

**CITY OF SHOREWOOD
CITY COUNCIL REGULAR MEETING
MONDAY, MAY 9, 2022**

**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____
Siakel____
Johnson____
Callies____
Gorham____

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 April 25, 2022 | Minutes |
| B. City Council Regular Meeting Minutes of April 25, 2022 | Minutes |
| C. Approval of the Verified Claims List | Claims List |
| D. Authorize Equipment Purchase, One Pickup Truck | Director of Public Works |
| E. Approval of Amendment to Excelsior Woods Development Agreement
Location: 20325 Excelsior Blvd
Applicant: Red Granite Construction | Planning Director
Resolution 22-044 |
| F. Approval Extension of Approvals for Car Wash Rehab
Location: 24245 Smithtown Road
Applicant: Reprise Design | Planning Technician Memo
Resolution 22-045 |
| G. Approve Contract with Interim City Administrator | City Clerk/HR Director Memo |
| H. Approve Advertisement for Public Works
Lead Supervisor | Director of Public Works Memo |

- I. Approve Revised Right of Entry Agreement for Mary Lake Outlet,
City Project 19-09

City Engineer Memo
Resolution 22-046

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 mayor and council. When you are recognized, please use the raise your hand feature. Please identify yourself by your first and last name and your address for the record. After this introduction, please limit your comments to three minutes. No action will be taken by the council on this matter, but the mayor or council could request that staff place this matter on a future agenda. (No Council Action will be taken)

4. PUBLIC HEARING

5. REPORTS AND PRESENTATIONS

- A. Photo Contest

City Clerk/HR Director Memo

6. PARKS

7. PLANNING

- A. Zoning Text Amendment
Campaign and Non-Commercial Speech Signs

Planning Director Memo
Ordinance 588
Summary Publication Resolution 22-047

8. ENGINEERING/PUBLIC WORKS

- A. Accept Bids and Award Contract for the Smithtown Pond/
Shorewood Oaks Drainage Project, City Projects 20-07, 20-04

City Engineer Memo
Resolution 22-048

- B. Strawberry Lane Final Design Direction,
City Project 19-05

City Engineer Memo
Resolution 22-049

9. GENERAL/NEW BUSINESS

- A. Approve City Administrator Search Firm Proposal

City Clerk/HR Director Memo
Resolution 22-050

10. STAFF AND COUNCIL REPORTS

- A. Staff

1. First Quarter 2022 General Fund Budget Report

Finance Director Memo

2. First Quarter 2022 Investments Report

Finance Director Memo

- B. Mayor and City Council

11. ADJOURN

CITY OF SHOREWOOD
CITY COUNCIL WORK SESSION MEETING
MONDAY, APRIL 25, 2022

5755 COUNTRY CLUB ROAD
COUNCIL CHAMBERS
5:00 P.M.

MINUTES

1. CONVENE CITY COUNCIL WORK SESSION MEETING

Mayor Labadie called the meeting to order at 5:02 P.M.

A. Roll Call

Present. Mayor Labadie; Councilmembers Johnson, Labadie, Siakel, Gorham, and Callies; City Administrator Lerud

B. Review Agenda

Johnson moved, Siakel seconded, approving the agenda as presented. Motion passed 5/0.

2. INTERIM CITY ADMINISTRATOR INTERVIEWS

Mayor Labadie explained that there were two candidates who have been called forward for interviews with the Council, the first interview will be conducted with Shirley Slater Schulte.

Councilmember Callies disclosed that in the past, she had a personal and professional relationship with Ms. Schulte and some of her family members but had not had contact with her for about ten years.

Mayor Labadie asked if Councilmember Callies felt that this past relationship would hinder her judgement regarding this decision.

Councilmember Callies stated that she did not think it would make her impartial or hinder her judgement in a decision regarding the interim City Administration position.

The Council discussed the format details of the interview and determined that City Administrator Lerud would ask the initial questions, with Council asking follow-up questions, if desired.

Councilmember Siakel stated that it should also be known that these two candidates were selected and screened by Mayor Labadie.

Mayor Labadie explained that she had been given a list of individuals interested in interim City Administrator positions by the League of Minnesota Cities. She stated that she contacted numerous candidates and then she selected two individuals to proceed with the full interview process with the Council.

City Administrator Lerud and the Council asked a series of questions of Ms. Schulte.

Ms. Schulte answered questions and shared a bit of information on her background and experience, including how she has handled difficult situations with residents and her familiarity with joint powers agreements.

Mayor Labadie recessed the Work Session at 5:40 p.m. and reconvened at 5:48 p.m.

City Administrator Lerud and the Council asked a series of questions of Edward Shukle, Jr.

Mr. Shukle answered the questions and shared information on his background and experience, including how he has handled difficult situations in the various cities he has worked.

The Council discussed their thoughts and opinions regarding the two candidates who interviewed for the Interim City Administrator position.

Following discussion, there was consensus to offer the Interim City Administrator position to Mr. Shukle and if an agreement cannot be reached with Mr. Shukle to offer the position to Ms. Schulte.

3. ADJOURN

Johnson moved, Gorham seconded, Adjourning the City Council Work Session Meeting of April 25, 2022, at 6:37 P.M. Motion passed 5/0.

ATTEST:

Jennifer Labadie, Mayor

Sandie Thone, City Clerk

CITY OF SHOREWOOD
CITY COUNCIL REGULAR MEETING
MONDAY, APRIL 25, 2022

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

C. Review Agenda

Johnson 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.

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

A. City Council Work Session Meeting Minutes of April 11, 2022

B. City Council Regular Meeting Minutes of April 11, 2022

C. Approval of the Verified Claims List

D. Approval of Retail Liquor Licenses, Adopting RESOLUTION NO. 22-040, "A Resolution Approving 2022 Retail Liquor License Renewals."

E. Approving 2022 Deer Management Dates

F. Approve SLMPD Agreement with Excelsior for Dock Patrol

G. Accept Shop Technician Resignation and Authorize Advertising for the Position

H. Accept Public Works Supervisor Resignation

All in favor, motion passed.

3. MATTERS FROM THE FLOOR

Tom Lesser, 26245 Birch Bluff Road, explained that he was here to talk about the Birch Bluff reconstruction project and thanked the City for the information session that was held on April 6, 2022 and for the outreach by City Engineer Budde. He shared the reasons the felt the neighborhood has a unique, 'up-north-like' feel is because of all their big old trees. He stated that they are not opposed to the street rehabilitation project because they understand the benefits to the watermain, fire hydrants, and storm water remediation, however they are opposed to widening the street to 26 feet, adding a sidewalk and removing over four hundred trees. He noted that 'standards' make sense in a new development but he feels they do not make sense just to shoe horn those standards into an old neighborhood where there is not a problem to begin with. He explained that they do not want Birch Bluff to become Smithtown Road. He stated that the residents of Glen Road had raised many of the same concerns and were able to have a 22 foot wide street built and reiterated that he did not feel a 26 foot wide roadway was needed in the area and will just encourage faster driving. He stated that they are asking the City to approve a narrower road, remove fewer trees and preserve the character of the neighborhood.

4. PUBLIC HEARING

5. REPORTS AND PRESENTATIONS

A. Presentation of 2021 Audit

Justin Nelson, Abdo, gave a brief overview of the 2021 Audit results. He noted that the City received a clean, unmodified opinion with no internal control findings. He reviewed the General Fund balance; revenues and expenditures; Capital Project Funds; Governmental Debt Service Funds; Enterprise Funds; Cash and Investments by Fund Type; and Key Performance Indicators.

Councilmember Siakel commended Finance Director Rigdon for doing what she feels has been an A+ job since he has joined the City. She stated that she just wanted to ensure that his great work was recognized.

Siakel moved, Gorham seconded, Accepting the 2021 Audit and Report, as presented. Motion passed 4-0-1 (Johnson abstained)

B. Watercraft Operator License Legislation

Joe Schneider, 21125 Christmas Lane, stated that he and Mr. Jabbor are here to tonight representing two of five organizations that have banded together to try to achieve a much safer boating environment. He explained that there is a bill working its way through the legislative process that would establish a mandatory watercraft operator's license along with an education program. He stated that all five organizations are invested in protecting the resource for future generations which is why they have partnered together. He stated that safety is a huge issue for Lake Minnetonka but also for all the lakes throughout the State, including Christmas Lake.

Gabriel Jabbor, 985 Onkawa Road, Orono, noted that he feels people spend more time worrying about what they home and boats look like than they do on safety or the environment. He stated that all five of the organizations that have banded together on this issue have interest in the preservation of the resource in common. He gave examples of changes that have been

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happening to the resource with things like blue algae. He noted that there has not been one person who has testified against this bill and has already passed through various committees. He stated that they are proud of this effort and ask that the Council give support, if it is ever needed. He explained that they just wanted to give the City the courtesy of keeping them informed about what they are working towards. He noted that they are also extremely committed to continuing research on AIS. He encouraged anyone who had questions to contact either himself or Mr. Schneider.

Councilmember Callies stated that she really appreciated this report because she found it very interesting and was not aware of the proposed legislation.

6. PARKS

A. Report by Commissioner Schmid on April 12, 2022 Park Commission Meeting

Mayor Labadie explained that Park Commissioner Schmid was unable to attend the meeting but noted that she had dropped off a brief report with the Council prior to the meeting. She explained that if anyone would like to see the report they can drop by City Hall tomorrow but noted that the contents of the report will be made part of the record.

B. Award Quote for Freeman Park Fence Improvements Project

Public Works Director Brown gave an overview on the fence heaving issue that has been happening in Ballfield 3 at Freeman Park. He explained that staff has talked to a number of contractors including a soils consultant about this issue. He stated that the contractor they are recommending did the work at Bennett Field who had installed that type fencing because they had some of the same issues. He stated that the City had solicited bids from three contractors, but only received a response from one. He noted that the bid came in above the estimate, but the City received a grant from the Minnesota Twins for \$10,000 and the Minnesota Baseball and Softball Associations will also donate \$1,000 each which brings the cost closer to the original budgeted amount.

Gorham moved, Johnson seconded, Adopting RESOLUTION NO. 22-041, "A Resolution to Award Contract to Low Quote for Freeman Park Fence Improvements." All in favor, motion passed.

7. PLANNING

A. Report by Commissioner Eggenberger on April 5, 2022 Planning Commission Meeting

Planning Commissioner Eggenberger gave a brief overview on discussions and actions taken at the April 5, 2022 Planning Commission meeting.

Councilmember Gorham commended the Planning Commission for their in depth questions and their probing commentary.

B. Site Plan Amendment Review Location: 24275 Smithtown Lane

Applicant: Mikan Homes

Planning Director Darling explained that this is an application to allowing building and site modifications to accommodate the offices for Mikan Homes. She reviewed the actions proposed by the applicant and noted that the Planning Commission recommended approval with a few conditions as noted in the packet. She explained that Site Plan review does not require notification of adjacent property owners or a public hearing.

Councilmember Siakel stated that she thinks this proposal will be an improvement over what is currently there. She stated that the applicant did a good job of answering the questions at the Planning Commission meeting.

Councilmember Gorham noted that the flags depicted in the drawings are just a graphic and there will not be flags flying in front of the building.

Siakel moved, Gorham seconded, Adopting RESOLUTION NO. 22-042, "A Resolution Approving a Site Plan Amendment for Property Located at 24275 Smithtown Road." All in favor, motion passed.

8. ENGINEERING/PUBLIC WORKS

A. Approve Plans and Specifications for 2022 Mill and Overlay, City Project 21-11

City Engineer Budde explained that the City has identified some streets in their 2022 Mill and Overlay project in order to maintain and extend the longevity of the existing roadway infrastructure throughout the City. The streets included are: Silver Lake Trail; Sierra Circle; Christmas Lake Road; Christmas Lake Lane (East and West); Murry Street; Murray Court; Galpin Lane; and the remaining block of Covington Road that was not done last year because of the watermain repairs. He stated that they had investigated the possibility of including curb and trail improvements on Covington Road, however it would add an additional \$200,000 so staff has recommended just completing a mill and overlay to stay within the CIP budget. He noted that the estimate is over what it had originally been so the recommendation is to bid Murray Street and Murray Court as an alternate, because they have the best pavement rating of the streets currently included in the project area, and could potentially be extended out a bit further, if needed. He stated that the City is trying to get State bond funding for Galpin Lane sidewalk improvements and are hopeful that they will get an answer by the end of May. He explained some of the possible approaches of the City if they are successful in their funding endeavors. Staff recommends approval with Galpin Lane as Alternate A and Murray Street/Murray Court as Alternate B.

Councilmember Gorham asked if the City does not do Murray Street and Murray Court this year if the plan be to do a full reconstruction in a few years.

City Engineer Budde explained that it would still stay as a mill and overlay project, but could be combined with a 2023 street reconstruction project or it could be delayed a few years and included with future mill and overlay projects.

Councilmember Gorham stated that City Engineer Budde had stated that they were the highest rated of the streets included and asked how many good years they had left in them.

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City Engineer Budde stated that would be subjective and stated that he believes they were rated at a 6 on a scale of 1-10. He noted that the City has received a fair number of complaints from residents that it is starting to deteriorate, however, staff feels, if they need to, they can get a few more years life out of it with some patching and other minor repair work by Public Works.

Councilmember Gorham stated that Galpin Lane is in poor shape and asked if he understood correctly that if they received bonding for that area, the idea would be to wait for that funding to come in before the work is done.

City Engineer Budde stated that it would be a Council decision, but he had envisioned that if there were State bonding dollars dedicated for it, the City could move forward with final design for the full street reconstruction including adding in the sidewalks. He stated that he would estimate it would take at least two years to get to construction because there is some robust permitting that will be required because of the wetlands.

Mayor Labadie stated that she likes the proposal of having the main bid and the two alternates as options because she thinks it makes things very clear to residents and the Council.

Callies moved, Labadie seconded, Adopting RESOLUTION NO. 22-043, "A Resolution Approving Plans and Specifications and Authorize Bidding for the 2022 Mill and Overlay Project, City Project 21-11." All in favor, motion passed.

9. GENERAL/NEW BUSINESS

10. STAFF AND COUNCIL REPORTS

A. Administrator and Staff

1. Advanced Construction Notification Signs

Public Works Director Brown stated that the City has been working on various methods in order to strengthen communication methodology for the CIPs. He stated that Council and staff has heard too many times that residents were unaware that projects were happening even though they lived in the neighborhood. He stated that staff is proposing the installation of signage on key termini points of the projects. He reviewed the proposed sign that would state that construction was planned for the roadway and gives people the option to reference the City's website or call City Hall if they had questions. He noted that if the Council supports this, the first installation of the signs would be on the Strawberry Lane and Birch Bluff road projects. He gave an overview of the proposed timeline for when the signage would be posted.

Councilmember Johnson asked if the signs had already been manufactured.

Public Works Director Brown stated that the signs had not been manufactured.

Councilmember Johnson suggested actually including City Hall's phone number on the sign and not simply telling people to contact City Hall.

Councilmember Gorham stated that he was going to make that same suggestion.

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Councilmember Siakel noted that the Strawberry Lane project had already been approved and questioned whether the signs needed to be put up in that location.

Public Works Director Brown stated that it is always surprising that even with all the discussion and information that has been distributed, there always seems to be someone that comes in at the ninth hour that says they had no idea that the project was going to happen.

Councilmember Callies stated that there are also people who move in and out who may be unaware.

Councilmember Johnson stated that he feels the more the City can enforce the idea that the project is coming will be a positive thing.

Public Works Director Brown stated that City Engineer Budde just suggested the possibility of including a QR code on the sign.

City Engineer Budde explained that when this has been used elsewhere, it has allowed him to simply take a picture on his phone when he was driving by without the need to stop and take down the phone number.

The Council had consensus that including a QR code on the construction notification signs would be a great idea.

2. Green Steps Update

Mayor Labadie noted that the Green Steps document was included in the packet and noted that Communications and Recycling Coordinator Moore was not able to present the information at tonight's meeting. She suggested Moore come to a future meeting and present this information to the Council.

Other

Public Works Director Brown stated that spring weight restrictions are still on and noted that Public Works has begun sweeping streets on the east side of town, however the sweeper is having to go to the shop so there will be a minor delay in that work continuing. He stated that when the sweeping is done, their crews will come behind and flush the watermains and encouraged residents to check the City website and social media for details of those plans.

Councilmember Johnson asked why the City always starts on the east side and moves to the west with this work.

Public Works Director Brown explained that traditionally, there was more curb and gutter on the east side. The street sweeper is one of the heaviest vehicles the City owns, so when roadways are soft, it has the potential to do damage, which means running it down a roadway with edge control where it is supported does far less damage than if it were on a rural roadway without curb and gutter. He stated that this approach may change over time because there are more roadways on the west side of the City that have more curb and gutter.

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Councilmember Callies asked about the lift station on Radisson Road. She stated that it is not on the list for planned repair, but she noticed that there was a lot of work that has happened recently and asked for an update.

Public Works Director Brown explained that at least once a year they go through and pump down and clean and wash out the lift stations. He stated that when this was done at the Radisson Road lift station, the crew noted that there were some parts that had deteriorated which meant they needed to conduct some emergency repairs to replace some piping. He expressed his appreciation to his crew for their work this past weekend with the wind storms.

City Engineer Budde stated that the City will open bids tomorrow on the Smithtown Ponds and Shorewood Oaks project. He stated that they expect to add the rock in at the end of the Christmas Lake boat landing later this week.

City Administrator Lerud noted that this will be his last meeting with the City. He expressed his appreciation to the current and former Council for their support over the last five years.

Mayor Labadie expressed her appreciation for the work City Administrator Lerud has done in the City with such a high level of competence and professionalism. She stated that he will be leaving the City better than it was when he arrived and thanked him for his service to the City.

B. Mayor and City Council

Councilmember Gorham thanked City Administrator Lerud for his work for the City and expressed his appreciation to Mayor Labadie for bringing in two strong interim City Administrator candidates.

Mayor Labadie encouraged residents to sign up for the water pledge before the end of the month as part of the Wyland National Mayor's Challenge for water conservation. She stated that they can sign up at www.mywaterpledge.com.

11. ADJOURN

Johnson moved, Gorham seconded, Adjourning the City Council Regular Meeting of April 25, 2022, at 8:08 P.M. All in favor, motion passed.

ATTEST:

Jennifer Labadie, Mayor

Sandie Thone, City Clerk



#2 C

MEETING TYPE
Regular Meeting

City of Shorewood Council Meeting Item

Title / Subject: Verified Claims

Meeting Date: May 9, 2022

Prepared by: Michelle Nguyen, Senior Accountant
Joe Rigdon, Finance Director

Attachments: Claims lists

Policy Consideration:

Should the attached claims against the City of Shorewood be paid?

Background:

Claims for council authorization.

67355 - 67373 & ACH	116,451.66
Total Claims	\$116,451.66

We have also included a payroll summary for the payroll period ending **April 24, 2022**

Financial or Budget Considerations:

These expenditures are reasonable and necessary to provide services to our residents and funds are budgeted and available for these purposes.

Options:

The City Council may accept the staff recommendation to pay these claims or may reject any expenditure it deems not in the best interest of the city.

Recommendation / Action Requested:

Staff recommends approval of the claims list as presented.

Next Steps and Timelines:

Checks will be distributed following approval.

Payroll

G/L Distribution Report

User: mnguyen

Batch: 00002.04.2022 - PR-04-25-2022

CITY OF SHOREWOOD



Account Number	Debit Amount	Credit Amount	Description
FUND 101	General Fund		
101-00-1010-0000	0.00	83,449.72	CASH AND INVESTMENTS
101-11-4103-0000	1,716.64	0.00	PART-TIME
101-11-4122-0000	131.31	0.00	FICA CONTRIB - CITY SHARE
101-13-4101-0000	13,763.91	0.00	FULL-TIME REGULAR
101-13-4103-0000	698.80	0.00	PART-TIME
101-13-4121-0000	1,084.69	0.00	PERA CONTRIB - CITY SHARE
101-13-4122-0000	1,020.95	0.00	FICA CONTRIB - CITY SHARE
101-13-4131-0000	2,174.54	0.00	EMPLOYEE INSURANCE - CITY
101-13-4151-0000	75.19	0.00	WORKERS COMPENSATION
101-15-4101-0000	5,617.93	0.00	FULL-TIME REGULAR
101-15-4121-0000	421.35	0.00	PERA CONTRIB - CITY SHARE
101-15-4122-0000	432.29	0.00	FICA CONTRIB - CITY SHARE
101-15-4131-0000	641.58	0.00	EMPLOYEE INSURANCE - CITY
101-15-4151-0000	28.71	0.00	WORKERS COMPENSATION
101-18-4101-0000	8,424.44	0.00	FULL-TIME REGULAR
101-18-4103-0000	460.15	0.00	PART-TIME
101-18-4121-0000	666.34	0.00	PERA CONTRIB - CITY SHARE
101-18-4122-0000	594.45	0.00	FICA CONTRIB - CITY SHARE
101-18-4131-0000	1,496.57	0.00	EMPLOYEE INSURANCE - CITY
101-18-4151-0000	63.88	0.00	WORKERS COMPENSATION
101-24-4101-0000	3,570.86	0.00	FULL-TIME REGULAR
101-24-4121-0000	267.81	0.00	PERA CONTRIB - CITY SHARE
101-24-4122-0000	274.30	0.00	FICA CONTRIB - CITY SHARE
101-24-4131-0000	668.24	0.00	EMPLOYEE INSURANCE - CITY
101-24-4151-0000	18.50	0.00	WORKERS COMPENSATION
101-32-4101-0000	23,810.29	0.00	FULL-TIME REGULAR
101-32-4105-0000	421.32	0.00	STREET PAGER PAY
101-32-4121-0000	1,066.75	0.00	PERA CONTRIB - CITY SHARE
101-32-4122-0000	1,833.05	0.00	FICA CONTRIB - CITY SHARE
101-32-4131-0000	2,633.04	0.00	EMPLOYEE INSURANCE - CITY
101-32-4151-0000	820.10	0.00	WORKERS COMPENSATION
101-33-4101-0000	1,153.72	0.00	FULL-TIME REGULAR
101-33-4121-0000	36.48	0.00	PERA CONTRIB - CITY SHARE
101-33-4122-0000	96.38	0.00	FICA CONTRIB - CITY SHARE

Account Number	Debit Amount	Credit Amount	Description
101-33-4131-0000	261.80	0.00	EMPLOYEE INSURANCE - CITY
101-33-4151-0000	35.48	0.00	WORKERS COMPENSATION
101-52-4101-0000	3,758.25	0.00	FULL-TIME REGULAR
101-52-4121-0000	231.86	0.00	PERA CONTRIB - CITY SHARE
101-52-4122-0000	288.54	0.00	FICA CONTRIB - CITY SHARE
101-52-4131-0000	798.42	0.00	EMPLOYEE INSURANCE - CITY
101-52-4151-0000	159.35	0.00	WORKERS COMPENSATION
101-53-4101-0000	1,427.56	0.00	FULL-TIME REGULAR
101-53-4121-0000	107.05	0.00	PERA CONTRIB - CITY SHARE
101-53-4122-0000	110.52	0.00	FICA CONTRIB - CITY SHARE
101-53-4131-0000	17.50	0.00	EMPLOYEE INSURANCE - CITY
101-53-4151-0000	68.83	0.00	WORKERS COMPENSATION
FUND Total:	83,449.72	83,449.72	
FUND 201	Shorewood Comm. & Event Center		
201-00-1010-0000	0.00	2,766.84	CASH AND INVESTMENTS
201-00-4101-0000	1,698.59	0.00	FULL-TIME REGULAR
201-00-4103-0000	611.16	0.00	PART-TIME
201-00-4121-0000	153.23	0.00	PERA CONTRIB - CITY SHARE
201-00-4122-0000	178.71	0.00	FICA CONTRIB - CITY SHARE
201-00-4131-0000	26.24	0.00	EMPLOYEE INSURANCE - CITY
201-00-4151-0000	98.91	0.00	WORKERS COMPENSATION
FUND Total:	2,766.84	2,766.84	
FUND 601	Water Utility		
601-00-1010-0000	0.00	14,425.73	CASH AND INVESTMENTS
601-00-4101-0000	10,610.98	0.00	FULL-TIME REGULAR
601-00-4102-0000	456.65	0.00	OVERTIME
601-00-4105-0000	210.66	0.00	WATER PAGER PAY
601-00-4121-0000	795.87	0.00	PERA CONTRIB - CITY SHARE
601-00-4122-0000	792.77	0.00	FICA CONTRIB - CITY SHARE
601-00-4131-0000	1,220.93	0.00	EMPLOYEE INSURANCE - CITY
601-00-4151-0000	337.87	0.00	WORKERS COMPENSATION
FUND Total:	14,425.73	14,425.73	
FUND 611	Sanitary Sewer Utility		
611-00-1010-0000	0.00	10,931.40	CASH AND INVESTMENTS
611-00-4101-0000	8,038.15	0.00	FULL-TIME REGULAR
611-00-4102-0000	236.22	0.00	OVERTIME
611-00-4105-0000	210.66	0.00	SEWER PAGER PAY
611-00-4121-0000	586.33	0.00	PERA CONTRIB - CITY SHARE
611-00-4122-0000	605.28	0.00	FICA CONTRIB - CITY SHARE

Account Number	Debit Amount	Credit Amount	Description
611-00-4131-0000	1,026.11	0.00	EMPLOYEE INSURANCE - CITY
611-00-4151-0000	228.65	0.00	WORKERS COMPENSATION
FUND Total:	10,931.40	10,931.40	
FUND 621	Recycling Utility		
621-00-1010-0000	0.00	550.40	CASH AND INVESTMENTS
621-00-4101-0000	409.60	0.00	FULL-TIME REGULAR
621-00-4121-0000	30.72	0.00	PERA CONTRIB - CITY SHARE
621-00-4122-0000	23.51	0.00	FICA CONTRIB - CITY SHARE
621-00-4131-0000	85.12	0.00	EMPLOYEE INSURANCE - CITY
621-00-4151-0000	1.45	0.00	WORKERS COMPENSATION
FUND Total:	550.40	550.40	
FUND 631	Storm Water Utility		
631-00-1010-0000	0.00	2,800.69	CASH AND INVESTMENTS
631-00-4101-0000	2,190.27	0.00	FULL-TIME REGULAR
631-00-4121-0000	114.23	0.00	PERA CONTRIB - CITY SHARE
631-00-4122-0000	173.41	0.00	FICA CONTRIB - CITY SHARE
631-00-4131-0000	283.61	0.00	EMPLOYEE INSURANCE - CITY
631-00-4151-0000	39.17	0.00	WORKERS COMPENSATION
FUND Total:	2,800.69	2,800.69	
FUND 700	Payroll Clearing Fund		
700-00-1010-0000	114,924.78	0.00	CASH AND INVESTMENTS
700-00-2170-0000	0.00	48,320.95	GROSS PAYROLL CLEARING
700-00-2171-0000	0.00	11,510.65	HEALTH INSURANCE PAYABLE
700-00-2172-0000	0.00	6,298.19	FEDERAL WITHHOLDING PAYABLE
700-00-2173-0000	0.00	2,933.61	STATE WITHHOLDING PAYABLE
700-00-2174-0000	0.00	13,110.94	FICA/MEDICARE TAX PAYABLE
700-00-2175-0000	0.00	10,383.71	PERA WITHHOLDING PAYABLE
700-00-2176-0000	0.00	16,763.29	DEFERRED COMPENSATION
700-00-2177-0000	0.00	1,976.09	WORKERS COMPENSATION
700-00-2183-0000	0.00	2,289.09	HEALTH SAVINGS ACCOUNT
700-00-2184-0000	0.00	930.26	DENTAL DELTA
700-00-2185-0000	0.00	408.00	DENTAL - UNION
FUND Total:	114,924.78	114,924.78	
Report Total:	229,849.56	229,849.56	

