

**CITY OF SHOREWOOD
CITY COUNCIL REGULAR MEETING
MONDAY, JULY 26, 2021**

**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 are considered routine and non-controversial. However, a council member 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, those can be answered now.

Motion to approve items on the Consent Agenda & Adopt Resolutions Therein:

- | | |
|---|------------------------------------|
| A. City Council Work Session Minutes of July 12, 2021 | Minutes |
| B. City Council Regular Meeting Minutes of July 12, 2021 | Minutes |
| C. City Council Special Meeting Minutes of July 15, 2021 | Minutes |
| D. Approval of the Verified Claims List | Claims List |
| E. Appointment of: Administrative Assistant | City Clerk/HR Director Memo |
| F. Approve Final Payment for 2021 Pavement Marking,
City Project 21-04 | Engineer Memo
Resolution 21-078 |
| G. Accept Improvements and Partial Release for Minnetonka
Country Club 1 st , 2 nd and 3 rd Additions, City Projects 14-13,
15-06, and 16-04 | Engineer Memo
Resolution 21-079 |

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. 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. All comments will be respectful. 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

6. PARKS

7. PLANNING

- A. Report by Commissioner Huskins on 07-06-21 Planning Commission Meeting Minutes
- B. Variance to a side yard setback Planning Technician Memo
Applicant: Kimberly Poe Resolution 21-080
Location: 23320 Park Street
- C. Minor Subdivision/Lot Line Adjustment Planning Technician Memo
Applicant: Todd Cebulla Resolution 21-081
Location: 19210 Waterford Place & 5520 Vine Hill Road
- D. CUP for a fence Planning Technician Memo
Applicant: Jacob Gustafson and Allison Spies Resolution 21-082
Location: 4865 Ferncroft Drive
- E. Sign Ordinance Amendments Planning Director Memo
Ordinance 581
Resolution 21-083

8. ENGINEERING/PUBLIC WORKS

- A. Strawberry Lane Design Parameters, Engineer Memo
City Project 19-05 Resolution 21-084
- B. Approve Plans and Specifications and Authorize Advertisement for Bids Engineer Memo
for Covington Road Watermain Improvement, City Project 21-07 Resolution 21-085
- C. Reject Bids for Lift Stations 7 and 10 Rehabilitation Project, Engineer Memo
City Project 20-12 Resolution 21-086

9. GENERAL/NEW BUSINESS

- A. Urban Farm Animal Ordinance Discussion Planning Director Memo

10. STAFF AND COUNCIL REPORTS

- A. Staff
 - 1. Second Quarter 2021 General Fund Report Finance Director Memo
 - 2. Second Quarter 2021 Investment Report Finance Director Memo
- B. Mayor and City Council

11. ADJOURN

**CITY OF SHOREWOOD
CITY COUNCIL WORK SESSION MEETING
MONDAY, JULY 12, 2021**

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

MINUTES

1. CONVENE CITY COUNCIL WORK SESSION MEETING

Mayor Labadie called the meeting to order at 6:00 P.M.

A. Roll Call

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

Absent: None

B. Review Agenda

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

2. SMITHTOWN ROAD DEVELOPMENT PROPOSAL

Location: 24560 Smithtown Road

Planning Director Darling explained that the City had received a Development Proposal for 24560 Smithtown Road which is a vacant parcel near City Hall.

Mark Kaltsas, 6015 Cathcart Drive and Adam Schultz, 26030 Valleywood Lane, property owners of 24560 Smithtown Road, presented their development proposal for this property. Mr. Kaltsas stated that both he and Ms. Schultz live in Shorewood and have a side hobby company for development and re-development with all their current development properties located in St. Paul. He stated both of their in-laws were looking for a retirement type product in the area that was obtainable for "normal" people. Once they considered the zoning, which is Commercial, look at the Comprehensive Plan and the Smithtown Road corridor plan they felt that this property would be a good transition zone between a commercial corner and low density residential. He stated that they are not big national developers and would like to do something that makes sense for them as well as the City. He stated that they are looking to get feedback from the Council on their ideas before it moves too far forward with this property and the City-owned property in the area. He stated that their proposal is just an idea at this point. He stated they would like to create a product that looks and feels like a single-family but is a bit higher density as it is guided by the Comprehensive Plan. He stated that the proposal is for a detached eight-unit project with carriage homes and shared some of the design details that they hoped to include. He stated that they would like to have a dialogue with the Council to see if their idea is anything that even interests the City before they proceed.

Councilmember Callies stated that she feels the City has been in conflict around these parcels because right now it is guided towards Medium Density residential and is zoned Commercial and those two things should be consistent. She stated that it is not clear to her which direction the City would like to go with these parcels and suggested that it may call for more study as to what

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the City would like. She stated that that it is possible that either Commercial zoning or Medium Density is not appropriate for this location.

Councilmember Callies stated that she likes the idea of obtainable housing, but right now, it is not zoned for that purpose.

Councilmember Siakel stated that she also contacted Planning Director Darling with the same question. She stated that she does not have an objection to developing the property because they have that right. She stated that when Smithtown Crossing was looked at, there was kind of direction to not develop it in a piecemeal fashion, however that is sort of what is happening. She stated that Mr. Kaltsas and Mr. Schultz are coming in and asking for just this one piece but that is problematic because there is so much more around it. She stated that she has always viewed this as coming together for one project. She stated that while she feels they have the right to develop the property, she does have an issue with the density and feels it is too much. She made a suggestion to City Administrator Lerud that it may be a good idea for Mr. Kaltsas and Mr. Schultz to meet with people in the area to get an idea of what has transpired in the past so they have a feel for the situation. She stated that she is not ready to say that she supports one thing or the other tonight.

Mr. Kaltsas stated that they looked at the guidance plan for the Smithtown Road corridor.

Councilmember Gorham stated that the hope is for this to be a cohesive unit. He asked about the discussions with the business owners around the corner. Mr. Kaltsas stated that they are not large-scale developers and noted that they had a conversation with the Legion and believes that their long-term plan is to exit or re-develop in some manner. He stated that he thinks there is a commercial corner and then a transition so the commercial doesn't come all the way into the residential neighborhood. He stated that he thinks there can be a vision, but still complete the project in phases and still arrive at a cohesive development.

Councilmember Callies stated that she really does not see where the Council is going with all of this from a City standpoint. She asked if the Council should consider a development moratorium to look more closely at this situation for the Zoning and the Comprehensive Plan to match more closely.

Planning Director Darling stated that the Comprehensive Plan is being amended and should be ready for review at the next Planning Commission meeting but noted that nothing with this property is different than was originally approved.

Councilmember Siakel asked if the Council could allow the public to speak.

Mayor Labadie asked if there was anyone from the public who would like to speak to this proposal.

Therese Ciaccio, 5655 Christopher Road, stated that she has lived on Christopher Road for almost twenty years. She stated that she thinks it is essential that there be some thought put into how they want things as a community, because once something is built it cannot be changed. She stated that one of the things she likes about Shorewood is the proximity to downtown Minneapolis and Excelsior, but yet the area makes it feel like they are on vacation. She stated that when her family comes to visit, they cannot believe the beauty of the area, with larger lots and wildlife. She stated there is a wonderful senior living facility that has been built at the old Hill Top area. She stated that she would like to see the space the way it is but would like to know,

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since it is zoned Commercial, what types of interest there is from commercial developers. She questioned whether there was something that would fit in and be something where neighbors could walk to and get a bite to eat. She asked if the City was being specifically asked to have higher density housing and whether they would be fined if they did not do it.

Planning Director Darling explained that the Metropolitan Council reviews the City's Comprehensive Plan and they do require that there are a certain number of acres set aside for higher density homes. She stated that they assigned the City forty-eight units of affordable housing to be developed between now and 2040.

Ms. Ciaccio asked if the City built high density housing if the City would benefit financially and if not would they be penalized. Planning Director Darling stated that there would be penalties.

Councilmember Siakel stated that the Council has had quite a few projects come before the City but it has been before the property was purchased, which is why this one is different. She stated that, in her opinion, there is nothing that says that the City has to allow more density or that this site has to allow for more density.

Ms. Ciaccio stated that she does not want to see anything high density in this area and mentioned the wetlands in the area and how that could adversely impact the wildlife. She stated that she hopes that all sides can come together and develop this in a way that will benefit everybody.

Scott Zerby, 5680 Christopher Road, stated that the study referenced earlier was about ten years ago and he does not recall there being resident involvement with the study. He suggested that the study be refreshed and that a citizens committee or some type of joint committee with the Planning Commission be formed to get more citizen involvement, especially from residents in the area. He stated that a lot has changed since when the study was originally completed and gave the example of the golf course, Tonka Bay apartments and the Smithtown sidewalks.

Councilmember Callies stated that she feels that the Council needs to take some steps to provide some closure on this item. She stated that she agrees that it needs more study and reiterated her suggestion for a development moratorium on this property. Councilmember Siakel stated that she feels there needs to be a lot more dialogue between the property owners about their proposal and the surrounding communities. She stated that she is unsure about a moratorium.

Councilmember Callies noted that this property is guided for Medium Density residential and from what some residents have shared, they think that is too much. She stated that perhaps something needed to be done similar to what was done with the Country Club. Councilmember Johnson agreed but noted that he did not think it would need to be that extensive and suggested something that could be done at half that scale.

Mayor Labadie stated that she feels the best way to do this is to continue a dialogue and bring it forward another time. She stated that she thinks that the discussion tonight was a great step forward and also believes the best way to do it is in some sort of public forum so everyone feels their voices are being heard. She suggested that perhaps there be an Open House type format for the next step.

Councilmember Siakel asked if there needs to be a moratorium on building as suggested by Councilmember Callies. She stated that she feels like something is missing in this process even though she thinks the community meeting is a good idea. Councilmember Callies stated that they

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would want to hold the neighborhood meetings as part of the study prior to adopting the Comprehensive Plan. She suggested that the Planning Commission may want to hold off discussing the updated Comprehensive Plan until this issue is taken care of.

Planning Director Darling noted that she would speak to the consultants and perhaps this area can be identified as a study area moving forward. She suggested that the area from the corner all the way back to the properties that abut Christopher Lane be included in the study area. Mayor Labadie gave an overview of how this issue can be addressed without delaying everything in the City or the whole Comprehensive Plan. She stated that there will be an Open House scheduled at some time in the future which will be posted on the City website and assumes notice would be sent to residents within a certain perimeter as well.

3. COVINGTON WATERMAIN

Public Works Director Brown stated that on June 22, 2021, staff commenced a repair for a leaking watermain near the eastern entrance of Vine Ridge Road and Covington Road. He stated that when they dug down, they determined that the watermain was in a very fragile condition. He stated that they were able to get the leak down to basically a pinhole size but were not able to stop it entirely. He stated that they were aware that this area has been known to have hot or acidic soils so they have taken extra steps when they have worked in the area to put in cathodic protection to protect the hardware. He stated that there are at least eight hundred and fifty feet that will need to be replaced. Staff has looked at the various alternative methods for this replacement and is recommending that it be replaced by using a technique called "pipe bursting". He stated that even though this is an unplanned repair, it does need to happen this fall so it does not create a larger problem next winter.

Councilmember Callies asked why this was not on the agenda to take action, since it sounds like it is necessary. Public Works Director Brown explained that staff wanted to make Council aware of it and not assume that they would support it. He stated that Bolton and Menk still needs to put together a design for this project which will then be brought back to the Council for action.

Councilmember Gorham asked how much time the City bought with the temporary fix down to a pinhole leak. Public Works Director Brown stated that he would say once this is awarded, the contractor should be able to do the work within about a week or so. City Engineer Budde stated that he thinks the biggest challenge will be lead material on pipes.

4. ADJOURN

Johnson moved, Siakel seconded, Adjourning the City Council Work Session Meeting of July 12, 2021, at 6:57 P.M. Motion passed 5/0.

ATTEST:

Jennifer Labadie, Mayor

Sandie Thone, City Clerk

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.

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Bill Stoddard, 443rd 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 Forcemain 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

CITY OF SHOREWOOD REGULAR COUNCIL MEETING MINUTES

JULY 12, 2021

Page 8 of 8

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:

Jennifer Labadie, Mayor

Sandie Thone, City Clerk

CITY OF SHOREWOOD
CITY COUNCIL SPECIAL MEETING
THURSDAY, JULY 15, 2021

5755 COUNTRY CLUB ROAD
COUNCIL CHAMBERS
6:30 P.M.

MINUTES

1. CONVENE CITY COUNCIL REGULAR MEETING

Mayor Labadie called the meeting to order at 6:45 P.M.

A. Roll Call

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

Absent: Councilmember Johnson

The special meeting was being held to interview legal firms to provide prosecution services to the City of Shorewood. Firms interviewed:

Eckberg Lammers
Campbell Knutson
Kelly Lemmons
Ken Potts

After a discussion regarding the proposals, interviews, and experiences with the applicants, a **motion was made by Callies, second by Gorham to designate Campbell Knutson as the city prosecutor and to begin contract discussions.**

All voted in favor of the motion.

Lerud said at the last SLMPD Coordinating Committee meeting, the Committee asked each member city council to discuss the remaining open items. After a brief discussion it was decided to have the item on a work session agenda for the first meeting in September.

Mayor Labadie asked if there were available dates for a retreat in November or December. After a brief discussion Lerud said he would send out a calendar invite to see if a date could be found to hold the meeting.

With no other business, **Gorham moved, Labadie seconded, Adjourning the City Council Special Meeting of July 15, 2021, at 9:24 P.M. All in favor, motion passed.**

ATTEST:

Jennifer Labadie, Mayor

Sandie Thone, City Clerk



#2 D

MEETING TYPE
Regular Meeting

City of Shorewood Council Meeting Item

Title / Subject: Verified Claims

Meeting Date: July 26, 2021

Prepared by: Michelle Nguyen, Senior Accountant
Greg Lerud, City Administrator
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.

66922-66943 & ACH	1,280,155.63
Total Claims	\$1,280,155.63

We have also included a payroll summary for the payroll period ending **July 4, 2021**.

