

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; Park and Recreation Director Crossfield; Director of Public Works Morreim; and City Engineer Budde

Absent: Councilmember Johnson

- C. Review Agenda**

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

**2. CONSENT AGENDA**

Mayor Labadie reviewed the items on the Consent Agenda.

City Administrator Nevinski referenced item 2.K and read aloud the last part of paragraph three within **RESOLUTION NO. 23-040**, that should be struck.

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

- A. City Council Work Session Minutes of April 10, 2023**
- B. City Council Regular Meeting Minutes of April 10, 2023**
- C. Approval of the Verified Claims List**
- D. Approve 2023 Retail Liquor License Renewals, Adopting RESOLUTION NO. 23-038, "A Resolution Approving 2023 Retail Liquor License Renewals."**
- E. Approve Concessions Agreement for Freeman Park (Eddy's Station)**
- F. Approve Contractor Agreement with Erica Heinrichs, Daily Wellness Tai Chi**
- G. Approve Service Agreement for Christmas Lake AIS Program, Adopting RESOLUTION NO. 23-039, "A Resolution Authorizing Signature on a Service Agreement with the Christmas Lake Homeowners Association and**

**Waterfront Restoration, LLC to Provide Aquatic Invasive Species Inspections at the Christmas Lake Public Access**

- H. **Approve Permanent Appointment of Park/Recreation Director**
- I. **Approve Hire of Community Center Attendant**
- J. **Accept Quotes and Award Toppers and More for Truck Topper and Storage System**
- K. **Approve Agreement and Adopt Special Assessment for 6060 Strawberry Lane, Adopting RESOLUTION NO. 23-040, "A Resolution Approving and Adopting a Special Assessment."**

Motion passed.

**3. MATTERS FROM THE FLOOR**

Andrew Morrow, 5935 Galpin Lake Road, asked if there was an active committee or group that was continuing the work around the proposed trail/sidewalk/project to add continuous access from the Chanhassen sidewalk system to the Excelsior sidewalk system up Galpin Lake Road. He stated that he wants to make sure that the various projects throughout the city related to sidewalks and trails are somewhat related and go hand in hand. He stated that he would like to be able to track progress and facilitate community activity when needed.

Mayor Labadie stated that there is not a current committee and asked City Engineer Budde to address some of the items raised by Mr. Morrow with a written memo at the next meeting. She noted that these same questions have been asked by other individuals in the city.

**4. REPORTS AND PRESENTATIONS**

**5. PARKS**

**A. Approve 2023 Integrated Pest Management Work Plan**

City Administrator Nevinski gave an overview of the work that has been done to create the 2023 Integrated Pest Management Work Plan. He stated that this is a 'big lift' and the work done in 2023 will be an important step. He explained that an Open House was held the past week to garner some feedback from the community. He noted that there is a desire for the athletic fields to have a higher quality turf but have more tolerance for weeds in the open or passive areas. He reviewed details from the proposed 2023 Integrated Pest Management Work Plan. He explained that the plan would be to work with the Parks Commission to evaluate how the 2023 Work plan goes this year and determine what changes will need to be made for 2024. He stated that putting this together has been a group effort and expressed his appreciation to Public Works Director Morreim, Planning Director Darling, and Park and Recreation Director Crossfield for their efforts.

Councilmember Callies acknowledged all the staff involvement that there has been in putting this document together. She stated that she also felt that the city had provided a lot of opportunities for the public to participate, however, there were only twenty-one people of the City's population of a bit over seven thousand who participated in these efforts. She stated that because of these

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numbers, she was not confident that the city truly has a good sense of where the community is at with this issue and noted that the feeling may be apathy. She stated that she did not think this was an issue that has a lot of ground swell interest. She agreed with City Administrator Nevinski who described this as a 'big lift'. She explained that she felt that the city got good information from the consultants and believes that this may be a good direction to head, but noted her concern with the costs and what the goals are of the community. She referenced past Council discussions related to trash collection that seemed to have had more interest from the community. She cautioned that she did not want to overstate what is being said with things like 'community tolerance' or 'community interest' because this plan may just reflect what the Council and a handful of residents want to see and not necessarily the 'community'. She stated that she feels the overall work plan looks good but cautioned that it should be considered as a work in progress.

