

MINUTES

**1. CONVENE CITY COUNCIL REGULAR MEETING**

Mayor Labadie called the meeting to order at 7:02 P.M.

**A. Pledge of Allegiance**

**B. Roll Call**

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

Absent: None

**C. Review Agenda**

**Sanschagrín moved, Maddy seconded, approving the agenda as presented. All in favor, motion passed.**

**2. CONSENT AGENDA**

Mayor Labadie reviewed the items on the Consent Agenda.

Councilmember Johnson asked about item 2.E. and noted that he does not have a problem with it being on the Consent Agenda, but would like to have some history shared at a future meeting about how often the City revisits the fees for boat slips. He noted that he felt this fee was fairly low.

Councilmember Callies stated that she would like to pull items 2.F. and 2.G. for further discussion.

Mayor Labadie stated that that item 2.F. would be moved to New Business as item 8.B. and 2.G. will become item 8.C.

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

**A. City Council Work Session Minutes of March 27, 2023**

**B. City Council Regular Meeting Minutes of March 27, 2023**

**C. Approval of the Verified Claims List**

**CITY OF SHOREWOOD REGULAR COUNCIL MEETING MINUTES**

**APRIL 10, 2023**

**Page 2 of 10**

- D. Approve Public Works Seasonal Hire**
- E. Approve Multiple Dock Licenses**  
**Location: 23500 Smithtown Road**  
**Applicant: Minnetonka Marina**
- ~~**F. Accept Resignation of Part-Time Administrative Assistant Michelle Norman and Approve Recruitment ( moved to New Business item 8.B.)**~~
- ~~**G. Approve Contractor Agreement with Erica Heinrichs, Daily Wellness Tai Chi (Moved to New Business item 8.C.)**~~

Motion passed.

**3. MATTERS FROM THE FLOOR**

**4. REPORTS AND PRESENTATIONS**

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

Pam Langseth, President of Excelsior Morning Rotary, introduced other area residents of the Excelsior Morning Rotary that were present tonight. She shared some background information on the Excelsior Rotary Club and activities and noted that they have been around for twenty-seven years.

Tom Nichol, Excelsior Morning Rotary, shared details of their concert series and Oktoberfest. He stated that they have a great relationship with the City of Excelsior and would like to engage more with the City of Shorewood and the other south lake cities and bring events that are meaningful and in the cities. He stated that local community focus is a big deal for them and explained that they do not hold events in order to bring in people from Minneapolis or other areas outside of the south lake community.

Park and Recreation Director Crossfield shared her vision board ideas for stations, events, and games that could be done in conjunction with Oktoberfest.

Councilmember Callies asked about staffing at Badger Park for Oktoberfest.

Park and Recreation Director Crossfield stated that the Excelsior Rotary has offered some volunteers and noted that she was hoping to be able to do a lot of it in house as well as volunteers.

Councilmember Callies stated that the Rotary Club is a great organization that has really hard working volunteers and are involved in quality projects. She stated that because of this she is confident that this will also be a quality project. She stated that she likes the partnership with the City and thanked staff for thinking of this and working on this type of partnership.

Councilmember Sanschagrín asked what kind of support they were looking for from the City.

Mr. Nichol stated that the early focus would be to ensure that they were able to obtain the parking that they need and then would like the City's

## CITY OF SHOREWOOD REGULAR COUNCIL MEETING MINUTES

APRIL 10, 2023

Page 3 of 10

support, ideas and feedback. He stated that he thinks it will be helpful after the event for them to get together and review what went well and what may be some opportunities to enhance the event in the future.

Mayor Labadie asked if they had spoken with the SLMPD about patrolling the area and getting people safely across the intersection.

Scott Gerlicher, Excelsior Rotary, stated that he has met with Police Chief Tholen. He explained that they will be working together on the event and shared details of their plans for public safety.

Mayor Labadie asked if the inflatables and the adaptive equipment she had mentioned would be at Shorewood's expense.