Accounts Payable

Computer Check Proof List by Vendor

User: mnguyen
 Printed: 04/25/2022 - 1:52PM
 Batch: 00006.04.2022 - PR-04-25-2022



Invoice No	Description	Amount	Payment Date	Acct Number	Reference
Vendor: 4	AFSCME CO 5 MEMBER HEALTH FUND-UN			Check Sequence: 1	ACH Enabled: True
April-2022	PR Batch 00002.04.2022 Dental - Union	408.00	04/25/2022	700-00-2185-0000	PR Batch 00002.04.2022 Dental - Union
	Check Total:	408.00			
Vendor: 1084	BANK VISTA			Check Sequence: 2	ACH Enabled: True
PR-04-25-2022	PR Batch 00002.04.2022 HSA-BANK VISTA	281.09	04/25/2022	700-00-2183-0000	PR Batch 00002.04.2022 HSA-BANK VIS
	Check Total:	281.09			
Vendor: 5	EFTPS - FEDERAL W/H			Check Sequence: 3	ACH Enabled: True
PR-04-25-2022	PR Batch 00002.04.2022 Federal Income Tax	6,298.19	04/25/2022	700-00-2172-0000	PR Batch 00002.04.2022 Federal Income T
PR-04-25-2022	PR Batch 00002.04.2022 FICA Employee Portio	5,312.95	04/25/2022	700-00-2174-0000	PR Batch 00002.04.2022 FICA Employee I
PR-04-25-2022	PR Batch 00002.04.2022 FICA Employer Portio	5,312.95	04/25/2022	700-00-2174-0000	PR Batch 00002.04.2022 FICA Employer I
PR-04-25-2022	PR Batch 00002.04.2022 Medicare Employee Pc	1,242.52	04/25/2022	700-00-2174-0000	PR Batch 00002.04.2022 Medicare Emplo
PR-04-25-2022	PR Batch 00002.04.2022 Medicare Employer Po	1,242.52	04/25/2022	700-00-2174-0000	PR Batch 00002.04.2022 Medicare Emplo
	Check Total:	19,409.13			
Vendor: 6	HEALTH PARTNERS-MEDICAL			Check Sequence: 4	ACH Enabled: True
April-2022	PR Batch 00002.04.2022 Health Ins - CoPay-2	2,703.75	04/25/2022	700-00-2171-0000	PR Batch 00002.04.2022 Health Ins - CoPa
April-2022	PR Batch 00001.04.2022 Health Insurance-HSA	6,250.00	04/11/2022	700-00-2171-0000	PR Batch 00001.04.2022 Health Insurance
April-2022	PR Batch 00001.04.2022 Health Ins - CoPay-1	4,500.00	04/11/2022	700-00-2171-0000	PR Batch 00001.04.2022 Health Ins - CoPa
April-2022	PR Batch 00002.04.2022 Health Insurance-HSA	6,702.41	04/25/2022	700-00-2171-0000	PR Batch 00002.04.2022 Health Insurance
April-2022Jason	PR Batch 00002.04.2022 Health Ins - CoPay-2	2,104.49	04/25/2022	700-00-2171-0000	PR Batch 00002.04.2022 Health Insurance
	Check Total:	22,260.65			
Vendor: 1166	HEALTHPARTNER-DENTAL			Check Sequence: 5	ACH Enabled: True
April-2022	PR Batch 00002.04.2022 Dental - Non Union	826.90	04/25/2022	700-00-2184-0000	PR Batch 00002.04.2022 Dental - Non Uni
April-2022-COBR	PR Batch 00002.04.2022 Dental - Non Union	45.94	04/25/2022	700-00-2184-0000	PR Batch 00002.04.2022 Dental - Non Uni
April-2022Jason	PR Batch 00002.04.2022 Dental - Non Union	103.36	04/25/2022	700-00-2184-0000	PR Batch 00002.04.2022 Dental - Non Uni

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
	Check Total:	976.20			
Vendor: 2	ICMA RETIREMENT TRUST-302131-457			Check Sequence: 6	ACH Enabled: True
PR-04-25-2022	PR Batch 00002.04.2022 Deferred Comp-ICMA	3,205.13	04/25/2022	700-00-2176-0000	PR Batch 00002.04.2022 Deferred Comp-I
PR-04-25-2022	PR Batch 00002.04.2022 Deferred Comp-ICMA	83.16	04/25/2022	700-00-2176-0000	PR Batch 00002.04.2022 Deferred Comp-I
	Check Total:	3,288.29			
Vendor: UB*00463	Christopher & Courtney Miernicki			Check Sequence: 7	ACH Enabled: False
	Refund Check 008223-001, 5790 Kelsey Dr	235.36	04/25/2022	601-00-2010-0000	
	Refund Check 008223-001, 5790 Kelsey Dr	274.58	04/25/2022	611-00-2010-0000	
	Refund Check 008223-001, 5790 Kelsey Dr	117.68	04/25/2022	631-00-2010-0000	
	Refund Check 008223-001, 5790 Kelsey Dr	117.68	04/25/2022	621-00-2010-0000	
	Check Total:	745.30			
Vendor: 11	MINNESOTA DEPARTMENT OF REVENUE			Check Sequence: 8	ACH Enabled: True
PR-04-25-2022	PR Batch 00002.04.2022 State Income Tax	2,933.61	04/25/2022	700-00-2173-0000	PR Batch 00002.04.2022 State Income Tax
	Check Total:	2,933.61			
Vendor: 1091	MSRS-MN DEFERRED COMP PLAN 457			Check Sequence: 9	ACH Enabled: True
PR-04-25-2022	PR Batch 00002.04.2022 Deferred Comp-MSRS	7,425.00	04/25/2022	700-00-2176-0000	PR Batch 00002.04.2022 Deferred Comp-1
PR-04-25-2022	PR Batch 00002.04.2022 Deferred Comp-MSRS	6,050.00	04/25/2022	700-00-2176-0000	PR Batch 00002.04.2022 Deferred Comp-1
	Check Total:	13,475.00			
Vendor: 665	OPTUM BANK			Check Sequence: 10	ACH Enabled: True
PR-04-25-2022	PR Batch 00002.04.2022 HSA-OPTUM BANK	2,008.00	04/25/2022	700-00-2183-0000	PR Batch 00002.04.2022 HSA-OPTUM B.
	Check Total:	2,008.00			
Vendor: 9	PERA			Check Sequence: 11	ACH Enabled: True
PR-04-25-2022	PR Batch 00002.04.2022 MN-PERA Deduction	4,821.00	04/25/2022	700-00-2175-0000	PR Batch 00002.04.2022 MN-PERA Dedu
PR-04-25-2022	PR Batch 00002.04.2022 MN PERA Benefit Em	5,562.71	04/25/2022	700-00-2175-0000	PR Batch 00002.04.2022 MN PERA Benef
	Check Total:	10,383.71			

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
	Total for Check Run:	76,168.98			
	Total of Number of Checks:	11			

Accounts Payable

Computer Check Proof List by Vendor

User: mnguyen
Printed: 05/04/2022 - 1:55PM
Batch: 00001.05.2022 - AP-05-09-2022



Invoice No	Description	Amount	Payment Date	Acct Number	Reference
Vendor: 817	ARCPPOINT LABS OF EDEN PRAIRIE			Check Sequence: 1	ACH Enabled: False
2044	Drug Testing	73.75	05/09/2022	101-32-4305-0000	
	Check Total:	73.75			
Vendor: 950	BARR ENGINEERING COMPANY			Check Sequence: 2	ACH Enabled: True
23271735.00-20	Grant Street Pond	1,063.50	05/09/2022	631-00-4303-0000	
23271735.00-22	Grant Street Pond	1,080.50	05/09/2022	631-00-4303-0000	
	Check Total:	2,144.00			
Vendor: UB*00466	Patrick & Rachel A. Barrett			Check Sequence: 3	ACH Enabled: False
	Refund Check 005819-000, 19260 McKinley Ct	28.46	05/04/2022	601-00-2010-0000	
	Refund Check 005819-000, 19260 McKinley Ct	33.21	05/04/2022	611-00-2010-0000	
	Refund Check 005819-000, 19260 McKinley Ct	14.23	05/04/2022	631-00-2010-0000	
	Refund Check 005819-000, 19260 McKinley Ct	14.23	05/04/2022	621-00-2010-0000	
	Check Total:	90.13			
Vendor: 1245	CENTER OF THE AMERICAN EXPERIMENT			Check Sequence: 4	ACH Enabled: False
04-19-22-Refund	Room Rental Damaged Deposit Refund	200.00	05/09/2022	201-00-3410-0000	
	Check Total:	200.00			
Vendor: 136	CENTERPOINT ENERGY			Check Sequence: 5	ACH Enabled: True
04-28-2022	20405 Knightsbridge Rd	109.74	05/09/2022	601-00-4394-0000	
04-28-2022	28125 Boulder Bridge	196.73	05/09/2022	601-00-4396-0000	
04-28-2022	24200 Smithtown Rd	612.57	05/09/2022	101-32-4380-0000	
04-28-2022	6000 Eureka Road	239.69	05/09/2022	101-52-4380-0000	
04-28-2022	5755 Country Club Rd	276.51	05/09/2022	101-19-4380-0000	
79456885-042222	5735 Country Club Rd-SCEC	278.37	05/09/2022	201-00-4380-0000	
86501806-042222	20630 Manor Rd	66.77	05/09/2022	101-52-4380-0000	

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
Check Total:		1,780.38			
Vendor: 137	CENTURY LINK			Check Sequence: 6	ACH Enabled: True
9524702294Apr22	952-470-2294-642-PW	65.65	05/09/2022	101-32-4321-0000	
9524706340Apr22	952-474-6340-989-CH	119.65	05/09/2022	101-19-4321-0000	
9524707819Apr22	952-470-7819-261-SSCC	123.30	05/09/2022	201-00-4321-0000	New Line
Check Total:		308.60			
Vendor: 1246	COPPIN SEWER AND WATER			Check Sequence: 7	ACH Enabled: False
5620OldMktRd	ROW Security Deposit Refund - 5620 Old Mark	2,000.00	05/09/2022	880-00-2200-0000	
Check Total:		2,000.00			
Vendor: 456	CORE & MAIN, LP			Check Sequence: 8	ACH Enabled: False
Q697616	Watermain Fittings	430.32	05/09/2022	601-00-4245-0000	
Q719999	Watermain Fittings	1,170.01	05/09/2022	601-00-4245-0000	
Check Total:		1,600.33			
Vendor: 167	ECM PUBLISHERS INC			Check Sequence: 9	ACH Enabled: True
887293	Smithtown Pond & Shorewood Oaks Improvem	239.01	05/09/2022	412-00-4351-0000	
887294	Sign Regulations	30.84	05/09/2022	101-18-4351-0000	
888328	Smithtown Pond & Shorewood Oaks Improvem	368.90	05/09/2022	412-00-4351-0000	
888329	Sign Regulations	47.60	05/09/2022	101-18-4351-0000	
889663	Ord. No. 587	59.50	05/09/2022	101-13-4351-0000	
Check Total:		745.85			
Vendor: 200	GOPHER STATE ONE CALL			Check Sequence: 10	ACH Enabled: True
2040737	Monthly Rental	93.15	05/09/2022	601-00-4400-0000	
2040737	Monthly Rental	93.15	05/09/2022	611-00-4400-0000	
2040737	Monthly Rental	93.15	05/09/2022	631-00-4400-0000	
Check Total:		279.45			
Vendor: 206	TWILA GROUT			Check Sequence: 11	ACH Enabled: True
Willette-05-02-22	Tablecloths	80.00	05/09/2022	201-00-4245-0000	
Check Total:		80.00			
Vendor: 436	MARK HODGES			Check Sequence: 12	ACH Enabled: True
2022-002	Work Session - Council	70.00	05/09/2022	101-11-4400-0000	

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
	Check Total:	70.00			
Vendor: 896	HUEBSCH SERVICES			Check Sequence: 13	ACH Enabled: True
20143694	City Hall - Mats	201.98	05/09/2022	101-19-4400-0000	
20146594	SCEC - Mats	74.11	05/09/2022	201-00-4400-0000	
	Check Total:	276.09			
Vendor: 1242	CHRISY HUGHES			Check Sequence: 14	ACH Enabled: False
04-30-2022Refun	Room Rental Damaged Deposit Refund	224.00	05/09/2022	201-00-3410-0000	
	Check Total:	224.00			
Vendor: 225	INTERNATIONAL INSTITUTE OF MUNICIPAL			Check Sequence: 15	ACH Enabled: False
2022-Thone	IIMC Renewal for Sandie Thone	200.00	05/09/2022	101-13-4433-0000	
	Check Total:	200.00			
Vendor: 247	DREW KRIESEL			Check Sequence: 16	ACH Enabled: False
April-2022	Building Maint. Services	300.00	05/09/2022	201-00-4400-0000	
April-2022	Events Program/Class Services	1,365.00	05/09/2022	201-00-4248-0000	
March-2022-Svc	Supplies	336.00	05/09/2022	201-00-4245-0000	
	Check Total:	2,001.00			
Vendor: 531	LEAGUE OF MINNESOTA CITIES			Check Sequence: 17	ACH Enabled: False
362837	Registration- Jason Carlson - Harassment Prever	10.00	05/09/2022	101-18-4331-0000	
	Check Total:	10.00			
Vendor: 841	GREGORY LERUD			Check Sequence: 18	ACH Enabled: False
2021-Exp	Supplies	13.48	05/09/2022	101-19-4245-0000	
2021-Exp	Supplies-Sam's	17.46	05/09/2022	101-19-4245-0000	
2021-Mileages	2021-Mileages	40.94	05/09/2022	101-13-4331-0000	
2022-Exp	Supplies-Sam's	12.64	05/09/2022	101-19-4245-0000	
2022-Mileages	2022-Mileages	105.07	05/09/2022	101-13-4331-0000	
	Check Total:	189.59			
Vendor: 1247	DOROTHY GUSTAFSON LSF8 MASTER PAF			Check Sequence: 19	ACH Enabled: False
5440WWD-2022	Return Rental Housing License Application-5440	75.00	05/09/2022	101-24-3217-0000	
	Check Total:	75.00			

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
Vendor: 279 1138869	METROPOLITAN COUNCIL (WASTEWATE MCES Industrial Discharge Permit SE Well-575:	475.00	05/09/2022	Check Sequence: 20 601-00-4437-0000	ACH Enabled: True
	Check Total:	475.00			
Vendor: 313 April-2022	MICHELLE THU-THAO NGUYEN Mileage Reimbursement	119.90	05/09/2022	Check Sequence: 21 101-15-4331-0000	ACH Enabled: True
	Check Total:	119.90			
Vendor: 325 1318258	ON SITE SANITATION -TWIN CITIES Badger Pk-5745 Country Club Rd	70.02	05/09/2022	Check Sequence: 22 101-52-4410-0000	ACH Enabled: True
	Check Total:	70.02			
Vendor: 864 42744	QUALITY FLOW SYSTEMS, INC. Critical Repairs L.S.#11 Radisson Road	8,665.00	05/09/2022	Check Sequence: 23 611-00-4400-0000	ACH Enabled: True
	Check Total:	8,665.00			
Vendor: 355 134232	SHRED-N-GO INC Shredded Svc	54.75	05/09/2022	Check Sequence: 24 101-13-4400-0000	ACH Enabled: False
	Check Total:	54.75			
Vendor: UB*00465	Alexander & Natalie Slocum Refund Check 008985-000, 5220 Vine Hill Rd Refund Check 008985-000, 5220 Vine Hill Rd Refund Check 008985-000, 5220 Vine Hill Rd Refund Check 008985-000, 5220 Vine Hill Rd	7.24 8.44 3.62 3.62	05/04/2022 05/04/2022 05/04/2022 05/04/2022	Check Sequence: 25 601-00-2010-0000 611-00-2010-0000 631-00-2010-0000 621-00-2010-0000	ACH Enabled: False
	Check Total:	22.92			
Vendor: UB*00464	Jerome D. & Nancy Smith Refund Check 005566-000, 25630 Park Ln Refund Check 005566-000, 25630 Park Ln Refund Check 005566-000, 25630 Park Ln Refund Check 005566-000, 25630 Park Ln	18.55 21.64 9.28 9.27	05/04/2022 05/04/2022 05/04/2022 05/04/2022	Check Sequence: 26 601-00-2010-0000 611-00-2010-0000 631-00-2010-0000 621-00-2010-0000	ACH Enabled: False
	Check Total:	58.74			
Vendor: 924 14004 14004 14004	SOFTLINE DATA, INC. Alert Communications Utilities Alert Communications Utilities Alert Communications Utilities	205.00 205.00 205.00	05/09/2022 05/09/2022 05/09/2022	Check Sequence: 27 601-00-4400-0000 611-00-4400-0000 631-00-4400-0000	ACH Enabled: False

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
	Check Total:	615.00			
Vendor: 360	SOUTH LAKE MINNETONKA POLICE DEPA			Check Sequence: 28	ACH Enabled: False
March-2022-HCPF	Monthly-Henn Cty Process Fee	150.00	05/09/2022	101-21-4400-0000	
Oct-2021-HCPF+	Monthly-Henn Cty Process Fee-Oct-2021-Additi	150.00	05/09/2022	101-21-4400-0000	
	Check Total:	300.00			
Vendor: 1181	SPLIT ROCK MANAGEMENT, INC.			Check Sequence: 29	ACH Enabled: True
83280	Custodial Service-CH Building	472.00	05/09/2022	101-19-4400-0000	
83281	Custodial Service-PWs Building	358.00	05/09/2022	101-32-4400-0000	
	Check Total:	830.00			
Vendor: 1101	SPRINGBROOK HOLDING COMPANY LLC			Check Sequence: 30	ACH Enabled: True
INV-009428	Springbrook-CivicPay Fees	228.25	05/09/2022	621-00-4450-0000	
INV-009428	Springbrook-CivicPay Fees	228.25	05/09/2022	631-00-4450-0000	
INV-009428	Springbrook-CivicPay Fees	228.25	05/09/2022	611-00-4450-0000	
INV-009428	Springbrook-CivicPay Fees	228.25	05/09/2022	601-00-4450-0000	
	Check Total:	913.00			
Vendor: 821	SANDRA LEE THONE			Check Sequence: 31	ACH Enabled: True
Jan-Apr-2022-Wellnes	Wellness Reimbursement - Jan to Apr-2022	80.00	05/09/2022	101-13-4101-0000	
	Check Total:	80.00			
Vendor: 694	TIMESAVER OFF SITE SECRETARIAL, INC.			Check Sequence: 32	ACH Enabled: True
M27259	Planning Meeting	154.00	05/09/2022	101-18-4400-0000	
M27300	Council Meeting	563.50	05/09/2022	101-13-4400-0000	
M27300	Park Meeting	154.00	05/09/2022	101-52-4400-0000	
	Check Total:	871.50			
Vendor: 384	TOTAL PRINTING SERVICES			Check Sequence: 33	ACH Enabled: False
13409	Newsletters	1,050.00	05/09/2022	101-13-4351-0000	
13409	Shredding-Spring Cleanup Insert	185.00	05/09/2022	621-00-4351-0000	
	Check Total:	1,235.00			
Vendor: 386	TWIN CITY WATER CLINIC			Check Sequence: 34	ACH Enabled: False
17441	Monthly Bacteria Svc	150.00	05/09/2022	601-00-4400-0000	

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
	Check Total:	150.00			
Vendor: 1083	UNIFIRST CORPORATION			Check Sequence: 35	ACH Enabled: True
April-2022	Uniforms	652.61	05/09/2022	101-32-4400-0000	
	Check Total:	652.61			
Vendor: 415	WARNER CONNECT			Check Sequence: 36	ACH Enabled: True
29940796	Network Maint Services	607.50	05/09/2022	101-19-4321-0000	
	Check Total:	607.50			
Vendor: 402	WATER CONSERVATION SERVICES, INC.			Check Sequence: 37	ACH Enabled: True
12241	Watermain Break @ 4885 Regents Walk	323.99	05/09/2022	601-00-4400-0000	
12290	Watermain Break @ Apple & Bracketts Road	489.20	05/09/2022	601-00-4400-0000	
	Check Total:	813.19			
Vendor: 410	WSB AND ASSOCIATES, INC.			Check Sequence: 38	ACH Enabled: True
R-012809-000-37	Enchanted & Shady Island	24.25	05/09/2022	410-00-4303-0000	
	Check Total:	24.25			
Vendor: 411	XCEL ENERGY, INC.			Check Sequence: 39	ACH Enabled: True
776532909	C.H. Svcs	551.88	05/09/2022	101-19-4380-0000	C.H. Svcs
776532909	P.W. Bldg Svc	412.73	05/09/2022	101-32-4380-0000	P.W. Bldg Svc
776532909	P.W. Street Lights Svc	3,926.80	05/09/2022	101-32-4399-0000	P.W. Street Lights Svc
776532909	Parks	705.77	05/09/2022	101-52-4380-0000	Parks
776532909	Amesbury	131.95	05/09/2022	601-00-4394-0000	Amesbury
776532909	Boulder Bridge	148.59	05/09/2022	601-00-4396-0000	Boulder Bridge
776532909	S.E. Area Svc	2,819.50	05/09/2022	601-00-4398-0000	S.E. Area Svc
776532909	Lift Station Street Lights	-666.77	05/09/2022	611-00-4380-0000	L.S. Street Lights
777093114	24253 Smithtown Rd	1,618.51	05/09/2022	601-00-4395-0000	24253 Smithtown Rd
777117822	5735 Country Club Rd	782.46	05/09/2022	201-00-4380-0000	5735 Country Club Rd
777224343	5755 Country Club Rd	218.06	05/09/2022	101-19-4380-0000	5755 Country Club Rd
777478239	5700 County Rd 19	48.25	05/09/2022	101-32-4399-0000	5700 County Rd 19
777478239	5700 County Rd 19 - Unit Light	261.31	05/09/2022	101-32-4399-0000	5700 County Rd 19 - Unit Light
777574408	4931 Shady Island Road	43.25	05/09/2022	611-00-4380-0000	4931 Shady Island Road
777574964	28125 Boulder Bridge Drive	373.84	05/09/2022	601-00-4396-0000	28125 Boulder Bridge Drive
	Check Total:	11,376.13			

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
	Total for Check Run:	40,282.68			
	Total of Number of Checks:	39			



City of Shorewood Council Meeting Item

2D

MEETING
TYPE
Regular
Meeting

Title/Subject: Authorize Equipment Purchase, One Pickup Truck
Meeting Date: Monday, May 9, 2022
Prepared by: Larry Brown, Director of Public Works
Attachments: Capital Improvement Program Excerpt

Background: The 2022 Capital Improvement Program (CIP) includes the purchase of one pickup truck. Last year staff identified the need for our Building Official to utilize a city vehicle, versus his personal vehicle. Over the past year, one of the trucks that was to be sold at auction from a previous purchase was kept in service, until such time as a new vehicle could be purchased for this use. Attachment 1 is an excerpt from the 2022 CIP which has programmed in the purchase for this truck.

Historically, the city has purchased vehicles off of the Minnesota Cooperative Purchasing Venture (CPV). This is a state bidding process that allows the cities who are members of the CPV to purchase off the State contracts already let. State contract pricing is typically less than market, due to the volume of sales and the competitive bidding process.

Unfortunately, electronic chip and parts shortages have held up the manufacturing of trucks, and has brought the State contract process to a grinding halt. Many involved in the letting process have indicated that they have no idea when, or even if a contract will be let for 2022 vehicles.

In an effort to keep with the CIP schedule and meet the need stated, staff began to explore pricing and availability of existing inventory on dealer lots. This has been a very interesting process in trying to obtain quotes, as even during the process, two of the trucks being quoted were sold before publication of this report. The lack of production and current inventory have also had a dramatic impact on the pricing of vehicles across the market.

Quotes were obtained for two vehicles, as shown in Table 1 below:

Dealer	Model	Base Amount
Morrie's Buffalo Ford	2020 F150	\$44,700
Jay Malone Motors	2022 F150	\$46,645

Table 1

Financial Considerations: The amount programmed in the CIP, under the assumption that the City would be able to take advantage of State contract pricing, is \$33,900. The low quote is significantly higher due to direct purchase on the market and vehicle shortages. The low quote was offered by Morrie's Buffalo Ford for the base amount of \$44,700. This does not account for taxes and fees. In consulting with our Finance Director, he has indicated that the Equipment Replacement Fund has adequate reserves to permit this purchase.

Recommendation/Action Requested: Staff is recommending approval for authorization to award the low quote to Morrie's Buffalo Ford for the base amount of \$44,700 plus sales tax and fees.