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: 00002.07.2021 - PR-07-19-2021
CITY OF SHOREWOOD



Account Number	Debit Amount	Credit Amount	Description
FUND 101	General Fund		
101-00-1010-0000	0.00	70,983.36	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	13,011.93	0.00	FULL-TIME REGULAR
101-13-4121-0000	975.86	0.00	PERA CONTRIB - CITY SHARE
101-13-4122-0000	954.82	0.00	FICA CONTRIB - CITY SHARE
101-13-4131-0000	2,055.74	0.00	EMPLOYEE INSURANCE - CITY
101-13-4151-0000	96.42	0.00	WORKERS COMPENSATION
101-15-4101-0000	5,456.04	0.00	FULL-TIME REGULAR
101-15-4121-0000	409.22	0.00	PERA CONTRIB - CITY SHARE
101-15-4122-0000	411.35	0.00	FICA CONTRIB - CITY SHARE
101-15-4131-0000	607.47	0.00	EMPLOYEE INSURANCE - CITY
101-15-4151-0000	29.72	0.00	WORKERS COMPENSATION
101-18-4101-0000	7,810.07	0.00	FULL-TIME REGULAR
101-18-4121-0000	585.78	0.00	PERA CONTRIB - CITY SHARE
101-18-4122-0000	558.65	0.00	FICA CONTRIB - CITY SHARE
101-18-4131-0000	1,014.86	0.00	EMPLOYEE INSURANCE - CITY
101-18-4151-0000	39.58	0.00	WORKERS COMPENSATION
101-24-4101-0000	3,473.64	0.00	FULL-TIME REGULAR
101-24-4121-0000	260.52	0.00	PERA CONTRIB - CITY SHARE
101-24-4122-0000	263.16	0.00	FICA CONTRIB - CITY SHARE
101-24-4131-0000	671.93	0.00	EMPLOYEE INSURANCE - CITY
101-24-4151-0000	16.99	0.00	WORKERS COMPENSATION
101-32-4101-0000	16,141.31	0.00	FULL-TIME REGULAR
101-32-4121-0000	1,210.59	0.00	PERA CONTRIB - CITY SHARE
101-32-4122-0000	1,131.19	0.00	FICA CONTRIB - CITY SHARE
101-32-4131-0000	2,708.97	0.00	EMPLOYEE INSURANCE - CITY
101-32-4151-0000	808.58	0.00	WORKERS COMPENSATION
101-33-4101-0000	457.94	0.00	FULL-TIME REGULAR
101-33-4121-0000	34.35	0.00	PERA CONTRIB - CITY SHARE
101-33-4122-0000	42.84	0.00	FICA CONTRIB - CITY SHARE
101-33-4131-0000	280.84	0.00	EMPLOYEE INSURANCE - CITY
101-33-4151-0000	27.32	0.00	WORKERS COMPENSATION
101-52-4101-0000	3,312.80	0.00	FULL-TIME REGULAR

Account Number	Debit Amount	Credit Amount	Description
101-52-4103-0000	998.75	0.00	PART-TIME
101-52-4121-0000	248.46	0.00	PERA CONTRIB - CITY SHARE
101-52-4122-0000	324.47	0.00	FICA CONTRIB - CITY SHARE
101-52-4131-0000	825.34	0.00	EMPLOYEE INSURANCE - CITY
101-52-4151-0000	204.99	0.00	WORKERS COMPENSATION
101-53-4101-0000	1,384.55	0.00	FULL-TIME REGULAR
101-53-4121-0000	103.84	0.00	PERA CONTRIB - CITY SHARE
101-53-4122-0000	104.76	0.00	FICA CONTRIB - CITY SHARE
101-53-4131-0000	16.61	0.00	EMPLOYEE INSURANCE - CITY
101-53-4151-0000	63.16	0.00	WORKERS COMPENSATION
FUND Total:	70,983.36	70,983.36	
FUND 201	Shorewood Comm. & Event Center		
201-00-1010-0000	0.00	2,056.50	CASH AND INVESTMENTS
201-00-4101-0000	1,552.80	0.00	FULL-TIME REGULAR
201-00-4103-0000	147.00	0.00	PART-TIME
201-00-4121-0000	127.49	0.00	PERA CONTRIB - CITY SHARE
201-00-4122-0000	129.16	0.00	FICA CONTRIB - CITY SHARE
201-00-4131-0000	24.91	0.00	EMPLOYEE INSURANCE - CITY
201-00-4151-0000	75.14	0.00	WORKERS COMPENSATION
FUND Total:	2,056.50	2,056.50	
FUND 601	Water Utility		
601-00-1010-0000	0.00	11,588.54	CASH AND INVESTMENTS
601-00-4101-0000	7,983.28	0.00	FULL-TIME REGULAR
601-00-4102-0000	703.89	0.00	OVERTIME
601-00-4121-0000	651.51	0.00	PERA CONTRIB - CITY SHARE
601-00-4122-0000	606.48	0.00	FICA CONTRIB - CITY SHARE
601-00-4131-0000	1,336.60	0.00	EMPLOYEE INSURANCE - CITY
601-00-4151-0000	306.78	0.00	WORKERS COMPENSATION
FUND Total:	11,588.54	11,588.54	
FUND 611	Sanitary Sewer Utility		
611-00-1010-0000	0.00	8,225.76	CASH AND INVESTMENTS
611-00-4101-0000	5,863.61	0.00	FULL-TIME REGULAR
611-00-4102-0000	178.97	0.00	OVERTIME
611-00-4121-0000	453.21	0.00	PERA CONTRIB - CITY SHARE
611-00-4122-0000	430.62	0.00	FICA CONTRIB - CITY SHARE
611-00-4131-0000	1,091.66	0.00	EMPLOYEE INSURANCE - CITY
611-00-4151-0000	207.69	0.00	WORKERS COMPENSATION

Account Number	Debit Amount	Credit Amount	Description
FUND Total:	8,225.76	8,225.76	
FUND 621	Recycling Utility		
621-00-1010-0000	0.00	838.02	CASH AND INVESTMENTS
621-00-4101-0000	657.19	0.00	FULL-TIME REGULAR
621-00-4121-0000	49.30	0.00	PERA CONTRIB - CITY SHARE
621-00-4122-0000	46.49	0.00	FICA CONTRIB - CITY SHARE
621-00-4131-0000	81.79	0.00	EMPLOYEE INSURANCE - CITY
621-00-4151-0000	3.25	0.00	WORKERS COMPENSATION
FUND Total:	838.02	838.02	
FUND 631	Storm Water Utility		
631-00-1010-0000	0.00	3,396.59	CASH AND INVESTMENTS
631-00-4101-0000	2,643.22	0.00	FULL-TIME REGULAR
631-00-4121-0000	198.24	0.00	PERA CONTRIB - CITY SHARE
631-00-4122-0000	186.22	0.00	FICA CONTRIB - CITY SHARE
631-00-4131-0000	299.66	0.00	EMPLOYEE INSURANCE - CITY
631-00-4151-0000	69.25	0.00	WORKERS COMPENSATION
FUND Total:	3,396.59	3,396.59	
FUND 700	Payroll Clearing Fund		
700-00-1010-0000	97,088.77	0.00	CASH AND INVESTMENTS
700-00-2170-0000	0.00	44,809.66	GROSS PAYROLL CLEARING
700-00-2171-0000	0.00	10,739.40	HEALTH INSURANCE PAYABLE
700-00-2172-0000	0.00	6,215.49	FEDERAL WITHHOLDING PAYABLE
700-00-2173-0000	0.00	2,915.30	STATE WITHHOLDING PAYABLE
700-00-2174-0000	0.00	10,643.04	FICA/MEDICARE TAX PAYABLE
700-00-2175-0000	0.00	9,908.97	PERA WITHHOLDING PAYABLE
700-00-2176-0000	0.00	5,700.00	DEFERRED COMPENSATION
700-00-2177-0000	0.00	1,948.87	WORKERS COMPENSATION
700-00-2181-0000	0.00	1,528.01	DISABILITY INSURANCE
700-00-2183-0000	0.00	1,208.92	HEALTH SAVINGS ACCOUNT
700-00-2184-0000	0.00	872.84	DENTAL DELTA
700-00-2185-0000	0.00	448.00	DENTAL - UNION
700-00-2186-0000	0.00	150.27	VOLUNTARY VISION
FUND Total:	97,088.77	97,088.77	
Report Total:	194,177.54	194,177.54	

Accounts Payable

Computer Check Proof List by Vendor

User: nnguyen
 Printed: 07/09/2021 - 11:30AM
 Batch: 00005.06.2021 - BOM-May



Invoice No	Description	Amount	Payment Date	Acct Number	Reference
Vendor: 868	BANK OF MONTREAL			Check Sequence: 1	ACH Enabled: True
May-2021-Andrew	Fuels	96.20	06/30/2021	101-32-4212-0000	
May-2021-BradM	Fuels	80.02	06/30/2021	101-32-4212-0000	
May-2021-BradM	McQueen-Fuel Parts for Dump Truck	640.27	06/30/2021	101-32-4223-0000	
May-2021-BradM	Rick J & R Repair-Repair Radiator Sweeper	280.10	06/30/2021	101-32-4223-0000	
May-2021-BradM	Shorewood True	7.58	06/30/2021	101-32-4245-0000	
May-2021-BradM	Shorewood True	8.49	06/30/2021	101-32-4223-0000	
May-2021-BradM	Shorewood True	-9.13	06/30/2021	101-32-4223-0000	
May-2021-BradM	Coremark-Steel	324.09	06/30/2021	101-32-4245-0000	
May-2021-BradM	Coremark-Steel	33.62	06/30/2021	101-32-4245-0000	
May-2021-BradM	Toll Gas-Welding Supplies	198.28	06/30/2021	101-32-4245-0000	
May-2021-BradM	Amazon-Boots	195.83	06/30/2021	101-32-4245-0000	
May-2021-BradM	Carquest	46.96	06/30/2021	101-32-4212-0000	
May-2021-BradM	Carquest	9.25	06/30/2021	101-32-4221-0000	
May-2021-BradM	Cub Foods	26.90	06/30/2021	101-32-4245-0000	
May-2021-BradM	MTI	17.71	06/30/2021	101-32-4221-0000	
May-2021-BradM	Titan-Plow	286.86	06/30/2021	101-32-4221-0000	
May-2021-BradM	Northern Tool	66.60	06/30/2021	101-32-4221-0000	
May-2021-Brenda	MN State College-2021 MCFOA Annual Conf -	275.00	06/30/2021	101-13-4331-0000	
May-2021-BrettB	Locator & Supplies	130.57	06/30/2021	601-00-4245-0000	
May-2021-BrettB	Amazon	105.00	06/30/2021	611-00-4223-0000	
May-2021-BrettB	Amazon	72.00	06/30/2021	611-00-4223-0000	
May-2021-BrettB	Sam's-2 office chairs & general supplies	434.72	06/30/2021	101-32-4245-0000	
May-2021-BrettB	Nor Northern Tool-Lithium Battery	192.46	06/30/2021	601-00-4240-0000	
May-2021-BrettB	Cub Foods	5.65	06/30/2021	101-32-4245-0000	
May-2021-BrettB	Shorewood True	8.58	06/30/2021	101-52-4245-0000	
May-2021-BrettB	Shorewood True	14.99	06/30/2021	101-32-4245-0000	
May-2021-BrettB	AT&T	53.49	06/30/2021	101-32-4321-0000	
May-2021-BrettB	Locator & Supplies	130.58	06/30/2021	611-00-4245-0000	
May-2021-BrettB	Locator & Supplies	130.58	06/30/2021	631-00-4245-0000	
May-2021-BruceS	Fuels	287.82	06/30/2021	101-32-4212-0000	
May-2021-ChrisH	A-1 Mtka	25.54	06/30/2021	101-32-4410-0000	
May-2021-ChrisH	Shorewood True	11.83	06/30/2021	101-32-4245-0000	

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
May-2021-ChrisH	Fastenal Co.	24.13	06/30/2021	101-32-4245-0000	
May-2021-ChrisH	Fuels	571.15	06/30/2021	101-32-4212-0000	
May-2021-CityCard	Culligan Bottled Water - Drink	48.00	06/30/2021	101-19-4245-0000	
May-2021-CityCard	Republic Services	14,282.54	06/30/2021	621-00-4400-0000	
May-2021-CityCard	Waste Mgmt-Public Works	700.59	06/30/2021	101-32-4400-0000	
May-2021-CityCard	Chanhassen-18505-001	18.09	06/30/2021	601-00-4263-0000	
May-2021-CityCard	Waste Mgmt-SSCC	271.55	06/30/2021	201-00-4400-0000	
May-2021-CityCard	Chanhassen-18505-000	1,983.25	06/30/2021	601-00-4263-0000	
May-2021-CityCard	Verizon-Lift Station	14.51	06/30/2021	611-00-4321-0000	
May-2021-CityCard	Mangold Horticulture-SCEC	249.00	06/30/2021	201-00-4400-0000	
May-2021-CityCard	Mangold Horticulture-Turf Repair & Grounts M	2,591.00	06/30/2021	101-32-4400-0000	
May-2021-CityCard	Mangold Horticulture-Badger Park	10,618.00	06/30/2021	402-00-4400-0000	
May-2021-CityCard	Mangold Horticulture-Utility Building	106.00	06/30/2021	101-19-4400-0000	
May-2021-GregF	Fuels	385.46	06/30/2021	101-32-4212-0000	
May-2021-GregF	Fleet Farn-Herbicide	41.06	06/30/2021	101-52-4245-0000	
May-2021-GregL	Cub Foods- WK week Recognition	17.79	06/30/2021	101-32-4245-0000	
May-2021-GregL	Sam's	58.99	06/30/2021	101-19-4245-0000	
May-2021-GregL	Sam's	71.67	06/30/2021	101-32-4245-0000	
May-2021-GregL	League MN Cities- Admin Training	520.00	06/30/2021	101-13-4331-0000	
May-2021-Julie	Shorewood True	11.17	06/30/2021	621-00-4245-0000	
May-2021-Julie	Shorewood True	5.37	06/30/2021	621-00-4245-0000	
May-2021-Julie	Amazon-Park	89.95	06/30/2021	101-53-4248-0000	
May-2021-Julie	Cub Foods	12.48	06/30/2021	101-13-4245-0000	
May-2021-Julie	International Society-Membership	25.00	06/30/2021	621-00-4433-0000	
May-2021-Julie	US Power - Arctic Fever	69.99	06/30/2021	101-53-4441-0000	
May-2021-LarryB	Hsem Tier-Amesbury-Boulder Bridge-Badger-SI	409.96	06/30/2021	601-00-4437-0000	
May-2021-LarryB	Fedex-Lamination Signs-Spring Cleanup	57.85	06/30/2021	621-00-4347-0000	
May-2021-LarryB	Supervalu	31.04	06/30/2021	101-32-4245-0000	
May-2021-LarryB	Cub Foods	13.47	06/30/2021	101-32-4245-0000	
May-2021-LarryB	Shorewood True	2.14	06/30/2021	101-32-4245-0000	
May-2021-LarryB	Fuel	28.62	06/30/2021	101-32-4212-0000	
May-2021-LarryB	In Enabling	17.00	06/30/2021	601-00-4321-0000	
May-2021-LukeW	Fuel	102.05	06/30/2021	101-32-4212-0000	
May-2021-Nelia	Joey Novas - Spring Cleanup	121.92	06/30/2021	621-00-4347-0000	
May-2021-Robert	Fuels	368.00	06/30/2021	101-32-4212-0000	
May-2021-Robert	Shorewood True	11.60	06/30/2021	631-00-4245-0000	
May-2021-Sandie	Amazon-Office Supplies	27.76	06/30/2021	101-13-4200-0000	
May-2021-Sandie	Amazon-Kitchen & Restroom	75.21	06/30/2021	101-19-4245-0000	
May-2021-Sandie	Walgreens-Photo Contest	17.85	06/30/2021	101-11-4245-0000	
May-2021-TimK	Shorewood True	8.60	06/30/2021	631-00-4245-0000	
May-2021-TimK	Shorewood True	12.89	06/30/2021	631-00-4245-0000	
May-2021-TimK	Shorewood True	11.99	06/30/2021	611-00-4223-0000	
May-2021-TimK	Shorewood True	5.99	06/30/2021	611-00-4223-0000	