Mayor Labadie applauded the staff members who have worked on this document and appreciated that the city had hired outside consultants to weigh in on this matter. She noted that she feels what has been done shows that the city is forward thinking and that they have listened to the residents.

Councilmember Sanschagrín stated that he believes the City is heading in the right direction. He noted that he is the parent of a child who has survived brain cancer and believes this is one of those things that is more important than just politics and for him, it comes down to the question of what the right thing is to do. He stated that he believes that it behooves the city to think about this systematically and do everything they can to reduce toxins in the city parks. He noted that he had sent an article earlier today to Public Works Director Morreim about an organic weed killer that uses vinegar and water and asked that this be considered for use. He stated that he has gotten input from residents who take issue with the City referring to themselves as a "Bee Safe" City until the City adopts all the standards that go along with that designation. He noted that he is looking forward to the discussions surrounding the emerald ash borer issue and the various treatment options.

City Administrator Nevinski stated that he had neglected to acknowledge the work that was put in by Communications Coordinator Wilson on the storyboard and survey.

**Maddy moved, Labadie seconded, to Adopt and Approve the 2023 Integrated Pest Management Workplan. All in favor, motion passed.**

### 6. PLANNING

#### **A. Report by Commissioner Johnson on April 4, 2023, Planning Commission Meeting**

Planning Commissioner Johnson gave an overview of discussion and recommendations from the April 4, 2023, Planning Commission meeting.

#### **B. Request for Extension for Code Compliance Location: 25020 Yellowstone Trail**

Planning Director Darling gave an overview of the request from the property owners at 25020 Yellowstone Trail for an extension to correct the code compliance. She stated that they have asked to have until July 1, 2023, to plant trees in this location. She noted that staff feels that they

do not need to plant trees to come into compliance and are recommending an extension just to May 1, 2023.

**Sanschagrín moved, Maddy seconded, Adopting RESOLUTION NO. 23-041, “A Resolution Approving a Request for an Extension to Correct a Code Violation for Property Located at 25020 Yellowstone Trail.”**

Motion passed.

**C. Amendment to Maple Shores Development Contract**

**Location: 20430 Radisson Road**

**Applicant: Chamberlain Capital, LLC**

Planning Director Darling explained that the applicant has requested to amend their Development Agreement primarily to modify the financial guarantee amounts because their bid amounts came in substantially lower than their engineering estimates. She stated that they also wanted to make some small changes to the house plans that would help protect them from the noise of the highway. Staff recommends approval.

**Callies moved, Sanschagrín seconded, Adopting RESOLUTION NO. 23-042, “A Resolution Approving Amendments to the Development Agreement for the Maple Shores PUD to be Located at and Near 20430 Radisson Road.” All in favor, motion passed.**

**7. ENGINEERING/PUBLIC WORKS**

**A. Award Contract and Order Equipment for Lift Station 11 Rehabilitation, City Project 22-07**

City Engineer Budde noted that staff had presented final plans and specifications for the lift station project. He explained that three bids were received and opened on April 18, 2023, with the lowest bidder from R & R Excavating, Inc. He noted that staff also solicited direct quotes for some of the components with the low quote from Quality Flow Systems. He noted that staff recommends awarding the low bid to R&R Excavating, Inc., and Quality Flow Systems, as presented.

**Callies moved, Sanschagrín seconded, Adopting RESOLUTION NO. 23-043, “A Resolution to Award Contract and Authorize Equipment Purchase for the Lift Station 11 Rehabilitation Project, City Project 22-07.” All in favor, motion passed.**

**B. Approve Water Meter Replacement/Purchase**

Public Works Director Morreim shared some background information on the previous replacement of water meters that took place between 2007 and 2009. He noted that over the past few years, many of the water meters have failed and the city had begun replacing them in 2021. He explained that there continue to be meters that have failed and are unable to be read. He explained that they end up estimating those billing amounts for customers rather than being able to be exact on what they are using. He stated that staff is hoping to replace all the meters from the 2007-2009 time period so there are not additional failures and have to continue repeating this process. He noted that the city has decided to use Ferguson water meters for numerous reasons. He noted that the city will be soliciting for additional quotes for installation of the water meters

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which will be brought forward to the Council sometime in May. He noted that the cost is to be paid with American Rescue Act funds.