Source	#	Priority	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	Total
403 - Equipment Replacement Fund													
Dump Truck - Freightliner	004	n/a									233,500		233,500
Dump Truck - Freightliner	005	n/a										240,800	240,800
Truck - Ford 550 w/crane, tool box	007	n/a								152,700			152,700
Pickup - 4 x 4 Ford F250	010	n/a									46,700		46,700
Pickup - 4 x 4 Ford F150	011	n/a								41,400			41,400
Trailer 18' - Felling FT 18WD	059	n/a										24,800	24,800
Trailer 12' - Felling FT Parks	069	n/a	14,000										14,000
Mower - Toro Groundsmaster 7210	075	n/a					31,900						31,900
Pickup - 4 x 4 Ford F250	078	n/a										48,200	48,200
Pickup - 4 x 4 Ford F150	080	n/a										44,000	44,000
Pickup - 4 x 4 Ford F350	081	n/a									49,400		49,400
Mower - Toro Groundsmaster 7210	084	n/a					31,900						31,900
Pickup - 4 x 4 Ford F350	090	n/a									49,400		49,400
Truck - Ford 550 One Ton Dump Truck	091	n/a			94,300								94,300
Mower - Toro Groundsmaster 7210	091b	n/a		29,000						34,900			63,900
Dump Truck - Freightliner	092	n/a				200,200							200,200
Skid Steer - Case SV185	097	n/a								53,700			53,700
Dump Truck - Freightliner	098	n/a						212,900					212,900
Sweeper	099	n/a							235,900				235,900
Pickup - 4x4 Ford F150	106	n/a	33,900										33,900
Attach Skid Steer - Blower	A03	n/a					10,000					11,700	21,700
Attach Skid Steer - V Plow	A04	n/a		6,700								8,500	15,200
Attach Skid Steer - snow bucket	A08	n/a						6,800					6,800
Attach MultiOne - blower	A09	n/a										7,800	7,800
Attach MultiOne - Dirt Bucket	A10	n/a						11,000					11,000
Attach skid steer broom	A15	n/a	7,500										7,500
Attach skid steer leveling bar	A16	n/a	3,200										3,200
Color Copier Replacement	T-13-03	n/a	10,000					12,000					22,000
800 Mhz Radio Replacement	T-19-01	n/a						36,000					36,000
Computer Upgrades	T-99-99	n/a	10,000	10,300	10,600	10,900	11,200	11,500	11,800	12,100	12,400	12,700	113,500
403 - Equipment Replacement Fund Total			78,600	46,000	104,900	211,100	85,000	290,200	247,700	294,800	391,400	398,500	2,148,200
404 - Street Reconstruction Fund													
Mill & Overlay and Striping	LR-99-100	n/a	732,500			494,240				590,339			1,817,079
Strawberry Ln ROW acquisition	ST-19-02	n/a	150,000										150,000

Wednesday, December 8, 2021



City of Shorewood Council Meeting Item

#2E

MEETING TYPE
Regular Meeting

Title / Subject: Approval of Amendment to the Excelsior Woods Development Agreement
Applicant: Red Granite Construction
Location: 20325 Excelsior Blvd

Meeting Date: May 9, 2022
Prepared by: Marie Darling, Planning Director

Attachments: Amended Development Agreement Resolution

Background: The City requested that the developer provide a larger watermain pipe than originally approved (8-inch instead of 6-inch) and the developer agreed. The price difference between the mains would be paid by the city, up to the amount collected by the watermain connection fees. The attached amendment to the development agreement acknowledges the change and eliminates the need to collect any cash for the watermain connection fees due to the total cost of installing the watermain.

Public Testimony: All required public testimony was previously taken during the preliminary and final plat review. No notices are sent for this type of request.

Financial or Budget Considerations: The cost of the pipe upgrade is \$8,950. It will be a higher capacity pipe to allow for future extensions.

Recommendation / Action Requested: Staff recommends approval of the request for a development agreement amendment to acknowledge the reduction in fees for Excelsior Woods on property located at 20325 Excelsior Boulevard.

Action on this request requires a simple majority.

Next Steps and Timelines: Should the City Council approve this request, the developer would need to satisfy all conditions of approval as specified in the final plat resolution and development agreement prior to beginning work on the site.

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
FIRST AMENDMENT TO
DEVELOPMENT AGREEMENT
EXCELSIOR WOODS

THIS FIRST AMENDMENT to the Development Agreement, Excelsior Woods, dated October 12, 2021 (the “First Amendment”) is made and entered into this ____ day of _____, 2022, by and between the **CITY OF SHOREWOOD**, a Minnesota municipal corporation, (the “City”), and **RED GRANITE CONSTRUCTION, LLC**, a Minnesota limited liability company, (the “Developer”) setting forth the amended rights and obligations of the parties relating to the Excelsior Woods subdivision (the “Project”).

RECITALS

1. The Developer has an interest in certain lands legally described as;

Lot 37, Auditor’s Subdivision No. 141, Hennepin County, Minnesota; and
2. The City and Developer entered into that Development Agreement, Excelsior Woods, dated October 12, 2021, recorded March 3, 2022, as Document No. 11089526 (“Development Agreement”), which provided, in relevant part, that the Developer would pay municipal water connection charges.
3. The Developer and City desire to amend the Development Agreement to amend the terms to reduce fees related to the installation of a larger watermain and propose to amend Paragraph 30 as indicated below; and
4. The Developer and City agree that all other provisions in the Development Agreement shall be unchanged and remain in effect.

NOW, THEREFORE, IT IS MUTUALLY AGREED, in consideration of the promises and considerations of each party set forth herein, as follows:

1. **Incorporation.** The above Recitals are a material part of this First Amendment and are incorporated herein.
2. **Amendment of Section 30.** Section 30 of the Development Agreement is hereby amended as follows with strikethrough representing deletions and underlines representing additions:

30. **Municipal Water Charges.** Pursuant to City Code, a \$10,000 municipal water connection charge is required to be paid for each lot, prior to the release of the final plat. The City shall credit the Developer the cost of extending water mains from the outside boundary of the Property to the front property line of each lot. In no event shall credit to the Developer exceed the water connection charges paid. The Developer’s engineer has submitted cost estimates indicating that the cost of the watermain for this subdivision will be ~~underover~~ \$40,000. As a result, the watermain connection fee shall be ~~\$8,950~~zero (\$0).

3. **Reaffirmation of Development Agreement, Excelsior Woods.** Except as herein above stated, all other terms and provisions of the Development Agreement not expressly modified herein shall remain in full force and effect and are hereby reaffirmed in all respects.

4. **Notices.** Any notices required or permitted to be developed under this First Amendment shall be as provided in Section 32 of the Development Agreement.

5. **Recording.** This First Amendment shall run with the land and may be recorded against the title to the Property. The Developer covenants with the City, its successors and assigns, that the Developer has fee title to the Property and/or has obtained consents to this Agreement, the form attached hereto, from all parties who have an interest in the Property; there are no unrecorded interests in the Property; and that the Developer will indemnify and hold harmless the City for any breach of the foregoing covenants.

6. **Governing Law.** This First Amendment shall be governed by and interpreted in accordance with the laws of the State of Minnesota.

7. **No Assignment.** This First Amendment shall inure to the benefit of and bind the parties hereto but shall not be assigned and/or bind their respective successors and assigns.

8. **Counterparts.** This First Amendment may be executed in counterparts or with counterpart signature pages.

*** Signature Pages to Follow ***

IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed on the day and year first above written.

RED GRANITE CONSTRUCTION, LLC.

CITY OF SHOREWOOD

By: _____

By: _____

Its: Mayor

Its: _____

ATTEST:

By: _____

Its: City Clerk

STATE OF MINNESOTA

ss.

COUNTY OF HENNEPIN

On this ____ day of _____, 2022, before me, a Notary Public within and for said County, personally appeared Jennifer Labadie and Sandie Thone to me personally known, who, being each by me duly sworn, did say that they are respectively the Mayor and City Clerk of the municipal corporation named in the foregoing instrument, and that said instrument was signed and sealed on behalf of said corporation by authority of its City Council, and said Mayor and City Clerk acknowledged said instrument to be the free act and deed of said corporation.

Notary Public

STATE OF MINNESOTA

ss.

COUNTY OF HENNEPIN

On this ____ day of _____, 2022, before me, a Notary Public within and for said County, personally appeared _____, the _____ of Red Granite Construction, LLC, a Minnesota limited liability company, the Developer, described in and who executed the foregoing instrument and acknowledged that it executed the same as the free act and deed of said limited liability company.

Notary Public

Prepared by:
Shorewood Planning Dept.
Shorewood City Offices
5755 Country Club Road
Shorewood, MN 55331

**MORTGAGE CONSENT
TO
DEVELOPMENT CONTRACT**

_____, which holds a mortgage on the subject property, the development of which is governed by the foregoing First Amendment to Development Agreement, agrees that the development contract shall remain in full force and effect even if it forecloses on its mortgage.

Dated this _____ day of _____, 2022.

By: _____

Its: _____

STATE OF MINNESOTA)
 (ss.
COUNTY OF HENNEPIN)

The foregoing instrument was acknowledged before me this _____ day of _____, 2022, by _____.

NOTARY PUBLIC

**RESOLUTION 22-044
CITY OF SHOREWOOD
COUNTY OF HENNEPIN
STATE OF MINNESOTA**

**A RESOLUTION APPROVING AN AMENDMENT TO THE DEVELOPMENT
AGREEMENT FOR EXCELSIOR WOODS
LOCATED AT 20325 EXCELSIOR BOULEVARD**

WHEREAS, in 2021, the City of Shorewood approved a final plat and Development Agreement for Excelsior Woods (the “Project”), located at 20325 Excelsior Boulevard, on property legally described as:

Lot 37, Auditor’s Subdivision No. 141, Hennepin County, Minnesota; and

WHEREAS, the Project is subject to a Development Agreement (the “Agreement”), dated October 12, 2021 which outlines required setbacks for the Project; and

WHEREAS, Red Granite Construction, LLC., (the “Applicant”), has agreed to install an eight-inch watermain where a six-inch watermain was previously approved and to amend the fees required by the Agreement based on the higher cost of installing the larger watermain.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Shorewood has approved a First Amendment to Development Agreement, as follows:

1. The amendment to the Development Agreement (Exhibit A) eliminates the cash payment for water connection fees as the work to install the mains would exceed the watermain connection fees and is hereby approved.
2. Prior to the issuance of any permits for homes, the Applicant must record the First Amendment to Development Agreement with the Hennepin County Recorder.
3. This Resolution authorizes the Mayor and City Clerk to execute the First Amendment to Development Agreement.

Adopted by the City Council of the City of Shorewood this 9th day of May, 2022.

Jennifer Labadie, Mayor

ATTEST:

Sandie Thone, City Clerk



City of Shorewood Council Meeting Item

#2 F

MEETING TYPE
Regular Meeting

Title / Subject: Approval of Extension for Conditional Use Permit, Variance and Site Plan Amendment

Applicant: Reprise Design
Location: 24245 Smithtown Road

Meeting Date: May 9, 2022
Prepared by: Jason Carlson, Planning Technician

Attachments: Resolution 2021-057 (Original Approval)
Resolution

Background: Reprise Design has submitted their request for an extension for a conditional use permit, variance, and site plan amendment for an additional one year (to May 24, 2023).

The applicant has told staff that they have had delays with the supply chain securing all the necessary materials in the original one-year timeframe specified in the approving resolution.

Public Testimony: All required public testimony was previously taken during the preliminary review. No notices are sent for this type of request.

Financial or Budget Considerations: The extension has no impact on the budget.

Recommendation / Action Requested: Staff recommends approval of the request for an extension to a conditional use permit, variance, and site plan amendment on property located at 4245 Smithtown Road.

Action on this request requires a simple majority.

Next Steps and Timelines: Should the City Council approve this request; the developer would need to satisfy all conditions of approval prior to beginning work on the site.

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.*

RESOLUTION 2021-057

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

**A RESOLUTION APPROVING A CONDITIONAL USE PERMIT AMENDMENT,
VARIANCE AND SITE PLAN AMENDMENT FOR PROPERTY LOCATED AT 24245
SMITHTOWN ROAD**

WHEREAS, Reprise Design, (the "Applicant") proposes to alter the building to accommodate two automatic wash bays and two manual wash bays within the existing building on property legally described as:

That part of Lot 27, Auditor's Subdivision Number One Hundred Thirty-three (133), Hennepin County, Minnesota, lying within a tract of land described as follows: Commencing at the intersection of the center line of Smithtown Road, and the west line of said Lot 27 extended north of said Lot 27; thence south a distance of 165.19 feet; thence Easterly and parallel with the center line of Smithtown Road a distance of 645.0 feet, which is the real point of beginning of the land to be described; thence northerly parallel with the west line of said Lot 27 a distance of 165.19 feet to the center line of the said Smithtown Road; thence Westerly along the center line of the Smithtown Road a distance of 150.0 feet; thence south parallel with the west line of said Lot 27 a distance of 165.19 feet; thence easterly parallel with the center line of said Smithtown Road a distance of 150.00 feet to the real point of beginning of the land described herein. Hennepin County, Minnesota.

WHEREAS, the Applicant has applied for a conditional use permit amendment, a variance to the required stacking, and a site plan amendment for various outside improvements as shown on the plans submitted March 23 and 24, 2021; April 8 and 16, 2021; and May 13, 2021; and

WHEREAS, the Applicant's request was reviewed by the planning staff, whose recommendation is included in a memorandum for the May 4, 2021 Planning Commission meeting, a copy of which is on file at City Hall; and

WHEREAS, the Planning Commission held a public meeting on May 4, 2021 to review the application, the minutes of the meeting are on file at City Hall; and

WHEREAS, the City Council considered the application at its regular meeting on May 24, 2021, at which time the planning staff memorandum and the Planning Commission's recommendations were reviewed and comments were heard by the City Council from the Applicant, staff and public.

NOW THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF SHOREWOOD, MINNESOTA FINDS AS FOLLOWS:

FINDINGS OF FACT

1. The subject property is located in the C-1 zoning district, which allows commercial car washes (drive-through, mechanical and self-service) as a conditional use subject to multiple conditions and Chapter 1201.04 Subd. 1. d. of the zoning regulations which requires projects to be reviewed by the Planning Commission and approved by the City Council.
2. The subject property is subject to Chapter 1201.03 Subd. 17 of the zoning regulations, which requires review of site alterations to be reviewed by the Planning Commission and approved by the City Council.
3. The subject property is subject to Chapter 1201.03 Subd. 5 of the zoning regulations, which requires 10 parking spaces for automatic drive through, serviced car washes, or one space for each employee on the maximum shift, whichever is greater.
4. The applicant has proposed to: 1) mill and overlay the parking lot; 2) add a drop-off area on the west side of the building by widening the sidewalk and altering the grades of the drive-aisle for handicapped accessibility; and 3) add surmountable curb to the south end of the parking area to allow snow storage near the stormwater treatment pond.
5. Section 1201.05 of the zoning regulations provides that the purpose of a variance is to allow a process to deviate from the strict provision of the zoning regulations when there are practical difficulties, and the action is the minimum to alleviate the practical difficulties.
6. Section 1201.05 of the zoning regulations provides that in making the above determination, the City may consider the circumstances unique to the property and not created by the landowner.
7. Section 1201.05 of the zoning regulations provides that in making the above determination, the City may consider the impact to surrounding properties and to public services.
8. The Applicant's proposal is identified on the application materials and plans submitted on March 23 and 24, 2021; April 8 and 16, 2021; and May 13, 2021.

CONCLUSIONS

- A. The City Council specifically finds that the Applicant's request for a conditional use permit amendment to revise two manual car wash bays to two automatic car wash bays is consistent with the standards listed in the zoning regulations, subject to the conditions listed herein.
- B. The City Council specifically finds that the Applicant's request for a site plan amendment to alter the site, including revising the entry into the car wash bays is consistent with the standards listed in the zoning regulations, subject to the conditions listed herein.
- C. The City Council specifically finds that the Applicant's request for a variance to the required parking to provide one space where the ordinance requires 10, is consistent with the variance standards listed in the zoning regulations and specifically finds that the use of a

building to allow two car wash bays to be used for an automatic car wash is a reasonable use not completely considered within the existing parking regulations and that the application has shown practical difficulties in complying with the regulations due to the size of the site and the type of car wash proposed, is not likely to impact essential character of the locality and is the minimum action necessary to alleviate practical difficulties, subject to the conditions listed herein.

D. Prior to beginning any construction at the property, the applicant shall acquire all necessary permits subject to conformance with city code, the Engineer's memo dated April 30, 2021, the Fire Marshall's memo dated May 3, 2021 and the following:

1. Prior to issuance of a building permit for the project, the applicant shall alter the plans/submit the following information, as follows:
 - a. Amend the lighting plan to include full-cut off fixtures and a conforming number of lumens per square foot of impervious surface coverage.
 - b. Submit an executed development agreement and the related financial guarantees.
 - c. Provide plans to connect to public water and pay the connection fee.

E. The doors must be closed while the wash and dry operations in the automatic bays are in operation.

F. The site shall remain striped as shown on the plan submitted May 13, 2021.

G. No stacking for the car wash shall occur in the public right-of-way. Should the City document stacking occurring in the public right-of-way, the applicant is required to close the westerly access to the site.

H. The site shall remain in conformance with Chapters 1201.03 Subds. i. (glare), m (noise), n (refuse), and v. (lighting).

I. The business hours shall be limited from 6:00 a.m. to midnight seven days a week.

J. The approvals shall expire in one year if the applicant has not completed or utilized the conditional use permit amendment, unless an extension is requested in conformance with Chapter 1201.04 Subd. 3. c. of the zoning regulations.

K. The City Clerk is hereby authorized and directed to provide a certified copy of this resolution for filing with the Hennepin County Recorder or Registrar of Titles.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF SHOREWOOD, MINNESOTA
this 24th day of May, 2021.

Jennifer Labadie, Mayor

Attest:

Sandie Thone, City Clerk

RESOLUTION 22-045

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

**A RESOLUTION APPROVING AN EXTENSION FOR A CONDITIONAL USE PERMIT,
VARIANCE AND SITE PLAN AMEDEMMENT APPROVAL
FOR PROPERTY AT 24245 SMITHTOWN ROAD**

WHEREAS, the City of Shorewood approved a request on May 24, 2021 from Reprise Design, (the "Applicant") to alter the building to accommodate two automatic wash bays and two manual wash bays within the existing building on property legally described as:

Lot 27, Auditor's Subdivision Number One Hundred Thirty-three (133), Hennepin County, Minnesota;

WHEREAS, Resolution 2021-057 included a condition that the approvals would expire in one year if the applicant has not completed or utilized the conditional use permit amendment, unless an extension has been approved; and

WHEREAS, one year period expires on May 24, 2022, unless an extension is requested and approved subject to Chapter 1201.04 Subd. 3 c; and

WHEREAS, the Applicant has outstanding conditions of approval that they have yet to satisfy.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Shorewood that the approval deadline to renovate the Tonka Bay Car Wash is hereby extended, subject to the following conditions:

1. The applicant has until May 24, 2023, to complete their proposed improvements related to the car wash rehab approved on May 24, 2022.
2. All other conditions listed in Resolution 2021-057 shall remain in effect.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF SHOREWOOD this 9th day of May 2022.

Jennifer Labadie, Mayor

ATTEST:

Sandie Thone, City Clerk



City of Shorewood Council Meeting Item

Title/Subject: Approving Contract with Interim City Administrator

Meeting Date: Monday, May 9, 2022

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

Reviewed by: Jared Shepherd, City Attorney

Background: The city council accepted City Administrator Greg Lerud's resignation effective May 6, 2022, at its regular meeting on April 11, 2022. The city council and Administrator Lerud interviewed Interim City Administrator candidates at its Work Session on April 25, 2022.

Two candidates from a list provided by the League of MN Cities of individuals interested in Interim City Administrator opportunities were selected for interviews as follows:

Ms. Shirley Slater Schulte

Mr. Edward Shukle, Jr.

The city council and administrator conducted the interviews by asking the two candidates a series of questions. Council discussed both candidates and there was consensus to offer the Interim City Administrator position to Mr. Shukle. City Attorney Shepherd has worked with Mr. Shukle to provide the attached *Interim City Administrator Agreement* for approval with Mr. Shukle beginning his interim position on Monday, May 9, 2022. Mr. Shukle will be working a schedule consisting of 20 hours per week; two full days a week on Mondays and Thursdays and a half day on Tuesdays, which will include attending all city council meetings and work sessions.

Financial Considerations: The *Interim City Administrator Agreement* states in consideration for the performance of his duties, Shukle will be paid the rate of \$90.00 per hour.

Action Requested: Staff respectfully recommends the city council approve the Interim City Administrator Agreement as presented and drawn up by City Attorney Shepherd and agreed to by Mr. Shukle.

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.

INTERIM CITY ADMINISTRATOR AGREEMENT

THIS **INTERIM CITY ADMINISTRATOR AGREEMENT** (“Agreement”) entered into this ____ day of _____, 2022, by and between the **CITY OF SHOREWOOD**, a Minnesota municipal corporation (“City”) and **EDWARD J. SHUKLE, JR.** (“Interim Administrator”).

RECITALS

WHEREAS, City wishes to retain the services of an Interim City Administrator (“Interim City Administrator”) to perform the general duties of the City Administrator, as the duties may be determined by the City Council from time to time, for the time-limited, temporary interim period; and

WHEREAS, the Interim Administrator has indicated that he is qualified and willing to accept and perform the job responsibilities as Interim City Administrator subject to the terms of this Interim City Administrator Agreement.

NOW, THEREFORE, for good and valuable mutual consideration, and with the intent of being legally bound, City and Interim Administrator agree as follows:

1. **AGREEMENT.** Upon the terms and conditions set forth in this Agreement, City hereby contracts with the Interim Administrator to perform the duties of Interim City Administrator.
2. **TERM OF AGREEMENT.** The term of this Agreement shall commence on May 2, 2022, and extend for a period of six (6) months (“Agreement Term”), or until the appointment and commencement of employment of a permanent City Administrator, whichever occurs first. The Agreement Term may be extended upon mutual agreement of the parties.
3. **DUTIES.** For purposes of this Agreement, it is understood and agreed between the parties that the Interim Administrator shall provide oversight and management of city operations and support to the Mayor and City Council as described in the City Administrator job description and such other legally permissible and proper duties and functions as City shall from time-to-time assign. It is understood that the position of Interim Administrator requires attendance at evening meetings and other meetings as deemed appropriate.
4. **SCHEDULE.** The Interim Administrator will attend all City Council meetings and work sessions during weeks that they occur. The Interim Administrator will schedule himself to be at work in Shorewood at times necessary to fulfill the job responsibilities at his discretion, in consultation with the Mayor and City Council. Travel to and from work will not be counted as time worked, however, travel within the Shorewood community in connection with the job duties shall be billed as time worked.

5. **COMPENSATION/BENEFITS.** In consideration of his performance of the duties required of him by this Agreement, the Interim Administrator will be compensated at the rate of Ninety and no/100ths (\$90.00) Dollars per hour.

The City shall have no liability or responsibility for any direct payment of any salaries, wages, payroll taxes, or any and all other forms or types of compensation or fringe benefits to the Interim Administrator except as stipulated in the paragraph above. Therefore, by way of example and without limitation, the Interim Administrator shall not be eligible for group insurance benefits, paid holidays, vacation, sick leave, severance, or City retirement benefits. As a consultant, the Interim Administrator's compensation will not be subject to deductions for PERA. As a consultant, the position of Interim City Administrator shall not be eligible for cash overtime or compensatory time in lieu of overtime.

The Interim Administrator will be paid mileage at the City's current mileage reimbursement rate for automobile travel expenses necessarily incurred in the performance of City business.

6. **TERMINATION.** City and the Interim Administrator acknowledge and agree that the position of Interim City Administrator is a consulting position of a temporary nature. Neither the Interim Administrator nor City is bound to continue the relationship if either chooses, at its will, to end the relationship at any time, with or without cause. Neither party shall be entitled to any type of hearing to appeal or challenge the determination of the other party to terminate the relationship. Interim Administrator is an independent contractor, and Interim Administrator, shall not be deemed for any reason to be an employee of the City.

City shall be required to give the Interim Administrator not less than fourteen (14) days advance notice of termination of employment. The Interim Administrator shall provide to City fourteen (14) days advance written notice of his intent to voluntarily terminate his relationship with City, unless City agrees to a lesser amount of notice time.

7. **INDEMNIFICATION.** The City shall defend and indemnify the Interim Administrator pursuant to Minn. Stat. § 466.07 and § 465.76. In addition, the City shall defend, hold harmless, and indemnify Interim Administrator from all torts; civil damages, penalties, and fines; violation of statutes, laws, rules, and ordinances, provided the Interim Administrator was acting in the performance of the duties of the position.

8. **GENERAL PROVISIONS:**

- a. **Notices.** All notices, requests and demands given to or made pursuant to this Employment Agreement shall be in writing and personally delivered or mailed, postage prepaid, as follows:

To the City:

Honorable Mayor and City Council
City of Shorewood
5755 Country Club Road
Shorewood, MN 55331

To the Interim Administrator:

Edward J. Shukle, Jr.

_____, MN _____

- b. **Complete Agreement.** This Agreement constitutes the entire agreement between the parties and supersedes any prior oral or written agreements between the parties. This Agreement can only be modified by written agreement of both parties. This Agreement shall be interpreted in accordance with the laws of the State of Minnesota.

If the parties disagree upon the interpretation of this Agreement, and cannot resolve their differences in good faith, the parties agree to request non-binding mediation from the Minnesota Bureau of Mediation Services. Each party will be responsible for its own attorneys' fees, and the parties will split equally any other mediation fees.

- c. **Legality.** The parties covenant and agree that the provisions contained herein are reasonable and are not known or believed to be in violation of any federal or state law or regulation. In the event a court of competent jurisdiction finds any provision contained herein to be illegal or unenforceable, such court may modify such provision to make it valid and enforceable. Such modification shall not affect the remainder of this Agreement which shall continue at all times to be valid and enforceable. No payment may be made under this Agreement in excess of the maximum amount permitted by applicable law.

IN WITNESS WHEREOF, the parties hereto have caused this Interim City Administrator Employment Agreement to be executed the day and year first above written.

CITY OF SHOREWOOD

By _____
Jennifer Labadie, Its Mayor

By _____
Sandie Thone, Its City Clerk

INTERIM ADMINISTRATOR

Edward J. Shukle, Jr.



City of Shorewood Council Meeting Item

Title/Subject: Authorize Advertisement for the Position of Lead Supervisor for Public Works
Meeting Date: Monday, May 9, 2022
Prepared by: Larry Brown, Director of Public Works
Attachments: Job Description Lead Supervisor

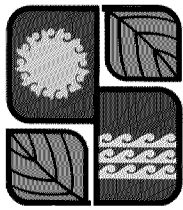
Background: On April 25th, 2022, the City Council accepted the resignation of Mr. Brett Baumann for the position of Lead Supervisor for the Department of Public Works. This item authorizes advertisement to fill that vacant position.

Staff held off in seeking the advertisement of the position, such that a modified job description could be compiled. The description has been modified to strengthen the requirements for customer response utilizing customer response software. Currently, that software is "See Click Fix." This responsibility added specifically, as that has been a common critique of the department. The revised job description is included as Attachment 1 to this memorandum.

It is noted that this vacant position is not a union position within the department.

Financial Considerations: This position is filling a vacant position for the department. Therefore, funds have already been budgeted for this action.

Recommendation/Action Requested: Staff is recommending approval for motion authorizing advertisement to fill the position of Lead Supervisor for Public Works.



CITY OF
SHOREWOOD

POSITION TITLE: Lead Supervisor
DEPARTMENT: Public Works
ACCOUNTABLE TO: Director of Public Works
SUPERVISES: Light Equipment Operator, Shop Technician,
Utilities Lead Supervisor, Utility Operator

OBJECTIVE AND SCOPE

Responsible for supervision of public works personnel who are responsible for the maintenance of city streets, operation, maintenance and repair of city utilities and related operations, including sanitary sewer, municipal water system, and storm sewer.