Park and Recreation Director Crossfield stated that the inflatables would be at the City's expense unless she would be able to obtain sponsorship. She stated that she believes she can get the adaptive recreation equipment from Three Rivers Park District as part of their outreach and engagement programs, but noted that if the City asked them to bring out something like a rock climbing wall, there may be a fee attached to that. She noted that she wanted to make sure the Council was in support of this before she reached out to them and noted that she is hopeful that they will be able to get some good sponsorship for this since it is such a great community event.

Mayor Labadie asked about parking on site near City Hall. She noted that time of year historically there are activities like Little League Football and Lacrosse that use the park fairly as well as weddings. She asked if there was a rental request for the facility or a game/tournament scheduled whether the City would deny it based on the parking situation.

Park and Recreation Director Crossfield stated that they are planning in advance for this situation. She stated that in other communities that she has worked in, City sponsored events and programs have taken priority for booking and explained that she had blocked off this date in the calendars for this event.

***There was consensus of the Council to support the Oktoberfest event.***

Mayor Labadie asked Park and Recreation Director Crossfield to keep the Council informed as the event planning progresses.

### **5. PARKS**

#### **A. Amend Chapter 202 (Park Commission) – Adding Oversight of IPM Plan/Maintenance**

Planning Director Darling stated that the February 27, 2023 City Council retreat, the Council directed staff to assign the Park Commission as the reviewing body for the IPM. She stated that the proposed amendments are fairly general and consistent with the Park Commission's other duties.

Councilmember Sanschagrin asked if the City would be hiring the consultant and if so, would the Park Commission be directly interacting with them.

Planning Director Darling stated that they are not hiring any additional staff to oversee this work plan and noted that they do have a consultant to help the City put the plans together. She stated

## CITY OF SHOREWOOD REGULAR COUNCIL MEETING MINUTES

APRIL 10, 2023

Page 4 of 10

that any consultants that the City hired would report to staff and staff would bring the information to the Park Commission and City Council.

City Administrator Nevinski noted that the City contracts with Davey Resources for tree services and it is possible that consultant may attend a Park Commissions meeting.

Councilmember Callies confirmed that the City was not committed to continue with the IPM consultant as an ongoing position.

**Callies moved, Maddy seconded, Approving Ordinance 599, an Ordinance Approving an Amendment to Shorewood City Code Chapter 202, Related to the Powers and Duties of the Park Commission, and Adopting RESOLUTION NO. 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.” Motion passed.**

### 6. PLANNING

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

Building Official Woodward, explained that the Rental Regulations in the City Code are different than what is included in the current Building Code regarding chimney flues and woodburning fireplaces. He shared examples of where they have run into problems for things like new high efficiency furnaces. He reviewed the staff recommendations for flues and woodburning fireplaces in the Rental Housing Code.

Councilmember Maddy asked what Building Official Woodward would allow for a blocked or sealed requirement. He stated that he had mentioned a padlock in one of his examples and noted that he was a bit concerned about them just putting one on in order to avoid the inspection. He asked how permanent of a lock would be required.

Building Official Woodward shares examples that he has seen used for locking fireplaces and noted that there are quite a few different ways that they can be blocked off. He noted that if the Council had a specific way that they would like them to be handled, he is welcome to entertain those ideas. He clarified that the renter would not have the key to any of the locks. He stated that it will be mentioned on the inspection report that it is a non-operational fireplace. He noted that there are some renters that pay to have their fireplaces lined because they want the fireplace. He stated that those fireplaces would be good for three years until the next rental inspection is required. He explained that the lock that is used is not a flimsy lock that could easily be taken off.

Councilmember Sanschagrin asked if this code applied to all rentals in the City, including Airbnb's.

Building Official Woodward stated that he has not run into any of those because the City does not allow short term rentals.

Planning Director Darling stated that the rental code does apply to all rental units with the exception where somebody buys a unit and they have a family member, such as parents or children, live in the unit. She explained that in that scenario, the City does not require rental licenses for families.

