

CITY OF SHOREWOOD  
CITY COUNCIL REGULAR MEETING  
MONDAY, JULY 12, 2021

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 7:06 P.M.

#### A. Roll Call

Present. Mayor Labadie; Councilmembers Johnson, Siakel, Callies, and Gorham; City Attorney Keane; City Administrator Lerud; City Clerk/HR Director Thone; Finance Director Rigdon; Planning Director Darling; Director of Public Works Brown; and City Engineer Budde.

Absent: None

#### B. Review Agenda

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

### 2. CONSENT AGENDA

Mayor Labadie reviewed the items on the Consent Agenda.

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

- A. City Council Regular Meeting Minutes of June 28, 2021
- B. Approval of the Verified Claims List
- C. Accept 2021 Hennepin County Recycling Grant, Adopting RESOLUTION NO. 21-075, "A Resolution Accepting 2021 Hennepin County Residential Recycling Grant."
- D. Establish Moratorium on Dog Breeding, Adopting ORDINANCE NO. 579, "An Interim Ordinance Prohibiting Acceptance or Consideration of Applications for Dog Breeding Kennels and Operations."

All in favor, motion passed.

### 3. MATTERS FROM THE FLOOR

Bill Johnson, 6135 Cathcart Drive, stated that he wanted to speak to the Council about traffic safety issues with joining onto Highway 7, especially during rush hour. He stated that during rush hour, it is very difficult to even get onto that road. He stated that there was an unfortunate incident

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recently with a young man who passed away after a car/motorcycle accident, which compelled him to come to the Council and urge action for some traffic control. He stated that his daughter will be turning sixteen in November and will be a new driver and would like to ensure that she and all drivers stay safe when they are joining traffic. He asked the Council to do whatever they can to address this issue.

Mayor Labadie agreed that the recent accident was tragic. She stated that she has drafted a letter that is posted on the City website and urges residents of Shorewood to contact three individuals with these same kinds of concerns: Senator Dave Osmek; Representative Kelly Morrison; and the Commissioner of Public Transportation. She noted that she has also been in contact with other local mayors and received a letter of support from the Mayor of Greenwood in support of the City's efforts to gain traffic improvement along the Highway 7 corridor. She stated that she knows that the City of Excelsior is currently discussing this matter and the City of Chanhassen is also putting this item on their agenda for discussion. However, these would merely be letters of support for the efforts of the Council and explained that Highway 7 is a State highway. Without cooperation from a State agency, there is very little the City can do. She stated it was important for residents to contact the people who need to hear those voices. She stated that resident voices are being heard by the Council and their sentiments are felt and echoed by this Council as well as neighboring Councils.

Councilmember Siakel stated that it is very important that the public goes above and beyond the City to speak their minds because in the past, when it has just been the City speaking to the State agencies, it seems to have fallen on deaf ears. She stated that the more people in the community who write letters and voice their opinion the better because the City cannot do it on their own.

Councilmember Callies stated that Margaret Anderson-Kelliher did respond to the letter which she thinks is a good sign, but believes it is important for the Council to keep this on their agenda.

Mayor Labadie stated that Representative Kelly Morrison is also in complete support and is trying to be an advocate for the Highway 7 corridor improvements. She reiterated her encouragement for people to reach out to the individuals she mentioned earlier.

**4. PUBLIC HEARING**

**5. REPORTS AND PRESENTATIONS**

**6. PARKS**

**7. PLANNING**

**A. Approve Final Plat and PUD Final Plan for Walnut Grove Villas**

**Applicant: Stoddard Companies**

**Location: State Highway 7 between Eureka Road and Seamans Drive**

Planning Director Darling reviewed the Final Plat and PUD Final Plan for Walnut Grove Villas. Staff has found that they are both consistent with the previous approvals. She reviewed a few of the things that have changed since the Council has seen it such as the name change from The Villas at Shorewood Village to Walnut Grove Villas, and the berms proposed on the south end of the development have been removed.

Bill Stoddard, 443<sup>rd</sup> Street Excelsior Boulevard, stated that he was available to answer Council questions.

Councilmember Gorham asked if the berms were originally planned as a sound buffer. Planning Director Darling noted that they were not tall enough to impact sound. Mr. Stoddard stated that once they had been out to the site again as part of putting together their plans, they determined that there would be more of a buffer by leaving what is currently there than putting in a berm.

Councilmember Gorham asked about sidewalk connections to the park and about the lighting plans. Mr. Stoddard stated that there will be a sidewalk connection to Seamans and a sidewalk on the north side of the proposed road. He noted that they will also be adding a turn lane along Eureka into the project and stated that there will be bollard lighting on the sidewalk side.