ESSENTIAL FUNCTIONS OF THE POSITION

1. Must be able to direct daily activities and make sound decisions in the absence of the Director of Public Works.
2. Must be able to work cooperatively with others, even during emergencies and challenging situations, maintain a positive work attitude, and not negatively impact the morale of others.
3. Must maintain an attitude of respect and professionalism at all times.
3. Must be able to effectively supervise others in the carrying out of assignments for the operation and maintenance of the City's municipal utilities, streets, parks.
4. Must be able to effectively manage resident and customer concerns through the city's customer response management software (currently See Click Fix).
5. Insure routine safety inspections are completed for fire extinguishers, eyewash stations, automated external defibrillator, and confined space entry equipment for all city-owned buildings.
6. Update and maintain traffic sign inventory and coordinate timely sign replacements.

7. Direct tasks and activities to update and maintain sanitary sewer cleaning and maintenance activities.
8. Performs snow removal from streets, parking lots, ice rinks, trails, and sidewalks.
9. Maintains and repairs City streets including blacktopping, and culverts repair.
10. Works with the Public Works Director to insure confined space entries of sanitary sewer, municipal water systems, and other confined space areas are performed in a safe manner and in accordance with OSHA safety standards and City policies.
11. Attends safety meetings as required and follows necessary safety precautions in performance of duties.
12. Attends meetings and training as required.
13. Must be available for on-call duties on a rotating basis and for work on Saturdays, Sundays and holidays. Responds for on-call duty and emergency call-outs as required for snow removal and ice control operations, severe rainstorms and other emergency conditions.
14. Provides leadership in effort to ensure continuous focus on improvement to public works operations.
15. Assists Public Works Director in coordinating the Safety Programs, including mandated OSHA training and certification, equipment safety inspections, development and documentation of department standard operating procedures, and coordination of monthly department safety program meetings.
16. Acting Public Works Director in the Director's absence.
17. Performs other duties as apparent or assigned.

SUPERVISORY RESPONSIBILITIES

Carries out supervisory responsibilities in accordance with City policies and applicable laws. Responsibilities include assisting the Public Works Director in the coordination of work assignments for successful operation of the public works department.

EDUCATION and/or EXPERIENCE

High School Diploma or general education degree (GED). Post-secondary degree, course work or additional education/training in the public works field preferred. Minimum of six years of experience in a municipal public work department or utility, or eight years of similar work in

private sector, including three years supervisory experience; or equivalent combination of education and experience.

Must have a proven track record of being able to work effectively with other employees, the ability to effectively supervise others, and to build positive work relationships.

OTHER KNOWLEDGE, SKILLS AND ABILITIES

- Ability to read and interpret documents such as safety rules, operating and maintenance instructions, as-built utility records, maps, and procedure manuals.
- Ability to prepare routine reports and correspondence.
- Ability to maintain records, complete daily logs, forms, and prepare reports.
- Ability to follow written and oral instructions.
- Ability to communicate effectively with City staff, elected officials, contractors and the general public.
- Must be proficient in reading, writing and speaking English.
- Ability to make arithmetic computations using whole numbers, fractions and decimals.
- Knowledge of weights, measures and volumes and the ability to convert between various units.
- Ability to operate light and heavy Department equipment.
- Knowledge of proper use of tools, equipment used in utility maintenance and repair.
- Knowledge of utility maintenance and repair.
- General knowledge of computer operations and software programs.
- Considerable knowledge of standard materials, equipment and safe work practices related to public works operations.
- Working knowledge of utility maintenance and/or construction activities.
- Knowledge of OSHA rules and regulations.
- Knowledge of the “Right to Know – Safety Material Data Information”.

CERTIFICATES, LICENSES, REGISTRATIONS

Valid Minnesota Class B Commercial Drivers License with Tanker and Hazardous Materials endorsement, or ability to become licensed within 8 months of employment with the City.

Valid Minnesota Class SD Wastewater License, or become licensed within one year of employment with the City.

Valid Minnesota Class D Water License, or become licensed within one year of employment with the City.

In compliance with the American With Disabilities Act the following represents the Physical and Environmental Demands: The position requires an equal amount of time spent standing, walking, and sitting. Lifting, pushing/pulling, or carrying objects weighing up to twenty five (25) pounds is regularly required, fifty (50) pounds is frequently required, and moving over one hundred (100) pounds occasionally required. Climbing, stooping, kneeling, crouching, crawling,

twisting, and bending are sometimes required. Repetitive movements of the hands are sometimes required. Audio, visual, and verbal functions are essential functions to performing this position. Specific vision abilities required by this job include close vision, distance vision, peripheral vision, depth perception, and the ability to adjust focus. While performing the duties of this job, the employee frequently works in outdoor weather conditions. The employee occasionally works near moving mechanical parts; in high, precarious places; and is frequently exposed to fumes or airborne particles, toxic or caustic chemicals, and risk of electrical shock. The employee is occasionally exposed to wet and/or humid conditions, extreme heat; and vibration.



City of Shorewood Council Meeting Item

Title/Subject: Approve Revised Agreement for Mary Lake Outlet Project; City Project 19-09
Meeting Date: Monday, May 9, 2022
Prepared by: Andrew Budde, City Engineer
Reviewed by: Larry Brown, Director of Public Works
Attachments: Revised Agreement, Resolution

Background: The City Council had previously approved a negotiated agreement with the property owner at 23950 Elder Turn. In the original agreement the city agreed to complete various items that would be addressed during construction, and in exchange the property owner provided a permanent drainage & utility agreement on the west portion of their property. As the project progressed, the property owner requested that several of the agreed upon items not be completed, in exchange for the monetary value. Staff discussed this internally and considered the request, since the value of the agreement was not changing and had no significant impacts to the project. The value of items not completed is \$10,351. Part of the original agreement included that no construction vehicles were to utilize the driveway. To facilitate construction vehicles were required to utilize a portion of the driveway. Staff has negotiated an additional \$2,894 compensation for encroachments beyond what was originally anticipated for the project. The total monetary compensation would be \$13,245.

Financial Considerations: The cost associated with the acquisition of easements have been accounted for in the project budgeting. This revised agreement adds \$2,894 to the previously agreement for additional encroachment needs.

Recommendation/Action Requested: Staff recommends authorization to execute a revised agreements with the property owner at 23950 Elder Turn.

~~November 2, 2020~~ May 4, 2022

Anna Sandor
23950 Elder Turn
Shorewood, MN 55331

RE: Mary Lake Project: City of Shorewood Easement Proposal-Revised

Dear Ms. Sandor:

As you are aware, the City of Shorewood ("Shorewood") is constructing an outlet pipe for the Mary Lake Project (the "Project"). The Project will require the voluntary dedication of easements.

The purpose of this letter is to set forth the terms of understanding for the voluntary easement agreement to serve the Project.

The City of Shorewood's responsibilities:

- a. Prior to construction the floating dock, glass table, water barrel, and deer statues are to be moved by the contractor. After construction the items shall be placed by the contractor in a location determined by property owner.
- b. Remove 16 trees that are impacted by construction or in poor health and located on the property. All trees are to be marked in advance by the City Engineer and property owner. ~~10 of the trees are to be cut into 12 inch long pieces, stacked, and left on site at a location determined by the property owner.~~ Other trees identified for removal shall be removed from the property. All stumps shall be grubbed out.
- c. ~~20-6~~ replacement trees shall be selected from the approved list of species. Any and all replacement trees shall be delivered to the Property in either plastic container pots or balled & bur lapped. The property owner shall be responsible for the installation and maintenance of all replacement trees including selecting location of planting, digging holes, prepping holes, backfilling holes, fertilizing, watering, pruning, and long-term maintenance.
- d. Restore areas outside of delineated wetlands with short growing fescue (ie: creeping red fescue or similar) up to the high-water line which is approximately contour 956. Restore areas within delineated wetland with wetland seed mixes as required by permitting agencies. No fill material will be allowed to be placed within delineated wetland boundaries.
- e. Construction access route to be marked in advance and must be south of proposed tree cluster. ~~No construction vehicles shall use residential driveway as access to construction.~~ After construction, access route shall be de-compacted.
- f. Restore all areas disturbed by any future access and maintenance needs to same or better conditions.
- g. Provide ~~no monetary compensation in the amount of \$10,351 for the value of cut hard wood and 14 replacement trees not provided.~~ Provide compensation of \$2,894 for use of driveway during construction. Total monetary compensation of \$13,245.

Property owner responsibilities:

- a. Provide perpetual right of entry across property for access and maintenance of rock lined channel on west portion of property.

- b. Provide permanent drainage & utility easement over and across rock lined channel on west portion of property.

Please indicate your acceptance of these terms with your signature below and the City will prepare for execution the recordable easement documents in the form attached to this letter. Thank you in advance and you may contact me with any questions at 612.756.2486.

Sincerely,

A handwritten signature in cursive script that reads "And Bud".

Andrew Budde P.E.
City Engineer

ACCEPTED BY:

Dated:

Mary Lake Outlet Right of Entry/Permanent Drainage & Utility Easement: Anna Sandor

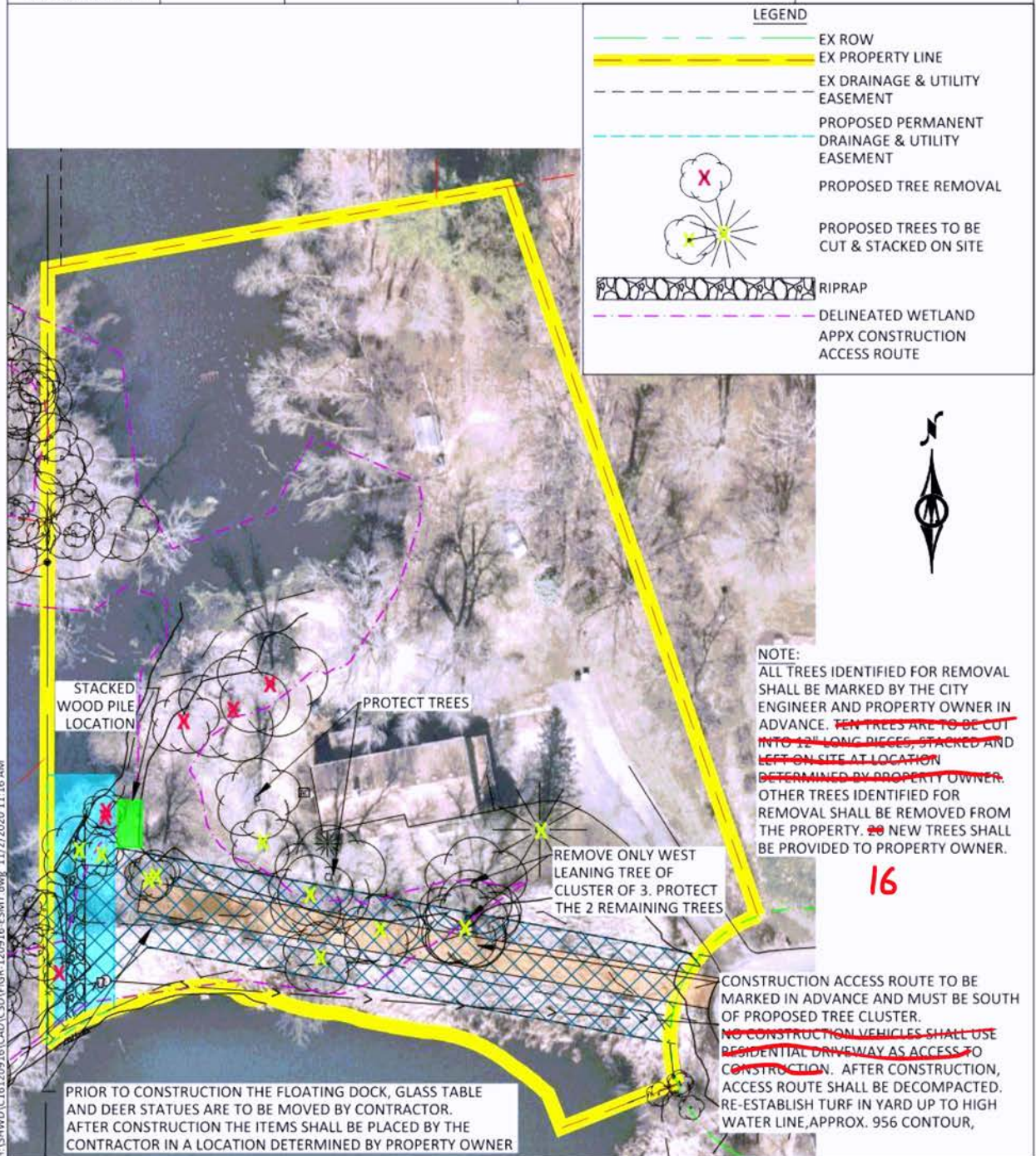
City of Shorewood



November 2020



Owner of Record PID 3211723230037	Gross Parcel (SF)	Permanent D&U Easement (SF)	Permanent D&U Easement (SF) Over Existing D&U Easement in Favor of Met Council	Existing D&U Easement (SF) In Favor of Met Council
Anna Sandor 23950 Elder Turn	70,188 SF	2,418 SF	1,246 SF	8,988 SF



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

RESOLUTION 22-046

**A RESOLUTION APPROVING A REVISED AGREEMENT
FOR THE MARY LAKE OUTLET PROJECT
CITY PROJECT 19-09**

WHEREAS, the city has previously approved a negotiated agreement with the resident at 23950 Elder Turn, in exchange for a permanent drainage & utility easement, and

WHEREAS, during construction the resident requested portions of the negotiated work not be completed in exchange for monetary compensation, which is valued at \$10,351; and

WHEREAS, the city required additional encroachment into the driveway to complete the project and is valued at \$2,894; and

WHEREAS, the city will provide a total monetary compensation of \$13,245; and

NOW THEREFORE, BE IT RESOLVED: by the City Council of the City of Shorewood hereby approve the revised agreement with the property owner at 23950 Elder Turn

ADOPTED BY THE CITY COUNCIL OF THE CITY OF SHOREWOOD this 9th day of May 2022.

Jennifer Labadie, Mayor

Attest:

Sandie Thone, City Clerk



City of Shorewood Council Meeting Item

Title/Subject: Fall and Winter Photo Contest Winners
Meeting Date: Monday, May 9, 2022
Prepared by: Sandie Thone, City Clerk/HR Director
Attachments: Power Point Presentation

On November 16, 2017 the city rolled out its first photo contest and over 4 years later we have just completed our ninth bi-annual Community Photo Contest. The goal of the latest contest was for participants to submit photos that show off the joy of living in Shorewood in the Fall and Winter months. The contest entrants submitted photos in the following four categories:

- Fall Delights
- Winter Wonder
- People and Pets (and Food?)
- Wildlife

Winners in each category will have their photos framed and displayed at City Hall or the Shorewood Community & Event Center and will each receive a framed print. Submissions were received from the first day of Fall 2021 and due by the last day of Winter 2022. We had a less than robust response to the contest last Spring and Summer and included those photos as well in the contest. Winners have been notified.

Thank you to all the participants! The winners of the Fall/Winter 2021/2022 photo contest are as follows:

Fall Delights Category:

Photo: Fishing on Christmas Lake
Submitted by Bob Wallace

Winter Wonder Category:

Photo: Sunset
Submitted by Catherine Turner

People and Pets (and Food?) Category:

Photo: Ice Cream
Submitted by Louise Tvedt

Wildlife Category:

Photo: Natural Camouflage
Submitted by Al Whitaker

No Action Needed: For informational purposes only.



City of Shorewood Council Meeting Item

Title/Subject: CAMPAIGN AND NON-COMMERCIAL SPEECH SIGNS

Meeting Date: May 9, 2022

Prepared By: Marie Darling, Planning Director

Attachments: Planning Commission Memo from May 3, 2022
Correspondence Received
Ordinance 588
Resolution for Summary Publication

Background: See the attached Planning Commission reports for more information. Last year, the Planning Commission reviewed various proposals for clarifying the city's rules on campaign signs so they would be easier to explain to candidates and enforce. In February of 2022, the City Council referred this item to the Planning Commission to review potential amendments and hold a public hearing on the topic.

What do the additional changes do? The amendments that are proposed are small, targeted changes related to the existing campaign signage. The changes to code are proposed to:

- Rename the campaign signs as non-commercial speech signs to align with state statute and recent supreme court decisions
- Reduce the setback from the street for this type of signage
- Add a substitution clause to conform with recent supreme court decisions

This is accomplished by adding new definitions and removing the definition of campaign signs, clearly defining the timeframe when election-related temporary signage may be posted, adding the substitution clause which would allow non-commercial speech to be substituted for other allowed sign messages and correct code references, terms or grammar.

The City Attorney has reviewed the amendments and his recommendations were also incorporated.

Summary of Public Notice and Testimony: Notice of the public hearing was published in both official newspapers at least 10 days prior to the public hearing at the

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.*

Planning Commission meeting. Several letters were received (attached) and one resident spoke at the meeting. The most common issues raised are summarized below.

Preserve the right to place signs in yards. Several of the letters mentioned concerns that the City doesn't take away residents' rights to put a sign up in their yard advertising an event or expressing an opinion. Staff responded that the right to place the signs in their yards are more firmly permitted with the adoption of the substitution clause than they are under the current ordinance.

Educate on the new rules. An author raised a question about how the rules would be explained to the residents. Staff responded that information would be provided to each candidate that files for election and would include an article in the Shore Report for information to the residents.

Enforcement. An author asked how enforcement would occur. Staff responded that each election season staff does get complaints regarding election signs. Staff investigate each complaint and if violations are present, the staff has one of two avenues for enforcement: 1) if the sign is improperly installed in the right-of-way or public property, we remove the sign; or 2) if the sign is improperly installed on private property, we send a compliance letter and require the property owner to correct the violation.

Financial or Budget Considerations: Outside of publication, there is no additional impact to the budget related to this ordinance amendment.

Recommended Action: Staff and the Planning Commission recommends approval of the ordinance amendments.

Proposed Motions:

Motion to approve Ordinance 588 amending Chapter 1201 (Zoning Regulations) related to campaign and non-commercial speech signs.

Motion to approve a resolution for summary publication of the ordinance.

Action on the ordinance requires a simple majority vote and action on the summary publication requires a super majority vote (4/5).

Next Steps and Timeline: If the ordinance is adopted, staff would publish the ordinance. Staff includes a summary of the sign regulations to candidates and would also summarize of the new regulations in an upcoming Shore Report for residents.



CITY OF
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4A

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

FROM: Marie Darling, Planning Director

MEETING DATE: May 3, 2022

RE: Text Amendments for Campaign Signs and Non-Commercial Speech

At the April 5, 2022 meeting, the Planning Commission made a procedural error in the public hearing process. Consequently, the hearing must be held again. Attached is the staff report from the April 5 meeting for more background.

These are the changes since the last meeting:

1. The Planning Commission's recommended change to c. (General Standards) part 6 has been included.
2. In section b (1) (d) Staff added "and size" behind number. Although there was nothing in the proposed regulations that identified a minimum or maximum size or number for noncommercial speech signs in the ordinance, staff added the additional language.
3. Staff placed the ordinance in formal format for City Council review.

Staff recommends the Commission hold the public hearing, consider the amendments with the public testimony offered and provide a recommendation to the City Council. Staff recommends approval of the ordinance amendments. This item would likely move forward to the City Council on May 9, 2022.

Public Notice:

Notice of the public hearing has been published in the city's official newspapers at least 10 days prior to the hearing.

ATTACHMENTS:

Planning Commission Memo from April 5, 2022
Correspondence Received
Draft Ordinance



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MEMORANDUM

TO: Planning Commission

FROM: Marie Darling, Planning Director

MEETING DATE: April 5, 2022

RE: Text Amendments for Campaign Signs and Non-Commercial Speech

Attached for your review is the draft ordinance for campaign signs and non-commercial speech. The amendments are proposed to accomplish the following:

1. Add new definitions for commercial and noncommercial signs.
2. Remove the definition of campaign signs.
3. Amend the regulations for campaign signs to: 1) rename them as noncommercial signs; 2) clarify the time period when they are allowed in any number or size; and 3) amend the setback.
4. Add a substitution clause to allow noncommercial speech to be substituted for commercial or other noncommercial speech.
5. Various small amendments to correct terms or grammar.

These amendments were discussed informally at the March 1, 2022 meeting and no additional changes were made to the draft since that meeting.

Staff recommends the Commission review the ordinance, hold the public hearing, consider the amendments with the public testimony offered and provide a recommendation to the City Council. Staff recommends approval of the ordinance amendments.

Public Notice:

Notice of the public hearing has been published in the city's official newspapers at least 10 days prior to the hearing.

ATTACHMENTS:

Planning Commission Memo from March 1, 2022
Draft Ordinance



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MEMORANDUM

TO: Planning Commission

FROM: Marie Darling, Planning Director

MEETING DATE: March 1, 2022

RE: **Draft Text Amendments for Campaign Signs and Non-Commercial Speech**

Last year, the Planning Commission reviewed several proposed amendments to City Code related to noncommercial speech signs and campaign signs and forwarded recommendations to the City Council. The City Council continued the discussion of the amendments indefinitely, which requires the review process to start over. They asked staff to bring the topic back for their discussion at the February 14, 2022 worksession. The staff report and minutes are attached. Based on their direction, staff has revised the amendments and brings them to your attention for discussion.

Attached to this memo is the information sent to the City Council and proposed draft language. Please review the language and provide comments or concerns. Staff have tentatively set the public hearing for the April Planning Commission meeting. In order to be adopted prior to the election season, the amendments would need to be adopted in April.

Proposed Ordinance Amendments

The proposed ordinance amendments:

1. Add new definitions.
2. Remove the definition of campaign signs.
3. Amend the regulations for campaign signs to 1) rename them as noncommercial signs; 2) clarify the time period where they are allowed; and 3) clarify the setback.
4. Add a substitution clause.

ATTACHMENTS:

City Council Worksession Memo from February 14, 2022
Minutes from February 14, 2022 City Council meeting
Draft Ordinance



City of Shorewood Council Meeting Item

Title/Subject: Potential Amendments to City Code Chapter 1201.03 Regarding Rules for Campaign and Other Related Signage

Meeting Date: February 2, 2022

Prepared By: Marie Darling, Planning Director

Attachments: Draft ordinance amendments

At the January 24, 2022 meeting, the City Council directed staff to provide a review of any necessary changes to the zoning ordinance related to election signage. The Council's stated goal was to have any changes to the ordinance completed prior to the election season.

Below staff have prepared a summary of the current statute language, current city regulations, and staff recommendations on what is needed to improve the regulations.

State Statute:

Minnesota State Statute 211B.045 has specific language regarding noncommercial speech signs during state election years.

211B.045 NONCOMMERCIAL SIGNS EXEMPTION.

All noncommercial signs of any size may be posted in any number beginning 46 days before the state primary in a state general election year until ten days following the state general election. Municipal ordinances may regulate the size and number of noncommercial signs at other times.

During the defined time-period above, no City may limit the number or size of campaign signs.

Shorewood Code Language:

In an attempt to comply with State Statute, Shorewood's current sign regulations (Section 1201.03 Subd. 11. b. (1) (d) of City Code) related to the above include the following:

- (d) Every campaign sign must contain the name and address of persons responsible for the sign, and that person shall be responsible for its removal. Signs shall be permitted on each lot for a period of 100 days prior to and ten days after an election. All campaign signs or other noncommercial speech signs may be posted from 46 days before the state primary in a state general election year until ten days following the state general election, pursuant to M.S. § 211B.045. Signs posted both during and after this time period are subject to all other applicable requirements in this subdivision. At any time, the city shall have the right to remove signs that are prohibited under this subdivision, and assess a fee as provided from time to time by ordinance. Campaign signs or other noncommercial speech signs shall not be located closer than ten feet from any street surface, and shall not be placed in front of any property without the consent of the property owner.

Improvements Proposed:

1. Remove the defined term “campaign sign” from the code and replace with noncommercial speech sign (with a new definition). Campaign sign is a term that regulates content, which is no longer allowed in sign regulations. Noncommercial speech sign is viewed as a content neutral label and is consistent with Supreme Court precedent.
2. Use the same time period for all elections consistent with state statute, 46 days prior to primaries until 10 days after the election.
3. Remove the fee for removal of signs as it would be difficult to determine who would need to be charged and staff typically does not try to assess the cost of removing the signs.
4. Keep the distance requirement from the edge of the street to protect the use of the street and adjacent boulevard for drivers and pedestrians.
5. Add a substitution clause to allow any noncommercial speech to be substituted for other noncommercial speech signs or commercial signs. This would allow noncommercial speech signs in lieu of other allowed signs outside of the election time period defined in statute.

Staff provided some optional draft language on the issues outlined above.

Next Steps

The amendments that were previously in front of the City Council at their July 26, 2021 meeting, were continued indefinitely. To reconsider any amendments, a new public hearing would need to be held at the Planning Commission.

To be in place prior to the next election, the city would need to have the ordinance approved and published prior to May 1, 2022 to avoid any conflicts with the current language in the code that indicates signs are permitted 100 days prior to any election.

As the City Council considers sign regulations, it is important to note that due to the United States Supreme Court’s ruling in *Reed v. Town of Gilbert*, 135 S.Ct. 2218 (2015), a city may not restrict expression based on its content (e.g., distinguishing between garage sale signs, wedding signs, campaign signs), but still may regulate signs on a reasonable time, place, and manner restrictions. Following *Reed*, cities have regulated the following:

- Rules regulating the size of signs.
- Rules regulating the locations in which signs may be placed.
- Rules distinguishing between lighted and unlighted signs.
- Rules distinguishing between signs with fixed messages and electronic signs with messages that change.
- Rules that distinguish between the placement of signs on private and public property.
- Rules distinguishing between the placement of signs on commercial and residential property.
- Rules distinguishing between on-premises and off-premises signs.
- Rules restricting the total number of signs allowed per mile of roadway.
- Special rules for government signs.

Direction:

Staff requests direction on the following:

1. Does the City Council find amendments to the regulations are warranted at this time?
2. Are the amendments shown adequate or would the City Council find other amendments to the sign code are needed at this time as well?

CITY OF SHOREWOOD
CITY COUNCIL WORK SESSION MEETING
MONDAY, FEBRUARY 14, 2022

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

MINUTES

1. CONVENE CITY COUNCIL WORK SESSION MEETING (Held via interactive technology/videoconferencing)

Mayor Labadie called the meeting to order at 6:01 P.M.

A. Roll Call

Present. Mayor Labadie; Councilmembers Johnson, Siakel, Gorham, and Callies; City Attorney Shepherd; City Administrator Lerud; Planning Director Darling; and Director of Public Works Brown;

Absent: None

B. Review Agenda

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

Roll Call Vote: Johnson, Callies, Siakel, Gorham and Labadie voted Aye. **Motion passed 5/0.**

2. SIGN ORDINANCE

Planning Director Darling stated that staff was directed to provide a review of any necessary changes to the Zoning Ordinance related to election signage at the January 24, 2022 meeting. She noted that included in the packet was language from the State statute as well as the Shorewood City Code. She explained that what staff is hoping to accomplish is to strip down the proposal just to the most important issues to minimize any impact that changes to the signage may cause. She stated that staff would like to move the ordinance towards content neutrality and have a clear time period for enforcement of election signage and add a substitution clause to allow more opportunity for non-commercial speech signs outside of the election time period. She reviewed the improvements that staff are proposing as outlined in the staff report. She noted that a new public hearing would need to be held by the Planning Commission before any changes could be adopted. She stated that in order for this to be in place prior to the election, the ordinance would need to be approved and published prior to May 1, 2022.