**Maddy moved, Johnson seconded, Approving Ordinance 598, An Ordinance Approving an Amendment to Shorewood City Code Chapter 1004 Related to Rental Housing Regulations. All in favor, motion passed.**

**Maddy moved, Sanschagrín seconded, Adopting RESOLUTION NO. 23-036, “A Resolution Approving the Publication of Ordinance 598 Regarding City Code Ordinance Amendments Related to the Rental Housing Regulations.” All in favor, motion passed.**

**7. ENGINEERING/PUBLIC WORKS**

**8. GENERAL/NEW BUSINESS**

**A. Therapeutic Massage Therapy License Ordinance**

City Clerk/HR Director Thone explained that Ordinance 600 is proposing to repeal and replace City Code Chapter 311 that pertains to Massage Therapy. She noted that the City had approved their first licensing code for therapeutic massage in 2001 and in 2012 that was repealed and replaced it with the current City Code. Thone explained there are no federal massage therapy requirements, and that Minnesota is one of four states that does not have state licensing requirements, therefore, licensing is left up to local jurisdictions completely. She explained that in 2022 the City started to see issues with applications and applicants. She stated that after further investigation, they ended up denying several applications because they did not meet the City’s requirements. She stated that after even further investigation they found that there was one of the massage schools that was shut down for human trafficking. She stated that as a result of this, many cities have updated their existing language and even brought licensing and enforcement to their police departments. She stated that staff decided that this was a good time to more closely examine the code and possible supply a more robust set of regulations for managing the City’s massage therapy licenses.

Councilmember Sanschagrín asked what the basis was for the proposed ordinance and if it was based on another City’s language.

City Attorney Shepherd explained that this proposed ordinance is based on another City that he had worked with in the past.

Councilmember Callies asked if there was a distinction between the license and certification for the Personal Services License. She asked why the City would require that they had gone to college and referenced 2.C.1. as an example.

City Attorney Shepherd noted that there are different options for how someone can get that certification, with a college degree being one of them, therapeutic massage training is another. He stated that he believes this provision is key to making sure that the City has the right individuals doing the personal professional services in the community. He stated that over the past few years, they have seen tightening of these types of codes for this reason. He explained that there have been people coming in that do not necessarily have the training necessary to do the type of massage that the City wants to license so making sure that there is some type of minimum standard for professional training is important.

Councilmember Callies asked if they would need to be located in a business district in order to operate this business.

**CITY OF SHOREWOOD REGULAR COUNCIL MEETING MINUTES**

**APRIL 10, 2023**

**Page 6 of 10**

Planning Director Darling stated that they would not have to and explained that the City has two massage therapists that operate out of their home.

City Attorney Shepherd stated that the criteria for issuance is done on a case by case basis based on the assessment of the City Clerk and staff who enforce this ordinance.

Councilmember Callies referenced Section 311.19 under exceptions to the licensing requirements. She asked what the logic would be in not requiring the business license in these situations.

City Attorney Shepherd explained that the logic is to say that if it is just a small portion of the overall business is, they do not need a business license for it because it is not the focal point of their business, but the professionals who would do the massage within that business would still need to be personally licensed.

City Clerk/HR Director Thone gave the example of chiropractors offering massage therapy but would not necessarily be licensed as a massage therapy business in the City, but the massage therapist would need to be licensed.

Councilmember Maddy asked how many licensed massage businesses exist in the City currently. He asked if the City had spoken to them about how this change may effect their businesses.

City Clerk/HR Director Thone stated that the City had spoken with several of them in the past six to nine months and believes that they had been finding the same thing and that the licensees expect that the regulations would change and get a little tighter. She stated that right now the City just has 3 massage therapy businesses.

Councilmember Maddy asked if he was reading this correctly that the massage therapists operating out of their homes would be subject to these new requirements, but those operating a house call business would not.

City Clerk/HR Director Thone stated that is correct because they would possibly be licensed with some other jurisdiction and would only apply if they were operating their business within the City.