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
May-2021-TimK	Fuel	57.00	06/30/2021	101-32-4212-0000	
May-2021-Twila	Swank Motion - Park Program	425.00	06/30/2021	101-53-4248-0000	
May-2021-Twila	Media All Stars - SCEC Advertising	345.00	06/30/2021	201-00-4351-0000	
May-2021-Twila	GPS Municipal - Park Membership	46.00	06/30/2021	101-53-4433-0000	
May-2021-Twila	SP Color Swell	19.35	06/30/2021	101-53-4245-0000	
	Check Total:	39,191.47			
Vendor: 327	WINDSTREAM			Check Sequence: 2	ACH Enabled: True
73802729	City of Shwd- Badger Well	70.23	06/30/2021	601-00-4395-0000	
73802729	Public Works	67.61	06/30/2021	101-32-4321-0000	
73802729	City Hall	139.31	06/30/2021	101-19-4321-0000	
73802729	Badger-Manor-Cathcart Parks	208.27	06/30/2021	101-52-4321-0000	
73802729	City of Shwd-West Tower	140.54	06/30/2021	601-00-4321-0000	
	Check Total:	625.96			
	Total for Check Run:	39,817.43			
	Total of Number of Checks:	2			

Accounts Payable
Computer Check Proof List by Vendor

User: nnguyen
Printed: 07/16/2021 - 11:01AM
Batch: 00004.07.2021 - CC-07-12-2021-1st American



Invoice No	Description	Amount	Payment Date	Acct Number	Reference
Vendor: 425	FIRST AMERICAN TITLE INSURANCE COM			Check Sequence: 1	ACH Enabled: True
5520GrantLorenz	Final Payment - 5520 Grant Lorenz Road - WIR	16,532.16	07/12/2021	631-00-4610-0000	
	Check Total:	16,532.16			
	Total for Check Run:	16,532.16			
	Total of Number of Checks:	1			

Accounts Payable

Computer Check Proof List by Vendor

User: nmnguyen
 Printed: 07/19/2021 - 12:02PM
 Batch: 00005.07.2021 - PR-07-19-2021



Invoice No	Description	Amount	Payment Date	Acct Number	Reference
Vendor: 4	AFSCME CO 5 MEMBER HEALTH FUND			Check Sequence: 1	ACH Enabled: True
July-2021	PR Batch 00002.07.2021 Dental - Union	448.00	07/19/2021	700-00-2185-0000	PR Batch 00002.07.2021 Dental - Union
	Check Total:	448.00			
Vendor: 1084	BANK VISTA			Check Sequence: 2	ACH Enabled: True
PR-07-19-2021	PR Batch 00002.07.2021 HSA-BANK VISTA	276.92	07/19/2021	700-00-2183-0000	PR Batch 00002.07.2021 HSA-BANK VIS
	Check Total:	276.92			
Vendor: 5	EFTPS - FEDERAL W/H			Check Sequence: 3	ACH Enabled: True
PR-07-19-2021	PR Batch 00002.07.2021 Federal Income Tax	6,215.49	07/19/2021	700-00-2172-0000	PR Batch 00002.07.2021 Federal Income T
PR-07-19-2021	PR Batch 00002.07.2021 FICA Employee Portio	4,312.87	07/19/2021	700-00-2174-0000	PR Batch 00002.07.2021 FICA Employee I
PR-07-19-2021	PR Batch 00002.07.2021 FICA Employer Portio	4,312.87	07/19/2021	700-00-2174-0000	PR Batch 00002.07.2021 FICA Employer I
PR-07-19-2021	PR Batch 00002.07.2021 Medicare Employee Pc	1,008.65	07/19/2021	700-00-2174-0000	PR Batch 00002.07.2021 Medicare Emplo
PR-07-19-2021	PR Batch 00002.07.2021 Medicare Employer Po	1,008.65	07/19/2021	700-00-2174-0000	PR Batch 00002.07.2021 Medicare Emplo
	Check Total:	16,858.53			
Vendor: 1165	FIDELITY SECURITY LIFE INSURANCE CO			Check Sequence: 4	ACH Enabled: False
July-2021	PR Batch 00002.07.2021 Vision-Avesis	150.27	07/19/2021	700-00-2186-0000	PR Batch 00002.07.2021 Vision-Avesis
	Check Total:	150.27			
Vendor: 6	HEALTH PARTNERS-MEDICAL			Check Sequence: 5	ACH Enabled: True
July-2021	PR Batch 00001.07.2021 Health Ins - CoPay	4,512.62	07/02/2021	700-00-2171-0000	PR Batch 00001.07.2021 Health Ins - CoP
July-2021	PR Batch 00001.07.2021 Health Insurance-HSA	6,226.78	07/02/2021	700-00-2171-0000	PR Batch 00001.07.2021 Health Insurance
July-2021	PR Batch 00002.07.2021 Health Ins - CoPay	4,512.62	07/19/2021	700-00-2171-0000	PR Batch 00002.07.2021 Health Ins - CoP
July-2021	PR Batch 00002.07.2021 Health Insurance-HSA	6,226.78	07/19/2021	700-00-2171-0000	PR Batch 00002.07.2021 Health Insurance
July-2021-Adj	PR Batch 00002.07.2021 Health Ins - CoPay	-0.13	07/19/2021	700-00-2171-0000	PR Batch 00002.07.2021 Health Ins - CoP
	Check Total:	21,478.67			
Vendor: 1166	HEALTHPARTNER-DENTAL			Check Sequence: 6	ACH Enabled: True

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
July-2021	PR Batch 00002.07.2021 Dental - Non Union	872.84	07/19/2021	700-00-2184-0000	PR Batch 00002.07.2021 Dental - Non Uni
July-2021-COBRA	COBRA	45.94	07/19/2021	700-00-2184-0000	PR Batch 00002.07.2021 Dental - Non Uni
	Check Total:	918.78			
Vendor: 2	ICMA RETIREMENT TRUST-302131-457			Check Sequence: 7	ACH Enabled: True
PR-07-19-2021	PR Batch 00002.07.2021 Deferred Comp-ICMA	3,075.00	07/19/2021	700-00-2176-0000	PR Batch 00002.07.2021 Deferred Comp-I
	Check Total:	3,075.00			
Vendor: 686	KANSAS CITY LIFE INSURANCE COMPAN			Check Sequence: 8	ACH Enabled: True
July-2021	PR Batch 00002.07.2021 Long Term Disability	720.64	07/19/2021	700-00-2181-0000	PR Batch 00002.07.2021 Long Term Disab
July-2021	PR Batch 00002.07.2021 Short Term Disability	807.37	07/19/2021	700-00-2181-0000	PR Batch 00002.07.2021 Short Term Disab
	Check Total:	1,528.01			
Vendor: 11	MINNESOTA DEPARTMENT OF REVENUE			Check Sequence: 9	ACH Enabled: True
PR-07-19-2021	PR Batch 00002.07.2021 State Income Tax	2,915.30	07/19/2021	700-00-2173-0000	PR Batch 00002.07.2021 State Income Tax
	Check Total:	2,915.30			
Vendor: 1091	MSRS-MN DEFERRED COMP PLAN 457			Check Sequence: 10	ACH Enabled: True
PR-07-19-2021	PR Batch 00002.07.2021 Deferred Comp-MSRS	2,475.00	07/19/2021	700-00-2176-0000	PR Batch 00002.07.2021 Deferred Comp-2
PR-07-19-2021	PR Batch 00002.07.2021 Deferred Comp-MSRS	150.00	07/19/2021	700-00-2176-0000	PR Batch 00002.07.2021 Deferred Comp-2
	Check Total:	2,625.00			
Vendor: 665	OPTUM BANK			Check Sequence: 11	ACH Enabled: True
PR-07-19-2021	PR Batch 00002.07.2021 HSA-OPTUM BANK	932.00	07/19/2021	700-00-2183-0000	PR Batch 00002.07.2021 HSA-OPTUM B.
	Check Total:	932.00			
Vendor: 9	PERA			Check Sequence: 12	ACH Enabled: True
PR-07-19-2021	PR Batch 00002.07.2021 MN-PERA Deduction	4,600.60	07/19/2021	700-00-2175-0000	PR Batch 00002.07.2021 MN-PERA Dedu
PR-07-19-2021	PR Batch 00002.07.2021 MN PERA Benefit Em	5,308.37	07/19/2021	700-00-2175-0000	PR Batch 00002.07.2021 MN PERA Benef
	Check Total:	9,908.97			
	Total for Check Run:	61,115.45			
	Total of Number of Checks:	12			

Accounts Payable

Computer Check Proof List by Vendor

User: nnguyen
 Printed: 07/21/2021 - 2:14PM
 Batch: 00006.07.2021 - CC-07-26-2021



Invoice No	Description	Amount	Payment Date	Acct Number	Reference
Vendor: 598	SANDY AHLSTROM			Check Sequence: 1	ACH Enabled: False
ParkEvent-7/21	Pak Program Cancelled	5.00	07/25/2021	101-53-3473-0000	
	Check Total:	5.00			
Vendor: 111	AMERICAN ENGINEERING TESTING, INC.			Check Sequence: 2	ACH Enabled: False
INV#-012423	Pond Sampling	8,233.70	07/25/2021	631-00-4400-0000	
	Check Total:	8,233.70			
Vendor: 950	BARR ENGINEERING COMPANY			Check Sequence: 3	ACH Enabled: True
23271735.00-16	Grant Street Pond	2,080.00	07/25/2021	631-00-4303-0000	
	Check Total:	2,080.00			
Vendor: 136	CENTERPOINT ENERGY			Check Sequence: 4	ACH Enabled: True
06-30-2021	20405 Knightsbridge Rd	9.67	07/25/2021	601-00-4394-0000	
06-30-2021	28125 Boulder Bridge	12.93	07/25/2021	601-00-4396-0000	
06-30-2021	24200 Smithtown Rd	20.87	07/25/2021	101-32-4380-0000	
06-30-2021	6000 Eureka Road	10.51	07/25/2021	101-52-4380-0000	
06-30-2021	5755 Country Club Rd	3.02	07/25/2021	101-19-4380-0000	
79456885-062421	5735 Country Club Rd-SCEC	50.45	07/25/2021	201-00-4380-0000	
86501806-062421	20630 Manor Rd	19.00	07/25/2021	101-52-4380-0000	
	Check Total:	126.45			
Vendor: 456	CORE & MAIN, LP			Check Sequence: 5	ACH Enabled: False
P167894	Watermain Fittings	419.55	07/25/2021	601-00-4223-0000	
P169580	Watermain Fittings	268.05	07/25/2021	601-00-4223-0000	
	Check Total:	687.60			
Vendor: 166	EARL F. ANDERSEN			Check Sequence: 6	ACH Enabled: False
127008-IN	Signs	1,042.95	07/25/2021	101-32-4245-0000	

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
	Check Total:	1,042.95			
Vendor: 167	ECM PUBLISHERS INC			Check Sequence: 7	ACH Enabled: True
844852	Ord. No. 579	53.97	07/25/2021	101-13-4351-0000	
	Check Total:	53.97			
Vendor: 1175	GENERAL REPAIR SERVICE			Check Sequence: 8	ACH Enabled: False
75015	Emergency Repair/Insurance Claim Flooded Wat	13,219.44	07/25/2021	601-00-4223-0000	
	Check Total:	13,219.44			
Vendor: UB*00419	Rebecca & Matthew Gorton			Check Sequence: 9	ACH Enabled: False
	Refund Check	27.03	07/19/2021	601-00-2010-0000	
	Refund Check	31.52	07/19/2021	611-00-2010-0000	
	Refund Check	13.52	07/19/2021	631-00-2010-0000	
	Refund Check	13.51	07/19/2021	621-00-2010-0000	
	Check Total:	85.58			
Vendor: 216	HENNEPIN COUNTY RECORDER & REGIS			Check Sequence: 10	ACH Enabled: False
1000168003	Record Service-Review Documents	15.00	07/25/2021	101-31-4303-0000	Record
	Check Total:	15.00			
Vendor: 896	HUEBSCH SERVICES			Check Sequence: 11	ACH Enabled: True
20088191	City Hall - Mats	181.19	07/25/2021	101-19-4400-0000	
	Check Total:	181.19			
Vendor: UB*00418	Jerry R. & Linda L. Kenline			Check Sequence: 12	ACH Enabled: False
	Refund Check	61.65	07/19/2021	601-00-2010-0000	
	Refund Check	71.91	07/19/2021	611-00-2010-0000	
	Refund Check	30.83	07/19/2021	631-00-2010-0000	
	Refund Check	30.82	07/19/2021	621-00-2010-0000	
	Check Total:	195.21			
Vendor: 1058	KTJ 285, LLC			Check Sequence: 13	ACH Enabled: False
08-01-2021	TIF Pay As you go payment 8/1/2021	83,952.09	07/25/2021	470-00-4400-0019	
	Check Total:	83,952.09			
Vendor: UB*00416	Roger & Rochelle Mazze			Check Sequence: 14	ACH Enabled: False