Councilmember Maddy asked if any of the existing meters have any type of warranty.

Public Works Director Morreim stated that they do and noted that a majority of them have pro-rated warranties which were reflected in the proposed costs.

Councilmember Maddy asked how the city plans to shore up the numbers between what was estimated consumption and billing to what was actually was consumed. He asked if the city would essentially start over with the billing once the new meter was installed.

Finance Director Rigdon stated that he thinks they will have to start over and cannot go back in time.

Councilmember Sanschagrín asked why the old meters had failed and if it was a design flaw.

Public Works Director Morreim stated that his understanding is that there was a certain vintage of the meters and the batteries in them that are failing. He explained that technology has evolved over the last twenty years with respect to batteries. He stated that it is unfortunate that they are getting some premature failures on these meters and noted that they are hopeful the meters will last at least twenty years. He noted that Ferguson is one of the leaders in this field and would say, in general, they provide a quality water meter within the industry.

**Maddy moved, Sanschagrín seconded, Adopting RESOLUTION NO. 23-044, "A Resolution Approving Quote and Authorizing Purchase of Water Meters." All in favor, motion passed.**

**8. GENERAL/NEW BUSINESS**

**9. STAFF AND COUNCIL REPORTS**

**A. Administrator and Staff**

**1. First Quarter 2023 General Fund Budget Report**

Finance Director Rigdon gave a brief overview of the General Budget report for the first quarter of 2023 but cautioned that there is generally not a lot of activity in the first quarter.

Councilmember Sanschagrín asked if there were any items that Finance Director Rigdon was concerned about related to expenses.

Finance Director Rigdon stated that he is not concerned about anything at this point and reiterated that there is not a lot of activity to consider in the first quarter.

**2. First Quarter 2023 Investment Report**

Finance Director Rigdon gave an overview of the 2023 Investment Report for the first quarter and noted that they did not do much because they were sitting in an environment that is fluctuating. He noted that he has basically left the portfolio as it is and is banking the funds that they are getting right now and plans to just keep an eye on the market and adjust, if necessary.

### **3. Response to Question – Tree Selection**

Mayor Labadie referenced the staff memo in tonight's packet prepared by Communications Coordinator Eric Wilson regarding the process to determine tree selection for the City's Tree Sale. She explained City Clerk/HR Director Thone was available tonight for any questions.

#### **Other Staff Reports**

Park and Recreation Director Crossfield announced that the Step To It Challenge begins May 1, 2023, and noted that residents can register at [www.steptoit.org](http://www.steptoit.org) She stated that there will also be a Walk with the Mayor event on May 15, 2023, at Freeman Park at 5:30 p.m. She stated that there is a new kitchen rental that plans to use the Shorewood Community and Event Center about four to seven days per week for the next nine to twelve months.

Public Works Director Morreim stated that the Department is currently conducting their spring sweep which should be complete sometime in the next five weeks and noted that some of the recent weather had delayed the sweep a bit. He stated that they will also begin hydrant flushing soon. He stated that the spring road restrictions ended this morning, so they may see some more construction going on because contractors can start moving their equipment in for projects. He stated that they have some reports that MnDOT has begun advertising the Highway 7 corridor study through mid-May.

City Engineer Budde gave an update on Strawberry Lane and noted that they have been trying to get the final permit from the Hennepin County Regional Rail Authority and Three Rivers Park District. He stated that the Three Rivers Park District recently let the city know that they would like some more curvature added to the trail at the crossing of Strawberry Lane to make it more perpendicular because it makes for a safer pedestrian crossing. He asked if the Council had any feedback on this request and noted that he had heard from a resident on the east side of Strawberry Lane that is not in favor of the curvature because it clears more trees and will make the trail more visible. He stated that all the work would take place within the County right-of-way and is their facility to own, manage, and operate. He referenced the pond on the east side of Ashlyn Woods that has had trouble draining since it was built. He stated that there is too much undulation and topography through the Freeman Forest and noted that one of the possible solutions is to dig a ditch, but that would also require clearing out some trees.