**Callies moved, Johnson seconded, Adopting RESOLUTION NO. 21-072, “A Resolution Approving a Final Plat for Walnut Grove Villas for Property Located North of Highway 7 Between Eureka Road and Seamans Drive.” All in favor, motion passed.**

**B. Approve Extension for Code Compliance at 21035 Radisson Road**

Planning Director Darling explained that the City had received a complaint that there was a dock installed on a parcel of property that had no home and was just a narrow strip between two other properties. She stated that the property owners would like some additional time so they can go back through old approvals of docks back when the City approved non-conforming uses by Council action.

**Gorham moved, Siakel seconded, Adopting RESOLUTION NO. 21-076, “A Resolution Approving a Request for an Extension to Correct a Code Violation for Property with Parcel ID 3511723110050 Located East of 21035 Radisson Road.” All in favor, motion passed.**

**8. ENGINEERING/PUBLIC WORKS**

**A. Accept Quotes and Award Contract for Shady Island Forecmain Replacement, City Project 21-02**

City Engineer Budde explained that the City identified that the heat tape on the forcemain that serves about thirty residents on Shady Island was found to not be working. He stated that the forcemain itself was near the end of its useful life, so staff recommended replacement. He stated that the City received two quotes for this project with the low bidder being Minger Construction. He explained that this project was not included in the Capital Improvement Plan but could be paid for from the available funds within the Sanitary Sewer Fund. Staff recommends approval of awarding the project to Minger Construction.

**Siakel moved, Johnson seconded, Adopting RESOLUTION NO. 21-077 “A Resolution to Award Low Quote for Shady Island Forecmain Repair.” All in favor, motion passed.**

**9. GENERAL/NEW BUSINESS**

**A. Freeman Park Buckthorn Removal Plan**

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City Administrator Lerud explained that the City received a DNR grant to assist with the removal of buckthorn on an 18-acre area in Freeman Park. The Council had asked staff to research alternatives for removal that did not include application of herbicide. He reviewed the options and what treatment would be necessary. Staff is recommending proceeding with the alternative bid from MN Native Landscapes.

Councilmember Callies commended staff for looking into alternate and creative solutions. Councilmember Siakel asked questions about the differences between the proposals from Tree Trust and MN Native Landscapes.

Public Works Director Brown explained that when a forestry mower is brought in, it creates a shredded product and will help some of the germination because it will cover the ground. The City will work with the contractor to ensure that they are not removing trees that the City would like to see remain.

Councilmember Siakel stated that the goal is to remove as much buckthorn as possible and would like to see it done in the least invasive way. She stated that she also does not want to be talking about this in five years and asked if there was something more aggressive the City could do to deal with the problem.

City Administrator Lerud noted that the DNR has said that they are fine with any of the options presented tonight.

The Council discussed the importance of communicating the City's plans for buckthorn management to the public, clearly laying out the plans, and that this action will be part of the City's tree preservation and management plan.

Councilmember Siakel stated that it is very important that people understand that the City is not just in Freeman Park mowing down trees. She stated that she wants to make sure that the City gives out the information on this management plan because people can invent their own reality. She suggested that there at least be something included in the newsletter.

Councilmember Johnson stated that he would suggest that there be actual signs posted in Freeman Park. He shared his concern that there are no members of the public present tonight to discuss this issue. Public Works Director Brown stated that the City can post signs that has a summary and then can point them to the website that has more detailed information. Councilmember Johnson suggested that the signs be posted before any of the work proceeds.

The Council discussed the option of leaving a buffer or the possibility of investigating some other native type landscaping to serve as a buffer. They discussed allocating funds in future budgets towards Freeman Park and continued management of the buckthorn.

**Siakel moved, Johnson seconded, Approving the bid from MN Native Landscapes to forestry mow the entire area, then broadcast the buckthorn replacement mix, use goat browsing over two years to manage regrowth, and direct staff to bring back a plan for the following three years of management/creation of a reforestation plan. All in favor, motion passed.**

### **B. Bond Sale Results**

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Finance Director Rigdon introduced Shannon Sweeney of David Drown Associates to share the details of today's bond sale results.

Shannon Sweeney, David Drown Associates, explained that the purpose of the bonds is to fund the Smithtown Pond Trail; Glen/Amlee/Manitou; Sweetwater Curve; and the 2021 Mill and overlay projects. The City received an AA+ credit rating with a stable outlook which is about as good as it can get. There were three bids received today with the lowest submitted by Northland Securities at a net interest rate of 1.2884%.