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
	Refund Check	55.88	07/19/2021	601-00-2010-0000	
	Refund Check	65.19	07/19/2021	611-00-2010-0000	
	Refund Check	27.94	07/19/2021	631-00-2010-0000	
	Refund Check	27.94	07/19/2021	621-00-2010-0000	
	Check Total:	176.95			
Vendor: 279	METROPOLITAN COUNCIL (WASTEWATER)			Check Sequence: 15	ACH Enabled: True
1126735	Monthly Waste Water Svc	82,991.61	07/25/2021	611-00-4385-0000	
	Check Total:	82,991.61			
Vendor: 565	MINNESOTA DEPARTMENT OF TRANSPORTATION			Check Sequence: 16	ACH Enabled: False
664040	MSA-Old Market Road Signal @ TH7	99,255.01	07/25/2021	405-00-4680-0000	
	Check Total:	99,255.01			
Vendor: 325	ON SITE SANITATION - TWIN CITIES			Check Sequence: 17	ACH Enabled: True
1163255	Cathcart Park-26655 W- 62nd St	66.00	07/25/2021	101-52-4410-0000	
1163256	Freeman Park-6000 Eureka Rd	379.50	07/25/2021	101-52-4410-0000	
1163257	Silverwood Pk-5755 Covington R	66.00	07/25/2021	101-52-4410-0000	
1163258	South Shore-5355 St Albans Bay	66.00	07/25/2021	101-52-4410-0000	
1163259	Christmas Lk Rd-5625 Merry Ln	231.00	07/25/2021	101-52-4410-0000	
	Check Total:	808.50			
Vendor: 1157	KEELY SCHULTZ			Check Sequence: 18	ACH Enabled: False
ParkEvent-7/21	Park Program-Marvelous Mammals	152.00	07/25/2021	101-53-4248-0000	
	Check Total:	152.00			
Vendor: 360	SOUTH LAKE MINNETONKA POLICE DEPARTMENT			Check Sequence: 19	ACH Enabled: False
2nd Qtr-2021-CO	Quarterly-Court Overtime	501.29	07/25/2021	101-21-4440-0000	
August-2021-OB	Monthly-Operating Budget Exp	112,276.06	07/25/2021	101-21-4400-0000	
	Check Total:	112,777.35			
Vendor: 1101	SPRINGBROOK HOLDING COMPANY LLC			Check Sequence: 20	ACH Enabled: True
TM-INV-004270	Cloud Migration Service	93.75	07/25/2021	101-15-4221-0000	
	Check Total:	93.75			
Vendor: 1145	STANDARD & POOR'S FINANCIAL SERVICES			Check Sequence: 21	ACH Enabled: True
11417993	2021A Bond Rating	13,062.00	07/25/2021	404-00-4730-0000	

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
	Check Total:	13,062.00			
Vendor: 1195	STONEBROOK FENCE, INC.			Check Sequence: 22	ACH Enabled: False
2021-215	Local Roadway Fund-Timber Lane	8,993.00	07/25/2021	404-00-4680-0000	
	Check Total:	8,993.00			
Vendor: 694	TIMESAVER OFF SITE SECRETARIAL, INC.			Check Sequence: 23	ACH Enabled: True
M26589	Council Meeting	294.75	07/25/2021	101-13-4400-0000	
M26589	Planning Meeting	223.00	07/25/2021	101-18-4400-0000	
	Check Total:	517.75			
Vendor: 1138	TOTAL CONTROL SYSTEMS, INC.			Check Sequence: 24	ACH Enabled: False
9843	SCADA Services-Badger Well	420.50	07/25/2021	601-00-4400-0000	
	Check Total:	420.50			
Vendor: UB*00417	Robert & Michelle Trench			Check Sequence: 25	ACH Enabled: False
	Refund Check	54.87	07/19/2021	601-00-2010-0000	
	Refund Check	64.03	07/19/2021	611-00-2010-0000	
	Refund Check	27.43	07/19/2021	631-00-2010-0000	
	Refund Check	27.44	07/19/2021	621-00-2010-0000	
	Check Total:	173.77			
Vendor: 1003	US BANK TRUST N.A.-WIRE ONLY			Check Sequence: 26	ACH Enabled: True
1782685	Acct#0103911NS-2020A Debt Service	16,655.64	07/25/2021	320-00-4711-0000	
1782685	Acct#0103911NS-2020A Debt Service	4,580.65	07/25/2021	601-00-4711-0000	
1782685	Acct#0103911NS-2020A Debt Service	2,149.61	07/25/2021	611-00-4711-0000	
1782685	Acct#0103911NS-2020A Debt Service	20,072.86	07/25/2021	631-00-4711-0000	
1790646	Acct#277082000-2016B-EDA	7,750.00	07/25/2021	308-00-1030-0000	
1800604	Acct#261502000-2016A-EDA	7,044.09	07/25/2021	307-00-1030-0000	
1802453	Acct#274190000-2016C-EDA	1,549.87	07/25/2021	309-00-1030-0000	
	Check Total:	59,802.72			
Vendor: 421	VERIZON WIRELESS			Check Sequence: 27	ACH Enabled: False
9883161481	Sewer & Water - Acct842017386	101.55	07/25/2021	601-00-4321-0000	Acct #842017386-00001
9883161481	Sewer & Water - Acct842017386	101.57	07/25/2021	611-00-4321-0000	Acct #842017386-00001
9883161481	Sewer & Water - Acct842017386	101.55	07/25/2021	631-00-4321-0000	Acct #842017386-00001
	Check Total:	304.67			

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
Vendor: 415	WARNER CONNECT			Check Sequence: 28	ACH Enabled: True
29940149	Network Maint Services	4,406.20	07/25/2021	101-19-4321-0000	
29940162	Network Maint Services	540.00	07/25/2021	101-19-4321-0000	
	Check Total:	4,946.20			
Vendor: 402	WATER CONSERVATION SERVICES, INC.			Check Sequence: 29	ACH Enabled: True
11441	Watermain Leaking - Covington & Vine Ridge &	301.60	07/25/2021	601-00-4400-0000	
	Check Total:	301.60			
Vendor: 878	WATSON VINEHILL, LLC			Check Sequence: 30	ACH Enabled: False
19285Hwy7-Jul21	Guarantee Escrow Refund-19285 Highway 7	3,750.00	07/25/2021	880-00-2200-0000	
19285Hwy7-Jul21	Remaining Escrow Refund-19285 Highway 7	3,646.37	07/25/2021	880-00-2200-0000	
	Check Total:	7,396.37			
Vendor: 1055	WL HALL CO INTERIOR SERVICE			Check Sequence: 31	ACH Enabled: False
8881	Partition Repair in Dining Room	420.00	07/25/2021	201-00-4400-0000	
	Check Total:	420.00			
Vendor: 408	WM MUELLER & SONS INC			Check Sequence: 32	ACH Enabled: True
PV#3-Glen/Manitou/A	P.V.#3 - Glen Rd-Manitou-Amlee Street	708,427.94	07/25/2021	407-00-4680-0000	
	Check Total:	708,427.94			
Vendor: UB*00415	Calvin & Lorilee Wright			Check Sequence: 33	ACH Enabled: False
	Refund Check	59.48	07/19/2021	601-00-2010-0000	
	Refund Check	69.40	07/19/2021	611-00-2010-0000	
	Refund Check	29.74	07/19/2021	631-00-2010-0000	
	Refund Check	29.74	07/19/2021	621-00-2010-0000	
	Check Total:	188.36			
Vendor: 411	XCEL ENERGY, INC.			Check Sequence: 34	ACH Enabled: True
739340621	5655 Merry Lane	22.26	07/25/2021	101-52-4380-0000	5655 Merry Lane
739918604	C.H. Svcs	412.76	07/25/2021	101-19-4380-0000	C.H. Svcs
739918604	P.W. Bldg Svc	272.10	07/25/2021	101-32-4380-0000	P.W. Bldg Svc
739918604	P.W. Street Lights Svc	964.94	07/25/2021	101-32-4399-0000	P.W. Street Lights Svc
739918604	Parks	272.07	07/25/2021	101-52-4380-0000	Parks
739918604	Amesbury	1,438.75	07/25/2021	601-00-4394-0000	Amesbury
739918604	Boulder Bridge	147.48	07/25/2021	601-00-4396-0000	Boulder Bridge
739918604	S.E. Area Svc	2,795.36	07/25/2021	601-00-4398-0000	S.E. Area Svc

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
739918604	Lift Station Street Lights	630.81	07/25/2021	611-00-4380-0000	L.S. Street Lights
739918612	C.H. Svcs	505.10	07/25/2021	101-19-4380-0000	C.H. Svcs
739918612	P.W. Bldg Svc	478.74	07/25/2021	101-32-4380-0000	P.W. Bldg Svc
739918612	P.W. Street Lights Svc	1,115.40	07/25/2021	101-32-4399-0000	P.W. Street Lights Svc
739918612	Parks	375.50	07/25/2021	101-52-4380-0000	Parks
739918612	Amesbury	1,877.07	07/25/2021	601-00-4394-0000	Amesbury
739918612	Boulder Bridge	42.31	07/25/2021	601-00-4396-0000	Boulder Bridge
739918612	Lift Station Street Lights	460.91	07/25/2021	611-00-4380-0000	L.S. Street Lights
	Check Total:	11,811.56			
Vendor: 899	Z SYSTEMS, INC.			Check Sequence: 35	ACH Enabled: False
81832	Zoom-Council Chambers	906.25	07/25/2021	101-11-4400-0000	
	Check Total:	906.25			
	Total for Check Run:	1,223,806.04			
	Total of Number of Checks:	35			



City of Shorewood Council Meeting Item

Title/Subject: Approving Hire of Miechelle Norman as Administrative Assistant

Meeting Date: Monday, July 26, 2021

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

Reviewed by: Greg Lerud, City Administrator

Policy Consideration: Pursuant to Shorewood Personnel Policy Section 3.08 *All new, rehired, promoted or reassigned employees shall complete a six (6) month probationary period upon assuming their new positions. This period shall be used to observe the employee's work habits and ability to perform the work they are required to do.*

Background: The city most recently recruited qualified candidates for the Administrative Assistant position in the Administration Department at City Hall. The position is a part-time, 20-hour per week position reporting to the City Clerk/HR Director providing administrative and election support for the city. Interviews were held by a selection committee consisting of Greg Lerud, Brenda Pricco, Nelia Criswell, and myself, with several qualified candidates in mid-July. It was unanimously agreed to offer the position to Miechelle Norman, determining her knowledge, skills, and attributes would be a good fit with our team and an asset to the city.

Miechelle brings much experience to the table which includes work as a head election judge for the city and volunteering for local events like Arctic Fever and others. I am pleased to recommend a six-month probationary appointment to Miechelle Norman in the capacity of Administrative Assistant for the City of Shorewood.

Financial Considerations: Staff is recommending Miechelle's compensation rate be set at Grade 3, Step C of Shorewood's Compensation Plan of \$16.97 per hour with review for a step increase at her one-year anniversary. The position will be reviewed at the 6-month anniversary for consideration of permanent appointment. The position is non-exempt, PERA eligible, and receives pro-rated vacation, sick leave, and holiday benefits.

Action Requested: Staff respectfully recommends the city council approve Miechelle Norman's hire as a probationary employee in the capacity of Administrative Assistant for the City of Shorewood. 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.*



City of Shorewood Council Meeting Item

Title/Subject: Approve Final Payment for 2021 Pavement Marking
City Project 21-04
Meeting Date: Monday, July 26, 2021
Prepared by: Andrew Budde, City Engineer
Reviewed by: Larry Brown, Director of Public Works
Attachments: Final Quantity Summary and Resolution

Background: At the May 24th, 2021, City Council Meeting, Council awarded the contract for the 2021 Pavement Marking Plan to Sir Lines-A-Lot, LLC. The contract included striping of all or portions of the following streets: Eureka Road, Vine Hill Road, Manor Road, St. Alban's Bay Road, Minnetonka Boulevard, Christmas Lake Road and Brohm's Boulevard. The contract also included striping of the following parking areas: Badger Park and City Hall Campus, Christmas Lake Boat Ramp, Cathcart Park, Silverwood Park and Manor Park. Sir Lines-A-Lot has completed the striping laid out in the plans and is requesting final payment and acceptance of the work.

Sir Lines-A-Lot has submitted the Minnesota IC-134 Withholdings Affidavit Form and request for final payment.

A resolution accepting the improvements for the 2021 Pavement Marking Plan and authorizing final payment is included for Council consideration and approval.

Financial Considerations: Sir Lines-A-Lot was awarded the project with a quote for \$17,165.60. The final, completed amount is for **\$14,431.77**, which is \$2,733.83 under the quote that Sir Lines-A-Lot provided.

Recommendation/Action Requested: Staff has reviewed the estimate, verified quantities, and recommends approval of the resolution for final acceptance and payment city project 21-04, the 2021 Pavement Marking Plan, and total payment in the amount of \$14,431.77 to Sir Lines-A-Lot, LLC.

Progress Estimate - Unit Price Work

Contractor's Application for Payment

Owner:	City of Shorewood	Owner's Project No.:	21-04
Engineer:	Andrew L. Budde	Engineer's Project No.:	OC1.124355
Contractor:	Sir Lines-A-Lot LLC	Contractor's Project No.:	
Project:	2021 Pavement Marking Plan		
Contract:			

Application No.:		1		Application Period:		From		06/21/21		to		06/25/21		Application Date:		07/26/21			
A	B			C	D	E	F	G	H	I	J	K	L						
Bid Item No.	Description	Item Quantity	Units	Unit Price (\$)	Value of Bid Item (C X E) (\$)	Estimated Quantity Incorporated in the Work	Value of Work Completed to Date (E X G) (\$)	Materials Currently Stored (not in G) (\$)	Work Completed and Materials Stored to Date (H + I) (\$)	% of Value of Item (J / F) (%)	Balance to Finish (F - J) (\$)								
												Contract Information				Work Completed			
Original Contract																			
1	MOBILIZATION	1.00	LUMP SUM	1,500.00	1,500.00	1.00	1,500.00		1,500.00	100%	-								
2	TRAFFIC CONTROL	1.00	LUMP SUM	1,500.00	1,500.00	1.00	1,500.00		1,500.00	100%	-								
3	4" SOLID LINE PAINT	54,370.00	LIN FT	0.09	4,893.30	36,166.00	3,254.94		3,254.94	67%	1,638.36								
4	12" SOLID LINE PAINT	150.00	LIN FT	2.40	360.00	280.00	672.00		672.00	187%	(312.00)								
5	24" SOLID LINE PAINT	515.00	LIN FT	2.80	1,442.00	351.00	982.80		982.80	68%	459.20								
6	4" BROKEN LINE PAINT	60.00	LIN FT	3.00	180.00	30.00	90.00		90.00	50%	90.00								
7	4" DOUBLE SOLID LINE PAINT	26,735.00	LIN FT	0.18	4,812.30	23,888.00	4,299.84		4,299.84	89%	512.46								
8	PAVT MSSG PAINT	500.00	SQ FT	2.60	1,300.00	438.61	1,140.39		1,140.39	88%	159.61								
9	CROSSWALK PAINT	620.00	SQ FT	1.90	1,178.00	522.00	991.80		991.80	84%	186.20								
Original Contract Totals						\$	17,165.60		\$	14,431.77	\$	-	\$	14,431.77	84%	\$	2,733.83		
Change Orders																			
						-	-		-		-		-		-		-		
						-	-		-		-		-		-		-		
Change Order Totals						\$	-		\$	-	\$	-	\$	-		\$	-		
Original Contract and Change Orders																			
Project Totals						\$	17,165.60		\$	14,431.77	\$	-	\$	14,431.77	84%	\$	2,733.83		

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

RESOLUTION 21-078

**A RESOLUTION FOR ACCEPTANCE AND FINAL PAYMENT,
CITY PROJECT 21-04, THE 2021 PAVEMENT MARKING PLAN**

WHEREAS, On May 24th, 2021, the City Council awarded a contract of the 2021 Pavement Marking Plan to Sir Lines-A-Lot, LLC; and

WHEREAS, Sir Lines-A-Lot, LLC has completed all work in accordance with the awarded contract and has submitted the appropriate IC-134 and final documents; and

WHEREAS, Sir Lines-A-Lot, LLC is requesting final payment and acceptance for the work; and

WHEREAS, Staff has reviewed the estimate, verified quantities, and recommends final payment and acceptance of the project to Sir Lines-A-Lot, LLC.

