both.
(I do miss the serenity of the golf course)

I believe the subdivision would devalue my property marketing towards potential buyers that are attracted to the same amenities I was.

The previous resident of 24835 Scott Henry had told me he applied for a subdivision and was denied. I believe the property was surveyed at that time also.

Drive thru the neighborhood to see 24835 at its full potential. You will see children playing ball with their dog in the spacious front yard. The scene could be a setting for a Norman Rockwell painting, an image any community would be proud of.

Keep this property as is for generations of families to enjoy. The mature trees between the properties have taken years to provide a natural border. Removing them will barren the landscape.

Please let's not vary from our standards and squeeze another home into our community. What makes the magic number to vary the minimum ? 4 inches ?,
4 feet ?, 40 feet ?

Perhaps Minnetonka County Club development could offer buyers a new home rather than a 24835 undersized subdivision.

Sincerely,

Dale Shrode

Sent from my iPad

RESOLUTION 21-140

CITY OF SHOREWOOD COUNTY OF HENNEPIN STATE OF MINNESOTA

A RESOLUTION APPROVING AN MINOR SUBDIVISION AND VARIANCE FOR ZEHNDER HOMES FOR PROPERTY LOCATED AT 24835 YELLOWSTONE TRAIL

WHEREAS, Zehnder Homes, Inc. (the "Applicant"), has submitted a request for a minor subdivision and variance for lot width in order to subdivide the property legally described as follows into two lots:

Lots 3 & 4, Block 1, Deerfield Addition, Hennepin County, Minnesota

And,

WHEREAS, the Applicant's proposed subdivision of said real property into two parcels is legally described and illustrated in Exhibit A, attached hereto and made a part hereof; and

WHEREAS, the Applicant's application materials and plans dated September 3 and 28, and November 3, 2021 were reviewed by the Planning Director, whose memo was forwarded to the Planning Commission for their meeting on November 16, 2021, a copy of the memo is on file at the Shorewood City Hall; and

WHEREAS, the application was considered by the Planning Commission at a regular meeting held on November 16, 2021, the minutes are on file at City Hall; and

WHEREAS, the City Council considered the application at its regular meeting on November 22, 2021 at which time the Planning Director's memorandum and the Planning Commission's recommendations and resident comments were reviewed and comments were heard by the Council from the Applicant and residents.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Shorewood that the minor subdivision and variance are hereby approved, subject to the following conditions:

1. The real property legally described above is hereby approved for division into two parcels, legally described and illustrated in Exhibit A, subject to the conditions listed below.
2. The variance to allow a lot to be created with 99.65 feet where 100 feet are required by ordinance is hereby approved, in accordance with the plans submitted on September 3 and 28, 2021 and revisions submitted November 3, 2021, based on the findings that the criteria have been met, especially that the applicant has shown unusual hardship in that the variance would allow uncomplicated legal descriptions, would not impact the public welfare, would be compatible with the neighborhood and would be the minimum action necessary to alleviate the unusual hardship, subject to the conditions listed below.
3. The subdivision and variance approval is subject to the following conditions:
 - a. Prior to recording the subdivision, the applicant shall submit the following consistent with City Code:
 - i. Submit executed 10-foot drainage and utility easements around the periphery of each lot.
 - ii. Submit payment of one park dedication fee (\$6,500) and one local sanitary sewer Access charge (\$1,200).
 - iii. Remove the accessory shed on future Lot 3.

- iv. Identify the location of the well on future Lot 4.
- b. Prior to issuance of a building permit:
 - i. The applicant shall submit proof of recording for this resolution, easements and maintenance agreement.
 - ii. Prior to construction of improvements on either lot, the applicant must acquire the appropriate permits.
 - iii. With a building permit application, the applicant shall submit a revised tree preservation/landscaping plan shows all the proposed trees in conforming locations and revise the plans to be consistent with the City Engineer's memo dated November 8, 2021 and City Code.
 - iv. Prior to installing services or conducting other work in the right-of-way, the applicant shall obtain the appropriate right-of-way permit.
 - v. The applicant shall submit a construction management plan detailing contractor parking, how deliveries will be made without blocking public streets, where storage of materials will occur, hours of construction and how often streets will be swept.
- 4. The City Clerk will furnish the Applicant with a certified copy of this resolution for recording purposes when the above conditions are satisfied.
- 5. The Applicant shall record this resolution and the easements with the Hennepin County Recorder or Registrar of Titles within 30 (thirty) days of the date of the certification of this resolution.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF SHOREWOOD this 22nd day of November, 2021.

Jennifer Labadie, Mayor

ATTEST:

Sandie Thone, City Clerk

Exhibit A

Legal description of the easterly parcel (Parcel A):