Councilmember Callies stated that she had already spoken with Planning Director Darling regarding some of her questions. She stated that overall, she agrees with what is being proposed and thinks it is helpful to have this meeting prior to the public hearing so the Council can try to winnow down what is being considered by the Planning Commission. She noted that in her opinion, a distance of ten feet from the street surface is too much for many neighborhoods in the City. She stated that she would like to see the City stick with the five foot distance that is located elsewhere in the ordinance for non-commercial speech signs. She stated that she understands why the City wants to have consistency for all types of elections, however, she thinks it is too drastic of a change from the current language. She reviewed the time period between the primary and general election for the school board and noted that 46 days for the other type of public

elections is not really keeping it the same for the type of elections because the time period between the primary and general election for some, is longer than that time period. She stated that she would like to keep it at one-hundred days as it is in the current ordinance. She asked where signs like 'Happy Birthday' or 'Black Lives Matter' would fit into the ordinance and why the City was doing a substitution clause.

Planning Director Darling stated that regarding the setback being too large, the City has the ability to alter that particular setback. She stated that she thinks five feet may be too close in some situations and gave the example of situation where there are improved shoulders adjacent to the paved roadway, unless they alter the setback to be from the improved roadway which takes into account shoulders. She stated that regarding the time period for signage being one-hundred days, as long as it is clearly written and can be enforced so it does not allow one-hundred days before every primary and every election, she thinks that would be acceptable. She explained the substitution clause which allows any sign that is allowed in any district to be substituted, so you can substitute out the non-commercial speech message for whatever the allowed message is on the permitted or listed sign. She gave the example of address signage as one that is allowed at two square feet, so most of the 'Black Lives Matter' or "Blue Lives Matter" signs would fit into that square footage allowance, so they would be allowed to have that on the property as a substitute for the address sign.

City Attorney Shepherd gave a brief explanation of the substitution clause and noted that it is a mechanism that helps the City address some of the issues that arise in the sign ordinance especially in light of recent case law. He referenced the most recent Supreme Court case of *Reed v. Gilbert* and noted that what needs to be considered is that there can be no content based regulation but the City can have reasonable time, place, and manner restrictions, such as setback from the road. He stated that there are things in the Code that still need to be worked on to ensure that the City is complying with the content neutrality issue.

Councilmember Callies stated that she finds the substitution clause a bit confusing, not because of the way Planning Director Darling has written it, but because it is a confusing principle. She noted that the City could be put at risk if it did not have the ability to substitute this type of sign and understands that it is a good thing to have and feels it is of benefit to citizens.

Councilmember Gorham stated that he was also confused by the substitution clause because from reading it, it appeared that you could substitute a campaign sign for a 'Black Lives Matter' sign which means it would then be restricted by the timeframe. He stated that it looks like it refers to a different subdivision so you have to do that bit of digging to understand it. He stated that he would like to see the distance be closer, such as five feet. He asked about Section 3, Subd. C.(3) where it states, 'No portion of any sign shall be located within five feet of any property line, except as permitted in b.(1)(d) of this subdivision.' He stated that this says five feet, but the subdivision it references says ten feet and noted that he felt this was a strange way to word it.

Councilmember Siakel stated that she agreed that there are a lot of situations in the City where ten feet does not make sense. She asked if there could be a distinction between a County roadway versus a side street. She stated that for the most part, five feet, in Shorewood, seems to make sense and would like to see if there would be a way to differentiate between the type of street for five feet versus ten feet. She gave the example of a sign in her yard being back ten feet and explained that it would never be seen. She stated that she agreed with the comment made by Councilmember Callies regarding school board election signs going from one-hundred to forty-six days and understands why the City would want to align that number.

Mayor Labadie stated that she agrees that there are portions of the City where ten feet would make signs not visible. She asked if Public Works Director Brown had any concerns from a Public Works standpoint with a five foot setback versus a ten foot setback. Public Works Director Brown stated that the City could specifying a setback from a corner because that is typically where you get into most site distance issues. He suggested that there be something similar to the landscaping ordinances where there is a site triangle requirement at the intersections.

Mayor Labadie stated that she does not want to get to the point where the City is out actively policing signs and has become an enforcer. Councilmember Siakel stated that the City has not done this in the past and noted that she was not sure why this issue has become such a big deal. She stated that she understands updating the ordinance because of some of the things such as the Supreme Court decision, but does not think this should be punitive. She stated that if someone wants to be able to put up a sign in their yard, she feels they should be able to do that.

Councilmember Callies asked about the statement made earlier by Planning Director Darling when she talked about distance from the improved roadway versus the street surface. She stated that, to her, that sounds like the same thing. She stated that she believes that there have been complaints in every election so she understands the City has to have something in the Code, but in her opinion, the less said, the better.

Mayor Labadie stated that this came about because of complaints during the last election. She explained that she would like this ordinance to get to the point where anyone can understand it clearly. She stated that she feels the current language was not easily understood, which is where Councilmember Callies explanation that 'less is more' would be beneficial.

Councilmember Siakel asked what the specific complaints were and suggested that perhaps the discussion needed to focus on those specific areas. She stated that if the goal is to simplify it and make it easily understood, she would say that saying something has to be five feet from an 'improved road surface' is probably confusing for most people.

Public Works Director Brown stated that they did check on some signs based on complaints that were received and explained that all the complaints they received were based on setback concerns. He stated that he thinks road surface is adequate language and is easy for anyone to check.

Planning Director Darling stated that during the last election, the City had complaints in two different areas of the City where signs were placed so close to the road and in such number that the callers were frustrated by having an overwhelming amount of signs right up to the street. She explained that in previous years the complaints were, in general, about too much signage and noted that what the City can enforce, is setbacks.

Councilmember Johnson stated that he did not see any regulations for overall non-commercial speech signs size. Planning Director Darling explained that during the election period, the City is not allowed to regulate the size of signs or the number of signs. Mayor Labadie suggested that the Council take a look at defining the edge of the road and determine how far back they would like to go.

Councilmember Callies stated that based on the discussion, she feels the Council has consensus to have signs be allowed five feet from the edge of pavement. Public Works Director Brown noted

that the City has three gravel roadways so there may need to be some provision made for those. He stated that if the roadway is unimproved then it would be from the edge of the aggregate surface. Councilmember Callies stated that she believes the Council also had consensus on allowing one-hundred days for other types of elections, such as school board.

Councilmember Siakel noted that she sees Mr. Yelsey's hand raised and stated that this may be a good time to allow public input. Alan Yelsey, 26335 Peach Circle, stated that he agrees with most of the statements made by Councilmember Callies. He stated that he feels the five foot setback and allowing one-hundred days for elections other than the State mandated ones makes sense, although he would prefer a three foot setback. He stated that he does not like the substitution clause and does not feel it is stated clearly. He stated that the Council has not yet addressed the concern that caused many citizens to be unhappy which was what happens to signs outside of the election period. He stated that there is no language that clearly says you can put up any kind of signs that you want, in your lawn, with minimal or no restrictions. He stated that he feels this is free speech and would suggest that there be language that says for non-commercial signs, outside of the election period, here is what you are able to do. He stated that he believes it is illegal for the City to call out holiday signs or illumination of holiday signs and would ask that they be treated as any other non-commercial signage and not to restrict it in any significant way because that is also free speech. He reiterated that the substitution clause as it is, is unfathomable and would encourage the City to create simple language. He stated that he has raised the issue of right-of-way several times and it is still there because the City actually prohibits signs in the right-of-way. He stated that the City allows mailboxes and plantings, but does not allow signs and suggested that language also be corrected and make it clear that people can put up signs in the right-of-way with a setback. He stated that theft has also been an issue with signs and explained that he would love to see a clause that addresses that issue and makes it a misdemeanor in the City. He stated that the City may also want to limit hate speech.

Mayor Labadie asked City Attorney Shepherd or Planning Director Darling to address Mr. Yelsey's comments on right-of-way, hate speech, theft, holiday signs, and the three foot setback.

Planning Director Darling explained that, in general, staff would want to preserve the right-of-way for the purpose it was created for, which would be things like drainage projects and allow no private improvements. She noted that mailboxes have to be allowed in order to allow for mail delivery. She stated that improvements in the right-of-way require permits but signs are generally not something the City would issue permits for.

Councilmember Callies stated that it appears as though non-commercial speech signs are allowed in the right-of-way as permitted, which seems to address Mr. Yelsey's concern. Planning Director Darling explained that staff wrote this section to allow them during the election period, but not at any other time. City Attorney Shepherd stated that Council may want to make a distinction between non-commercial speech signs during the election period versus others.

Mr. Yelsey stated there is encroachment and right-of-way language included in the Code that says you cannot do what Councilmember Callies just stated can be done. He stated that the language conflicts and is confusing because it says nothing can be put into a right-of-way other than a mailbox and landscaping. He stated that most people do not know how large the right-of-way is on their property from the roadway.

City Attorney Shepherd stated that staff can look at other language that is purported to be conflicting with the right-of-way provision in the sign ordinance because the City does not want

people to be confused about the restrictions or lack thereof. He stated that to address Mr. Yelsey's comment related to hate speech, that would be considered a content based restriction. He stated that tonight's discussion certainly addresses the election related provisions of the sign ordinance but as he noted earlier, there are other provisions of the sign ordinance that need amendment. He stated that the substitution clause is sort of a preservation clause that is recommended by the League of Minnesota Cities and preserves the ability of the residents to have non-commercial signs when there is otherwise conflicting regulations in the Code. He explained that he thinks it is important to have in the Code, but noted that staff could take a look at 'wordsmithing' it a bit to make it a bit more clear.

Mayor Labadie asked about the issue related to theft of signs. City Attorney Shepherd stated that he thinks theft of signs can be prosecuted as any other theft under State law. He stated that theft is not called out in the Code, but does not think it needs to be in order for it to be prosecuted. Public Works Director Brown noted that the City has had incidents of theft that the SLMPD has been involved in and noted that he believes that they were prosecuted as a misdemeanor.

Mr. Yelsey explained that he has had many signs stolen and noted that the owner of the sign is often the political party and sometimes it is the property owner. He stated that it would be nice to have a clause in the Code that clearly states it is a misdemeanor just to help preclude people from doing that. Councilmember Siakel noted that most people who are stealing signs are most likely not reading City Code. She stated that it will go back to going to the police department and filing a complaint.

Mr. Yelsey explained that many times it is kids doing the stealing and feels their parents need to know that this is a serious crime and not just fun and games like taking a pumpkin at Halloween.

Guy Sanschagrin, 27725 Island View Road, stated that he would like to touch on theft and vandalism of signs. He explained that he had many signs stolen and vandalized during the last election. He stated that he feels it is not just the 'law' but also what is done to communicate, enforce, and encourage people to follow the law. He stated that he is challenged by complaint based enforcement. He also gave the example of the Birch Bluff area and noted that he did not think any of those properties would be able to have signs on them because the hedges are right along the roadway even with a five foot rule. He stated that he feels Shorewood can do better than it did during the last election. He stated that it should not just be about enforcement and the law but should be about everyone coming together as a community to have a fair and just election.

Councilmember Siakel stated that anybody who has run for office has had some situation where a sign has disappeared and does not think that is unique to one candidate or one election. She stated that she would encourage people that want things to change, to start with themselves.

Mayor Labadie asked Councilmember Siakel to comment on the comment made regarding hedges in the Birch Bluff area. Councilmember Siakel stated that she feels the comment made by Mr. Sanschagrin is probably accurate, which is one of the reasons that she suggested five feet from the roadway. She explained that ten feet would make it very difficult for anybody on Birch Bluff and many other streets within the City. She noted that Mr. Yelsey brought up some points that probably should be discussed and suggested that the Council divide this topic and just focus on campaign signs tonight and cover the other points at a later time.

Councilmember Callies stated that she agreed that there should be two discussions and that tonight can focus on the campaign signs in order for that to be completed prior to the election.

She stated that the Council can then deal with the other items that need to be updated at a later date.

Councilmember Gorham stated that the misdemeanor language does not feel to him like it belongs in City Code because it is not within their control of how it is enforced. He suggested that perhaps it is something that is noted in the Shore Report or the newsletter that theft activity is discouraged. Mayor Labadie stated that she also felt a letter in the Sun Sailor and/or on the Shore Report would be a good idea to remind people that vandalism and theft of signs is a punishable offense. She stated that she feels this may be a more appropriate route than modifying the actual Code language. She asked about the timeline for making these changes.

Planning Director Darling stated that she feels that there will be enough time to make these changes prior to the election season, if the public hearing is held in April.

3. ADJOURN

Siakel moved, Johnson seconded, Adjourning the City Council Work Session Meeting of February 14, 2022, at 6:58 P.M.

Roll Call Vote: Siakel, Callies, Johnson, Gorham, and Labadie voted aye. **Motion passed 5/0.**

ATTEST:

Jennifer Labadie, Mayor

Sandie Thone, City Clerk

Marie Darling

From: Alan Yelsey <a.yelsey@gmail.com>
Sent: Sunday, April 3, 2022 1:59 PM
To: Dustin Maddy; Ken Huskins; Marc Riedel; cholken@ci.shorewood.mn.us; Todd Eggenberger; Marie Darling
Subject: Shorewood Sign Ordinance

Hi Planning Commission Members:

I believe on Tuesday you will be considering on your agenda the issue of signs again. I believe with certainty that if any of you wish to discuss the issue of signs with me, a member of the public, you are encouraged to do so, and speaking individually with a member of the public is not a violation of Minnesota open meetings laws. It is part of your role as representatives.

However, not enabling me to fully participate in your Tuesday hearing with Zoom is a violation of Minnesota Human Rights Laws. I have asked for Zoom as a disability accommodation and the City has received and accepted my request. Since I am not sure if my electronic participation will be disallowed, which is illegal, I am sending this short email containing many but not all of my thoughts. There are about 400 residents of Shorewood with various disabilities that make the Zoom accommodation necessary if they are to physically or safely participate in public hearings.

SIGNS

I agree with a 5 foot setback and I praise and acknowledge Commissioner Eggenberger for his willingness to modify his original opinion.

I agree with the designation of non-commercial signs and the 100 days prior and 10 days following (this includes 46 days before primary) signage language that is completely consistent with State Election Law. **THE LANGUAGE SHOULD INCLUDE BOTH "SIGNS OF ANY KIND MAY BE POSTED IN ANY NUMBER OR SIZE DURING THE ELECTION PERIOD".The State requires no limit on size during the election period.**

BUT, THERE REMAIN A FEW MAJOR PROBLEMS THAT WILL NOT RESOLVE THEMSELVES WITHOUT YOUR HELP.

Problem 1) We all see that residents post on their property signs of all kinds: commercial, non-commercial, political, celebratory, holiday, religious celebration, school activity driven etc. throughout the year. These signs are approved by the homeowners and are in yards throughout the year. Most residents have absolutely no problem with these signs as forms of expression protected by free speech. IF THE CITY SIMPLY ADOPTS THE STATE MANDATED TIME PERIOD OF UNRESTRICTED NON-COMMERCIAL SIGNS DURING THE PROTECTED ELECTION PERIOD, IT IGNORES THE RIGHT OF CITIZENS TO SMALL UNRESTRICTED NON-COMMERCIAL (AND COMMERCIAL) SIGNS OUTSIDE OF THE PROTECTED ELECTION PERIOD, AND THAT WILL SIMPLY NOT BE ACCEPTABLE OR CONSTITUTIONAL. RESIDENTS PLACE HUNDREDS OF NON-COMMERCIAL AND COMMERCIAL SIGNS ON THEIR LAWNS OUTSIDE OF THE PROTECTED ELECTION PERIOD. WE WILL NOT ACCEPT ANY LANGUAGE THAT IGNORES OR RESTRICTS SMALL SIGNS THROUGHOUT THE YEAR. IT IS UNCONSTITUTIONAL AND UNNECESSARY TO SPECIFICALLY ADDRESS HOLIDAY SIGNS

There is no legitimate reason for the City to prohibit any "small sign" approved by the owner within the setback limit. This is already the DEFACTO practice throughout the City and it was without issue until the City decided there is an issue when no one else believes there is an issue. Period. Commercial or non-commercial, Illuminated or not illuminated. Religious or non-religious. However, because of State mandate, we can agree that "candidate or political party campaign signs" follow the state law BUT need not be allowed throughout the year since most residents do not wish to have campaign signs visible throughout the year for various reasons and restricting those signs has not been successfully challenged constitutionally. So, the only exception to leaving people free to do what they wish with small signs of all kinds on their own property is to exclude campaign/political party signs except during the State protected period and

the 5 foot setback. No need for the incoherent and highly restrictive substitution clause. Free speech should be embraced and supported by the City.

Problem 2) As I have presented to the City 3 times, the current City code says NO SIGNS or anything else but mailboxes and planting may be placed in the City right of way. The code says one must seek and pay for a permit to place something else in the right of way. As you know, the right of way generally extends beyond 10 feet from a roadway edge (sometimes well beyond 10 feet) and residents do not know or understand the right of way metrics in front of their homes. SO, PUTTING A SIGN WITHIN 5 FEET OF A ROADWAY IS TECHNICALLY ILLEGAL IN SHOREWOOD WITHOUT A PAID PERMIT. A SIMPLE MODIFICATION SHOULD ADD THAT SMALL EASILY REMOVABLE SIGNS OF ANY KIND MAY BE PLACED IN A PROPERTY RIGHT OF WAY BEYOND 5 FEET FROM THE ROADWAY AND MAY NEED TO BE MOVED OR REMOVED WHEN THE CITY HAS WORK THAT NEEDS TO ACCESS THE RIGHT OF WAY OR NEEDS TO CLAIM THE THAT PORTION OF RIGHT OF WAY FOR UTILITIES.

Commercially zoned property should also be allowed to place small signs (commercial or non-commercial) during the protected election period and also during the year. Many already do this!

I am trying to think this through as simply and effectively as possible. Let people express themselves through all kinds of small signs outside of the protected election period. WE ALREADY DO AND WILL NOT ACCEPT UNNECESSARY ARTIFICIAL AND NON-DEMOCRATIC RESTRICTIONS ON FREE SPEECH.

I hope you will agree and am happy to discuss this with any of you individually. I plan to try to use Zoom which is my legal right during the Tuesday public hearing. I hope to be able to offer my comments then.

Thank you.

--

Alan

Alan Yelsey
26335 Peach Circle, Shorewood MN 55331
612.616.5430 cell
a.yelsey@gmail.com

Marie Darling

From: Sandie Thone
Sent: Friday, April 8, 2022 1:37 PM
To: Marie Darling
Subject: FW: Violations of State Law

FYI

From: Alan Yelsey <a.yelsey@gmail.com>
Sent: Friday, April 8, 2022 11:20 AM
To: Sandie Thone <SThone@ci.shorewood.mn.us>; Greg Lerud <GLerud@ci.shorewood.mn.us>; Debbie Siakel <DSiakel@ci.shorewood.mn.us>; Patrick Johnson <PJohnson@ci.shorewood.mn.us>; Paula Callies <pcallies@ci.shorewood.mn.us>; Nathaniel Gorham <NGorham@ci.shorewood.mn.us>; Jennifer Labadie <JLabadie@ci.shorewood.mn.us>
Subject: Violations of State Law

I am astounded by your continuous blatant disregard for Minnesota Law. Each and every violation will be brought to the attention of the State and its courts and the media.

1) You deliberately violated State Human Rights Laws by refusing my request and right for disability accommodation through fully participative Zoom technology at the Planning Commission public meeting held on April 5, 2022 and the City Council special meeting held on April 5, 2022. You will be charged with these and other similar violations, which harm not just me but many other people who would benefit from Zoom accommodation.

2) You deliberately violated various Constitutional Provisions and State Laws by refusing to do the following:

STATE LAW SAYS:

"All noncommercial signs of any size may be posted in any number beginning 46 days before the state primary in a state general election year until ten days following the state general election. Municipal ordinances may regulate the size and number of noncommercial signs at other times."

The City of Shorewood has refused to include the required language stating there is NO restriction on the size of signs during the protected election periods. Your language is illegal and does not fully and legally communicate the state mandate. You must include the exact language from the State ordinance which includes size without restriction during the protected period.

It is illegal and discriminatory to call out specifically and limit holiday signs. Holiday signs are constitutionally protected and may contain religious content or intent that may not be restricted or treated differently than other non-commercial signs. Further, many residents prefer to place holiday lights and objects on their property for timeframes well beyond 30 days. That is their right.

You use the terms "public signs" and "temporary signs" without defining them and without distinguishing them from other public signs or temporary signs. Under general provisions, the language does not distinguish ordinances in this section from ordinances in other sections directed toward residential

properties. YOU AGAIN BAN NON-COMMERCIAL SIGNS (depending on the meaning of "public signs" OUTSIDE OF THE PROTECTED ELECTION PERIOD WHICH IS ILLEGAL, UNCONSTITUTIONAL AND WILL PROVOKE OUTRAGE WITHIN THE CITY (see, general provisions, 4). FURTHER, (general provision 5a) says "THE TEMPORARY USE OF SIGNS SHALL REQUIRE A PERMIT". That language is clearly in conflict with other language and will provoke outrage when read by the public.

Your sign ordinance language does favor commercial over non-commercial speech, which is unconstitutional, and can be easily be corrected not with the absurd substitution clause but by allowing small temporary commercial signs to be placed by homeowners on their property along with non-commercial signs. Residents place hundreds of commercial signs on their property today without incident.

Finally, you refuse to alter the language in City code that says NOTHING but mailboxes and plantings may be placed without the Right Of Way, when clearly the 5 foot sign distance from roads permits residents to place signs in the right of way, if they even knew where their right of way was.

3) Unless you pause the Smithtown Ponds Project and allow us to hire at your expense a 3rd party consultant during your April 25, 2022 Council Meeting, you will be immediately charged with fraud and malfeasance since there is no environmental, scientific or reasonable justification for the scope, cost and over-engineering.

Alan

Alan Yelsey

612.616.5430 cell

a.yelsey@gmail.com

26335 Peach Circle, Shorewood, MN

Marie Darling

From: Sandie Thone
Sent: Friday, April 8, 2022 1:34 PM
To: Marie Darling; Jason Carlson
Subject: FW: Proposed sign ordinance

FYI

From: Craig Parsons <craigaparsons@hotmail.com>
Sent: Friday, April 8, 2022 12:32 PM
To: Sandie Thone <SThone@ci.shorewood.mn.us>
Subject: Proposed sign ordinance

Sandie:

I have reviewed the proposed sign ordinance and my initial reaction is that this appears to be a lot of wasted effort for what I perceive to be a non-problem. To be honest I can't tell in reading this if a "noncommercial speech" sign is allowed outside of the election periods described. I see no reason to limit these signs at all for any reason so I oppose this ordinance of that's its intent.

Thanks.

Craig Parsons
26540 W 62nd

Marie Darling

From: Sandie Thone
Sent: Wednesday, April 13, 2022 8:53 AM
To: Marie Darling; Jason Carlson
Subject: FW: Question about the proposed sign ordinance

Just an FYI.

Have a great day!

Sandie

From: Ashley Shelby <bookofmoons@gmail.com>
Sent: Tuesday, April 12, 2022 6:28 PM
To: Sandie Thone <SThone@ci.shorewood.mn.us>
Subject: Re: Question about the proposed sign ordinance

Hi Sandie,
Thank you so much for clarifying! This helps a lot!
Cheers,
Ashley

On Tue, Apr 12, 2022 at 12:53 PM Sandie Thone <SThone@ci.shorewood.mn.us> wrote:

Hi Ashley,

No it is confusing – I am with you. So the Subdivision (13) Substitution Clause in the Ordinance allows for those types of signs (Sports team player or Graduate signs, etc.) to be put into your yard.

I hope that helps!

Have a great day!

Sandie

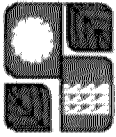
Sandie Thone *MHRM, MCMC*

City Clerk/Human Resources Director

CITY OF SHOREWOOD

952.960.7911

sthone@ci.shorewood.mn.us



From: Ashley Shelby <bookofmoons@gmail.com>
Sent: Tuesday, April 12, 2022 12:24 PM
To: Sandie Thone <SThone@ci.shorewood.mn.us>
Subject: Question about the proposed sign ordinance

Hi Sandie,

I just read through the proposed ordinance regarding signs and had a quick question. I'm a little confused about the restrictions on the non-commercial signs. It seems like signs such as those handed out by Minnetonka High School sports teams to their varsity players, featuring the school logo, the sport, and the athlete's name, for families to put in their yards, are falling under the same umbrella as temporary non-commercial signs, such as campaign signs, which appear to have specific time restrictions. Would the signs for sports organizations that are not being displayed at public sports facilities (such as baseball fields) but are designed to be used by families be subject to the same time-frame restrictions as campaign signs? I'm assuming not but because I didn't identify anything specific singling out those kinds of signs, I was worried they were being swept up with the campaign sign restrictions. I just didn't see on first glance an exception for that kind of non-commercial sign, though I did read the section on sports signs in public areas.

Apologies if I'm reading this all wrong. I just wanted to touch base before submitting a comment and wasting everyone's time if I'm commenting on something that isn't actually an issue. Thanks!

Ashley Benites

25000 Yellowstone Trail

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www.ashleyshelby.com

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www.ashleyshelby.com

Marie Darling

From: Marie Darling
Sent: Friday, April 22, 2022 9:19 AM
To: Kara Widhalm
Subject: RE: Question on proposed Shorewood ordinance relating to signs

No, they are not subject to the time restrictions for election signage, but they will be subject to the five foot setback from property lines and any other restrictions on the signs that they replace.

Marie Darling

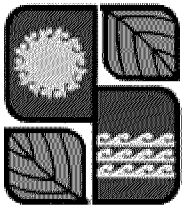
Planning Director

952-960-7912

mdarling@ci.shorewood.mn.us

*City of Shorewood
5755 Country Club Road
Shorewood, MN 55331*

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CITY OF
SHOREWOOD

www.ci.shorewood.mn.us

From: Kara Widhalm <ksflook@gmail.com>
Sent: Thursday, April 21, 2022 9:19 PM
To: Marie Darling <MDarling@ci.shorewood.mn.us>
Subject: Re: Question on proposed Shorewood ordinance relating to signs

Hello Ms. Darling,

Thank you for your reply and the updated information on this amendment. It is very helpful to understand the context of this amendment, including the need to update the ordinance to conform with the supreme court decision.