NOW, THEREFORE, BE IT RESOLVED: the City Council of the City of Shorewood hereby authorize final acceptance and approve final payment to Sir Lines-A-Lot for the 2021 Pavement Marking Plan according to the plans and specifications on file in the office of the City Clerk.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF SHOREWOOD this 26th day of July, 2021.

Jennifer Labadie, Mayor

Attest:

Sandie Thone, City Clerk



City of Shorewood Council Meeting Item

Title/Subject: Accept Improvements and Partial Release of Minnetonka County Club Letter of Credit for 1st, 2nd, and 3rd Additions City Projects 14-13, 15-06, and 16-04

Meeting Date: Monday, July 26, 2021

Prepared by: Andrew Budde, City Engineer

Reviewed by: Larry Brown, Director of Public Works

Attachments: Resolution, LOC Reduction Request

Background: The City of Shorewood has entered into several development agreements for the Minnetonka County Club 1st, 2nd, and 3rd Additions dating back from 2014. Recently, the developer has completed most punchlist items to the satisfaction of city staff and the developer has requested the city accept the improvements and allow for the partial reduction of the letter of credit. The two remaining items to complete is vegetation management in natural areas and confirmation that the Minnehaha Creek Watershed District has also reviewed the site to confirm it is functioning according to the permitting requirements. The acceptance of the improvements will include the streets, sidewalks, watermain, sanitary sewer, and storm sewer and start the two-year warranty period.

Financial Considerations: The city will continue to hold a letter of credit in the amount of \$149,758 until all punchlist items are completed.

Recommendation/Action Requested: Public Works and Planning has reviewed the site improvements and recommends approval of the resolution for final acceptance of the improvements and partial reduction of the Letter of Credit for the Minnetonka Country Club 1st, 2nd, and 3rd Additions, City Project 14-13, 15-06, and 16-04, in the amount of \$856,476.

CITY OF SHOREWOOD

RESOLUTION NO. 21 - 079

**A RESOLUTION ACCEPTING IMPROVEMENTS
AND PARTIAL RELEASE OF LETTER OF CREDIT FOR
MINNETONKA COUNTRY CLUB 1ST, 2ND, & 3RD ADDITIONS**

CITY PROJECTS 14-13, 15-06, AND 16-04

WHEREAS, the City of Shorewood approved development agreements for Minnetonka Country Club for 1st, 2nd, and 3rd Additions, City Projects 14-13, 15-06, 16-04; and,

WHEREAS, the Developer has substantially completed the project work and has requested City acceptance of the improvements and a partial reduction of letter of credit; and,

WHEREAS, the Public Works and Planning has made final inspection of the project and recommends acceptance of the improvements and partial release of the letter of credit by the City.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Shorewood as follows:

The City hereby accepts the work completed pursuant to said development agreements and authorizes partial release of the associated Letter of Credit in the amount of \$856,476.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF SHOREWOOD
this 26th day of July, 2021.

Jennifer Labadie, Mayor

Attest:

Sandie Thone, City Clerk

CITY OF SHOREWOOD
PLANNING COMMISSION MEETING
TUESDAY, JULY 6, 2021

COUNCIL CHAMBERS
5755 COUNTRY CLUB ROAD
7:00 P.M.

MINUTES

CALL TO ORDER

Chair Maddy called the meeting to order at 7:03 P.M.

ROLL CALL

Present: Chair Maddy; Commissioners Eggenberger, Huskins, Gault and Riedel; Planning Director Darling; Planning Technician Notermann; and, Council Liaison Johnson

Absent: None

1. APPROVAL OF AGENDA

Riedel moved, Huskins seconded, approving the agenda for July 6, 2021, as presented. Motion passed 5/0.

2. APPROVAL OF MINUTES

- June 1, 2021

Gault moved, Huskins seconded, approving the Planning Commission Meeting Minutes of June 1, 2021, as presented. Motion passed 4/0/1 (Riedel abstained).

3. MATTERS FROM THE FLOOR - NONE

4. PUBLIC HEARINGS -

Chair Maddy explained the Planning Commission is comprised of residents of the City of Shorewood who are serving as volunteers on the Commission. The Commissioners are appointed by the City Council. The Commission's role is to help the City Council in determining zoning and planning issues. One of the Commission's responsibilities is to hold public hearings and to help develop the factual record for an application and to make a non-binding recommendation to the City Council. The recommendation is advisory only.

A. PUBLIC HEARING – C.U.P. for a Fence

Applicant: Jacob Gustafson and Allison Spies
Location: 4865 Ferncroft Drive

Planning Technician Notermann noted that the applicant has applied for a C.U.P. for a fence that is taller than the height established for shoreline fences. She stated that they would like to install a five-foot, black vinyl chain link fence where the Code states that no fence can be taller than four feet in the Shoreland District. She reviewed the conditions that staff is recommending.

Planning Director Darling noted that City Engineer Budde will stop out at the property later this week in order to ensure that removing the boulder wall, as staff is recommending, will not cause any erosion or other issues now that the rain garden has been constructed.

Planning Technician Notermann stated that staff recommends approval with the conditions as listed in the staff report.

Commissioner Riedel noted that the staff report lists a condition that the applicant have “plans” to remove or relocate the boulder wall and asked if they would be required to remove or relocate the wall.

Planning Technician Notermann clarified that, as noted by Planning Director Darling, the City Engineer will stop out to the property and evaluate the boulder wall situation.

Commissioner Gault suggested that the condition language be changed to say that the applicant is required to comply with the plans regarding the boulder wall, as approved by staff.

Planning Director Darling explained that the boulder wall pre-dated the subdivision, was not shown on any documents that were submitted, and were in an area that was heavily vegetated.

Chair Maddy asked if the City knows when the boulder wall was installed.

Planning Director Darling stated that it was likely legal at the time it was installed, but putting the property line and easements on top of the wall created the issue. She stated that if it had shown up in the original documents, it could have been handled with the subdivision rather than having to go back now with something like an encroachment agreement.

Commissioner Riedel asked if staff would be open to an encroachment agreement pending the advice of the City Engineer regarding erosion.

Planning Director Darling stated that staff is open to an encroachment agreement.

Chair Maddy asked if the language of the condition should be changed to read that the applicant will abide by staff decision on what to do with the boulder wall.

Planning Director Darling noted that staff can make a recommendation, but the Council will have to make the decision on either an encroachment agreement or removal of the boulder wall. She explained that she does not think the language needs to be changed at this point.

Commissioner Huskins asked staff, in their recommendation, to include the terminology ‘not greater than’ five feet.

Commissioner Eggenberger asked why this request is for a CUP and not a variance.

Planning Director Darling stated that it is a permanent fence and read aloud a portion of the City Code that explains that a fence that varies by height, design, or location, can be approved with a CUP, which means that it is an allowed use in the zoning district. She stated that she assumes it was stated this way in the Code in order to allow some flexibility.

Jacob Gustafson, 4865 Ferncroft, thanked the Planning Department staff because they have been very helpful throughout this whole process. He stated that he and his wife, Allison Spies, are new transplants from Michigan. He assured the Commission that their goal is to be good residents of the City and explained that they were unaware that the boulder wall existed because it was hidden behind vegetation.

CITY OF SHOREWOOD PLANNING COMMISSION MEETING

JULY 6, 2021

Page 3 of 8

Commissioner Gault asked why Mr. Gustafson was requesting a five foot tall fence rather than complying with the four foot height.

Mr. Gustafson explained that their main reason is their dogs and noted that they have two large Tibetan Mastiffs. He noted that their standing height is about 3.5 feet, so they wanted to make sure that they had a good, secure fencing system to ensure that they are contained in the yard. He noted that in Michigan, they took one of their dogs on nursing home visits prior to COVID-19 and noted that he had submitted pictures to the City so they could get an idea of what the dogs look like.

Chair Maddy opened the Public Hearing at 7:20 P.M. noting the procedures used in a Public Hearing. There being no public comment, Chair Maddy closed the Public Hearing.

Commissioner Gault referred to the past request from resident on Country Club Lane for a higher fence than what the City allowed. He reminded the Commission that they had recommended denial of the past request because they felt there were other ways to control the animals and keep them contained. He stated that he would like to see the Commission be consistent in their recommendations.

Chair Maddy asked for specifics about the Country Club Lane request.

Commissioner Gault stated that they were asking for a 6 foot tall fence with board on board and noted that they had also requested the fence height because of their two large dogs and the location of the sidewalk. He stated that he sees this an opportunity for invisible fencing.

Commissioner Riedel stated that he agrees with the idea of consistency, however, he feels that what is subjectively different in this situation is the other fencing was in a front yard and the concern about the appearance of large fences along the road. In this case, this is a back yard and is primarily the neighbors and the lake that would see the higher fence.

Commissioner Gault reiterated his concern that if the Commission recommends approval in this situation, they will be inconsistent with the recent, similar situation along Country Club Lane.

Commissioner Riedel stated that this situation feels less intrusive for the neighbors because this is a transparent fence in a backyard and not a board on board fence along the street. He noted that he understands and agrees that this is completely subjective and inconsistent.

Chair Maddy stated that he does not like relaxing City Code due to pet size.

Commissioner Riedel stated that there are some dogs that when they get zapped with the electric fencing get aggressive rather than learn not to cross the invisible line. He stated that invisible fencing is not an option for every dog and noted that it is also more difficult to train an older dog.

Commissioner Huskins asked if the planned landscaping would be located above the fence. He explained that if the shrubbery or landscaping, as it matures, hides a 4 or 5 foot fence in the backyard, it would make very little difference to him.

Commissioner Gault reiterated that he is not thrilled with the idea that the Commission would recommend denial for one request and approval for the other, when they are very similar requests.

Commissioner Eggenberger stated that he thinks the City has a Code on fencing to protect the site lines of the City and granting a CUP to change that, in his opinion is not feasible. He stated

that he doesn't like to idea of allowing it because of the size of dogs and noted that there are other ways to control your pets.

Commissioner Gault asked if there had been any feedback from the neighbors regarding this request.

Planning Technician Notermann stated that the City did not receive any input from the neighbors.

Commissioner Eggenberger asked to hear more of Commissioner Riedel's thoughts on this item.

Commissioner Riedel explained that he is the one usually advocating for consistency and to go by the rules, however, in this case, there is a CUP process for this situation. He stated that, as Planning Director Darling indicated, when this Code was written it was because there are cases where it may be reasonable for a person to request something outside of the code, but within the realm of the CUP and that process should be easier than a variance process. He stated that in some respects, the City should expect that people would apply for the CUP. He stated that he is on the fence because of Commissioner Gault's explanation about the recent case, but does feel the prior request was different, even though both requests were due to the size of dogs.

Commissioner Gault stated that when there are other ways to address a situation, he thinks they should be applied as opposed to coming and having the Commission recommend approval when it is not really needed. He reiterated that there are a number of other ways that this would be resolved.

Commissioner Riedel stated that he did not disagree with this point, except for the characterization of CUP. He gave the example of CUPs that have been granted for accessory space exceeding 1,200 square feet. He stated that in that situation, the applicant did not need a justification for wanting more accessory space. He stated that a CUP was put into place merely so if someone wants it, it will not be automatically granted, but is subject to review. He stated that he feels what Commissioner Gault has been describing was more along the lines of a variance, and a CUP is something that should be considered more favorably from the start, by the Commission.

Chair Maddy asked if there was a way to put conditions in the Code on this in order to make it more clear cut and consistent.

Planning Director Darling stated that the Commission could do that and explained that a CUP is an allowed use in any zoning district where that particular regulation would apply, subject to conditions, either measurable or subject to allow some discretion. She stated that the Commission can make a recommendation on whether the specific conditions listed have been met and the subjective ones that are allowed for all CUPs. She clarified that in this situation this is allowed by CUP so there would be no need to ask for a variance.

Commissioner Eggenberger asked what would happen when the dogs pass away, for example, would they have to take the fence down, since is a CUP.

Planning Director Darling stated that they would not have to take down the fence and it would be permanent.

Commissioner Gault stated that he believes the Commission was correct in their denial of the Country Club Lane request and believes that this is essentially the same thing, just in a different location.

Commissioner Eggenberger explained that he was struggling with whether this is enough of a difference between the one the Commission recommended denial on and this application.

Chair Maddy stated that he sees a large difference in the two requests. One was for a 6-foot opaque fence along Smithtown Road and this request is for a 5-foot chain link fence in the backyard on a quiet lake.

Commissioner Eggenberger noted that the front portion of the fence is not chain link.

Planning Technician Notermann stated that portion of the fence does not require a CUP. She stated that portion of the 5 foot board on board fence is allowable in that location and pointed to the areas on the exhibit where the extra regulations applied.

Commissioner Riedel clarified that there are different height requirements for the front and back yard.

Eggenberger moved, Riedel seconded, recommending approval of the CUP request or a fence height of not greater than five feet at 4865 Ferncroft Drive, with the conditions as discussed; to require the applicant to acquire all necessary permits for construction of the fence; and that the applicant be required to comply with the staff recommend regarding how to address the existing boulder wall that crosses through the drainage and utility easement. Motion passed 5/0.

Planning Technician Notermann stated that this should appear before the Council on July 26, 2021.

