

CITY OF SHOREWOOD  
CITY COUNCIL REGULAR MEETING  
MONDAY, JULY 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.

#### PLEDGE OF ALLEGIANCE

##### A. Roll Call

Present. Mayor Labadie; Councilmembers Gorham, and Callies; City Attorney Shepherd; Interim City Administrator Shukle; Finance Director Rigdon; Planning Director Darling; Director of Public Works Brown; and, City Engineer Budde

Absent: Councilmembers Johnson and Siakel

##### B. Review Agenda

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

- A. City Council Regular Meeting Minutes of July 11, 2022
- B. Approval of the Verified Claims List
- C. Accept Improvements and Approve Final Payment for 2021 Culvert Repairs Project, City Project 21-03, Adopting RESOLUTION NO. 22-063, "A Resolution Accepting Final Improvements and Authorizing Final Payment for the 2021 Catch Basin and Culvert Repairs."
- D. Accept Public Improvements and Authorize Final Payment, Woodside Road/Lane/Street Improvement, City Project 19-04, Adopting RESOLUTION NO. 22-064, "A Resolution Accepting Final Improvements and Authorizing Final Payment for the Woodside Road and Woodside Lane Street Reclamation Project."
- E. Approve Termination Agreement with Sprint, Adopting RESOLUTION NO. 22-065, "A Resolution Approving a Lease Termination Agreement with Sprint Located at 5500 Old Market Road."

- F. **Approve Extension of Time for Code Compliance, Location: 6065 Lake Linden, Adopting RESOLUTION NO. 22-066, "A Resolution Approving and Extension of Time for Building Code Compliance for Property at 6065 Lake Linden Drive."**
- G. **Approve Mowing Contract for Enforcement Mowing, Adopting RESOLUTION NO. 22-067, "A Resolution Approving Contracts for Enforcement Mowing and Authorizing Staff to Sign the Contract"**

All in favor, motion passed.

**3. MATTERS FROM THE FLOOR**

**4. PUBLIC HEARING**

- A. **Vacation of a Portion of Fire Lane 1 to Set Property Line (Continued from June 27, 2022)  
Location: 4580 Enchanted Point at Fire Lane #1**

Mayor Labadie re-opened the public hearing at 7:05 p.m.

Planning Director Darling explained the request to vacate a small triangle of land on Fire Lane #1 in order to set the south property line of 4580 Enchanted Point. She noted that the property was originally subdivided in 1909 and explained that staff had consulted with two attorneys as well as the County Surveying Department and a surveyor to find a way to resolve the issue. She stated that the thought is that by vacating a portion of the right-of-way, the City would be able to answer the question on where the boundary between the public and private property is located. She noted that the total affected areas is about 1,800 square feet. She asked that the Council take any public testimony that may be offered and then close the public hearing. She explained that discussion and action on this item will take place later during the agenda.

Being there was no public testimony, Mayor Labadie closed the public hearing at 7:08 p.m.

**5. REPORTS AND PRESENTATIONS**

**6. PARKS**

- A. **Report by Commissioner Schmid on June 28 and July 12, 2022 Park Tours**

Park Commissioner Schmid gave a brief overview of the June 28 and July 12, 2022 Park Tours, as reflected in the meeting minutes.

**7. PLANNING**

- A. **Vacation of a Portion of Fire Lane 1 to Set Property Line  
Location: 4580 Enchanted Point at Fire Lane #1**

Planning Director Darling reiterated the request to vacate a small triangle of Fire Lane 1 in order to set the south property line of 4580 Enchanted Point. She reviewed the notification procedures

and explained that the City had not received any public comment on this item. She explained that staff is generally recommending approval of the request but, because there is reduced attendance at this particular Council meeting and the City needs to have a four-fifths majority of all Councilmembers present to vote on this item, she recommends the Council continue this item to the August 8, 2022 City Council meeting.

City Attorney Shepherd concurred with Planning Director Darling's explanation and asked that the Council move to continue this item to the August 8, 2022 meeting.