Will non-commercial signs that are unrelated to elections/campaigns still be subject to the timing restrictions listed in (1)(d)(i), which were time periods related to election days?

Thank you-- I really appreciate your help.
Kara

On Thu, Apr 21, 2022 at 9:57 AM Marie Darling <MDarling@ci.shorewood.mn.us> wrote:

Sorry for the delay in responding, I didn't get a copy of your email.

The campaign signs amendments are not scheduled to be discussed at the City Council meeting on April 25. They will be back at the Planning Commission on May 3 for public hearing and likely forwarded to the City Council on May 9. This is a small targeted amendment to specifically correct conflicting language within the current campaign sign regulations in Shorewood's code prior to the next election and to add a substitution clause to conform to a Supreme court decision a few years back.

Public, integral and holiday signs are defined in the zoning regulations (1201.02 of City Code). These definitions are not changing, so they aren't included in the ordinance amendments.

The definition of non-commercial speech is purposely broad to allow signs for many types of messages that are not commercial in nature, including high school graduation signs, dance signs, athletic association signs, positions on social issues, etc. Shorewood's current regulations do not specifically allow for noncommercial speech signs. A decision in a Supreme Court case a few years back requires all cities to allow non-commercial speech signs for any other allowed sign in a zoning district. The City is adding a substitution clause to conform to that ruling and allow anyone to put up a noncommercial speech sign in lieu of any other signs that are already allowed including, but not limited to, "owner occupant signs" or "holiday signs".

Holiday signs are not a proposed addition to the code, they are already specifically allowed. They are signs no greater than 32 square feet that are allowed to be placed for 30 days in recognition of any federal, state or local holiday.

A copy of your letter and my response will be forwarded to the Planning Commission and the City Council. Please let me know if you have any other questions.

Marie Darling

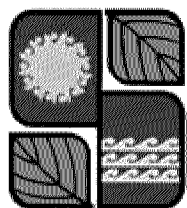
Planning Director

952-960-7912

mdarling@ci.shorewood.mn.us

City of Shorewood
5755 Country Club Road
Shorewood, MN 55331

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CITY OF
SHOREWOOD

www.ci.shorewood.mn.us

From: Kara Widhalm <ksflook@gmail.com>
Sent: Wednesday, April 20, 2022 6:59 PM
To: Planning <planning@ci.shorewood.mn.us>; Sandie Thone <SThone@ci.shorewood.mn.us>
Subject: Fwd: Question on proposed Shorewood ordinance relating to signs

Hello,

I never received an answer to my email below

Thank you,

Kara Widhalm

----- Forwarded message -----

From: **Kara Widhalm** <ksflook@gmail.com>
Date: Fri, Apr 8, 2022, 17:30

Subject: Question on proposed Shorewood ordinance relating to signs

To: <sthone@ci.shorewood.mn.us>

Dear Ms. Thone,

I reviewed the redlined ordinance regarding signs that is to be discussed at the April 25 City Council meeting and have a few questions:

1. "Public signs" and "integral signs" are not clearly defined in this ordinance; is there a definition available for these terms?
2. The definition of "noncommercial speech" signs appears to be broad enough to include signs expressing support for an idea, group (e.g. sports team) or individual not running for political office or related to elections. Is this correct?
3. Why would "noncommercial speech" signs that are unrelated to elections be subject to timing restrictions related to election events?
4. What constitutes a "holiday sign"?

Thank you for your time and your assistance.

Kara Widhalm

----- Forwarded message -----

From: **City of Shorewood** <jmoore@ci.shorewood.mn.us>

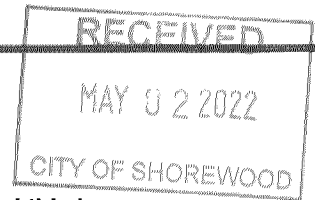
Date: Fri, Apr 8, 2022, 10:00

Subject: Shorewood ordinance relating to signs

To: <ksflook@gmail.com>

John Arnst

From: John Arnst [john@arnst.net]
Sent: Monday, May 02, 2022 12:06 PM
To: 'John Arnst'
Cc: Pat Arnst
Subject: Comments regarding Revision of Sign Ordinance did we send this in



Ms. Thone / City Clerk and Council.

Per the request for submission of comments regarding the revised sign ordinance, below are our concerns / comments regarding the proposed red-line version included in the Council packet.

First, please know that we support a revision of the ordinance to reflect and clarify the current management of signage within our city.

For council consideration:

1. Assigning specific time-frames to a duration signs may be installed implies there is oversight.

How will the city track those time frames, such as 30 days? Will there be a process in place?

How will instances of non-compliance be handled?

Who will be responsible for consistent enforcement?

2. Which category do garage sale, neon foam Red-Cap Boy with "drive slow" flag, "drive like your kids live here" signs or "graduate" signs, among others fall?
3. Will the City automatically remove any signs in violation, of the ordinance, in a timely manner?
4. Has a process been defined as to how this ordinance will be enforced? That is, who will be accountable for enforcement and oversight?
5. What step will be taken for resident education regarding the changes and process for enforcement?

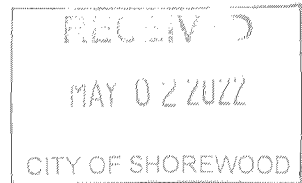
Again, we support the changes and the enforcement of this improved ordinance.

Our questions are based on years of experience with signs placed in the roadways as personal attempts to impede or calm traffic (while literally being plowed and swept around), decrepit garage sale signs sitting week after week, personal signs placed close to the streets, instructing

drivers how to behave, coupled with a resident's inability to "inspire" any city action toward enforcement. None of this contributes to the beauty or overall living standards of the city.

Thank you for forwarding this information to the council.

John & Patricia Arnst
5480 Teal Circle



Dear Council Members and Members of the Planning Commission,

I am a Shorewood resident and am unable to attend the May 3rd Planning Commission meeting, as well as the May 9th council meeting regarding the proposed changes to the sign ordinance. However, I would like to voice my opposition to the changes and ask that my letter be included in the agenda packet. I have also sent a copy of my letter to members of the City Council, as well as Mayor Labadie.

Any restriction on speech, no matter its scope, should be undertaken with trepidation and great reluctance. This reluctance is a foundational feature of our democracy--both at the national level and within our own communities. When we propose such restrictions to speech, there must be a compelling reason to do so. I believe this is a value most Americans share, regardless of political affiliation. I do not believe the City has demonstrated any compelling reason for an invasive government regulation to its citizens' right to express themselves. That failure is deeply troubling to me. I have read that "distraction" has been floated as a reason for these proposed changes, yet residents of Shorewood have not been presented with any accident studies showing that signs in the right-of-way cause distracted driving. Are such studies available from our local police department or other public safety agency? Are there a significant number of instances where drivers swerved off the road, caused an accident, drove through a stop sign, or couldn't see well enough to execute a driving maneuver safely? If so, we have not been given an opportunity to examine that data.

Is appearance a reason for these changes? Do city officials not like the way non-commercial signs look? As public servants who have dedicated your careers to democratic governance, I am sure you know that one of the hallmarks of American democracy is that it is wonderfully messy—it cannot and should not be sanitized.

I maintain that the city has shown no compelling reason for this sign ordinance change, and I think this lack of justification should give the members of the Planning Commission, as well as the members of the City Council pause, particularly if they believe, as I trust they do, that the role of local government is not to impede speech and citizens' right to enjoy their community, but to facilitate it. Restrictions to speech and other foundational rights often come in the form of these kinds of changes, which is why it is so important to examine the language and the reasoning of this proposed ordinance change so closely.

Based on the language, which is exceedingly opaque, the restrictions seek to sweep all non-commercial signs under the same umbrella as campaign signs. Because there is no language differentiating campaign signs from other non-commercial signs, something that feels intentional, citizens will have their freedom of expression curtailed in a substantial manner. This ordinance would in many circumstances make a "Bee-Friendly Yard" a violation. No "Black Lives Matter" signs. No "I Support Ukraine" signs. No "I Support Our Police" signs. The City indicates that these rules will apply only to right-of-way, but it is obvious to anyone who drives through our wonderfully varied community that many, many homeowners use the right-of-way for their signs because their homes are built very close to the street or behind privacy fences. Taking away their right to put non-commercial signs on the right-of-way would essentially deprive them of that avenue of speech while, at the same time, other homeowners, whose homes are set farther from the road, would enjoy this avenue with more freedom. This non-uniform impact of the ordinance on Shorewood citizens is another problematic feature.

Further, this kind of ordinance could lead to the same difficulties communities across the country have experienced in the uneven enforcement of the ordinance, based on the political and social leanings of the enforcement agents. For example, in Selah, Washington, the city was sued for selectively removing Black Lives Matter signs, citing their sign ordinance, but leaving other signs up that were in violation of the ordinance up (<https://www.yaktrineews.com/lawsuit-selah-officials-removed-signs-supporting-black-lives-matter-from-city-streets/>). In fact, I've already seen this happen in our community--on my street, in fact. Black Lives Matter signs were removed from the public right-of-way at the corner of Yellowstone and Country Club Lane, but a homeowner on Yellowstone was allowed to keep his Trump signs on the right-of-way in front of his house and across Yellowstone on the other right-of-way for the entire 2020 election season. I'm sure the opposite can happen as well.

So the question becomes: Can the city commit to fair, consistent enforcement of this restrictive ordinance? What steps will it take to ensure fair enforcement? Will it rely only on complaints or will it have agents dedicated to monitoring city streets and removing signs that are in violation of the ordinance? If the City chooses only relies on complaints from citizens, then it seems to me the ordinance change is unnecessary, since it is clearly not an important enough violation for the city to proactively enforce. As you can see, even just engaging in this hypothetical question is enough to reveal how unnecessary and burdensome this new restrictive language is. Fair and consistent enforcement, which seems to me to be the way the ordinance could legally be enforced, would place a substantial enforcement burden on the City, likely require an employee to enforce it. I have seen no information from the City that it plans to assign enforcement duties to a city employee. Again, we go back to the likelihood of uneven enforcement, which may open the City up to legal action, such as what unfolded in Selah, Washington. As public servants, you must know that issues relating to restriction of speech are highly litigious in comparison to other issues, and could potentially cost the City (and taxpayers) money in lawsuits.

I also ask you to consider how vague, and therefore broad, the definition of "non-commercial signs" is here. Election signs are lumped in with non-election related signs. Further, the lack of definition leaves certain signs open to the subjective interpretation of—who, I'm not sure. For example, some people think Black Lives Matter signs are election-related when to other people the sign is a literal statement of fact, like The Sky is Blue. If there is an interpretation aspect, then human judgment comes into play, and when human judgment comes into play, biases, opinions, and preferences motivate decision-making and enforcement. Again, I go back to the why--why is this ordinance necessary? *Why* would the city feel that restricting speech, even under the guise of setbacks and "keeping the roadways clear," is of such import that it must be codified but not important enough to have an employee dedicated to enforcing it? Why would the individuals who wrote the ordinance choose to be so broad in their definitions of non-commercial signs? What is the justification? And are the changes important enough to be worth the potential trouble they cause?

I drive past signs that bother me every single day. During election season, I drove past that house on Yellowstone that had Trump signs in the right-of-way. I knew the homeowner was in violation of the existing ordinance. However, I did not call it in to complain. It would never have occurred to me to do so, as I have zero interest in curtailing that individual's right to speech. Further, I had zero chance of driving off the road because I saw the sign. Seeing it did not affect my ability to safely drive.

In summation, I believe this ordinance is unnecessary and deeply problematic. If passed, I suspect it will create headaches for the City, and for taxpayers, for years to come, as people in the community fight for their right to express themselves without being unduly limited by governmental bodies. I ask as you contemplate this sign ordinance that you think about whether you have been given a truly compelling reason for the proposed changes, and whether those reasons rise to the very high standard required by any restriction on speech in this country. Curtailing your constituents' right to freely express themselves within the community itself should be something done only in the most extraordinary of circumstances, such as imminent danger. There is no imminent danger in a non-commercial sign. There is great danger in restricting speech, even or especially when it is presented as minor or "common-sense changes." As I said earlier, restrictions to speech and other foundational rights often come in the form of these kinds of minor-seeming changes but fundamentally erode our rights. I urge you, as guardians of our local democracy, to be vigilant in protecting those rights. They're your rights, too.

I'm very grateful to have been given the opportunity to express my thoughts.

Ashley Benites
25000 Yellowstone Trail

ORDINANCE 588

CITY OF SHOREWOOD
COUNTY OF HENNEPIN
STATE OF MINNESOTA

AN ORDINANCE APPROVING AN AMENDMENT TO
SHOREWOOD CITY CODE CHAPTER 1201 (ZONING REGULATIONS)
RELATED TO SIGNS

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

SECTION 1: AMENDMENT. That the Municipal Code of Shorewood, Minnesota, Chapter 1201 Section 1201.01 (Definitions), is hereby amended as set forth below by adding the underlined language and deleting the ~~strikethrough~~ language as follows:

1201.02 DEFINITIONS.

~~**SIGN – CAMPAIGN.** A temporary sign promoting the candidacy of a person running for a governmental office or promoting an issue to be voted on at a governmental election.~~

SIGN – COMMERCIAL SPEECH. A sign advertising a business, profession, commodity, service, or entertainment.

SIGN – NONCOMMERCIAL SPEECH. A sign that includes message that does not promote commercial products or services.

SECTION 2: AMENDMENT. That the Municipal Code of Shorewood, Minnesota, Chapter 1201, Section 1201.03 Subd. 11. (Signs), is hereby amended as set forth below by adding the underlined language and deleting the ~~strikethrough~~ language as follows:

Section 1201.03 Subd. 11 Signs.

b. *Permitted and prohibited signs.*

(1) *Permitted signs.* The following signs are allowed without a permit, but shall comply with all other applicable provisions of this chapter:

- (a) Public signs;
- (b) Address signs;
- (c) Integral signs;
- ~~(d) Every campaign sign must contain the name and address of persons responsible for the sign, and that person shall be responsible for its removal. Signs shall be permitted on each lot for a period of 100 days prior to and ten days after an election. All campaign signs or other noncommercial speech signs may be posted from 46 days before the state primary in a state general election year until ten days following the state general election, pursuant to M.S. § 211B.045. Signs posted both during and after this time period are subject to all other applicable requirements in this subdivision. At any time, the city shall have the right to remove signs that are prohibited under this subdivision, and assess a fee as provided from time to time by ordinance. Campaign signs or other noncommercial speech signs shall not be located closer than ten feet from any street surface, and shall not be placed in front of any property without the consent of the property owner;~~
- (d) Temporary noncommercial speech signs, subject to the following:
 - (i) Signs may be posted in any number or size during the following times:
 - A. State general election years: 46 days before a state primary until ten days following the state general election pursuant to MS. § 211B.045.
 - B. For all other public elections years: 100 days prior to the election until ten days following the election.
 - (ii) During the time outlined in (d) (i), noncommercial speech signs shall not be located in violation of 1201.03 Subd. 2, h. (Traffic Visibility) of City Code or closer than five feet from the street, as measured from:
 - A. The curb of a paved roadway.
 - B. The paved street surface for those streets without curbs or shoulders.
 - C. The edge of the aggregate surface for gravel streets or those paved streets with improved gravel shoulders.
- (e) Holiday signs, displayed for a period not to exceed 30 days and no larger than 32 square feet in area;
- (f) Construction signs. The signs shall be confined to the site of the construction, alteration or repair and shall be removed within two years of the date of issuance of the first building permit or when the particular project is completed, whichever is sooner as determined by the City Building Official or his or her agent. One sign shall be permitted for each major street the project abuts. No sign may exceed 50 square feet;
- (g) Real estate sale or rental signs. Signs must be removed within 14 days after sale or rental of property. Signs may not measure more than six square feet in Residential Districts, nor more than 20 square feet in all other districts. There shall be only one sign per premises. Corner properties, however, may contain two signs, one per frontage. Lakeshore lots may contain two signs, one in the

- front and one facing the lake;
- (h) Informational/directional signs shall not be larger than three square feet and shall conform to the location provisions of the specific district;
 - (i) Owner-occupant signs. One residential name sign, not to exceed two square feet in area, identifying only the name of the owner or occupant of a residential building.

c. *General provisions.*

- (1) All signs shall comply with the Minnesota State Building Code as may be amended.
- (2) When electrical signs are installed, the installation shall be subject to the State Building Code as may be amended.

(3) No portion of any sign shall be located within five feet of any property line, except as permitted in b. (1) (d) of this subdivision.

(3)(4) No signs other than governmental—public signs and political—campaign noncommercial speech signs as provided in b.(1)(d) of this subdivision, shall be erected or temporarily placed within any street-right-of-way, or upon public lands, or easements or rights-of-way. Any unauthorized signs located in public right-of-way or on public property shall be considered abandoned and are subject to immediate removal and disposal without notice.

(4)(5) *Temporary signs.*

- (a) The temporary use of signs, searchlights, banners, pennants and similar devices shall require a permit. The permit shall be valid for ten consecutive days. The permit shall be prominently displayed during the period of validity. Only two temporary permits may be granted for any property within any 12-month period. Temporary signs shall not exceed 32 square feet in area. Any new business that has applied for its permanent business sign may, at the same time, apply for a temporary business sign to be displayed for no longer than 30 days, or until the permanent sign has been erected, whichever comes first. The temporary business sign shall be professionally prepared and shall be no larger than the approved permanent sign.
- (b) A conditional use permit may be granted to nonprofit athletic associations, contracted with the city pursuant to Section 902.06 of this code, for the display of temporary business sponsorship signs to be placed on certain ball field fences on public property, provided that:
 - (i) A nonprofit athletic association under contract with the City may display signs only on facilities that have been reserved for its use;
 - (ii) Signs may be displayed only in a community park, as defined in the Shorewood Comprehensive Plan;
 - (iii) Signs may be displayed only on outfield fences, facing into the ball field, and situated so as to minimize view of the signs from adjacent residential properties;

- (iv) All signs must be professionally made, using durable weather resistant material, painted or colored dark green on the back side of the sign;
- (v) Signs are limited in size to no larger than 42 inches in height and seven feet in length;
- (vi) There shall be a minimum spacing between signs of seven feet;
- (vii) The maximum number of signs per ball field is 15;
- (viii) The nonprofit athletic association is responsible for maintaining the signs in good repair. If a sign become detached, torn, or vandalized, the association must repair or replace them immediately or the sign will be summarily removed by the city;
- (ix) The nonprofit athletic association is responsible for any damage to the fence on which it is displayed that is caused by installation or display of the sign;
- (x) The conditional use permit is subject to review and recommendation by the Shorewood Park Commission;
- (xi) The nonprofit athletic association must obtain an annual license from the city and enter into a license agreement setting forth the conditions of approval and the duration of the approval. The association shall pay an annual license fee as established by the City Council from time to time. The association shall have no vested right in obtaining licenses from season to season; and
- (xii) It shall be the responsibility of the nonprofit athletic association to obtain a temporary sign permit for each sign to be displayed on ball field fences, prior to erecting the sign.

(~~56~~) No sign or sign structure shall protrude over a public right-of-way, except as permitted in b. (1) (d) of this subdivision.

(~~67~~) All signs which require a permit shall display, in a conspicuous manner, the owner's name, permit number and date the sign was erected.

(~~78~~) All height restrictions on signs shall include height of sign structure and be measured from lot grade.

(~~89~~) In the case of a two-faced, freestanding sign, where the two faces of the sign are parallel and face in opposite directions, only one face shall be used in computing the allowable area of the sign.

(~~910~~) Any sign now or hereafter existing which no longer advertises or identifies a business conducted, service rendered or product sold on the premises shall be removed by the owner, agent or person having the beneficial use or control of the building or structure upon which the sign may be found within 60 days from the date of vacancy.

(~~1011~~) The regulations contained herein shall not apply to traffic signs or the flag, separate emblem, or insignia of a nation, political unit, school or religious group, or integral signs. There shall be no more than one United States flag and no more than three other non-commercial flags. Nor shall these regulations pertain to a sign inside a building, provided the sign is at least three feet in back of the inside of the exterior wall and is readable from the inside of the building.

(~~112~~) All signs requiring a permit from the city shall be subject to review and approval by the Zoning Administrator.

(13) Substitution Clause. The owner of any sign which is otherwise allowed by this article may substitute noncommercial speech in lieu of any other commercial speech or noncommercial speech. This substitution of copy may be made without any additional approval or permitting. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over noncommercial speech, or favoring of any particular noncommercial speech over any other noncommercial speech. This provision prevails over any more specific provision to the contrary.

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 9th day of May, 2022.

JENNIFER LABADIE, MAYOR

ATTEST:

SANDIE THONE, CITY CLERK

RESOLUTION 22-047

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

**A RESOLUTION APPROVING THE PUBLICATION OF
ORDINANCE 588 REGARDING CITY CODE ORDINANCE
AMENDMENTS RELATED TO CAMPAIGN AND
NONCOMMERCIAL SPEECH SIGNS**

WHEREAS, at a duly called meeting on May 9, 2022, the City Council of the City of Shorewood adopted Ordinance No. 588 entitled “AN ORDINANCE APPROVING AMENDMENTS TO SHOREWOOD CITY CODE CHAPTER 1201 (Zoning Regulations) RELATED TO SIGNS”; and

WHEREAS, the City Council adopted a lengthy ordinance amending City Code Chapter 1201 which amends definitions and regulations for campaign and non-commercial speech signs; 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. 588 clearly informs the public of the intent and effect of the Ordinance.
2. The City Clerk is directed to publish Ordinance No. 588 by title and summary, pursuant to Minnesota Statutes, Section 412.191, Subdivision 4. Such summary is to be substantially the same as the attached form.
3. A full copy of the Ordinance is available at Shorewood City Hall and on the city’s website.

ADOPTED by the Shorewood City Council on this 9th day of May, 2022.

Jennifer Labadie, Mayor

Attest:

Sandie Thone, City Clerk



City of Shorewood Council Meeting Item

Title/Subject: **Accept Bids and Award Contract for the Smithtown Pond/Shorewood Oaks Drainage Project City Projects 20-07, 20-04**

Meeting Date: Monday, May 9, 2022

Prepared by: Andrew Budde, City Engineer

Reviewed by: Larry Brown, Director of Public Works

Attachments: **Bid Tab, Resolution**

Background: At the March 14th, 2022 Council Meeting, staff had presented the final plans and specification for the Smithtown Pond and Shorewood Oaks Drainage Improvements project and Council had given authorization to advertise and open bids for the project.

Bids for the project were opened on April 26, 2022. A total of seven bids were received and the low bidder is submitted by Meyer Contracting, Inc. from Maple Grove, Minnesota. The bids are summarized below:

Bidder:	Total Bid Amount:
Meyer Contracting	\$1,765,199.51
Park Construction	\$1,972,074.80
Kusske Construction	\$1,984,480.40
New Look Contracting	\$1,991,795.50
Rachel Contracting	\$2,143,774.90
Veit & Company	\$2,162,112.81
Schneider Excavating	\$2,364,723.93

Staff has reviewed all the bids and based on the low bid from Meyer Contracting, Inc., the construction costs of the project are 1% below the engineer's estimate. The bids received indicate that the bidding process was competitive. The Shorewood Oaks Drainage portion of the work is to be completed by September 1, 2022, all of the ponding work will be substantially completed by March 1, and the trail connection between Smithtown Road and the HCRRA will be completed by July 1, 2023.

Financial Considerations: This project has been budgeted for in the Capital Improvement Plan (CIP) in years 2021 and 2022 and includes three items from the CIP:

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.*

2021 Shorewood Oaks Drainage	\$190,000
2022 Smithtown Pond/Freeman Park Outlet	\$1,942,000
<u>2022 Smithtown Pond Trail</u>	<u>\$40,000</u>
Total Budget	\$2,172,000

The city will also receive cost sharing from the Hennepin County Regional Rail Authority (HCRRA) for the LRT storm sewer in a not to exceed amount of \$38,680. The Engineers Estimates for the overall project cost is \$2,200,000.

Recommendation/Action Requested: Staff recommends award of the Contract, in the amount of \$1,765,199.51 to the low bidder, Meyer Contracting, Inc.

Next Steps and Timelines:

Award Construction ContractMay 9, 2022
 Begin ConstructionSummer 2022
 Substantial Completion: Shorewood Oaks Drainage Improvements...September 1, 2022
 Substantial Completion: Ponding.....March 1, 2023
 Final Completion.....July 1, 2023



City of Shorewood

Project Bid Tabulation

Smithtown Pond & Shorewood Oaks Drainage Improvements

BMI No. C16.121587

Soliciting agent: Bolton & Menk, Inc.

Contact: Andrew Budde, P.E.

Bid Date: 04/26/2022 11:00 AM CDT

Firm	Total Bid
Meyer Contracting	\$1,765,199.51
Park Construction	\$1,972,074.80
Kusske Construction	\$1,984,480.40
New Look Contracting	\$1,991,795.50
Rachel Contracting	\$2,143,774.90
Veit & Company	\$2,162,112.81
Schneider Excavating & Grading	\$2,364,723.93

Engineer's Opinion of Cost

\$1,777,266.10

I hereby certify that this is a true and correct tabulation of the bids as received on April 26, 2022 for the Smithtown Pond & Shorewood Oaks Drainage Improvements, City Project 20-04 and 20-07.

Andrew Budde, P.E., City Engineer

Sandie Thone, City Clerk

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

RESOLUTION 22-048

**A RESOLUTION ACCEPTING BIDS AND AWARDING CONTRACT FOR
THE SMITHTOWN POND/SHOREWOOD OAKS DRAINAGE PROJECT
CITY PROJECTS 20-07 AND 20-04**

WHEREAS, on March 14, 2022, the City of Shorewood ("City") approved the plans and authorized bidding for Smithtown Pond project (City Project 20-07) and Shorewood Oaks Drainage Improvements (City Project 20-0); and

WHEREAS, pursuant to an advertisement for bids for the projects, bids were received on April 26, 2022, opened and tabulated according to law, with the following bids received and complying with the advertisement:

Meyer Contracting	\$1,765,199.51
Park Construction	\$1,972,074.80
Kusske Construction	\$1,984,480.40
New Look Contracting	\$1,991,795.50
Rachel Contracting	\$2,143,774.90
Veit & Company	\$2,162,112.81
Schneider Excavating	\$2,364,723.93

WHEREAS, Meyer Contracting is the lowest responsible bidder and a responsive contractor, that has completed projects of similar size and scope successfully; and

NOW THEREFORE, IT RESOLVED: by the City Council of the City of Shorewood hereby authorizes and directs the Mayor and City Clerk to enter into a contract with Meyer Contracting based on the lowest bid amount in the name of the City of Shorewood for the Smithtown Pond and Shorewood Oaks Drainage Improvements projects according to the plans and specifications therefore approved by the City Council and on file in the office of the City Clerk.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF SHOREWOOD this 9th day of May 2022.