5. NEW BUSINESS

A. Minor Subdivision

Applicant: Todd Cebulla

Location: 19210 Waterford Place and 5520 Vine Hill Road

Planning Technician Notermann stated that this request is for a lot line adjustment. She noted that there are single family homes located on each parcel which would remain after the lot line adjustment. She stated that the applicant owns both parcels. He is asking for land to be taken from the northern lot and added to the southerly parcel. After working with staff, the applicant has agreed to submit new plans that reflect a new parcel size for the 5520 Vine Hill Road parcel in order for it to be at least 20,000 square feet. She stated that the revised survey would have to be submitted prior to the City Council meeting on July 26, 2021. Staff recommends approval with the conditions outlined in the staff report, including the adjustment to 5520 Vine Hill Road to be at least 20,000 square feet.

Planning Director Darling noted that just prior to the meeting, the applicant was able to give staff an estimated layout showing the revision for both lots to meet the requirements.

Todd Cebulla, 19210 Waterford Place, expressed his appreciation to the Planning Department and explained that he feels this is pretty straight forward and they plan to maintain the minimum lot sizes and provide the required easements. He stated that they are looking to open up their backyard because the home is sort of jammed against the tree line.

Huskins moved, Gault seconded, recommending approval of the Minor Subdivision, for a lot line adjustment at 19210 Waterford Place and 5520 Vine Hill Road, subject to the three conditions included in the staff report. Motion passed 5/0.

Chair Maddy stated that this item would appear before the Council on July 26, 2021.

B. Variance to Side Yard Setback

Applicant: Kimberly Poe

Location: 23320 Park Street

Planning Technician Notermann stated that this request is for a variance to a side yard setback at 23320 Park Street. She noted that the existing home was constructed in 1924 and is located as close as six feet from the west side property line. She stated that because there is a required 10 foot setback, the house is considered to be a legally non-conforming structure. The applicant would like to construct an addition onto the existing home that will be 7.2 feet from the side property line. Staff recommends approval of the variance, as requested.

Commissioner Eggenberger noted that the letter from Ms. Commers expressed concern about possible erosion and asked if the permits would cover that concern.

Planning Technician Notermann stated that the concerns about drainage and slope would be addressed with the building permit applications.

Commissioner Huskins noted that the construction will take place on the left side of the home and Ms. Commers is located on the right side of home.

Kimberly Poe, 23320 Park Street, explained that Ms. Commers was confused about where the addition would be going and was concerned about the steep slope around the tree line which may create erosion into her back yard. She noted that when she built her two car garage last year she was required to have a surface water management plan and all of the roof water is gathered into what used to be a summer kitchen for the apple orchard that used to be there. The addition is 150 square feet, plus the open porch across the front just to tie it all together. She explained that maintaining the look of the home is very important to her.

Commissioner Riedel noted that he agrees that the construction will be happening on the opposite side of Ms. Commers, but there may still need to be some other types of stormwater management put into place, such as a silt fence.

Chair Maddy opened the meeting to public testimony on this item at 7:59 p.m. There was no public comment.

Gault moved, Huskins seconded, to recommend approval of the variance request to the side yard setback at 23320 Park Street, subject to the condition that the applicant be required to acquire all necessary permits prior to construction. Motion passed 5/0.

Planning Director Darling stated that this will be on the Council agenda for July 26, 2021.

A resident spoke from the floor explaining that he was at the meeting because of a letter he received about an easement on his property.

CITY OF SHOREWOOD PLANNING COMMISSION MEETING

JULY 6, 2021

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Planning Director Darling stated public comment on items not on the agenda could happen as part of Matters from the Floor and gave the Commission the option to re-open that portion of the meeting in order to hear his comments.

Chair Maddy re-opened Matters from the Floor.

Mr. Ayman Abdelsamie, 5960 Grant Street, explained that his home was built in 1928 and he has been doing some remodeling and fixing it up. He stated that he feels his situation is very close to what was discussed in the prior agenda item. He explained that there is an easement on the property on his driveway which he was told has been there forever. He stated that the City bought the lot next to his home and they tore down the house in order to use some of the property for drainage. He stated that he is hoping that the City could release the easement on his property so he could have a normally shaped lot. He stated that he would just ask that the City allow this situation to be cleaned up and taken care of so he can have access to his property and have a normally shaped lot.

Chair Maddy stated that the Commission cannot take action tonight because they have no information on this topic nor was it included on the agenda.

Planning Director Darling explained that it is most likely the Public Works and Engineering Departments that will weigh in on whether or not this area can be vacated.

The Commission discussed the easement location, reason, and the hardship that it causes to the property owner.

6. OTHER BUSINESS

A. Sign Ordinance Amendments

Applicant: City of Shorewood

Location: City-Wide

Planning Director Darling gave a brief overview of past Commission discussions surrounding amendments to the Sign Ordinance.

The Commission discussed the revised Sign Ordinance including; signage in public right-of-way; limitations on the clear view triangle at corners and how it is measured; owner/occupant signs; public lands and parks; signs located within 5 feet of the property line and exceptions; referencing the State statute; public/traffic signs; flags; and signs in windows being readable only from inside the buildings.

Planning Director Darling noted that she can correct language so it reflects exactly what the changes that have been discussed, such as correcting typographical errors but noted that she is nervous about making any changes to sections that were not part of the public hearing. She stated that perhaps she can write in the changes being discussed in her log and incorporate them into the next housekeeping change that the Planning Commission tackles.

Gault moved, Eggenberger seconded to recommend approval of the text amendments for the Sign Ordinance, with the minor edits as discussed during the meeting. Motion passed 5/0.

7. REPORTS

- **Liaison to Council**

Council Liaison Johnson reported on matters considered and actions taken during Council's recent meeting (as detailed in the minutes for that meeting).

Planning Director Darling gave a brief overview of one of the discussion topics at the meeting regarding backyard chickens and noted that the item may be coming back to the Commission for further discussion.

- **Draft Next Meeting Agenda**

Planning Director Darling stated that for the next Planning Commission meeting there will be a variance request and may also be reviewing changes to the Comprehensive Plan that the consultant has put together.

8. ADJOURNMENT

Riedel moved, Gault seconded, adjourning the Planning Commission Meeting of July 6, 2021, at 8:46 P.M. Motion passed 5/0.



City of Shorewood Council Meeting Item

#7B

MEETING TYPE
Regular Meeting

Title / Subject: **Variance to side yard setback**

Location: 23320 Park Street
Applicant: Kimberly Poe

Meeting Date: July 26, 2021
Prepared by: Emma Notermann, Planning Technician

Review Deadline: September 17, 2021

Attachments: Planning Memorandum from the July 6, 2021 Meeting
 Resolution

Background: See attached planning memorandum for detailed background on this request. At the July 6, 2021 meeting, the Planning Commission voted unanimously to recommend approval of the variance application to construct an addition to an existing non-conforming home 7.2 feet from the side property line where 10 feet is required. The applicant was present at the meeting and spoke in favor of the application. Staff also received one letter regarding the request (attached).

Financial or Budget Considerations: The application fees are adequate to cover the cost of processing the request.

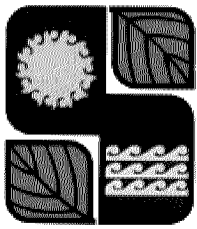
Recommendation / Action Requested: Staff and the Planning Commission recommend approval of the variance request.

Proposed motion: Move to adopt the attached resolution approving a variance for property located at 23320 Park Street based on the findings and conditions in the attached resolution.

Any action on this request would require a simple majority.

Next Steps and Timelines: If the item is approved, the applicant could submit a building permit application.

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

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MEMORANDUM

TO: Planning Commission, Mayor and City Council

FROM: Emma Notermann, Planning Technician

MEETING DATE: July 6, 2021

REQUEST: Variance to side yard setback

APPLICANT: Kimberly Poe

LOCATION: 23320 Park Street

REVIEW DEADLINE: September 17, 2021

LAND USE CLASSIFICATION: Low to Medium
Density Residential

ZONING: R-1D

FILE NUMBER: 21.13



REQUEST:

The applicant requests a variance to the setback from the side yard line to construct an addition their existing non-conforming house. The proposed addition would be located 7.2 feet from the side property line where 10 feet is required.

Notice of this application and the public meeting was mailed to all property owners within 500 feet of the property at least 10 days prior to the meeting.

BACKGROUND

Context: The existing home was constructed in 1924 and is located as close as six feet from the west side property line. The lot was created in 1887 as part of the Ball's Addition to Excelsior plat. The R-1D zoning district requires a side yard setback of 10 feet, so the house is considered a legally non-conforming structure.

Most of the adjacent properties are all developed with single-family homes and zoned R-1D or R-1C. Across Park Street, to the south of the subject property, is Our Saviors Lutheran Church.

Applicable Code Sections:

Section 1201.13 subd. 5. d. of the zoning regulations requires a setback of 10 feet from the side yard line.

Section 1201.03 subd. 1(i) of the zoning regulations allows the expansion of non-conforming single-family residential units.

Section 1201.03 subd. 1(i) of the zoning regulations allows the expansion of non-conforming single-family residential units provided-

1. *That the expansion does not increase the nonconformity and complies with height and setback requirements of the district in which it is located;*

The proposed addition does not comply with the setback requirement and consequently a variance is required for this expansion.

**There are additional criteria in this section, but since the proposed development does not meet the first regulation, a variance is required.*

ANALYSIS

The applicant's narrative is attached and indicates that she proposes to add a new porch and bathroom addition on the west side of her existing home. The proposed addition would be set farther from the side lot line than the existing home currently sits. The proposed addition would encroach on the side yard setback by 2.8 feet, where the existing home already encroaches on the same side yard setback by 4 feet.

Variance Criteria:

Section 1201.05 subd.3.a. of the zoning regulations sets forth criteria for the consideration of variance requests. These criteria are open to interpretation. Staff reviewed the request according to these criteria as follows:

1. *Intent of comprehensive plan and zoning ordinance:* The property owner would continue to use the property for residential purposes. They propose no uses on the site that would be inconsistent with either the intent of the residential land use classification or the district's allowed uses.
2. *Practical difficulties:* Practical difficulties include three factors, all three of which must be met. Staff finds that the practical difficulties for the property are related to the non-conforming location of the existing home.
 - a. *Reasonable:* The applicant has proposed a reasonable residential use on the property.
 - b. *Unique Situation vs. Self-Created:* The situation is unique as the home was constructed prior to the application of modern zoning regulations that have made the home a legally non-conforming structure under today's standards.

- c. *Essential Character*: The proposed addition would not be out of character for the neighborhood. It would not encroach farther towards the property than the house already does, so the character of the lot will remain unchanged.
3. *Economic Considerations*: The applicant has not proposed the variance solely based on economic considerations, but to enhance the livability of the home.
4. *Impact on Area*: The property owner is not proposing anything that would impair an adequate supply of light and air to an adjacent property, increase the risk of fire, or increase the impact on adjacent streets. The adjacent home to the west, at 23340 Park Street, is about 20 feet away from the existing home. However, as previously mentioned, the new addition will not be closer to the neighboring property than the existing home already is.
5. *Impact to Public Welfare, Other Lands or Improvements*: Staff finds the proposed addition would not be detrimental to the public welfare as it would be a typical addition for an older home.
6. *Minimum to Alleviate Practical Difficulty*: Staff finds the variance request is the minimum necessary to alleviate the practical difficulties on the property.

FINDINGS/RECOMMENDATION

Staff finds the variance proposal meets the criteria above and recommends approval of the variance while acknowledging that the variance criteria are open to interpretation. Consequently, the Planning Commission could reasonably find otherwise.

Should the Planning Commission recommend approval of the variance, staff recommends that the applicant be required to acquire all necessary permits prior to construction.

ATTACHMENTS

Location map

Applicants' narrative and plans

Correspondence Received

23320 Park Street Location Map



Side Yard Set-Back Variance Application Request for Non-Conforming Residence

23320 Park Street

Kimberley Poe, Owner

1. A variance for this project would not at all change the general purpose of the property and it's design and construction would fit in harmony with the zoning regulations.
2. a) Property use will not change; variance is required because existing property is non-conforming.

b) In the 1950's, the subdivision was created, and lot line was established less than 10' from house long after house was built (around 1900) making in non-conforming.

c) This small addition is designed to look as if it were always there and in keeping with the character of the area.
3. Main level is just 675 sq ft and the location chosen is the only feasible one with regard to the exterior look, interior function and preservation of trees.
4. Variance would not adversely impact the adjacent property's light or air as the two houses do not line up next to each other and barely overlap. My property sits well back from the others on the block even with this addition. There will be no impact traffic or public safety.
5. The variance is for such a relatively small addition that it would have no detrimental impact on the neighborhood
6. Variance is minimum necessary as the addition is set in 1 foot further from the side yard than the non-conforming main house.

Side Yard Set-Back Variance Application Request for Non-Conforming Residence

23320 Park Street

Kimberley Poe, Owner

My house was built around 1900 and sits 7 feet from the West side lot line, and the eaves extend 12" to 6 feet from the lot line. The house is a small Dutch Colonial (appx 675 foundation size) plus porches on the North (175 sq ft screen porch) and South (112 sq ft 3.5 season). Both porches are set-in 14" from the outside dimensions of the main house and each has a roof separate from the main house. Each porch is attached to the main house just under the eaves. The house sits up on the peak of hill with drainage running North and South.

This house I have restored and loved since 1995, still does not have a main floor bathroom and given its size/layout, there is not space to add one in the existing house. Having just received two knee replacements, this has become an important consideration to remain in my home long term.

I am requesting a side yard set-back variance to create a 15'x10' addition to include a bathroom, laundry and mudroom/entrance, and 16'x7' open porch to tie into the look of the existing house. In any project I have worked on with the house, the most important factor is that it looks historically correct for its style and era. The finest complement is when someone tells me "it looks like it's always been there". I believe this design achieves this without encroaching any closer to the lot line. The design has the addition set in 14" from the outside dimensions of the main house, just like the existing North porch and the East side of the existing smaller South porch. This puts the exterior wall of the addition appx 8'3" from the lot line and the new eave appx 7'3" from the lot line.

Drainage will remain the same with gutters and downspouts discharging into the yard and garden to East and South.

The only neighbor impacted is immediately to the West. They have reviewed my plans and do not have objections. In fact, they will benefit as my addition will create better separation and privacy in the backyard for them. My house sits way back on the lot; about 30+ feet further than the others on the street. When completed, the addition will still set back 20 ft + further than the adjacent properties. There is no feasible location on the East side of the house for this addition. The design from all sides will maintain the historical integrity of this special old house.