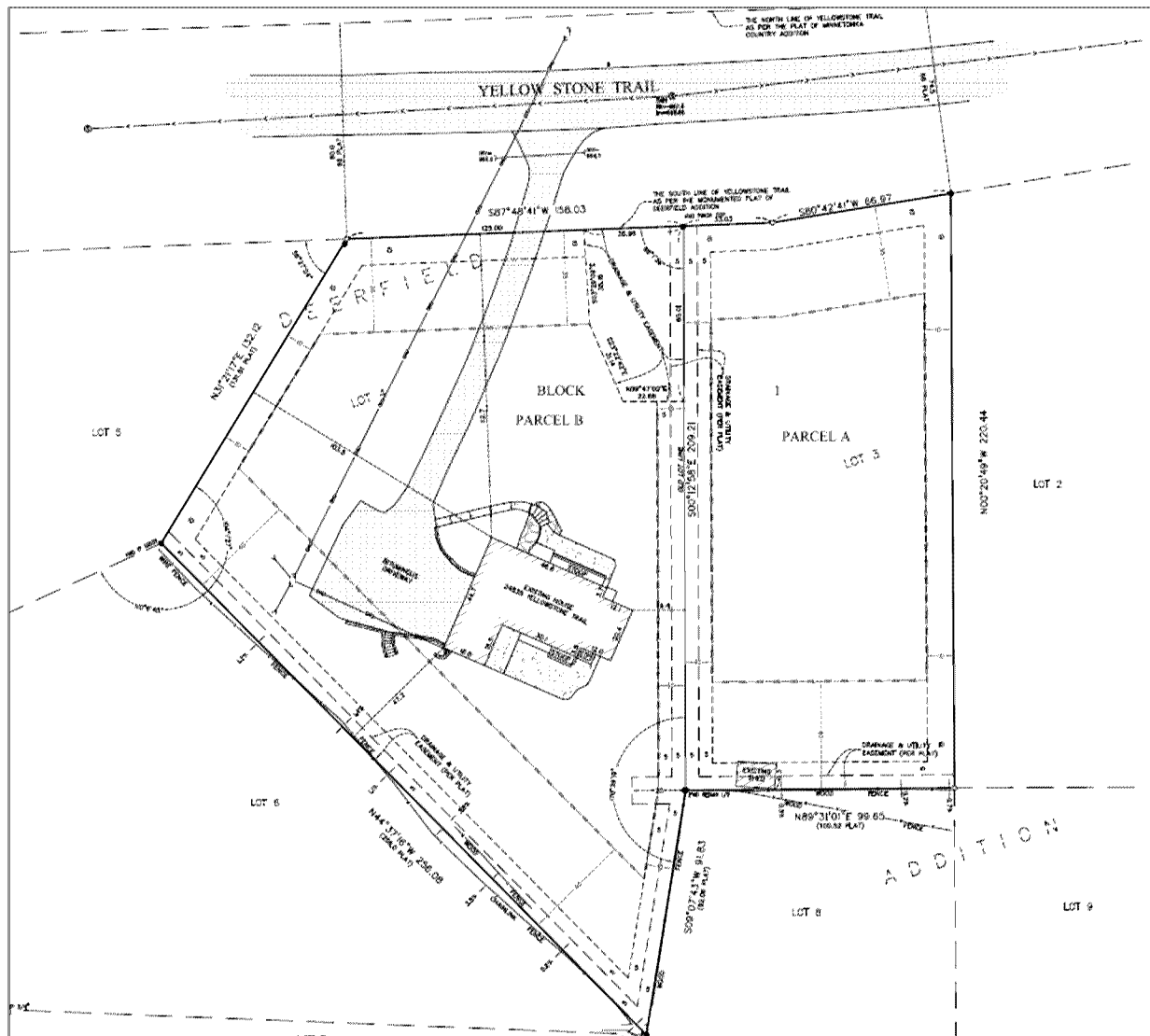
Lot 3, Block 1, Deerfield Addition, according to the recorded plat thereof, Hennepin County, Minnesota.

Subject to the easements as recorded on said plat of Deerfield Addition.

Legal description of the westerly parcel (Parcel B):

Lot 4, Block 1, Deerfield Addition, according to the recorded plat thereof, Hennepin County, Minnesota.

Subject to the easements as recorded on said plat of Deerfield Addition.



CITY OF SHOREWOOD REGULAR COUNCIL MEETING MINUTES

NOVEMBER 22, 2021

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Mayor Labadie asked staff to address the comment made regarding charging residents for copies and asked if there is a way for people to view documents free of charge.

City Clerk/HR Director Thone stated that there is no charge for inspection of documents. She stated that the only time there is a charge is when residents want to leave with documents whether they are electronic or hard copy.

Mayor Labadie asked for an explanation of 'inspection'.

City Clerk/HR Director Thone explained that inspection means that they can come into City Hall and view the documents.

4. PUBLIC HEARING

5. REPORTS AND PRESENTATIONS

6. PARKS

A. Report by Commissioner Hirner on October 26, 2021 Park Commission Meeting

Park Commissioner Hirner gave a brief overview of discussion and actions taken at the October 26, 2021 Park Commission meeting, as reflected in the minutes.

7. PLANNING

A. Report by Commissioner Riedel on November 16, 2021 Planning Commission Meeting

Planning Commissioner Riedel gave a brief overview of the discussion and actions taken at the November 16, 2021 of the Planning Commission, as reflected in the minutes.