**Callies moved, Johnson seconded, Approving Ordinance 600, An Ordinance Approving Amendments to Shorewood City Code Chapter 311 (Massage Licensing). All in favor, motion passed.**

**Johnson moved, Maddy seconded, Adopting RESOLUTION NO. 23-037, "A Resolution Approving the Summary Publication for Ordinance 600 Amendments to Shorewood City Code, Chapter 311 (Massage Licensing)." All in favor, motion passed.**

**B. Accept Resignation of Part-Time Administrative Assistant Miechelle Norman and Approve Recruitment (formerly Consent Agenda item 2.F.)**

Councilmember Callies stated that she believed the crux of this item has to do with the grade and pay range for this position. She stated that she thinks it is really a bigger issue than just Ms. Norman's resignation. She stated that she felt that this was something that the Council should have more discussion about rather than just being a Consent Agenda item. She stated that the

## CITY OF SHOREWOOD REGULAR COUNCIL MEETING MINUTES

APRIL 10, 2023

Page 7 of 10

proposal is for this position to move to Grade 5 and asked how the pay scale was decided upon within the grade levels.

City Clerk/HR Director Thone explained that staff is proposing, as they contemplate each hire, they review the position description and the current salary grade and pay range. She stated that they believe many positions are not quite at market, including this position. She stated that it has not been reviewed for quite a while and referenced the analysis of this position in other nearby communities as compared to the City's current compensation range.

Councilmember Callies asked when and how the chart with the various steps was developed.

City Clerk/HR Director Thone explained that it was developed during the last compensation study the city had performed with George Gmach in 2016 which was implemented in 2017 and noted that most organizations perform compensation studies periodically or every 4-5 years for this reason.

Councilmember Callies stated that her understanding was that the steps were supposed to be aligned, more or less, with their years of service.

City Clerk/HR Director Thone agreed that it can be aligned with years of service and noted that the minimum is typically a starting range for the position depending on qualifications. She noted that there are several employees who have maxed out and are only receiving cost of living increases. She reviewed current staffing and their proposal to move their grade range and steps.

Councilmember Callies stated that she thinks that a City like Bloomington, since they are much larger than Shorewood, would not be as applicable for salary comparison.

City Administrator Nevinski stated that they included the bigger cities like Bloomington and Minnetonka, so the Council could have kind of a book end for the various cities and noted that Deephaven, Excelsior, Little Canada, and Minnetrista are much more of a reflection of the City.

Councilmember Callies stated that she was not sure what the impact would be of moving people to a different grade versus completing an actual compensation study.

City Administrator Nevinski stated that the City needs to react to some of the things that are immediately in front of them and need to pay people, at market, in order to get qualified candidates. He stated that he agreed that it demonstrates the need for the City to take a look at this and do some thoughtful planning because it will have budget implications down the road.

**Callies moved, Maddy seconded, Accepting the Resignation of Part-Time Administrative Assistant Miechelle Norman and Approve Recruitment at Grade 5. All in favor, motion passed.**

**C. Approve Contractor Agreement with Erica Heinrichs, Daily Wellness Tai Chi (formerly Consent Agenda item 2.G.)**

City Administrator Nevinski stated that unfortunately, the contract was not included in the Council packet. He stated that in order for the Council to approve the contract, staff would like them to see the actual contract and not just the staff memo. He explained that staff was proposing that this item be continued to the next meeting.

**9. STAFF AND COUNCIL REPORTS**

**A. Staff**

**1. Spring Clean-Up/Paper Shred**

Mayor Labadie noted that the Spring Clean-Up/Paper Shred event would be held on May 20, 2023 from 8:00 a.m. to 1:00 p.m.

**2. Tree Sale Update**

Councilmember Sanschagrin asked how the City selects the trees that will be part of the annual Tree Sale.

City Administrator Nevinski explained that staff would have to get back to the Council on an answer to that question but noted that he believed part of the thought was to provide a wide variety.

**3. Water Infrastructure and Delivery**

City Engineer Budde explained that the next step in order to try to better understand the water quality that the City is producing and providing is to take some samples from the existing wells and conduct tests for iron and hardness. He stated that they will also test one downstream of the filtration that the City has at the southeast well.