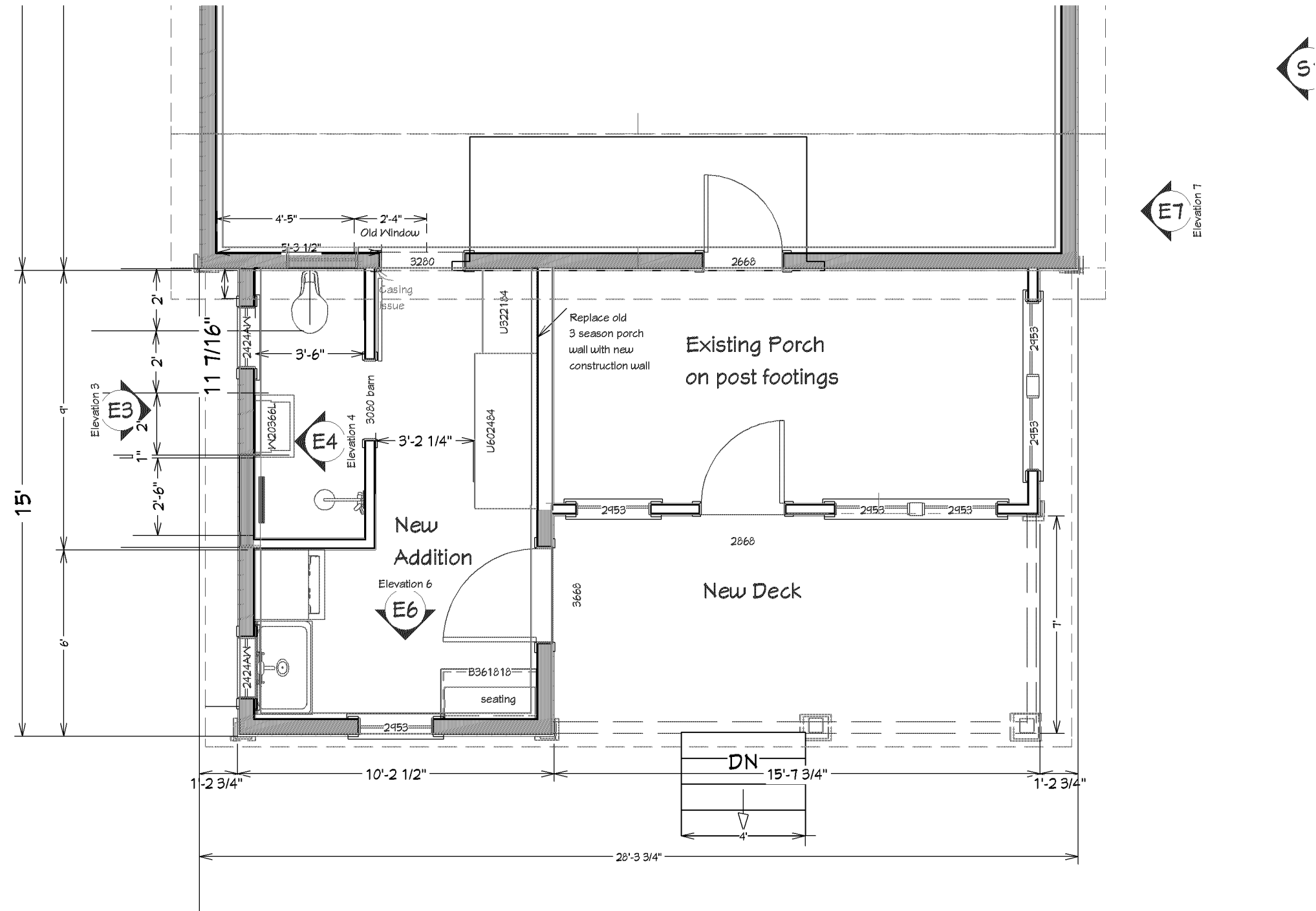
Thank you for your consideration.