B. Minor Subdivision and Variance

Applicant: Zehnder Homes

Location: 24835 Yellowstone Trail

Planning Director Darling gave an overview of the request for a minor subdivision to re-establish the original lot line between two parcels. She noted that the original lot was recorded in the 1950s and were combined at some point in the past. She explained that the measurement regulations have changed since that time, so with current regulations, the lot would be four inches short of the 100 feet that is required. Staff initially recommended approval because, to recreate legal descriptions in this case, would create two complicated legal descriptions rather than two very simple legal descriptions. Staff received one letter that is attached in the packet and noted that there were also two requests to speak at the Planning Commission meeting. She gave a brief overview of the comments made at the meeting regarding the ravine work that was completed on the west side of the property that drains the Minnetonka Country Club which has been working well and were concerned that this subdivision would interfere with the flow. She stated that upon review, she found that there is a low area on the west side of the property which carries some localized overland waters, but no overland water from the Minnetonka Country Club. She noted that there is a twenty-four inch storm sewer pipe that is on the property to the west which carries a substantial amount of water from the Minnetonka Country Club regional ponds, through this

CITY OF SHOREWOOD REGULAR COUNCIL MEETING MINUTES

NOVEMBER 22, 2021

Page 4 of 12

area, and then directed towards Lake Minnewashta. The existing easements over the other property, as well as the standards ten foot easement, are adequate for the City to maintain the pipes in the future and nothing is expected with this subdivision that would harm the existing drainage system. The applicant is proposing to put a rain garden in the north middle portion of the project which would account for rate control from the additional impervious surface proposed on Lot #4. The Planning Commission voted unanimously to recommend approval of the request.

Gorham moved, Johnson seconded, Adopting RESOLUTION NO. 21-140, "A Resolution approving a Minor Subdivision and Variance for Zehnder Homes for Property Located at 24835 Yellowstone Trail." All in favor, motion passed.

C. Variance to Minimum House Width
Applicant: Ben and Meghan Becker
Location: 6180 Cathcart Drive

Planning Director Darling explained the request to allow a home to be built at twenty feet wide rather than the required twenty-two feet. The applicant is proposing to remove all of the existing structures from the site and build a new home with two detached garages that would be used to store their personal vehicles and equipment. The home and the garages will have cedar stain, lap-siding with metal roofs. She explained that the proposed home is 20x65 feet and would have about four percent impervious surface coverage. Staff and the Planning Commission recommended approval. She noted that the Planning Commission had asked staff to add discussion of the purpose of a minimum width and size home as well as the size of the garage be added to their work plan in the upcoming year.

Ben Becker, 6180 Cathcart Drive, explained that this home was designed for his family by their architect, Dan Salmela. He read aloud brief biographical information regarding the background and design style of Mr. Salmela. He stated that they are very proud that Mr. Salmela has designed their home and explained some of the elements related to efficiency and natural light.

Councilmember Callies stated that a two foot difference, to her, does not seem to be that much. She stated that Mr. Becker stated that twenty feet is conducive to natural light and asked why twenty-two feet would not be conducive to their plans.

Mr. Becker stated that he believes that is a question that would need to be answered by Mr. Salmela. He noted that when they discussed it, Mr. Salmela indicated that sixteen feet is actually the optimal width. He stated that they have seven foot tall windows and there will be dark cement floors that will allow the light to flood in and warm the flooring and the house. He stated that Mr. Salmela has built other homes that are twenty feet wide which is the compromise that he feels is not too drastic a departure from the optimal sixteen feet width.

Councilmember Callies asked what the basis was of the City having a twenty-two foot width requirement.

Planning Director Darling explained that the minimum home size is consistent with other cities around the metro area. She stated that years back, the State Statute changed which said that zoning ordinances could not prevent any particular types of construction as long as they met the State building code. She stated that as a get around from people trying to live in sheds or mobile homes on regular lots, most cities instituted a size limitation. She stated that the size for Shorewood is 22x30 feet which is the equivalent of 660 square feet. She stated that the Becker

**CITY OF SHOREWOOD
PLANNING COMMISSION MEETING
TUESDAY, NOVEMBER 16, 2021**

**COUNCIL CHAMBERS
5755 COUNTRY CLUB ROAD
7:00 P.M.**

MINUTES

CALL TO ORDER

Chair Maddy called the meeting to order at 7:01 P.M.

ROLL CALL

Present: Chair Maddy; Commissioners Eggenberger, Gault (arrived at 7:05 P.M.) and Riedel; Planning Director Darling; and, Council Liaison Johnson

Absent: Commissioners Huskins

1. APPROVAL OF AGENDA

Riedel moved, Eggenberger seconded, approving the agenda for November 16, 2021, as presented. Motion passed 3/0.

2. APPROVAL OF MINUTES

- October 5, 2020

Eggenberger moved, Riedel seconded, approving the Planning Commission Meeting Minutes of October 5, 2021, as presented. Motion passed 3/0.

3. MATTERS FROM THE FLOOR - NONE

4. PUBLIC HEARINGS – NONE

5. NEW BUSINESS

A. Subdivision Variance

Applicant: Zehnder Homes, Inc.

Location: 24835 Yellowstone Trail

Planning Director Darling explained the request to subdivide the property into two lots and for a variance to allow the easterly lot to be 99.65 feet wide when 100 feet is required. She noted that this property was originally two lots that were then combined into one larger lot. She stated that the lot width regulations and how they are measured have changed since the original lots were created in the 1950s. She stated that other than the lot width requirement, the subdivision is routine. Staff recommends approval of the requests, subject to the conditions as included in the staff report. There has been one letter received noting concerns with the subdivision causing a decline in their property values.

Commissioner Gault arrived at the meeting.

Commissioner Riedel noted that one of the conditions includes removal of an accessory shed and asked if it was because if this subdivision is allowed that would leave an accessory structure on a lot that has no main dwelling.

Planning Director Darling confirmed that this was the reason for this condition and noted that it was also not compliant in terms of setbacks.

Commissioner Eggenberger asked about the well and the condition to identify the location of the well on future Lot 4.

Planning Director Darling explained that the City wants to ensure that each lot has its own functioning potable water source.