Councilmember Callies asked for clarification of the area that is proposed to be vacated.

Planning Director Darling stated that the area being vacated is upland portion of the property and essentially draws a line from the last known property corner directly over to the shoreline.

**Labadie moved, Gorham seconded, to Continue Discussion of the Vacation of a Portion of Fire Lane 1 to Identify the South Property Line of 4580 Enchanted Point. to the August 8, 2022 City Council meeting. All in favor, motion passed.**

## **8. ENGINEERING/PUBLIC WORKS**

### **A. Update on Quote for Tree Trimming**

Public Works Director Brown explained that the Council had directed staff to solicit quotes from tree trimmers in order to assist the Public Works Department in keeping up with tree and shrub overgrowth throughout the City. The City solicited quotes from four contractors and only received one quote from Davey Tree Experts. He explained that staff felt, because of the amount of the quote, that the City did not have adequate funds to devote to this project, so the thought is that staff should prioritize this work on their own. He stated that Public Works is planning to review sight lines intersection by intersection and then go back and trim for vertical and horizontal clearances.

Councilmember Callies stated that she thinks this was very useful information and understands the problems with finding contractors available to complete the work at the height of the season. She stated that perhaps the Council should take a look at including this type of work in the budget for next year because it seems like a worthwhile idea.

Mayor Labadie stated that she did not think anybody had been anticipating that the cost would come back quite so high and is glad that Public Works can start working on this tree trimming. She agreed with Councilmember Callies suggestion that it may be a good idea to discuss including this in the budget for next year.

Councilmember Gorham noted that in addition to the other three contractors, Davey Tree Experts are also busy right now, which is why the price came in so high, because it would be worth it for them to do the project for that amount of money. He stated that perhaps the City should revisit the idea in the spring because they may be able to get better pricing at that time.

### **B. Accept Quote and Authorize Otta Seal for Wiltsey Lane and Enchanted Point Project, City Project 22-06**

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City Engineer Budde explained that the City has some gravel roadways that require occasional maintenance. He gave a brief overview of an Otta Seal process and noted that the City has had good success with this type of process in the past. He noted that the City had attempted to solicit quotes from multiple contractors, but noted that it is a somewhat specialized process so only one quote was received. Staff recommends approval of the quote from Allied Blacktop out of Maple Grove.

Councilmember Gorham asked how the price per square yard stacks up with previous Otta Seal projects.

City Engineer Budde stated that he believes the difference in price from about two years ago was around twenty percent more now.

Public Works Director Brown noted that the City has been very impressed with this process and stated that residents have even asked for it, in some cases, because they also like how it performs.

**Gorham moved, Callies seconded, Adopting RESOLUTION NO. 22-069, “A Resolution Accepting Low Quote for the Otta Seal Project on Wiltsey Lane and Enchanted Point.” All in favor, motion passed.**

### 9. GENERAL/NEW BUSINESS

#### A. **Interim Ordinance (Moratorium) on Sale of Edible Cannabinoids Products for Study**

Planning Director Darling explained that the State recently amended the State Statute to allow the sale of edibles and beverage products with THC from hemp. She noted that the State did not pre-empt or limit the local government’s power to license these products or limit where the products can be sold. She stated that currently, the City does not have any restrictions on the sale of these items because prior to this action, these products were prohibited. She explained that staff is proposing a one year moratorium on sale, testing, manufacturing and distribution of edibles and beverage products of this nature in order to provide time for staff to research the products. She noted that approving a moratorium is possible with the Councilmembers present, but a summary publication of the resolution would require a four-fifths vote of the full Council so would not be possible.

City Attorney Shepherd noted that all three members of the Council present tonight would have to vote in favor of this item for it to pass.

Mayor Labadie asked if the Council could also table this topic to the next meeting.

Councilmember Callies stated that the longer this is delayed it will make less sense for their to be a moratorium. She asked if her understanding was correct that some of these products were not completely prohibited but they were simply not previous addressed.