Jennifer Labadie, Mayor

Attest:

Sandie Thone, City Clerk



City of Shorewood Council Meeting Item

Title/Subject: Strawberry Lane Final Design Direction, City Project 19-05
Meeting Date: Monday, May 9, 2022
Prepared by: Andrew Budde, City Engineer
Reviewed by: Larry Brown, Director of Public Works
Attachments: Overview Map of Easement Needs and Resolution

Background: At the February 14 and February 28 council meeting, staff presented design information and comments from an open house to seek final design direction for the Strawberry Lane Reconstruction Project. The final design items were as follows: 1.) The need or justification for a sidewalk, 2.) Minimizing impacts to yards and trees by reducing the proposed street width by two feet, and 3.) Shifting the alignment on the south end towards the west.

At the February 28 meeting council provided direction to staff to design a 6-foot-wide sidewalk against the eastern curb and design a 26-foot-wide roadway with curb & gutter. Council also directed staff to negotiate easements on the two property owners on the west side of Strawberry Lane, north of West 62nd Street. This will facilitate the western alignment of Strawberry Lane and would generally keep the western edge of the roadway in the same location.

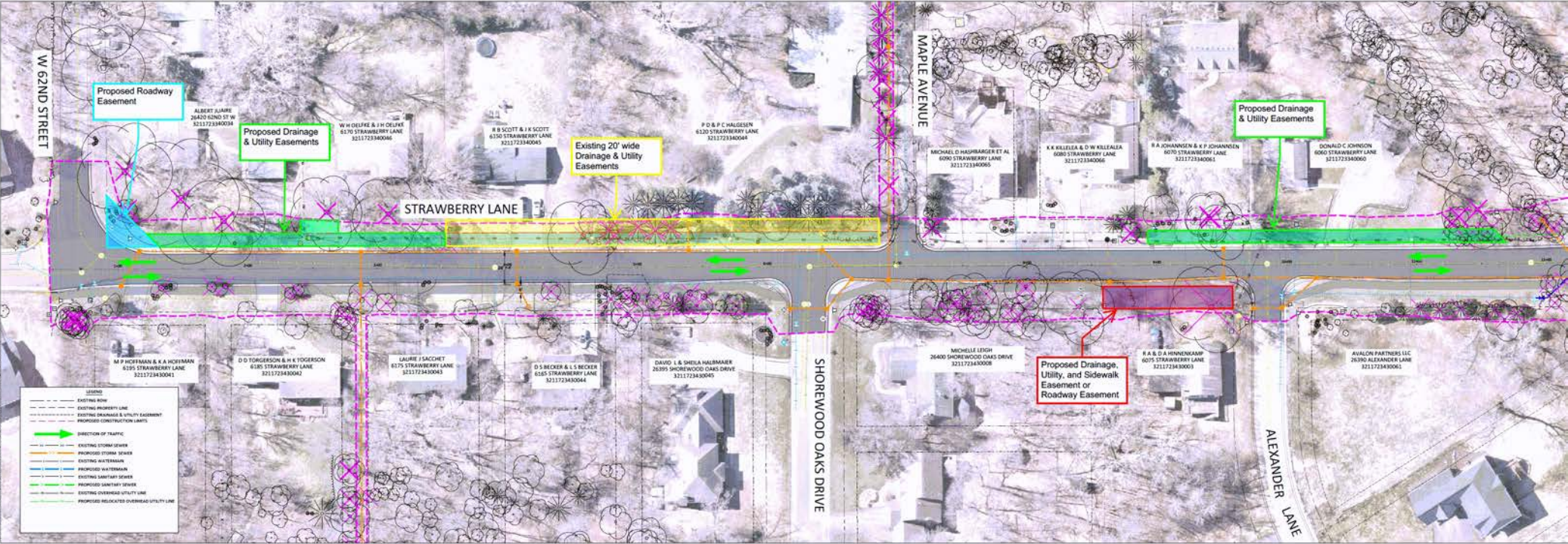
Staff has been able to meet with and negotiate a drainage & utility easement with the property located at 6170 Strawberry Lane. Staff has attempted on contact the property owner of 26420 West 62nd Street multiple times and has been unsuccessful to date. Since both roadway alignment options will require encroachment into the property at 26420 West 62nd Street, the city will need to pursue eminent domain if the property owner is unwilling to negotiate.

The project schedule anticipates final plans ready for approval in August of 2022. This would also be the time when council would approve all negotiated easements and authorize eminent domain, if needed. The eminent domain process would take 120 days and the property would be available to the city for construction in the spring of 2023. Tree removal and utility relocation work could still occur in the fall/winter of 2022 but would need to avoid the properties associated with eminent domain.

Financial Considerations: This project has been budgeted for in the Capital Improvement Plan (CIP) in years 2021 and 2022 and includes an overall budget of \$5,466,000. \$150,000 of the budget is specific to Right of Way Acquisition. The total project costs estimated for the feasibility study is \$4,820,000. It is estimated that the western alignment south of the Lake Minnetonka Regional Trail will add a minimum of \$25,000 in right of way/drainage & utility easement acquisition costs.

Recommendation/Action Requested: Staff recommends the city council pursue the western alignment of Strawberry Lane south of the Lake Minnetonka Regional Trail and continue to attempt negotiations with 26420 West 62nd Street.

Strawberry Lane Reconstruction & Trail
City of Shorewood



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

RESOLUTION 22-049

**A RESOLUTION TO PROVIDE FINAL DESIGN DIRECTION
FOR STRAWBERRY LANE
CITY PROJECT 19-05**

WHEREAS, the City Council directed staff to negotiate easements with properties on the west side of Strawberry Lane near West 62nd Street, to accommodate the western alignment option which generally keeps the western edge of the roadway in the same location as the existing condition; and

WHEREAS, staff was successful in negotiating an easement with 6270 Strawberry Lane and has been unable to connect with the owner to date, at 26420 West 62nd Street; and

WHEREAS, both roadway alignment options require encroachment into 26420 West 62nd Street and if the city is unable come to an amicable agreement with the property owner will require the city to utilize eminent domain;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SHOREWOOD, MINNESOTA AS FOLLOWS:

1. The City Council of the City of Shorewood, Minnesota directs staff to design the western alignment of Strawberry Lane and continue to attempt negotiations with the property owner of 26420 West 62nd Street until final plans are ready for approval.

Passed by the City Council of Shorewood, Minnesota this 9th day of May 2022.

Jennifer Labadie, Mayor
Attest:

Sandie Thone, City Clerk



City of Shorewood Council Meeting Item

Title/Subject: Selection of Executive Search Firm

Meeting Date: Monday, May 9, 2022

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

Reviewed by: Jared Shepherd, City Attorney

Attached: Resolution 22-050

Request for Proposal: Executive Search Firm to Assist Hiring City Administrator

Background: The city council accepted City Administrator Greg Lerud's resignation effective May 6, 2022, at its regular meeting on April 11, 2022.

The city solicited Request for Proposals for an Executive Search Firm to Assist in Hiring a City Administrator. The city received two proposals from DDA, Human Resources, Inc/ David Drown Associates and Baker Tilly. Each firm was interviewed at the City Council Work Session on May 9, 2022. The firms provided a 15-minute presentation and a brief Q/A session.

The following Executive Search Firms were interviewed by the city council:

Baker Tilly

DDA, Human Resources, Inc/ David Drown Associates

The city council will have a discussion regarding the selection of an executive search firm to assist in the city administrator search and put forth one Firm for consideration of approval. The motion will include authorization for the City Attorney to prepare a contract consistent with the terms outlined by the firm in their proposal.

Proposals were sent separately to the council and are not included in the public packet. This is pursuant to MN Statute 13.591, which states all other data in a responder's response, other than their name which becomes public on the due date, is private or not public data until the completion of the evaluation process (completion of the contract negotiation with selected vendor).

Financial Considerations: Pursuant to selection and negotiated rate.

Action Requested: Staff respectfully recommends the city council approve Resolution 22-050 Selection of Executive Search Firm and Authorize the City Attorney to Prepare a Contract Consistent with the Terms Outlined by the Firm in Their Proposal.
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.*

**RESOLUTION NO. 22-050
CITY OF SHOREWOOD
COUNTY OF HENNIPIN
STATE OF MINNESOTA**

**A RESOLUTION AUTHORIZING EXECUTION OF AN EXECUTIVE SEARCH
FIRM AGREEMENT TO ASSIST IN HIRING A CITY ADMINISTRATOR**

WHEREAS, the City of Shorewood City Council accepted the resignation of City Administrator Greg Lerud at its regular meeting on April 11, 2022; and

WHEREAS, City Administrator Lerud's last day with the city is May 6, 2022; and

WHEREAS, the City sent out a Request for Proposals for an Executive Search Firm to assist in the hiring of a new city administrator and interviewed two firms at its Work Session on May 9, 2022; and

WHEREAS, the City Attorney has been authorized to work with the approved search firm to prepare a contract that is consistent with the terms outlined by the Firm in their proposal.

NOW, THEREFORE, IT IS RESOLVED by the City Council of the City of Shorewood, Minnesota that:

1. The City Council has approved _____ to assist with the hiring of a new City Administrator at the May 9, 2022 meeting.
2. Authorizes the Mayor and City Clerk to enter into the agreement, as proposed, on behalf of the City of Shorewood.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF SHOREWOOD this 9th day of May, 2022.

Jennifer Labadie, Mayor

ATTEST:

Sandie Thone, City Clerk



Request For Proposal Executive Search Firm to Assist In Hiring a City Administrator

I. OVERVIEW

City of Shorewood is seeking proposals from executive search consulting firms to assist in the recruitment of a City Administrator. The selected firm will conduct the recruitment, evaluation and screening of applicants in order to provide recommendations to the Shorewood City Council. The Shorewood City Council will interview the semi-finalists, with a hiring goal on or before October 1, 2022.

II. INTRODUCTION

Shorewood is a city with a population of 7,800 and located in western Hennepin County. The Mayor and four-member council are all elected at-large and on staggered terms. The city has a full-time staff of 22 people, with police and fire services being provided by a joint powers agency with three and four other cities, respectively.

III. PROPOSAL REQUIREMENTS

Proposals for Executive Search Firm should include the following information regarding your company's process in the following areas:

1. Recruitment.
2. Identification of quality candidates.
3. Screening applicants and recommendation of semi-finalists.
4. Final interview.
5. Conducting pre-employment investigation and evaluations of finalist(s).
6. Assistance in negotiating offer.

Proposals should include your firm's experience in providing local government executive searches.

Proposals should include the proposed fee schedule, payment provisions requested, and estimated expenses.

Proposals should include proof of liability insurance and amount.

IV. STATEMENT OF NEED

City of Shorewood is seeking responses from consultant firms with expertise in conducting quality search services. The primary objective of the RFP is to establish a consultant list from which the city will select an executive search firm to conduct the search for a new City Administrator.

V. NATURE OF POSITION

The position of City Administrator is a critical, visible position requiring strong business management experience, exceptional leadership ability and a successful track record of working with or for government, public agencies within the local government sector.

The job description for the City Administrator is attached to this request.

VI. RESPONSE REQUIREMENTS

Proposals and all related materials are due by noon on May 2, 2022. Responses may be delivered to City of Shorewood:

Sandie Thone, Human Resources Director
5755 Country Club Road
Shorewood, MN 55331

Responses submitted by email will be accepted at sthone@ci.shorewood.mn.us

VII. QUESTIONS/ADDITIONAL INFORMATION

All questions and/or requests for additional information may be requested via email to Sandie Thone, Human Resources Director at the following email address Sthone@ci.shorewood.mn.us or via direct line at 952.960.7911.



#10A.1

MEETING TYPE
Regular

City of Shorewood Council Meeting Item

Title / Subject: 1st Quarter 2022 General Fund Budget Report

Meeting Date: May 9, 2022

Prepared by: Joe Rigdon, Finance Director

Reviewed by:

Attachments: General Fund Budget Report

Policy Consideration:

A General Fund year-end budget report is provided to the City Council for review on a quarterly basis.

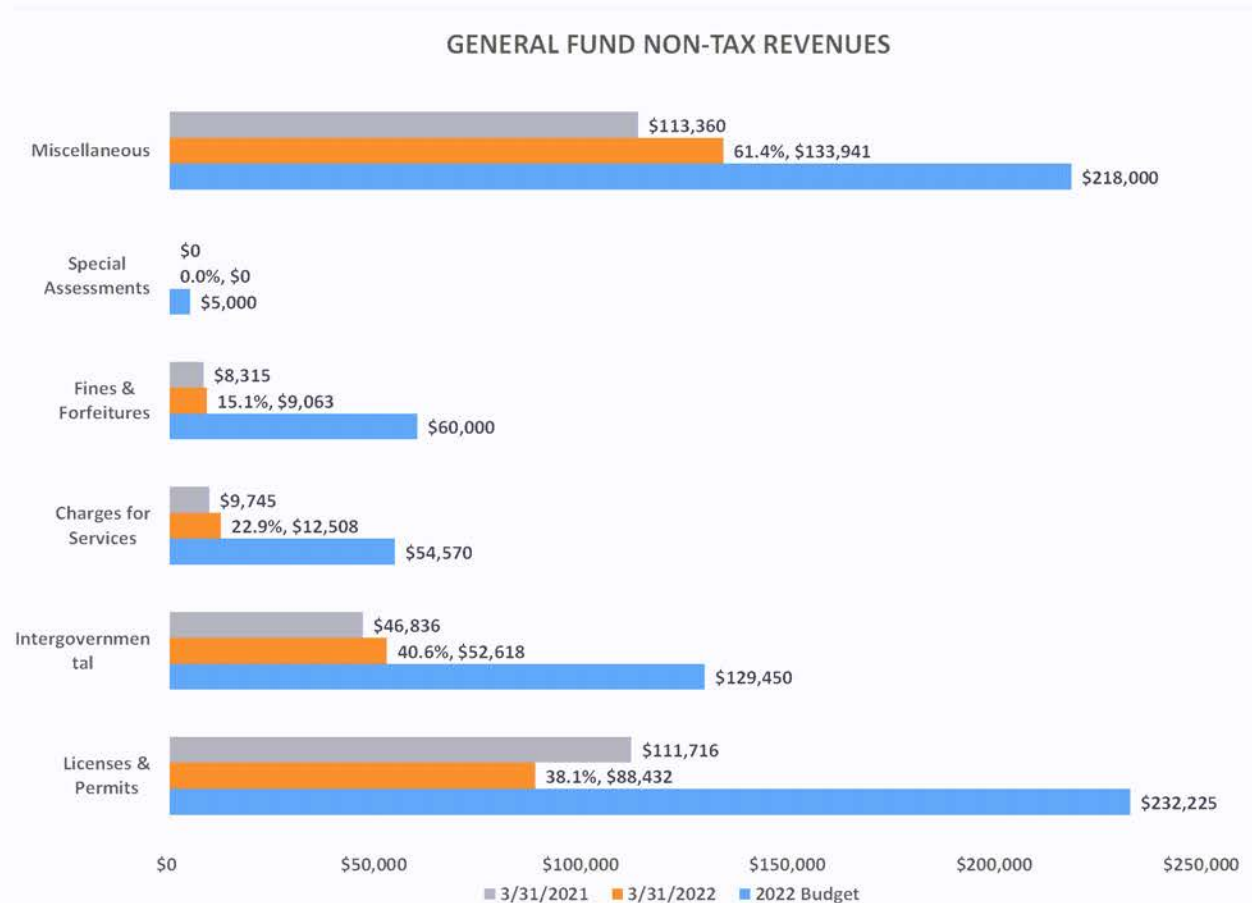
Background:

The following information describes the unaudited financial results of the City's General Fund as of March 31, 2022. Comparisons between year-to-date amounts through March for revenues and expenditures are included to assist in gauging fund performance.

General Fund

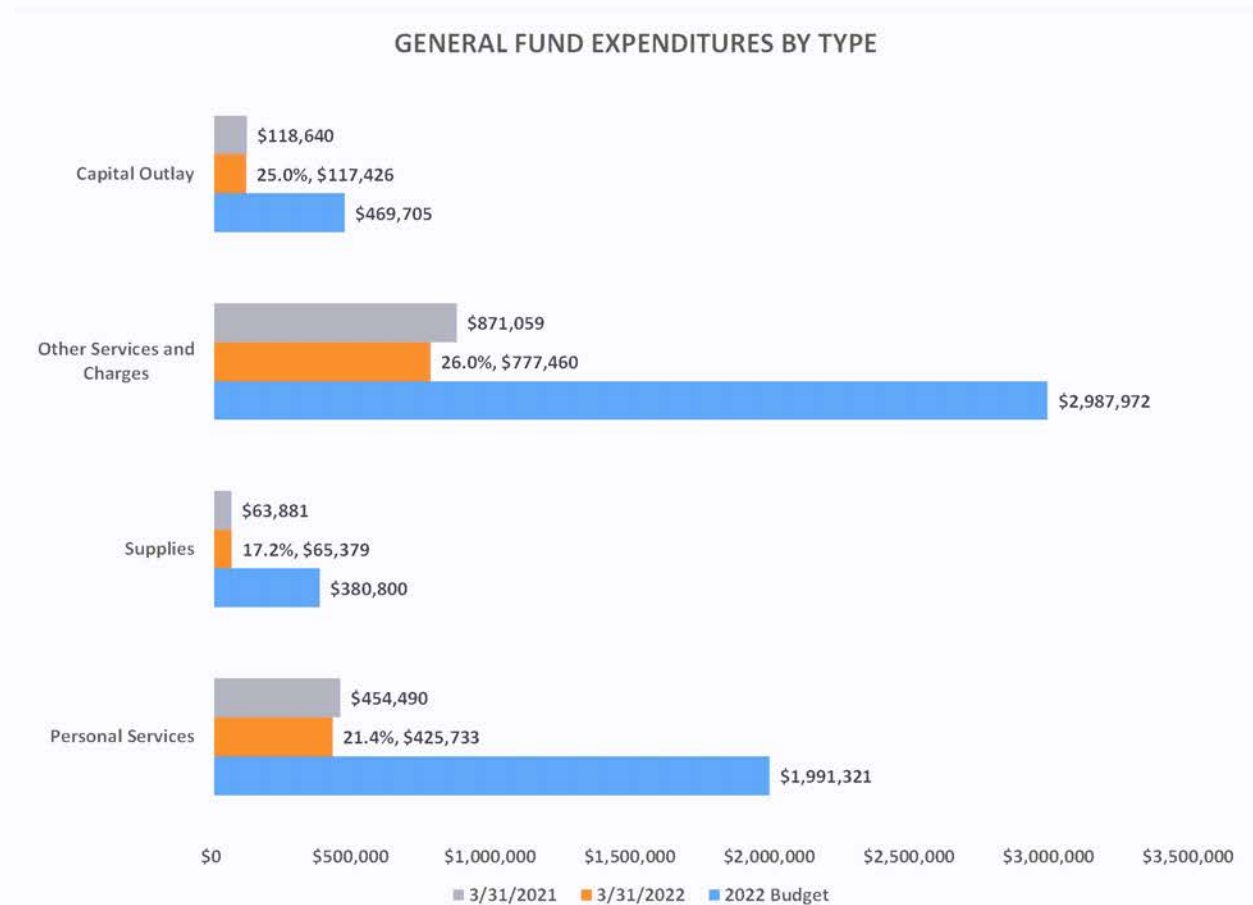
Revenues:

Property tax revenues for the General Fund were \$0 through March 2022. The first half property taxes will be received in June and July 2022, and the second half property taxes will be received in December 2022.



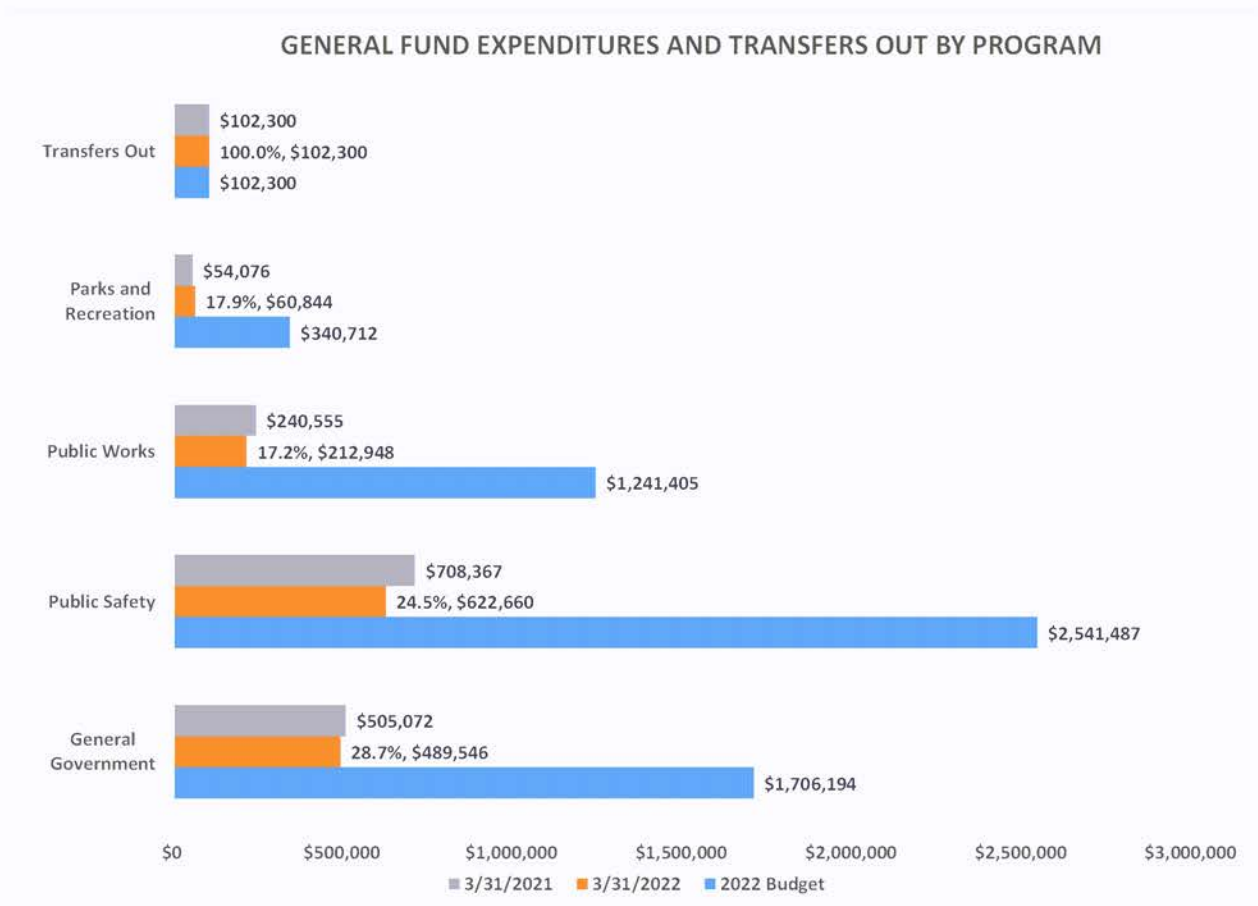
- Licenses and permits amounted to 38.1% of budget, or \$88,432 through March of 2022. The majority of the revenue consisted of building permits and plan check fees. As a comparison, licenses and permits revenues through March of 2021 were \$111,716.
- Intergovernmental revenues were \$52,618 through 03/31/22, as compared to \$46,836 through 03/31/21.
- Miscellaneous revenues totaled \$133,941 through 03/31/22. Antenna rent is the largest component. No investment interest earnings are typically allocated to the General Fund until the fourth quarter.
- Total General Fund revenues (excluding transfers in) amounted to \$296,562, or 5.0% of budget through 03/31/22. Revenues through March for 2022 were \$6,590 higher than prior year revenues through March 2021.

Expenditures by Type:



- General Fund personal services (including salaries and benefits) were at 21.4% of the annual budget through the first quarter of 2022. This amounted to a 6.3% decrease under the 1st quarter of 2021, and resulted due to unfilled positions during the quarter and timing differences in payroll from year to year.
- Supplies expenditures through March 2022 were 17.2% of the 2022 budget.
- Other services and charges were 26.0% of the 2022 budget, and 10.7% less compared to the prior year. This is attributable to payment timing differences for the operations portion of the police contract in 2022.
- Capital outlay expenditures were 25.0% of budget through the first quarter. This represents the capital portion of the police and fire contracts in 2022.

Expenditures by Program:

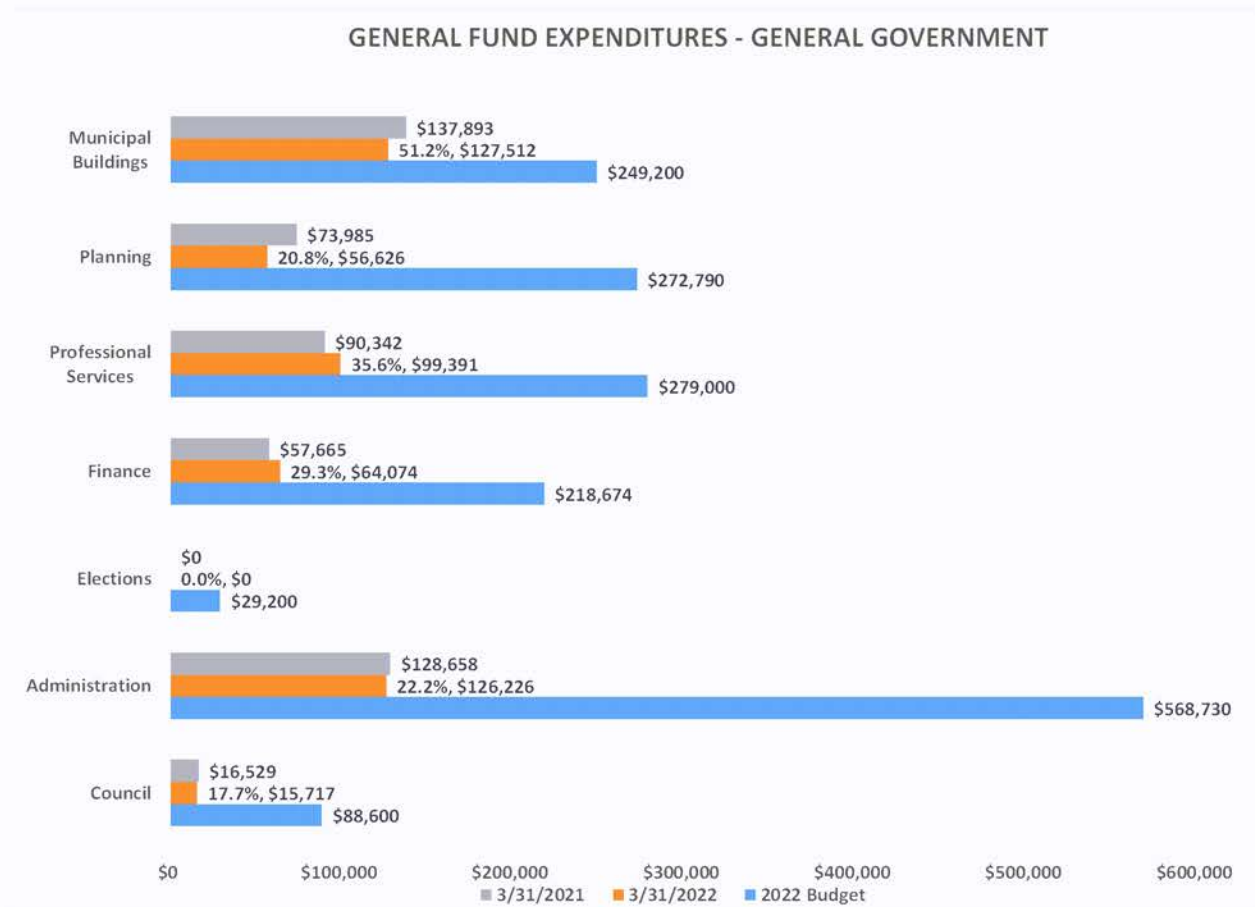


- General government expenditures through March 2022 were \$489,546 (28.7% of budget), or 13.1% lower than 2021.
 - A decrease in wages and benefits expenditures occurred due to unfilled positions during the first quarter.
- Public safety expenditures were \$622,660 through 03/31/22 (24.5% of budget), decreasing 12.1% through 03/31/21.
 - The decrease resulted from timing differences of police contracted payments and will flatten out as future payments are made.
- Public works expenditures totaled \$212,948 through 03/31/22 (17.2% of budget), decreasing 11.5% from the prior year.
- Parks and recreation expenditures amounted to \$60,844 through March 2022, a 12.5% increase from 2021.
- Budgeted transfers out to the Shorewood Community and Event Center were \$102,300 through both March 2022 and March 2021.