Commissioner Eggenberger confirmed that this meant that there was not City water connected to this property and if someone were to build on Lot 3 they would have to dig their own well. He asked what would happen if it was found that the well was located on Lot 3.

Planning Director Darling stated that they would have to dig a new well for Lot 4.

Commissioner Riedel asked about the right-of-way to access Lot 3.

Planning Director Darling stated that when they install a new service connection for sewer they will need a right-of-way permit in order to do so.

Eric Zehnder, Zehnder Homes, 10300 10th Avenue N, Plymouth, noted that he has been able to determine that the well for Lot 4 is located on Lot 4 and is shown on the survey.

Commissioner Riedel asked if the property owner had any objection to removal of the shed.

Mr. Zehnder stated that they do not have any objection to that condition. He noted that the current renter for Lot 4 is planning to purchase the home.

Chair Maddy asked if there was anyone present who would like to comment on this application.

Dale Schrode, 24755 Yellowstone Trail, stated that he thought his neighborhood was a mature and established area. He stated that he has liked all the settings for the home and never imagined that there would be room to squeeze another home in. He stated that this request seems to be out of place and stated that the proposed home will obstruct his view to the west and feels the limited visibility will increase the danger of entering the road. He stated that he also has concerns with changes in the landscape and the environmental impact because that small piece of woods offers a huge sanctuary for an array of wildlife, such as owls, pileated woodpeckers, wild turkeys, and deer. There is also a whole ecosystem there with tree frogs and other insects. He stated that it would be a shame to lose the existing habitat and collapse the ecosystem. He read aloud a quote from the Shorewood website about it being a 'little bit city and little bit country'. He stated that he understands that there is a plan to replant trees but that means that the habitat won't return until 50-100 years from now. He stated that he does not see this project as improving or adding benefit to the community or neighborhood and will have an awkward, misfit appearance. He asked that the City adhere to its minimum lot standards and not approve the variance for subdivision. He stated that that the neighborhood has been long established and believes it should stay that way for the next generation to enjoy.

DRAFT CITY OF SHOREWOOD PLANNING COMMISSION MEETING

NOVEMBER 16, 2021

Page 3 of 9

George Greenfield, 24715 Yellowstone Trail, asked if the Commission was aware of the nature of the wooded ravine on the west boundary of the property. He stated that about 3 or 4 years ago, the conservation district, in conjunction with the new development on the golf course, redid the drainage system that goes through the ravine from the Country Club to Lake Minnewashta. He stated that the stated size is misleading because that area cannot be disturbed without wrecking the new drainage system. He stated that it appears that the existing driveway will remain and asked if the driveway for the new home would run parallel to Yellowstone or perpendicular. He stated that, as Mr. Schrode pointed out, that will disrupt the conformity and symmetry of the neighborhood. He stated that a variance of 4 inches sounds minor, however one of the things that he believes perturbs many residents is that the City rarely acts on principle and everything is done ad hoc. He stated that 4 inches is a violation of the City Code. He gave the example of the request that was denied to divide a parcel into smaller lots along Seamans and noted that he sees a constant inconsistency in how the City acts. He stated that if the City does approve this request, he believes they should let everyone in the Deerfield Addition know that their property will be susceptible to subdivision into two lots.

Mr. Zehnder stated that he can address a few of the concerns that have been raised. He noted that if you look at an aerial photo, the house setbacks on the homes in that area are widely varied. He stated that regarding the concern about an obstructed view, there are currently a lot of trees there and they plan to leave many of them in place and the home will be built approximately 60 feet off the street. He stated that they could move the lot line 4 inches to have a conforming lot, but they felt it was a lot of work for 4 inches and felt it was easier to leave it where the original lot line division was located.

Commissioner Gault confirmed that the reason for asking for this variance was that Mr. Zehnder was using an existing property description for Parcel A.

Mr. Zehnder confirmed that was correct and this was a previously platted lot that had been combined at some point and this is just to return it to that original split.

Commissioner Gault stated that it appears as though Mr. Zehnder is asking for the variance to avoid the expense of creating new property descriptions and new surveys.

Mr. Zehnder stated that he would not say it is the expense, but just extra work, because everything has already been done.

Commissioner Gault stated that the only reason this is here is because of 4 inches.

Mr. Zehnder noted that when he purchased the property, they were under the impression that Parcel A was 100 feet wide because that is what is shown on the Hennepin County site. He stated that it was a pretty big surprise when the survey came back and it was 99.65 feet and was told by Planning Director Darling that it would require a variance.

Commissioner Riedel stated that in the addition to the cost of surveying, there is also the argument to be made that having parallel lot lines in consistency is desirable.

Chair Maddy closed the public input at 7:23 p.m. He gave an overview on how the City regulates housing and lot splits. He explained that the Commission's hands are kind of tied for saying that they do not want more homes in this neighborhood, because Mr. Zehnder has enough area for two homes per the zoning.

Commissioner Eggenberger stated that he does not see 4 inches as being enough to recommend denial of the variance request.

Eggenberger moved, Gault seconded, recommending approval of the Minor Subdivision and Variance to Lot Width at 24835 Yellowstone Trail, subject to the conditions included in the staff report. Motion passed 4/0.

Planning Director Darling that she will discuss the drainage concern that was raised by one of the residents with the City Engineer prior to bringing this to the City Council.

B. Variances for Second Driveway and to Front Yard Setback

Applicant: Zehnder Homes, Inc.