Councilmember Sanschagrín asked how many mature, healthy trees would be impacted.

City Engineer Budde stated that he does not have a full count at this point, but noted that there are some good, mature trees in there that are desirable species, but there is also a lot of ash and a lot of buckthorn. He noted that he can follow up with this information tomorrow.

Councilmember Callies stated that it was unfortunate that the city did not have this information during the public meeting process. She noted that she assumed that it may add some concerns for residents about a change to the project.

City Engineer Budde noted that he feels the drainage is at least something that the city could investigate and explore an appropriate solution. He stated that if there is support from the property owners it will be easy and assured the Council that if there was not support, the City would not chase this action.

Mayor Labadie asked why the expectation would be for the city to pay for half of this work when it is completely within the County right-of-way.

City Engineer Budde stated that originally, the County's thought was not to contribute at all, and he told them that this was a big change to make this late in the process. He stated that at that point they said they could split it 50/50. He stated that he can have additional conversations with them to see if there may be additional contributions they can make and noted that it was going to be tied in with some work within the Freeman Park agreement.

Mayor Labadie asked who had proposed the change.

City Engineer Budde stated that the County is proposing the change in the curvature and alignment.

Mayor Labadie reiterated her confusion as to why the County has come at this with the expectation that they will give the city a portion of the cost for the change they are proposing. She stated that this is essentially their land, their trail, their proposal, and their trees.

City Engineer Budde stated that for the city to be able to do its project, they must get a permit from the County to cross their trail. He stated that his understanding is that as a condition of getting this permit, the City will need to make the changes that they agree to and noted that he thinks they are being fair by offering to contribute 50% of the costs.

Councilmember Callies suggested that part of their 'contribution' may be to carry the labor or to handle the re-communication with the public about why the County wants this change.

City Engineer Budde stated that the city did not anticipate that they would want this significant of a change. He stated that the fault does not lie completely with the County or the Three Rivers Park District and rests a bit on the City with the coordination and timing and getting things wrapped up.

City Administrator Nevinski stated that the city was able to save some money by switching materials, so the overall project budget will probably not need to shift too much because those savings can be applied here.

Councilmember Maddy stated that he feels terms are being used interchangeably and wants to be clear that the property owners are the Hennepin County Regional Rail Authority and Three Rivers Park District runs the trail system. He asked which entity the City was negotiating with on this proposed change.

City Engineer Budde stated that this change was requested by Three Rivers Park District.

Councilmember Maddy clarified that he wanted to make it clear that the property and trees belong to the County. He asked if the newly marked trees were what was being discussed.

City Engineer Budde stated that was correct.

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Councilmember Maddy asked if there had been any discussion about an alternative and noted that he was questioning the wisdom of a 20 mph turn radius for a stop sign. He asked if there were smaller versions of this change that was discussed.

City Engineer Budde stated that there were smaller versions discussed, but ultimately, Three Rivers Park District wants this trail crossing to be 'yield' instead of a 'stop' which is why they wanted to continue the speed through here. He stated that the reasoning is that most bikers do not stop anyway and are trying to make it safer from that perspective. He stated that there have already been some close calls in this area and by removing some of the trees the thought is that it will improve the sightlines. He stated that the County sees this as an opportunity to improve the intersection because of the full street reconstruction.

Mayor Labadie stated that she feels the additional tree loss will be blamed on the city even though this is the County's proposal. She expressed concern that residents would say that the city was not up front and was deceptive with the plans, which is not good. She asked if the County was planning to broadcast the message that this was because of them and not the city and explained that she had already started getting calls about this at the city.

Councilmember Sanschagrín stated that he had already expressed concern about the loss of mature trees.

Councilmember Maddy noted that if, when the city gets the tree inventory and they find out they are ash trees, then he may support just taking them all down.

Councilmember Callies stated that she thinks the entire Council has concerns and agreed that the timing of this proposal is not good and puts the city in a bind on this project.

Councilmember Sanschagrín asked if there was an option to just keep the trail as it is.