**Johnson moved, Siakel seconded, Adopting RESOLUTION NO. 21-078, "A Resolution Awarding Sale of \$4,325,000 General Obligation Street Reconstruction and Utility Revenue Bonds, Series 2021A, Fixing the Form and Specifications Thereof, Providing for their Execution and Delivery, and Levying Taxes and Providing for their Payment." All in favor, motion passed.**

**10. STAFF AND COUNCIL REPORTS**

**A. Administrator and Staff**

**1. Spring Clean Up**

City Administrator Lerud stated that the Spring Clean-Up day was very busy and Keely Schultz, GreenCorps had put together some of the numbers and data for the Council to see. Mayor Labadie thanked staff, Council and community members who volunteered at the event.

**Other**

City Engineer Budde stated that the Glen/Amlee/Manitou project is moving along nicely.

Planning Director Darling expressed her appreciation to everyone who attended the Badger Park Grand Opening event. She stated that there were about 250 people in attendance and thinks that the public had fun at the event. She stated that Music in the Park will be held on July 22 with music from 6:30 p.m. to 8:00 p.m. and is an 'all-age' performance with a country/rock band. She noted that the City has begun issuing permits through the management software that the Council recently authorized but have not yet allowed the public to access the portal. She expressed staff's appreciation to Council and noted that they are all very excited about using the software.

City Attorney Keane gave an overview of the Ugorets/Timber Lane complaint that named individual Councilmembers as defendants. He stated that they have tendered the defense of this to the League of Minnesota Cities Insurance Trust who has accepted and assigned Sarah Schwie, who is an experienced defense litigator to this matter. He noted that he has been in communication with her and noted that the individuals named do not need to mount their own defense and will all be handled by the Insurance Trust. He explained that she is currently on vacation but has indicated that she will swiftly seek dismissal of the individual defendants because the grievance is with the actions of the City Council and not the individual Councilmembers. He stated that on a different matter, last Friday, the City received transmittal of an order from Hennepin County District Court in the matter of the Howards Point dock enforcement proceeding. He stated that there is an injunction prohibiting installation of a dock on the subject property and a court order for the removal of the dock that is currently in place.

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Councilmember Callies clarified that they had not just voluntarily removed the dock.

City Attorney Keane stated that as of earlier today it had not been removed. He stated that if it was not taken down by the end of the week, they intend to communicate to the defendants that the order to remove was very clear. He commended the judge for the clarity of her order and the sixteen-page memorandum that she wrote in support of the order. He stated that a somewhat obvious question is whether this ruling is appealable, and the answer is, yes, but he was heartened by the thoroughness of the judge's analysis.

Councilmember Siakel asked if there was an appropriate amount of time where the City should allow these people to find a place for their boat and remove the dock. City Attorney Keane stated that given the directness and clarity of the judge's order, he believes immediate removal would be a consistent interpretation of the order. He stated that he believes giving them a week is a reasonable amount of time for them to respond.

Councilmember Siakel stated that there have been many comments from the public around legal fees and asked if there is a recourse or a time limit on a decision to pursue recapturing some of the legal fees associated with this. City Attorney Keane stated that there can be a motion to recover costs, but legal fees are not included. He stated that costs would be things like court costs, transcripts, and other incidental costs.

City Administrator Lerud reminded the Council that there will be a Special Council meeting on July 15 for prosecutor interviews beginning at 6:30 p.m. and noted that one of the parties has dropped out.

**B. Mayor and City Council**

Councilmember Siakel asked if, following the census the City would be required to update City signs with the correct population. Planning Director Darling stated that it will be required, but not until the census department releases the new population numbers.

Councilmember Siakel referenced the e-mail that the Council had received regarding pedestrian type signage and suggested that when the City gets to that point and needs to update the signs following the census, that they also investigate this type of signage in various areas of the City.

Councilmember Callies stated that she is not sure that the City should have signs that say things like, pedestrians stay to the left or watch out for pedestrians because that is something they should take personal responsibility for.

Councilmember Siakel stated that she does not think the entire City needs them but feels there may be some areas of the City where extra signage may be appropriate. She stated that with relation to the deer population whether the City could maximum the weekends that the City allows bow hunters in because there have been a lot of deer running through the area.

Councilmember Callies stated that she and Councilmember Siakel were at the Fanfare of the Commons which had a great turnout. She stated that it was a well put together event.

Councilmember Siakel stated that she would like to make a comment relating to fireworks. She stated that, in her opinion, the problem is that the City gives money to the Chamber without any follow-up or direction, and they just use it however they want. She stated that she was very

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disappointed that the fireworks were moved. She stated that she had the benefit of being able to be out on a boat with her family, but not everybody has that option. She stated that she went to the Chamber website and looked at their budget numbers and would like to know what kind of donation they received from this person that warranted taking a tradition that should be celebrated by all people and basically ended up taking public funds and creating a private fireworks display. She stated that she thinks the City needs a policy for how it gives money to the Chamber and for what it expects in return. She stated that the City gave the Chamber Covid relief money and a donation for the fireworks and in return, the City did not get one thing for it. She stated that she feels the public should be outraged by this. She reiterated that she feels their actions were despicable and would like there to be guidelines for how the City gives money to the Chamber.