Location: 4990 Shady Island Point

Planning Director Darling gave an overview of the request for a variance to allow a new home to be built at 25 feet from the front property line rather than 35 feet and a variance to allow a second driveway where the regulations allow one. She stated that this property is unique in that it has a very narrow roadway that serves as the public street. She stated that the road is about 10 feet wide which is grounds for supporting the second driveway connection. She noted that the homeowner had submitted a letter earlier today that stated that moving the home back would require removal of a large, mature, catalpa tree that they would prefer to save and changing the location would place the home in an area with suspect soils. Staff followed up with the applicant who attested that the ground water is high on the property and is about 5 feet below the surface where they are proposing the new home. She noted that the City's requirement is that the home has to be a minimum of 4 feet above ground water. Staff found that some of the criteria were met to allow the variance for front yard setback and all criteria were met to allow the second driveway. Staff received two letters of support for the requests from nearby neighbors to the property.

Commissioner Eggenberger stated that the proposal is for the home to be further back than the existing home.

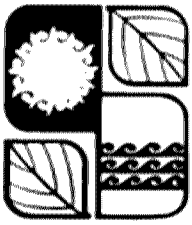
Planning Director Darling explained that the proposal is for the home to be substantially further back than the existing home.

Commissioner Eggenberger confirmed that information plays no part in this issue because they would still need a variance.

Planning Director Darling stated that if they had plans to keep the existing footprint of the home then they would not need a variance. She explained that when you tear down an old home and build a new home, it is very hard to keep to the existing footprint.

Chair Maddy stated that he thinks the Commission can recognize that their proposal would lessen the non-conformity.

Eric Zehnder, Zehnder Homes, 10300 10th Avenue N, Plymouth, explained that when he first wrote the variance application, he focused more on the fact that they are making the current situation better which he felt was a strong and compelling argument. He noted that he had lost sight of the fact that they want to save the large catalpa tree. He stated that as they move closer to the lake there is also a concern that it would be even closer to the ground water and noted that they are unsure about those soils because they tested where they would like to put the home, but did not test back further than that. He stated that only about half of the proposed new home would be past the setback and noted that it will be at 25 feet where the existing home is only



CITY OF
SHOREWOOD

5755 COUNTRY CLUB ROAD, SHOREWOOD, MINNESOTA 55331-8927 • 952.960.7900
www.ci.shorewood.mn.us • cityhall@ci.shorewood.mn.us

**PUBLIC MEETING NOTICE
PLANNING COMMISSION MEETING**

Applicant(s): Zehnder Homes Inc

For: Public meeting to review a request for a subdivision variance for minimum lot width the property at 24835 Yellowstone Trail

Why: The applicant is requesting approval of a variance to allow the subdivision of a parcel into two parcels with one of the new parcels being .35 feet (about four inches) short of the 100-foot lot width minimum. Please see reverse side for a location map of the site. More information on the application can be obtained by calling 952-960-7900 or emailing staff at planning@ci.shorewood.mn.us

When: Tuesday, November 16, 2021 at 7:00 p.m. or as soon thereafter as possible

Where: Shorewood City Hall Council Chambers, 5755 Country Club Road, Shorewood

The agenda and packet will be available on the City's website on November 12, 2021.

Written comments will also be considered at the meeting if received prior to 4:00 p.m. on November 16, 2021. You may submit written comments via U.S. Mail to:

Planning Dept.
City of Shorewood
5755 Country Club Road
Shorewood, MN 55331

Or by email to: planning@ci.shorewood.mn.us

Anonymous comments are not accepted as public testimony.