City Engineer Budde stated that was the tricky part of navigating this because from an ownership perspective it is their trail to own and maintain and they are the ones applying the design criteria to make it a safer crosser for the trail. He stated that it is hard for the city to come in and do something that is less safe because the city does not want to cut down a few trees. He stated that then if something were to happen at the intersection, the finger would be pointing back at the city and him.

Councilmember Sanschagrín stated that the city does want it to be safe.

City Engineer Budde agreed and explained that as much as he does not like the proposal and that it means taking a few more trees, if it creates the safest crossing, that is the most appropriate thing to do in this case.

Mayor Labadie asked that this topic be put on as an agenda item at a future meeting so the public has notice that it is being discussed and can review the details. She asked that the staff report make it clear that this was not the city initiating this change.

City Engineer Budde stated that he will make it his goal to have this ready for discussion at the next City Council meeting.



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Mayor Labadie clarified that no trees would be coming down prior to this coming back before the Council.

Planning Director Darling updated the Council on two events related to the Mill Street Trail project. She stated that the County held a pop-up event at Excelsior Elementary where seventy-four people attended and an Open House held at St. John's Church last week which had forty-six people in attendance. She stated that there have been a lot of comments and ideas received on this project. She stated that she believes, in general, more people were in favor of Option #2 which is the wider road with the on-street biking shoulders, but there were still tabulating all the responses.

Mayor Labadie suggested that this be brought up at tomorrow's staff meeting that the County is looking for the public's help in design of the future pathway between Mill Street in Excelsior and Holly Lane in Chanhassen. She explained her concern is that all their media and communication have no mention of the City of Shorewood. She asked staff to reach out to the Hennepin County Government official website and social media and be sure that Shorewood is acknowledged because this is a huge project that involves the City.

City Administrator Nevinski stated that he met with representatives of MediaCom last week and they are doing work within the city. He stated that they are expanding their nodes from one to fifteen, which should result in better speeds for the residents.

**B. Mayor and City Council Reports**

Councilmember Maddy explained that a few weeks ago, he attended a Fire District Board meeting where they primarily discussed upcoming budget issues. He stated that mid-meeting, the new rescue boat was delivered which should be ready to begin work on the lake soon.

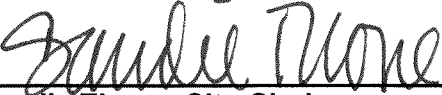
Mayor Labadie stated that on April 12, 2023, she attended the Minnetonka High School Superintendent and Mayor's meeting. She noted that Shorewood will be hosting the next meeting which will be the first time this has happened. She also stated that on April 12, 2023, she attended the South Lake Minnetonka Police Department meeting and learned that the SLMPD is introducing a Citizens Academy that should start this coming fall. She stated that they discussed the JPA which will be coming back to the Council with some proposed changes that will need to be discussed at an upcoming Work Session. She stated that on April 13, 2023, she attended the Minnesota Mayor's Association Executive Committee meeting. She noted that on April 17, 2023, she met with Dr. Tyrone Carter who is the City's Met Council Representative and former Mayor Scott Zerby to share some overview of some of the City's issues and vision related to the Met Council. She stated that the same afternoon she testified before the Senate Transportation Committee regarding Highway 7 safety. She stated that also on April 17, 2023, she attended the IPM Open House held by the city. She noted that on April 19, 2023, the League of Women Voters of South Tonka held a Mayor's Forum at the Shorewood Community and Event Center. She stated that the Mayors from Shorewood, Excelsior, Tonka Bay, and Deephaven were all in attendance. She encouraged residents to sign up for the Mayor's Water Challenge for water conservation which can be found at [www.mywaterpledge.com](http://www.mywaterpledge.com).

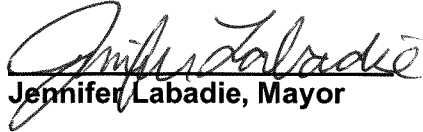
**10. ADJOURN**

**Maddy moved, Sanschagrin seconded, Adjourning the City Council Regular Meeting of April 24, 2023, at 8:35 P.M.**

Motion passed.

ATTEST:

  
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Sandie Thone, City Clerk

  
Jennifer Labadie, Mayor