**4. Response to Matters from the Floor – Eureka Road Improvements**

City Engineer Budde stated that staff and the Council heard pretty loud and clear the opinion of the residents from the petition that was submitted. He explained that staff is planning to approach this by gathering basic information about the current conditions. He stated that they will not complete the surveys and wetland delineation until they have a more public meeting and get that feedback from residents. He stated that they are trying to be cognizant of what the residents concerns were with the project including the full scoping study.

Councilmember Callies asked what staff will not do now that they had originally been planning to do.

City Engineer Budde explained that normally they would go out and do a full topographic survey of the area, wetland delineations, and a tree inventory. He stated that if this project were to be changed to become just a mill and overlay, those things would not be needed in that much depth. He stated that staff believes it is very important to have a public meeting on this project before any decisions are made. He noted that they would like to move the public meeting sooner than they had originally been planning.

Councilmember Maddy stated that when this is looked at he would like to see estimated life cycle costs of mill and overlay versus full reconstruction so the Council can understand what this will cost over the next fifty years.

**5. Response to Matters from the Floor – 24835 Yellowstone Subdivision**



## CITY OF SHOREWOOD REGULAR COUNCIL MEETING MINUTES

APRIL 10, 2023

Page 9 of 10

Planning Director Darling reviewed the concerns raised by Mr. Greenfield and her response. She noted that the variance criteria are somewhat subjective which means they are open to interpretation and Mr. Greenfield's conclusions are different than the findings of the Planning Commission and the City Council in this instance.

### **Other**

Public Works Director Morreim stated that the snow has begun to melt so the Public Works Department will be spending time fixing mailboxes, patching potholes, and responding to drainage issues. He stated that he is hoping that the City gets their sweeper back later this week and can begin sweeping next week. He stated that Badger Park opened up today and noted that they closed the parking lots at Freeman Park today because the snow melt has made things rather muddy. He stated that they are planning to try to spread out some of the larger piles of snow in order to speed up the process of things drying out.

Councilmember Sanschagrín asked how long it will take for Public Works to fill all the potholes.

Public Works Director Morreim stated that they have already begun that work, but he hopes they will have it completed within the next few weeks.

City Engineer Budde stated that on Strawberry Lane, the small utilities continue to relocate their facilities. He explained that they are waiting for road restrictions to come off and then a lot more action will be able to happen in that area.

Planning Director Darling stated that the Park Commission meeting scheduled for April 11, 2023 has been cancelled. She noted that the Mill Street Trail pop-up event will be held April 11, 2023 at Excelsior Elementary will be held from 5:30 to 7:30 p.m. She stated that there will be an Open House at St. John's Catholic Church and School on April 20, 2023 from 5:00 to 7:00 p.m., but noted that she was not sure what the difference was between the 'pop-up' event and an open house and noted that she believes that they will be presenting the same information.

City Attorney Shepherd updated the Council on the Strawberry Lane project and the eminent domain proceedings for one parcel that the City needs easements for that they were not able to negotiate. He stated that as of January, the City received an appraisal, presented a settlement offer based on that information, but have not received a reasonable counteroffer, so they are proceeding through the eminent domain process.

City Administrator Nevinski stated that there is an Open House scheduled for April 17, 2023 from 4:30 to 6:30 p.m. on the City's vegetative management practices.

Mayor Labadie asked if a formal presentation would be made or if would truly be a rolling event.

City Administrator Nevinski explained that it will be a rolling event and no formal presentation would be made.

### **B. Mayor and City Council**

Councilmember Callies noted that she thought the latest Shore Report was really great and commended Communications Coordinator Wilson for his work.

**CITY OF SHOREWOOD REGULAR COUNCIL MEETING MINUTES**

**APRIL 10, 2023**

**Page 10 of 10**

Mayor Labadie attended the Regional Council of Mayors meeting in Minneapolis earlier today where they discussed public safety.

**10. ADJOURN**

**Sanschagrın moved, Johnson seconded, Adjourning the City Council Regular Meeting of April 10, 2023, at 8:37 P.M.**

Motion passed.

**ATTEST:**

  

---

**Sandie Thone, City Clerk**

  
**Jennifer Labadie, Mayor**