Marie Darling, AICP
Planning Director
City of Shorewood

24835 Yellowstone Trail Location Map



26 33-117-23 31 0009
CITY OF SHOREWOOD
5755 COUNTRY CLUB RD
SHOREWOOD MN 55331

26 33-117-23 34 0043
MATT DOERGE
25025 YELLOWSTONE TRAIL
SHOREWOOD MN 55331

26 33-117-23 43 0025
JASON D WITTA & SARA M WITTA
24625 YELLOWSTONE TR
SHOREWOOD MN 55331

26 33-117-23 34 0006
ZEHNDER HOMES INCORPORATED
4400 BLUEBELL TRAIL S
MEDINA MN 55340

26 33-117-23 34 0044
CHAD W & ANN RAYMOND
6140 PLEASANT AVE
SHOREWOOD MN 55331

26 33-117-23 43 0027
JEFFREY R VOORHEES
24650 WILTSEY LA
SHOREWOOD MN 55331

26 33-117-23 34 0007
DANIEL FERNANDEZ
7949 LOWER HAMLET CT
APPLE VALLEY MN 55124

26 33-117-23 34 0045
EMMANUEL BENITES
ASHLEY BENITES
25000 YELLOWSTONE TRAIL
SHOREWOOD MN 55331

26 33-117-23 43 0028
LARRY P FORBORD
BETH FORBORD
24600 WILTSEY LA
SHOREWOOD MN 55331

26 33-117-23 34 0008
CURTIS J & DEBRA J NELSON
6145 PLEASANT AVE
SHOREWOOD MN 55331

26 33-117-23 34 0046
DAVID & CANDACE RUST
17500 COUNTY ROAD 101W
WAYZATA MN 55391

26 33-117-23 34 0009
TINA M & ALFREDO PEREZ
6165 PLEASANT AVE
SHOREWOOD MN 55331

26 33-117-23 43 0016
G D GREENFIELD & B A MEAKINS
24715 YELLOWSTONE TR
SHOREWOOD MN 55331

26 33-117-23 34 0026
CYNTHIA CHENEY
THEODORE C CHENEY III
24850 YELLOWSTONE TR
EXCELSIOR MN 55331

26 33-117-23 43 0017
DALE C & KATHERINE M SHRODE
24755 YELLOWSTONE TR
SHOREWOOD MN 55331

26 33-117-23 34 0027
WHITLEY & LINDA MOTT
24890 YELLOWSTONE TR
SHOREWOOD MN 55331

26 33-117-23 43 0018
JACOB A/CASSANDRA G ROBERTS
24800 WILTSEY LA
SHOREWOOD MN 55331

26 33-117-23 34 0031
DAWN M & MICHAEL ZIEGLER
25040 YELLOWSTONE TR
SHOREWOOD MN 55331

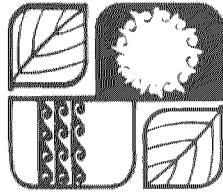
26 33-117-23 43 0019
LINDA L PLANTIKOW
24750 WILTSEY LA
SHOREWOOD MN 55331

26 33-117-23 34 0039
JACOB POMPLUN & ERIN OLSON
2630 FOREST AVE
EXCELSIOR MN 55331

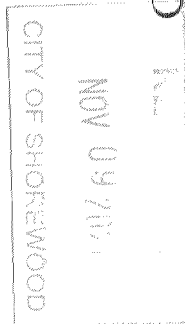
26 33-117-23 43 0020
SHANE GERSICH
24700 WILTSEY LA
SHOREWOOD MN 55331

26 33-117-23 34 0040
JACOB POMPLUN & ERIN OLSON
2630 FOREST AVE
EXCELSIOR MN 55331

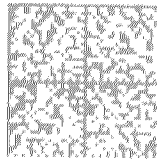
26 33-117-23 43 0024
LANCE & KARIN NEWELL
24655 YELLOWSTONE TR
SHOREWOOD MN 55331



CITY OF SHOREWOOD
5755 COUNTRY CLUB ROAD
SHOREWOOD, MINNESOTA 55331-8927



FIRST-CLASS



US POSTAGESM PITNEY BOWES
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SHANE GERSICH
24700 WILTSEY LA
SHOREWOOD MN 55331

SCANNED

PUBLIC MEETING NOTICE

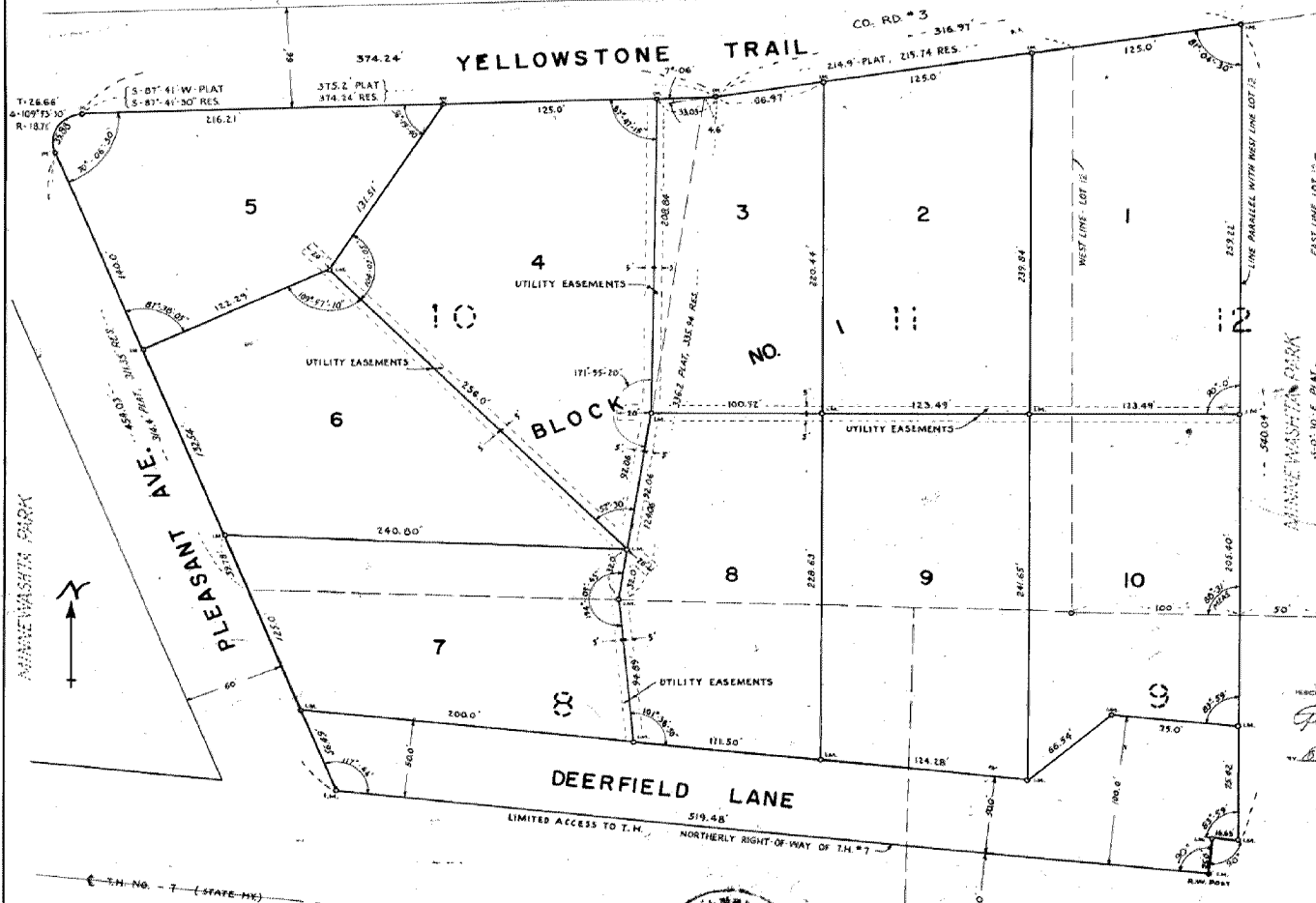
553 NFE 1 72010011/04/21
FORWARD TIME EXP RTN TO SEND
GERSICH, SHANE P
31222 BAYARIA HILLS TRL
CHASKA MN 55318-2723