City Attorney Shepherd stated that he thinks that might be correct, but noted that there is a bit of confusion surrounding this issue. But explained that it is clear that this amendment allows products that were not previously sold to be sold. He reiterated that there is a little bit of confusion surrounding this issue so staff needs time to research it.

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Councilmember Callies noted that she believes there are a few smoke shops in the City and she would assume that they were probably selling edibles.

Planning Director Darling stated that she was not sure if they were selling edibles, but most of the gas stations were selling various CBD products such as lotions and pet anxiety products. She explained that her understanding is that what is now allowed has more THC content.

City Engineer Shepherd noted that the definitions can be difficult and explained that what had been traditionally understood as CBD or CBD oil that is not what this moratorium is aiming to address. He stated that this moratorium ordinance is designed only for those products that contain THC of what is allowed under the State Statute and does not target those items that were previously lawful.

Councilmember Gorham noted that his understanding is that this unintentionally expanded the sale of these products and stated that he would assume the City is not alone in trying to find a way to navigate this situation.

Planning Director Darling agreed and noted that there are quite a few cities that have enacted moratoriums.

City Attorney Shepherd gave a brief rundown of the moratorium and explained that it will allow staff to explore the zoning and licensing issues.

Councilmember Gorham stated that he would like to know how the City fits in with the regional discussion of these changes.

Planning Director Darling explained that she believes the City is right at the beginning of the regional discussion. She stated that the moratorium is to give the City more time before businesses start selling the products to ensure licensing is in place. She stated that staff is hopeful that either the League of Minnesota Cities or the legislature will be able to also give some form of guidance to the cities.

Mayor Labadie noted that the moratorium, as it is worded now, expires twelve months after it is approved and asked whether they City would have to wait the full twelve months before it could be repealed.

City Attorney Shepherd stated that the City would not have to wait the full twelve months if the City came up with a licensing scheme that they were confident about. He explained that they can repeal the moratorium whenever they would like. He stated that it is just a matter of ensuring the staff and legal has had time to vet everything and present a plan to the Council that makes sense.

Mayor Labadie stated that she thinks a temporary moratorium is a wise choice as everyone takes a closer look at this issue. She suggested that the Council may also want to get input from the Chief of Police further down the road.

Planning Director Darling reiterated that if the Council votes to approve the moratorium, they would not be able to approve a summary publication because there are Councilmembers absent tonight.

Callies moved, Gorham seconded, Adopting ORDINANCE 590, "An Interim Ordinance Prohibiting the Sale, Testing, Manufacturing, and Distribution of THC Products." All in favor, motion passed.

**10. STAFF AND COUNCIL REPORTS**

**A. Administrator and Staff**

**1. Second Quarter 2022 General Fund Report**

Finance Director Rigdon gave a brief overview of the Second Quarter 2022 General Fund report. He explained that the City is in line with revenues and expenditures as of June 30, 2022.

Councilmember Gorham asked about the 63.4% of the Public Safety budget amount and asked if that was due to a timing mechanism.

Finance Director Rigdon explained that it was most likely due to the payment in June for July.

**2. Second Quarter 2022 Investment Report**

Finance Director Rigdon gave an overview of the primary objectives for safety, liquidity, and yield and reviewed the Second Quarter 2022 Investment Report.

Councilmember Gorham stated that he felt the City was in good hands with Finance Director Rigdon.

**3. Music in the Park**

Mayor Labadie noted that Park and Recreation Director Grout had prepared a memo for the Council packet about Music in the Park. She stated that she attended the event and there was a really good turnout even though it was raining. She stated that she had never seen this band perform before and noted that she found them to be a great band for a diverse audience. She noted that there was a food truck there that had steady business throughout the event.