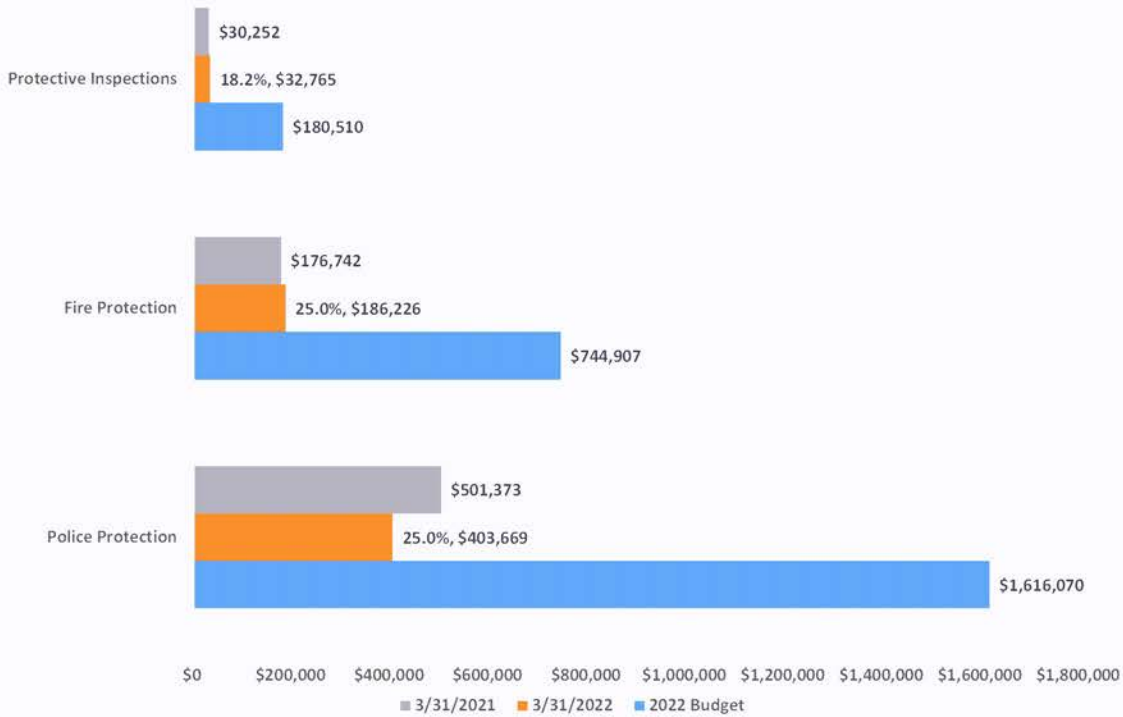
- The General Fund exhibited an overall 8.1% decrease in expenditures (excluding transfers out) from \$1,508,070 through 03/31/21 to \$1,385,998 through 03/31/22. A large portion of the decrease resulted from a timing difference with the police contract payments.

Expenditures by Department:

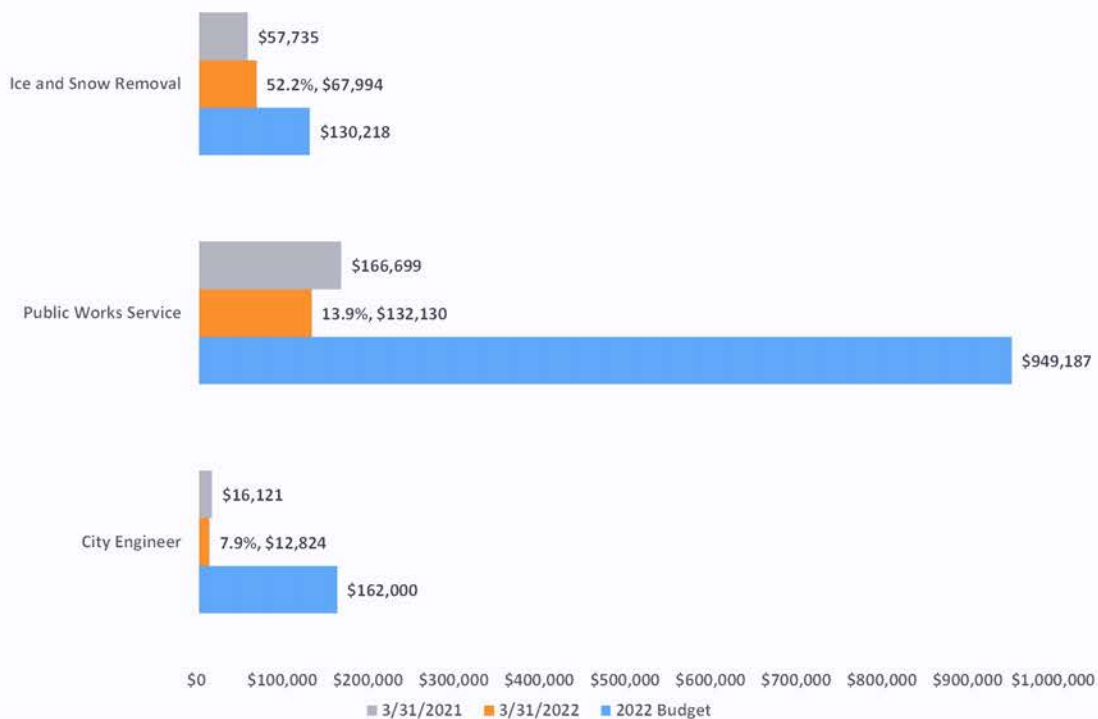
The following charts include expenditure information for individual departments for the first quarter of 2022.



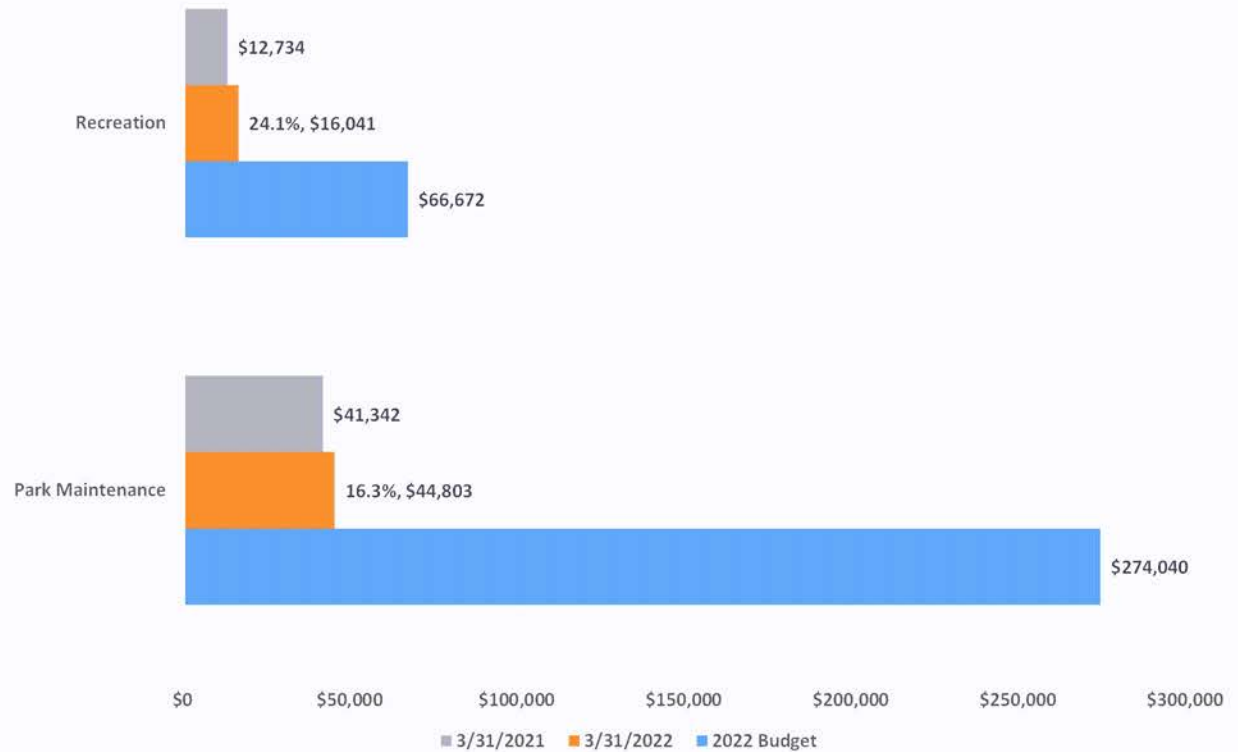
GENERAL FUND EXPENDITURES - PUBLIC SAFETY



GENERAL FUND EXPENDITURES - PUBLIC WORKS



GENERAL FUND EXPENDITURES - PARKS AND RECREATION



Financial or Budget Considerations:

This report is intended to provide budget to actual and comparative financial information for the General Fund.

Options:

1. Accept the quarterly budget report.
2. Do not accept the quarterly budget report.

Recommendation / Action Requested:

Staff recommends that the City Council accept the quarterly budget report.

Next Steps and Timeline:

The General Fund budget report for 2nd quarter 2022 will be prepared and distributed in July 2022.

Connection to Vision / Mission:

The review of periodic reporting of financial information is a component of sound financial management.



#10A.2

MEETING TYPE
Regular

City of Shorewood Council Meeting Item

Title / Subject: Investments 4th Quarter 2021 Report

Meeting Date: May 9, 2022

Prepared by: Joe Rigdon, Finance Director

Reviewed by:

Attachments: First Quarter 2022 Investments Spreadsheets

Policy Consideration:

An investment report is provided to the City Council for review on a quarterly basis.

Background:

The following information describes the unaudited investment activity of the City's funds as of March 31, 2022.

The City's investment policy, modified 3/24/2013, indicates that an investment report shall be prepared at least quarterly, including a management summary.

General Objectives:

The primary objectives, in priority order, of investment activities are safety, liquidity, and yield.

1. Safety:

Safety of principal is the foremost objective of the investment program. Investments shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio. The objective is to mitigate credit risk and interest rate risk. Credit risk is the risk of loss due to the failure of the security issuer or backer. Interest rate risk is the risk that the market value of securities in the portfolio will fall due to changes in market interest rates.

2. Liquidity:

The investment portfolio shall remain sufficiently liquid to meet all operating requirements that may be reasonably anticipated. This is accomplished by structuring the portfolio so that securities mature concurrent with cash needs to meet anticipated demands.

3. Yield:

The investment portfolio shall be designed with the objective of attaining a market rate of return through budgetary and economic cycles, taking into account the investment risk constraints and liquidity needs.

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.*

Authorized and Suitable Investments:

Minnesota Statute 118A.04 lists the types of investments that public funds may be invested in. The City's investment policy is narrower than the statute, and includes the following permissible investments:

- United States securities:

Governmental bonds, notes, bills, mortgages (excluding high-risk mortgage-backed securities), and other securities, which are direct obligations or are guaranteed or insured issues of the United States, its agencies, its instrumentalities, or organizations created by an act of Congress.

- State and local securities:

Any security which is a general obligation of any state or local government with taxing powers which is rated "A" or better by a national bond rating service.

Any security which is a revenue obligation of any state or local government with taxing powers which is rated "AA" or better by a national bond rating service.

- Commercial paper:

Commercial paper issued by United States corporations or their Canadian subsidiaries that is rated in the highest quality category by at least two nationally recognized rating agencies and matures in 270 days or less.

- Time deposits:

Time deposits that are fully insured by the Federal Deposit Insurance Corporation (FDIC) or by the National Credit Union Administration (NCUA).

- Minnesota joint powers investment trust (4M Fund):

Investments are restricted to securities described in Minnesota Statutes 118A.04 and 118A.07, subdivision 7.

Diversification:

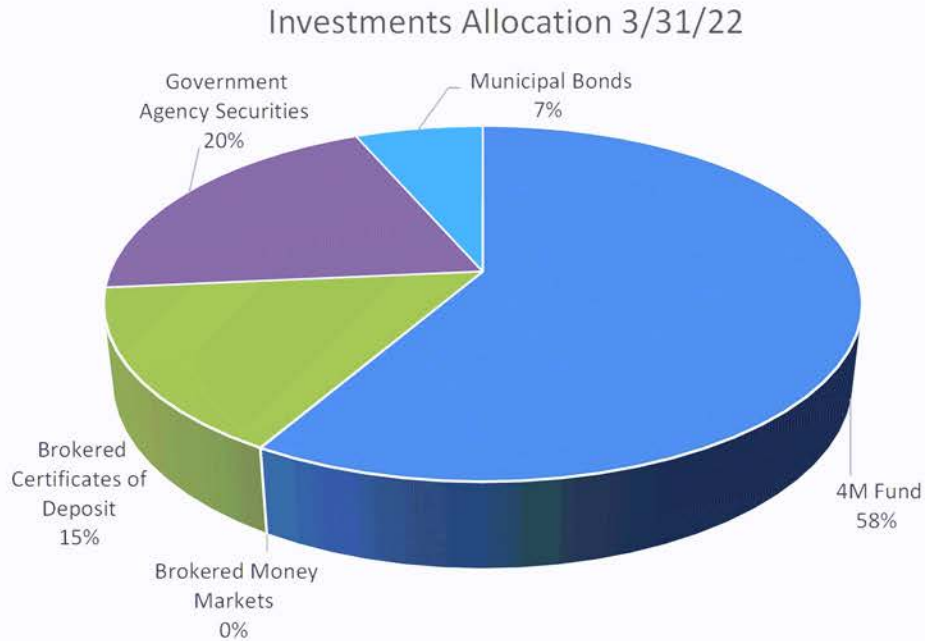
The City shall attempt to diversify its investments according to type and maturity. The portfolio may contain both short-term and long-term investments. The City will attempt to match its investment maturities with anticipated cash flow requirements. The City's investment policy includes the following restrictions:

- No more than 30% of the total investments should extend beyond 5 years.
- No investment should extend beyond 15 years.
- No more than 10% of the total investments shall be commercial paper.

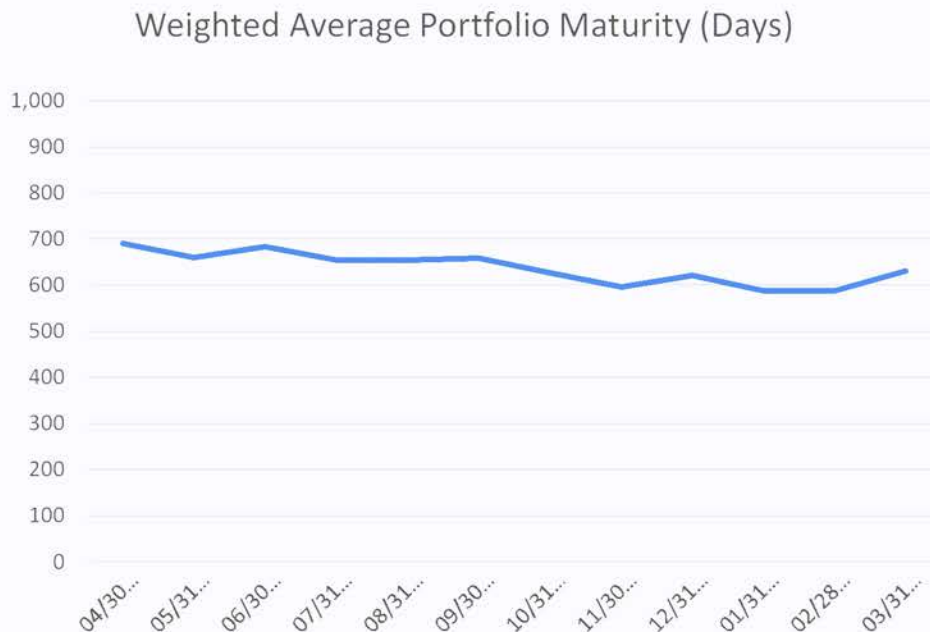
As of 3/31/2022, the City is in compliance with the investment policy's diversification restrictions.

Current Investments:

At 3/31/2022, market value of the City's investments amounted to \$13,126,497. Municipal money market funds (4M) were the largest share of the portfolio, at 58%. Net bond proceeds of \$7.4 million were transferred into the 4M fund in August 2020, while approximately \$4.2 million of net bond proceeds were transferred in July 2021. An investments summary and an investments detail listing are included on the attachments.



The weighted average portfolio maturity in days of the City's investment portfolio has been steady during the past year. This calculation varies based on the mix of investment purchases and maturities. The average maturity at March 31, 2022 was a calculated 632 days, or 1.73 years.



The weighted average yield of the City's investment portfolio was relatively flat from April 2021 through February 2022. An increase in the overall yield occurred in March 2022, reflecting current economic conditions. Based on the City's fixed rate investments (excluding the 4M Fund), the portfolio yield was calculated at 0.91% at 3/31/2022. The 4M Fund average monthly rate for March 2022 was 0.053%.



From 1/1/2022 through 3/31/2022, the City received \$35,700 in investment interest. The change in fair market value of the portfolio decreased by \$108,674 through 3/31/2022 as a result of market economic conditions. With interest rates rising, the value of fixed-rate securities showed a decline in value for the first quarter. The City's intent is to hold investments to maturity dates, which will prevent realized principal gains or losses on investments related to market conditions. Net investment income through 3/31/2022 amounted to negative \$72,974.

Financial or Budget Considerations:

This report is intended to provide investments financial information for the City's funds.

Recommendation / Action Requested:

Staff recommends that the City Council accept the quarterly investments report.

Next Steps and Timeline:

The investments quarterly report for 2nd quarter 2022 will be prepared and distributed in July 2022.

Connection to Vision / Mission:

The review of periodic reporting of financial information is a component of sound financial management.

City of Shorewood
Investments Summary
2021-2022

	04/30/21	05/31/21	06/30/21	07/31/21	08/31/21	09/30/21	10/31/21	11/30/21	12/31/21	01/31/22	02/28/22	03/31/22
<u>Allocation (\$)</u>												
4M Fund	6,948,611.87	6,354,234.02	7,207,509.26	11,448,530.85	11,766,469.70	8,576,939.78	8,577,575.44	7,578,221.31	8,090,495.20	8,094,260.40	8,350,044.04	7,662,426.66
Brokered Money Markets	-	-	-	-	-	-	-	-	-	-	-	-
Brokered Certificates of Deposit	3,794,814.63	3,792,685.99	3,545,034.26	3,541,949.99	3,239,319.54	3,237,429.78	3,234,962.38	3,232,253.84	2,733,185.73	2,730,853.32	2,485,267.00	1,990,671.55
Government Agency Securities	1,520,762.00	1,524,082.00	1,517,871.00	1,525,488.50	1,522,324.00	1,513,574.50	1,502,206.50	1,501,992.50	1,496,269.50	1,478,222.50	1,469,180.00	2,621,952.42
Municipal Bonds	1,195,968.00	1,193,261.50	1,190,621.50	1,190,607.00	1,187,453.00	884,297.50	882,199.00	880,931.50	879,520.50	867,332.00	863,781.00	851,446.50
	13,460,156.50	13,464,263.51	13,461,036.02	17,706,576.34	17,715,566.24	14,212,241.56	14,196,943.32	13,193,399.15	13,199,470.93	13,170,668.22	13,168,272.04	13,126,497.13
<u>Allocation (%)</u>												
4M Fund	51.6%	51.6%	53.5%	64.7%	66.4%	60.3%	60.4%	57.4%	61.3%	61.5%	63.4%	58.4%
Brokered Money Markets	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Brokered Certificates of Deposit	28.2%	28.2%	26.3%	20.0%	18.3%	22.8%	22.8%	24.5%	20.7%	20.7%	18.9%	15.2%
Government Agency Securities	11.3%	11.3%	11.3%	8.6%	8.6%	10.6%	10.6%	11.4%	11.3%	11.2%	11.2%	20.0%
Municipal Bonds	8.9%	8.9%	8.8%	6.7%	6.7%	6.2%	6.2%	6.7%	6.7%	6.6%	6.6%	6.5%
	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%
Weighted Average Portfolio Yield	0.720%	0.710%	0.674%	0.661%	0.648%	0.640%	0.631%	0.622%	0.610%	0.600%	0.589%	0.909%
Weighted Average Portfolio Maturity (Days)	691	660	684	655	655	659	627	597	622	589	588	632

City of Shorewood - Investments Detail
12/31/22

4M Fund

		Par Value	Yield %	Purchase Date	Maturity Date	Cusip	FDIC #
Money Market	4M Fund	7,662,426.66	0.053				
KS State Bank/Kansas State Bank of Manhattan	Brokered CD	249,785.37	1.60	2/26/2020	2/28/2022	Non-DTC	19899
Third Coast Bank, SSB CD	Brokered CD	249,753.21	1.52	3/2/2020	3/2/2022	Non-DTC	58716
Wells Fargo BK N A Sioux Falls SD CD	Brokered CD	249,000.00	2.70	3/27/2019	3/28/2022	949763YT7	3511
Western Alliance Bank/Torrey Pines Bank CA CD	Brokered CD	249,908.78	0.20	4/1/2021	4/1/2022	Non-DTC	57512
CIBC Bank USA/Priate Bank MI CD	Brokered CD	249,908.81	0.11	12/2/2020	5/26/2022	Non-DTC	33306
Ally Bank CD	Brokered CD	247,000.00	2.06	8/8/2019	8/8/2022	02007GLA9	57803
Capital One Bank USA NA CD	Brokered CD	247,000.00	2.06	8/7/2019	8/8/2022	14042TBP1	33954
Pacific Western Bank, CA CD	Brokered CD	249,697.78	0.12	12/2/2020	12/2/2022	Non-DTC	24045
US Treasury	Government Agency	303,000.00	1.43	3/24/2022	3/31/2023	91282CBU4	N/A
Servisfirst Bank, FL CD	Brokered CD	249,900.08	0.16	4/1/2021	4/3/2023	Non-DTC	57993
Greenstate Credit Union, IA CD	Brokered CD	249,947.60	0.15	6/1/2021	6/1/2023	Non-DTC	NCUA
Morgan Stanley Pvt Bank CD	Brokered CD	247,000.00	1.76	9/5/2019	9/5/2023	61760AX61	34221
US Treasury	Government Agency	306,000.00	1.81	3/24/2022	9/30/2023	91282CDA6	N/A
Waukesha WI Prom Nts	Municipal Bonds	500,000.00	0.20	4/20/2021	10/1/2023	943080VH1	N/A
US Treasury	Government Agency	296,000.00	2.03	3/24/2022	3/31/2024	91288W71	N/A
US Treasury	Government Agency	500,000.00	0.29	4/5/2021	4/30/2024	912828X70	N/A
Waukesha WI Prom Nts	Municipal Bonds	350,000.00	0.36	4/20/2021	10/1/2024	943080V17	N/A
US Treasury	Government Agency	500,000.00	0.57	4/5/2021	3/31/2025	912828ZF0	N/A
US Treasury	Government Agency	314,000.00	2.21	3/24/2022	3/31/2025	912828ZF0	N/A
US Treasury	Government Agency	500,000.00	0.82	4/5/2021	3/31/2026	91282CBT7	N/A

Market Value 12/31/2021	Purchases	Sales	Transfers in	Transfers out	Change in Market Value & Gain/Loss	Interest/ Dividends	Market Value 3/31/2022
8,090,495.20	733,400.00	(1,197,169.09)	35,207.57	-	-	492.98	7,662,426.66
242,000.00	-	(242,000.00)	-	(7,785.37)	-	7,785.37	-
242,400.00	-	(242,400.00)	-	(7,353.21)	-	7,353.21	-
250,521.14	-	(249,000.00)	-	(1,707.19)	(1,521.14)	1,707.19	(0.00)
249,400.00	-	-	-	-	-	-	249,400.00
249,500.00	-	-	-	-	-	-	249,500.00
249,817.04	-	-	-	(2,677.07)	(1,468.17)	2,677.07	248,348.87
249,817.04	-	-	-	(2,677.07)	(1,467.68)	2,677.07	248,349.36
249,100.00	-	-	-	-	-	-	249,100.00
-	299,193.38	-	-	(189.38)	(845.04)	189.38	298,348.34
249,100.00	-	-	-	-	-	-	249,100.00
249,200.00	-	-	-	-	-	-	249,200.00
252,330.51	-	-	-	(2,265.97)	(4,657.19)	2,265.97	247,673.32
-	299,243.73	-	-	(382.50)	(1,587.13)	382.50	297,656.60
514,635.00	-	-	-	-	(13,395.00)	-	501,240.00
-	299,579.04	-	-	(3,145.00)	(4,631.32)	3,145.00	294,947.72
513,652.50	-	-	-	-	(17,109.50)	-	496,543.00
364,885.50	-	-	-	-	(14,679.00)	-	350,206.50
491,855.50	-	-	-	(2,500.00)	(20,332.00)	2,500.00	471,523.50
-	299,152.94	-	-	(785.00)	(3,036.18)	785.00	296,116.76
490,761.50	-	-	-	(3,739.81)	(23,945.00)	3,739.81	466,816.50
13,199,470.93	1,930,569.09	(1,930,569.09)	35,207.57	(35,207.57)	(108,674.35)	35,700.55	13,126,497.13

Net Interest Earnings (Interest and realized gains/losses on securities)

(72,973.80) (72,973.80)