RETURN TO SENDER

55331 8927 NOVO

AUDITOR'S SUBDIVISION
NO. 133

DEERFIELD ADDITION
TO EXCELSIOR TOWNSHIP



2'-5" UTILITY EASEMENTS
IRON MONUMENT
NEW LOT LINES
OLD LOT LINES
SCALE: 1/4" = 40'-FEET

OFFICE OF REGISTER OF DEEDS
HENNEPIN COUNTY, MINNESOTA
I hereby certify that the within Plat of DEERFIELD ADDITION
was filed in this office for record this 20 day of JAN 1955.
and was duly Recorded in BOOK 20 at Page 133
DONALD G. HENNINGSON
Register of Deeds
By John A. Henn Deputy



STATE OF MINNESOTA
COUNTY OF HENNEPIN
4033

KNOW ALL MEN BY THESE PRESENTS: THAT WE, CHANDLER W. HANEY, ANN C. HANEY (WIFE), AND JENNIE MAY METTLING (SINGLE), OWNERS AND PROPRIETORS OF THE FOLLOWING DESCRIBED LAND LYING IN EXCELSIOR TOWNSHIP, COUNTY OF HENNEPIN, STATE OF MINNESOTA, TO WIT:

LOTS NUMBERED EIGHT (8), TEN (10), AND ELEVEN (11) AND THAT PART OF LOTS NINE (9) AND TWELVE (12) LYING WEST OF A LINE DRAWN PARALLEL WITH AND ONE HUNDRED (100) FEET EAST OF THE WEST LINE OF LOT TWELVE (12) AND THE EXTENSION OF SAID LINE THROUGH SAID LOT FIVE (5), ALL IN EXCELSIOR TOWNSHIP, HENNEPIN COUNTY, MINNESOTA, EXCEPT AND SUBJECT TO ANY AND ALL LAND TAKEN BY THE STATE OF MINNESOTA FOR HIGHWAY PURPOSES, AND ACCORDING TO THE MAPS OR PLAT WHEREON ON FILE OR OF RECORD IN THE OFFICE OF THE REGISTER OF DEEDS IN AND FOR SAID HENNEPIN COUNTY, MINNESOTA AS RECORDED IN DEED DOCUMENT NO. 2930578, BOOK OF DEEDS PAGE 32.

HAVE CAUSED THE SAME TO BE SURVEYED AND PLATTED AS "DEERFIELD ADDITION"; AND DO HEREBY DONATE AND DEDICATE TO THE PUBLIC FOR PUBLIC USE THEREON, THE LAND AS SHOWN ON THE ANNEXED PLAT, ALSO SUBJECT TO UTILITY EASEMENTS AS SHOWN ON THE ANNEXED PLAT, FOR USE OF THE MUNICIPALITY OR OTHER PUBLIC UTILITIES, FOR INSTALLATION AND MAINTENANCE OF FACILITIES INSTALLED IN AND OVER SAID EASEMENTS TO SERVE ADJACENT OR OTHER PREMISES IN THE VICINITY.

IN WITNESS WHEREOF WE HAVE HERETO SET OUR HANDS AND SEALS THIS 20 DAY OF January AD 1955.

IN PRESENCE OF: John A. Henn (SEAL) James A. Henn (SEAL) Donald G. Henn (SEAL)

STATE OF MINNESOTA
COUNTY OF HENNEPIN

ON THIS 20 DAY OF January AD 1955, BEFORE ME, A NOTARY PUBLIC, PERSONALLY APPEARED CHANDLER W. HANEY, ANN C. HANEY (WIFE), AND JENNIE MAY METTLING (SINGLE), TO ME KNOWN TO BE THE PERSONS DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT, AND THEY ACKNOWLEDGED THAT THEY EXECUTED THE SAME AS THEIR OWN FREE ACT AND DEED.

NOTARY PUBLIC, HENNEPIN COUNTY, MINNESOTA
MY COMMISSION EXPIRES 1956

I HEREBY CERTIFY THAT I HAVE SURVEYED AND PLATTED THE FOREGOING INSTRUMENT, THIS PLAT AS "DEERFIELD ADDITION"; THAT THIS PLAT IS A CORRECT REPRESENTATION OF SAID SURVEY, THAT ALL EASEMENTS AND CORRECTIONS SHOWN ON THE PLAT IN THE CORNERS OF A FOOT; THAT THE MONUMENTS FOR GUIDANCE OF FUTURE SURVEYS ARE CORRECTLY PLACED IN THE GROUND AS SHOWN ON THE PLAT; THAT THE CUSTODIAN CORRECTLY SHOWN ON THE PLAT, THAT THE TOPOGRAHY OF THE LAND IS CORRECTLY SHOWN ON THE PLAT AND THAT THERE ARE NO WET LANDS OR PUBLIC HIGHWAYS TO BE DESIGNATED ON SAID PLAT OTHER THAN AS SHOWN THEREON.