Councilmember Gorham stated that the press release was what really upset him. He stated that he felt it was bad enough that public money was taken to use for a private fireworks event because once you accept taxpayer money, you have a responsibility, and they showed no ownership of that responsibility. He stated that with the press release, not only did they not accept any blame for making a unilateral decision with public funds, that was not an equitable decision, but made it seem like it was everyone else's fault for not donating.

Councilmember Siakel stated that she thinks this is worth discussing because it was a wrong thing for them to do. Councilmember Gorham questioned whether the Chamber individuals understand what responsibility they have with public money. Councilmember Siakel asked staff to come back to the Council with direction on working with the Chamber and some guidelines about how the City will contribute money in the future.

Councilmember Johnson stated that when the Chamber was in front of the Council there was a conversation about how they would make sure that residents of the towns that donate got priority to see the fireworks. He stated that when he found out about the venue change, he was also livid.

Councilmember Siakel reiterated that she just thinks there needs to be direction on when the Council gives money and stated that in this case, there is no accountability, which she does not feel is right. Councilmember Callies asked if she felt this was a larger and more long-term issue than just the fireworks.

Mayor Labadie stated that she feels that the Chamber's accountability over numerous years has been discussed and addressed with them. She stated that the Council has communicated to them the feeling that the Chamber has not presented the City with things and can remember one year where the City received an invoice for fireworks, prior to receiving a presentation from them. She stated that the City has been a good neighbor and has donated annually on behalf of the residents. She stated that it has now become expected, and she thinks the Chamber's approach is wrong. She stated that she found out about the fireworks change through social media. She explained that she has been so angry that there may still be steam coming out of her ears. She stated that the Chamber simply did the wrong thing that only benefited a few people. She stated that you should not need a boat to see fireworks and because this was done in front of a private residence, there was no public viewing place from land. She stated that she agreed with Councilmember Gorham that their press release made it sound like no one gave any money except this one donor which is completely incorrect, inaccurate, and is a blatant lie. She stated that she is furious and will do anything this Council would like to do. She noted that she has spoken with the Chamber Director and recommended that she start having quarterly meetings with the mayors, just like the school superintendent. She stated that if the Chamber wants to

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have a "partnership" with the cities, then the cities need to put their foot down and the Chamber needs to start including the cities in these conversations and decisions. She reiterated that the only reason she found out about the change in venue was because she just happened to log into social media. She stated that it was wrong that she was not given notice, nor were the mayors of Excelsior and Greenwood. She stated that she has not had a chance to reach out to the other mayors yet, but she will gladly do that. She stated that the Chamber will have to make a very hard case for her to vote to ever give money to them again.

Councilmember Gorham stated that he will also have a very hard time voting to give the Chamber any Shorewood dollars. He stated that he could not believe that the press release did not accept any responsibility and then actually placed blame on the shoulders of the residents.

Councilmember Callies stated that she is not ready to make a blanket statement about not ever giving them money because that could potentially mean the City is not supporting the fireworks. Councilmember Siakel stated that she feels that, in this case, the Chamber should refund Shorewood's money because it was not for a public display. She reiterated that she thinks the City needs to have a policy for how it gives money and be surrounded by parameters. She noted that she would like to know what the donation amount was for the fireworks.

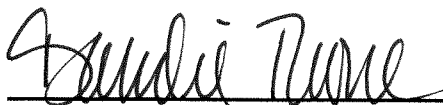
Councilmember Johnson stated that is a legitimate question because they are a 501(c)3 corporation.

Mayor Labadie stated that Thursday, July 15 at 11:00 a.m. she will be at the Pillars of Shorewood Landings with Park and Recreation Director Grout to hold a Coffee with the Mayor event. She stated that if this is a successful event, it may turn into a quarterly event.

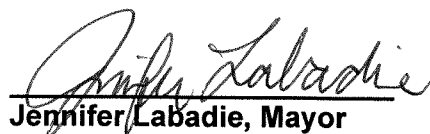
**11. ADJOURN**

**Johnson moved, Gorham seconded, Adjourning the City Council Regular Meeting of July 12, 2021, at 8:45 P.M. All in favor, motion passed.**

**ATTEST:**



**Sandie Thone, City Clerk**

  
**Jennifer Labadie, Mayor**