**Other**

Public Works Director Brown stated he had been in touch with a local plumber a number of times to attempt to get the water spigots at Manor Park changed out, however there has not been response so he will be moving on to other plumbers to get those repaired. He stated that the Christmas Lake camera is up and running successfully and there would be a link to the camera on the City website. He explained that now that the camera is up and running, they will be getting a QR code and then place appropriate signage in the area. He stated that he knows that there were concerns raised by City Attorney Shepherd regarding the contract for the cameras from the City-side and believes that is currently being hammered out and should be on an upcoming Council agenda for approval for both the Christmas Lake cameras and the Badger Park cameras.

City Engineer Budde stated that the mill and overlay project is currently focusing on Covington and then will pause for August. He stated that after the pause they will come back and do Christmas Lake in September. He stated that the Grant Street drainage project is getting close to completion. He noted that the contractor for the Shorewood Oaks and Smithtown Pond project

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plans to start installing some storm sewer pipe from Shorewood Oaks to Freeman Park over the next few weeks.

Councilmember Callies noted that she had seen signs along the trail near Freeman Park and felt that was a nice touch so people walking along can take a look and know what to expect.

Mayor Labadie asked if all the projects were on track.

City Engineer Budde concurred that they are on track from both a budget standpoint and a completion standpoint.

Planning Director Darling stated that there will be a public hearing for the Maple Shores development which will be held at the August 2, 2022 Planning Commission meeting. She explained that the Planning Department had been working with the Engineering Department on the completion of the Silverwood Park playground reconstruction with completion expected within a few weeks, which is a bit behind schedule.

City Attorney Shepherd stated that he will be unable to attend the August 8, 2022 City Council meeting, but his colleague, Leah, will be in attendance.

Interim City Administrator Shukle explained that the City had made an offer to a candidate for the Shop Technician Light Equipment Operator position which was declined. He stated that they have reposted the position and are interviewing three candidates in the next week with the hope that the City can get that position filled in the near future. He stated that there will be a Council Work Session on August 8, 2022 to discuss the proposed budget. He noted that he plans to attend the Excelsior Fire District Board meeting later this week. He explained that the deadline for applications for the City Administrator search is July 29, 2022 and noted that they have received thirty applications thus far. He stated that Baker Tilly plans to narrow the candidate pool down to 15 for Council review sometime in August.

**B. Mayor and City Council**

Councilmember Callies stated that Tiffany King had been before the Council a few weeks ago and sent an email that she would like to follow up with the Council and have a Memorandum of Understanding moving forward with the fireworks. She asked if the City was going to follow up and respond to Ms. King. She stated that if the City was interested, she thinks the expectation was that the City would get in touch with Ms. King. She stated that on the signs that thanked the sponsors of the fireworks, the City was noticeably absent and explained that she would like that not to happen again. She noted that she felt that if the City was going to support the fireworks, she would like there to be some clear guidelines in place, such as having a Memorandum of Understanding.

Interim City Administrator Shukle stated that he will be happy to follow up with Ms. King.

Mayor Labadie stated that she did not realize the City had not been included on the sponsors signage and would like to get an explanation from Ms. King on the reason. She stated that if the City simply missed a deadline, she questioned why that was not brought to the City's attention earlier in the process that a decision needed to be made by a certain time in order to be included on the signs.

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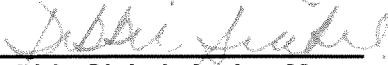
Mayor Labadie reminded residents that August 2, 2022 is National Night Out or Night to Unite. She encouraged them to register their neighborhood parties with the SLMPD and request a visit from the police, fire truck, fire fighters, the Council or herself at their parties. She stated that she will host Coffee with the Mayor at The Pillars of Shorewood Landings with guest speaker, City Clerk/HR Director Sandie Thone, who is also the City's Election Official.

**11. ADJOURN**

**Gorham moved, Callies seconded, Adjourning the City Council Regular Meeting of July 25, 2022, at 8:09 P.M. All in favor, motion passed.**

**ATTEST:**

  
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**Sandie Thone, City Clerk**

  
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**Debbie Siakel, Acting Mayor**