REGISTERED ENGINEER AND LAND SURVEYOR
MINNESOTA REGISTRATION NO. 2710

STATE OF MINNESOTA
COUNTY OF HENNEPIN

ABOVE CERTIFICATE SUBSCRIBED AND SWORN TO BEFORE ME, A NOTARY PUBLIC, THIS 20 DAY OF January AD 1955.

NOTARY PUBLIC, HENNEPIN COUNTY, MINNESOTA
MY COMMISSION EXPIRES 1956

THE FOREGOING PLAT OF "DEERFIELD ADDITION" WAS APPROVED AND ACCEPTED BY THE TOWN BOARD OF EXCELSIOR TOWNSHIP, HENNEPIN COUNTY, MINNESOTA AT A REGULAR MEETING THEREOF HELD THIS 20 DAY OF January AD 1955.

TAXES PAID ON THE WITHIN
RECORDED PROPERTY FOR THE YEAR 1955

SALES TAX AND TRANSFER TAXES
JAN 24 1956
COUNTY TREASURER
ROBERT F. HILGEMANN, AUDITOR
HENNEPIN COUNTY, MINNESOTA

THE FOREGOING PLAT OF "DEERFIELD ADDITION" WAS APPROVED AND ACCEPTED BY THE HONORABLE BOARD OF COUNTY COMMISSIONERS, HENNEPIN COUNTY, MINNESOTA AT A REGULAR MEETING THEREOF HELD THIS 20 DAY OF January AD 1955.

APPROVED AND ACCEPTED THIS 20 DAY OF January AD 1955.

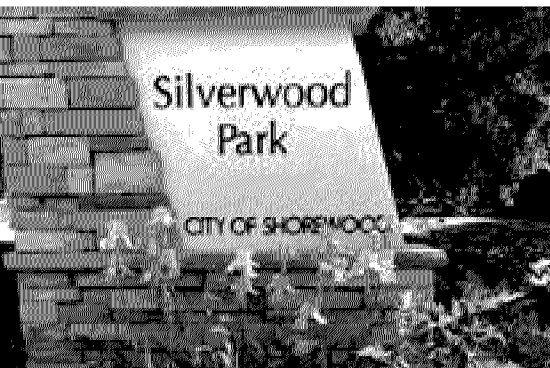
COUNTY ENGINEER, HENNEPIN COUNTY, MINNESOTA

APPROVED AND ACCEPTED THIS 20 DAY OF January AD 1955.

COUNTY ATTORNEY, HENNEPIN COUNTY, MINNESOTA

RECORDED AND APPROVED THIS 20 DAY OF January AD 1955.

REGISTERED TO THE SURVIVOR



Thank you adopt-a-garden volunteers

The park entry signs and the entrance pots at SCEC are thanks to the efforts of dedicated volunteers. Thank you to our 2021 Adopt-a-Garden volunteers:

Freeman Park Entrance
Norma Marien and Rebecca Fish

Manor Park
Mary Babcock

Cathcart Park
Mary Rotunno

Silverwood Park
Lacey Mesa

Freeman Plaza
Connie Branson and Jim Berdahl

Shorewood Community & Event Center
Tena Brandhorst

Rink attendant applications being accepted

The City of Shorewood is hiring part time, seasonal rink attendants to work at the ice rinks in Manor and Cathcart parks from mid-December to approximately February. Flexible days and hours are evenings on school days, during the day and evenings on weekends and school breaks. For an application and more information, see the city web site ci.shorewood.mn.us/employment, or stop into city hall.

Planning activities and updates

Active Development Applications and Projects			
Location	Type of application or phase	Planning Commission*	City Council*
24835 Yellowstone Trail	Subdivision with variance	11/16/2021	12/13/2021
4990 Shady Island Point	Variances for front yard setback and second driveway opening	11/16/2021	12/13/2021
6180 Cathcart Drive	Variance for minimum home width	11/6/2021	12/13/2021

*Dates subject to change. Go to ci.shorewood.mn.us/activeapplications for updates.

Go to ci.shorewood.mn.us/agendas for meeting agendas and updates. Call the planning department at 952.960.7909 with questions.

Clothing, toy and food donations

City hall is drop off for new/gently used coats, snowpants, and boots, and new mittens or gloves for children ages newborn to 18. Donated items are given to ResourceWest, the local resource center that provides winter clothing to area families in need. Coats should be for cold winter weather and not dress or light coats.

Drop off donations during regular business hours, Monday through Friday 8 a.m. to 4:30 p.m., between now and Nov. 16.

If you have questions or know a family who might be in need of winter clothing, please contact ResourceWest at 952.933.3860. For more information online, go to www.resourcewest.org.

Toy food collection

Each year, city hall serves as a collection site for new, unwrapped toys and gifts for children and teens, and for non-perishable food items for ICA food shelf. City residents are always very generous with donations, often making this an opportunity for family giving. All gifts are donated to ResourceWest, www.resourcewest.org, for the annual toy chest; food items are donated to ICA. These services both serve the Shorewood community. Please drop off items in the bin at city hall during regular business hours through Dec. 15.