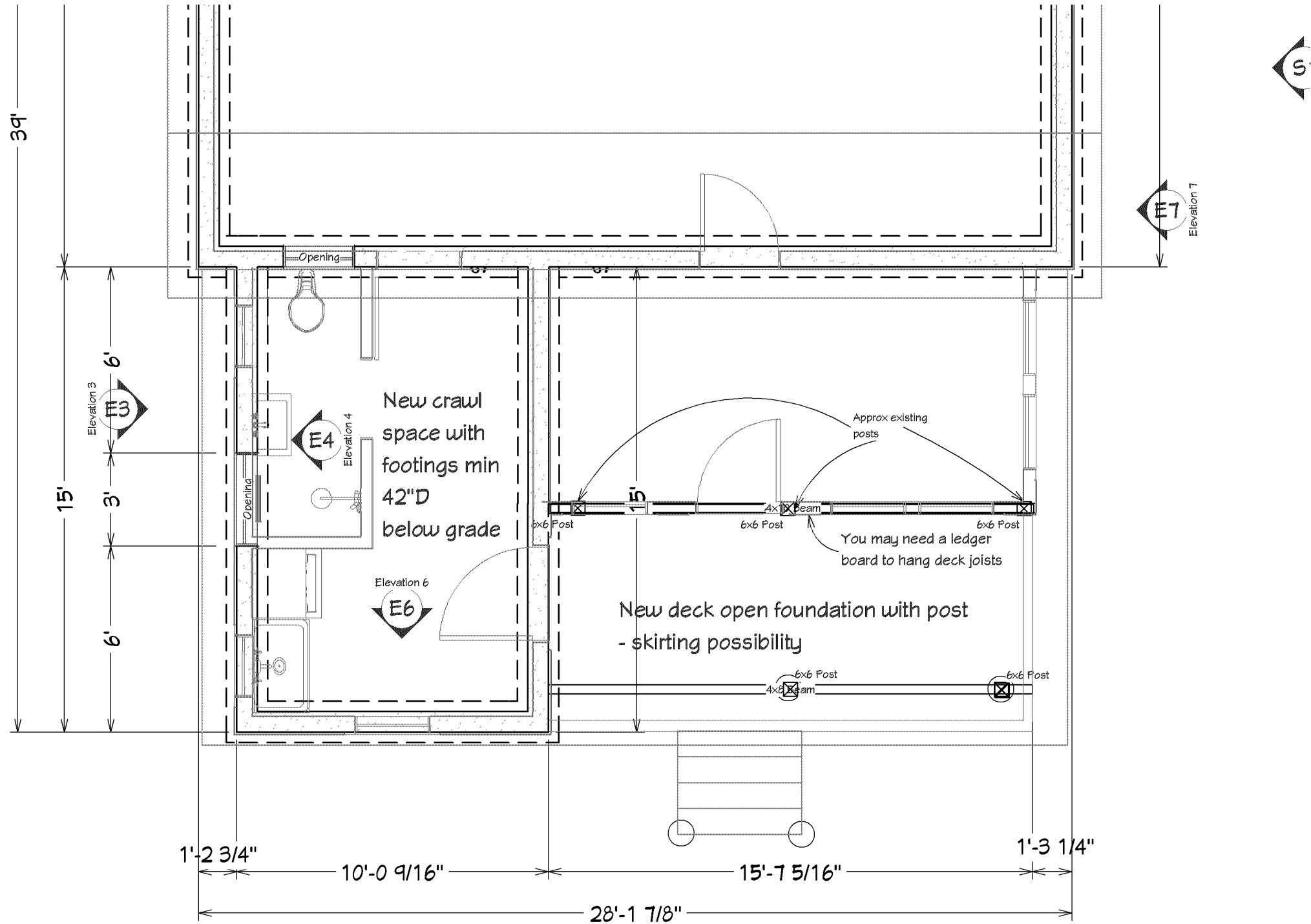


Kimberley Poe

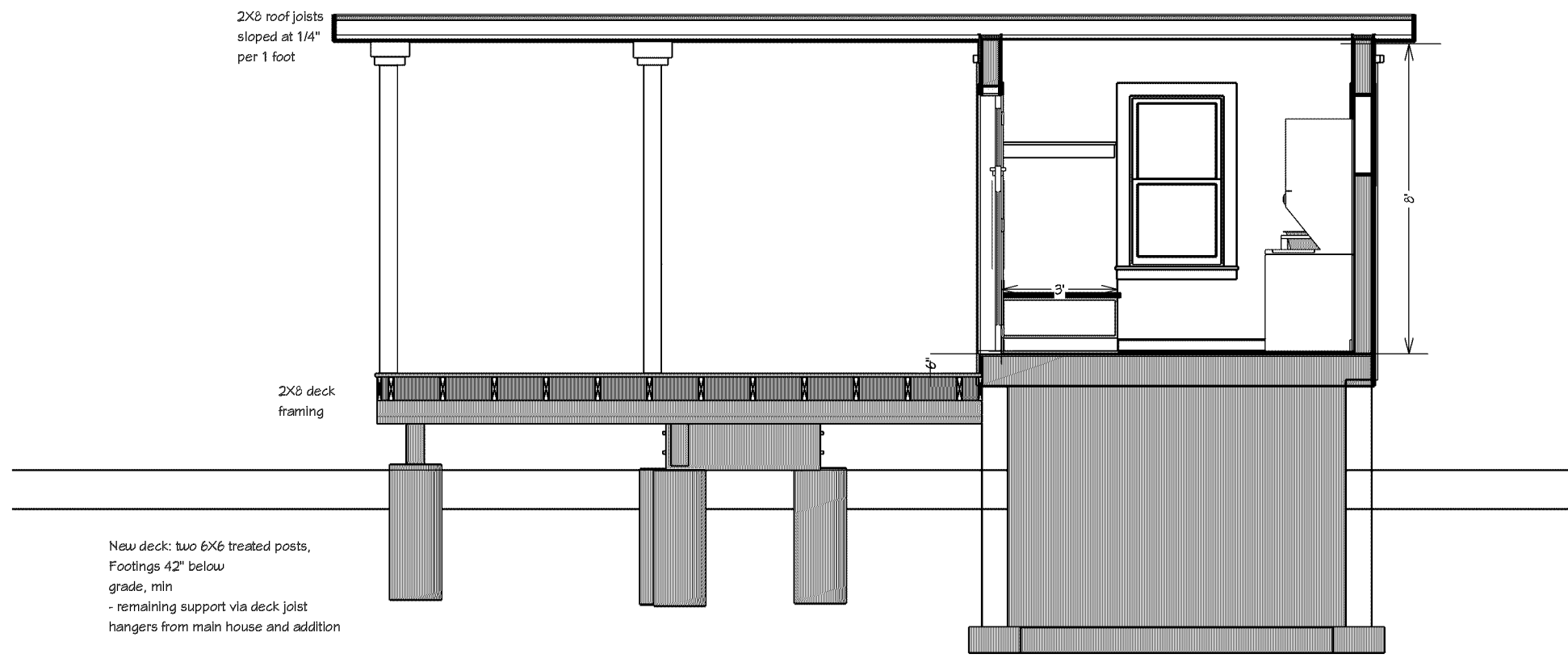
Owner



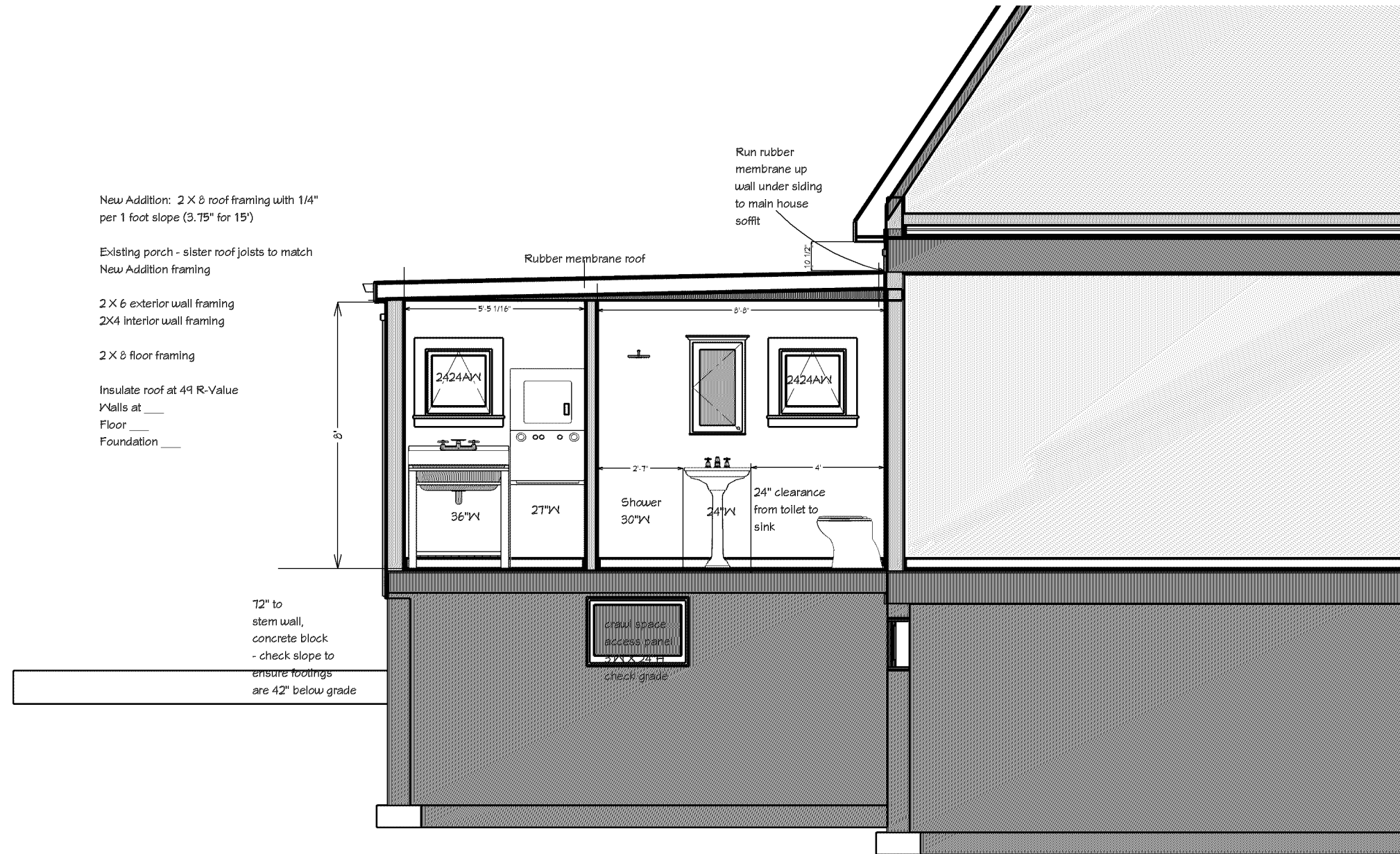




Foundation



Elevation 6

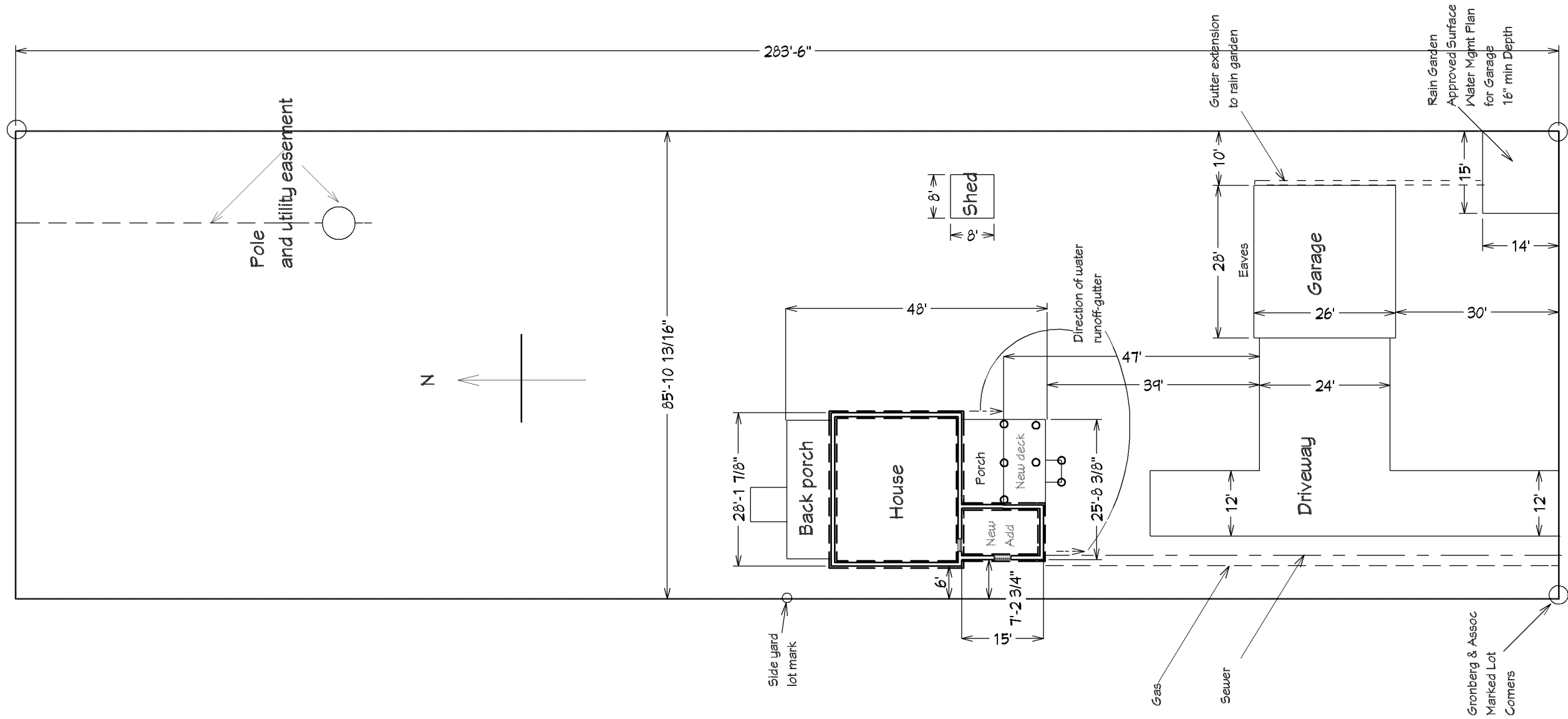


Elevation 4



Elevation 5





Plot Plan View

Scale: 1/22" = 1 foot

Blue Sky Design
Poe Addition
23320 Park St, Shorewood

Scale: 1/4" = 1 foot
unless otherwise noted

Constuction
Plan 5.20.21

Emma Notermann

From: Claire Commers <ccommers@mediacombb.net>
Sent: Monday, June 28, 2021 2:18 PM
To: Planning
Subject: Addition to existing home - Kimberly Poe - 23320 Park Street

Hello Shorewood Planning Dept.,

I received your letter about my neighbors request for a variance. I live next door at 23290 Park Street. I do have a concern if the variance is between her home and mine. My home sits below hers. There is a steep embankment between our homes. With construction I worry that the hill would erode even more. I believe Kim would need to secure the hill somehow be it a Boulder wall or another system to hold the earth in place. If it would help I can send you photos.

Sincerely,

Claire Commers

Sent from my iPhone

**RESOLUTION 2021-080
CITY OF SHOREWOOD
COUNTY OF HENNEPIN
STATE OF MINNESOTA**

**A RESOLUTION APPROVING A VARIANCE TO THE SIDE YARD SETBACK FOR
PROPERTY LOCATED AT 23320 PARK STREET**

WHEREAS, Kimberly Poe, (the “Applicant”) proposes encroachments beyond the current nonconforming footprint of the home on property legally described as:

Lots 1 and 12, Block 2, Ball’s Addition to Excelsior, according to the recorded plat thereof, Hennepin County, Minnesota.

WHEREAS, the Applicant has applied for a variance to allow an addition to be 7.2 feet from the side property line where 10 feet is required; and

WHEREAS, the Applicant’s request was reviewed by the planning staff, whose recommendation is included in a memorandum for the July 6, 2021 Planning Commission meeting, a copy of which is on file at City Hall; and

WHEREAS, the Planning Commission held a public meeting on July 6, 2021 to review the application, the minutes of the meetings are on file at City Hall; and

WHEREAS, the City Council considered the application at its regular meeting on July 26, 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 R-1D zoning district, which requires all buildings to be set back 10 feet from the side property lines.
2. The existing home was constructed in 1924, prior to modern zoning regulations.
3. The existing home is considered legally non-conforming and is currently located as close as six feet to the side property line.
4. Section 1201.03 Subd. 1, i. of the zoning regulations provides that a legal nonconforming home may be expanded provided that the expansion does not increase the nonconformity and complies with the height and setback requirements of the district in which it is located.

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. The Applicant's proposal is identified on the application materials and plans submitted on May 24, 2021, and June 4, 2021.

CONCLUSIONS

- A. Based upon the foregoing, and the records referenced herein, the City Council hereby approves the Applicant's request to construct an addition to be 7.2 feet from the side yard, based on the plans and materials submitted May 24, 2021, and June 4, 2021.
- B. The City Council specifically finds that the Applicant's request for the variance is consistent with the variance criteria listed in the zoning ordinance as it specifically demonstrates practical difficulties based on the original construction date of the home and would be the minimum request to alleviate the practical difficulties. Additionally, that the improvements proposed would not inappropriately impact the area, public welfare or other lands/improvements in the area.
- C. The variance shall expire one year after approval unless the applicant has completed the project or an extension has been requested in accordance with Section 1201.05 Subd. 3 of City Code.
- D. 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 26th day of July, 2021.

Jennifer Labadie, Mayor

Attest:

Sandie Thone, City Clerk



City of Shorewood Council Meeting Item

#7C

MEETING TYPE
Regular Meeting

Title / Subject: Lot Line Adjustment
Location: 19210 Waterford Place and 5520 Vine Hill Road

Applicant: Todd Cebulla

Meeting Date: July 26, 2021
Prepared by: Emma Notermann, Planning Technician

Review Deadline: August 31, 2021

Attachments: Planning Staff Memorandum
Revised Survey
Resolution

Background: See the planning staff memorandum for detailed background on this item.

At the July 6, 2021 meeting, the Planning Commission unanimously recommended approval of the request for the lot line adjustment with the condition that the applicant submit an updated survey, legal descriptions and easements to show both parcels meeting the 20,000 sq.ft. minimum lot size.

The applicant was present at the meeting and no public comment was received.

After the meeting, the applicant submitted a revised survey, legal descriptions and easements that satisfy the minimum lot sizes for both parcels. The updated submission is attached.

ADDRESS	EXISTING		PROPOSED		REQUIRED IN the PUD	
	Lot Area (sq. ft.)	Lot Width* (lineal ft.)	Lot Area (sq. ft.)	Lot Width* (lineal ft.)	Lot Area (sq. ft.)	Lot Width* (lineal ft.)
19210 Waterford Place	29, 338	±109	38,652	No change	20,000	100 feet
5520 Vine Hill Road	29, 317	±109	20,002	No change		

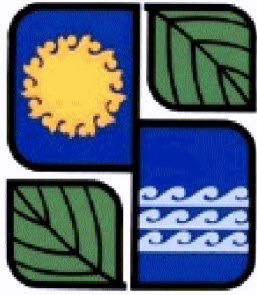
Mission Statement: The City of Shorewood is committed to providing residents quality public services, a healthy environment, a variety of attractive amenities, a sustainable tax base, and sound financial management through effective, efficient, and visionary leadership.

Financial or Budget Considerations: The fee paid by the applicant covers the cost of processing the application.

Recommendation / Action Requested: The Planning Commission recommended approval of the request for the lot line adjustment based on the findings that the subdivision regulations have been met, subject to the conditions in the attached resolution.

Action on this item requires a simple majority.

Next Steps and Timelines: If the item is approved, the resolution could be recorded at Hennepin County after the conditions of approval are satisfied.



CITY OF SHOREWOOD

5755 Country Club Road • Shorewood, Minnesota 55331 • 952-960-7900
www.ci.shorewood.mn.us • cityhall@ci.shorewood.mn.us

MEMORANDUM

TO: Planning Commission, Mayor and City Council

FROM: Emma Notermann, Planning Technician

MEETING DATE: July 6, 2021

RE: Lot Line Adjustment

LOCATION: 19210 Waterford Place and
5520 Vine Hill Road

APPLICANTS: Todd Cebulla

REVIEW DEADLINE: August 31, 2021

ZONING: PUD

COMPREHENSIVE PLAN: Low Density Residential

FILE NO.: 21.12



REQUEST

The property owner is requesting a lot line adjustment between two lots that he owns. The result will still be two separate parcels, but with land subtracted from the northerly parcel and added to the southerly parcel.

BACKGROUND

Context: The subject properties are currently developed with a single-family home on each lot. Under the plan, the existing homes would remain. The existing home at 19210 Waterford Place was constructed in 2015. The existing home at 5520 Vine Hill Road was constructed in 1970. Both lots were created as part of Registered Land Survey No. 0847 in 1959 and subsequently rezoned to be part of the Waterford PUD.

The properties contain mature trees, but no development is proposed at this time. No portion of the property is within a 100-year floodplain or shoreland overlay district.

The adjacent properties are all developed with single family homes.

ANALYSIS

The application that was received on May 5, 2021 indicated a lot line adjustment that would redistribute land between 19210 Waterford Place and 5520 Vine Hill Road as follows:

ADDRESS	EXISTING		PROPOSED		REQUIRED IN the PUD	
	Lot Area (sq. ft.)	Lot Width* (lineal ft.)	Lot Area (sq. ft.)	Lot Width* (lineal ft.)	Lot Area (sq. ft.)	Lot Width* (lineal ft.)
19210 Waterford Place	29, 338	±109	41, 073	No change	20,000	100 feet
5520 Vine Hill Road	29, 317	±109	17,581**	No change		

*As measured at the front setback

**See related Lot Area information below

Lot area: After review of the application, staff determined that the new parcel size for 5520 Vine Hill Road did not meet the minimum standard for the zoning district. Staff worked with the applicant, and he has agreed to submit revised plans with the new parcel for 5520 Vine Hill Road being at least 20,000 square feet. At the time of packet publication, staff did not yet have these revised plans due to the availability of the applicant's surveyor and the July 4th holiday. The applicant would have to submit the revised survey prior to the City Council meeting on this item.

Since there is enough square footage between both parcels to redistribute the land and meet the minimum requirement of 20,000 square feet; and because the applicant is aware and willing to make the adjustment, staff would recommend including a condition that the applicant meet the minimum lot area for 5520 Vine Hill Road.

Easements: Section 1202.05 Subd. 6 requires 10-foot drainage and utility easements around the periphery of each lot. As a condition of approval, staff recommends the applicants be required to provide easements consistent with city code requirements. The applicant has submitted legal descriptions for the easements that would need to be updated with the new property boundaries.

RECOMMENDATION

Staff recommends approval of the lot line adjustment affecting the properties addressed as 19210 Waterford Place and 5520 Vine Hill Road, subject to the following conditions:

1. The applicant submit an updated survey and legal descriptions that show the new parcel for 5520 Vine Hill Road being at least 20,000 square feet and the parcel for 19210 Waterford Place being no more than 38, 655 square feet.
2. The applicant submit updated 10-foot drainage and utility easements for both parcels for staff to approve the language of.
3. The applicant submit executed 10-foot drainage and utility easements for both parcels.

ATTACHMENTS

Location Map

Page 3

Applicants' narrative
Survey of properties

19210 Waterford Place & 5520 Vine Hill Road Location Map



Emma Notermann

From: Todd Cebulla <toddcebulla@hotmail.com>
Sent: Wednesday, May 5, 2021 4:15 PM
To: Emma Notermann
Subject: Written narrative for minor subdivision
Attachments: 2021004 5-5-2021.pdf

Good afternoon, Emma

Thank you again for your help this afternoon. I discovered an error on the survey involving the hardcover calculations. I have attached the surveyor's updated and correct survey. If you would like me to print an 11x17 copy and drop it off, please let me know. Also the written narrative can be found below.

Thanks

Todd Cebulla

To whom it may concern:

I am requesting a minor subdivision involving two lots which my wife and I currently own (Parcel A--PID [36-117-23-11-0003](#) and Parcel B--36-23-117-11-0004) . Both lots currently have and will continue to have existing single family dwellings on them. Two lots conforming to the minimum lot size set out for this zone which is a Planned Unit Development (PUD) will be maintained with Parcel B absorbing 11,735 square feet of the west end of Parcel A. No physical changes are being made to either property; therefore, this minor subdivision will be completed upon approval from the city and the required recording at the county.

Thank you

Todd Cebulla

EXISTING LEGAL DESCRIPTIONS:

36-117-23-11-0003: TRACT A, REGISTERED LAND SURVEY NO. 847, EXCEPT VINE HILL ROAD RIGHT-OF-WAY, HENNEPIN COUNTY, MINNESOTA

36-117-23-11-0004: TRACT B, REGISTERED LAND SURVEY NO. 847, EXCEPT VINE HILL ROAD RIGHT-OF-WAY, HENNEPIN COUNTY, MINNESOTA

PROPOSED LEGAL DESCRIPTIONS:

PARCEL A: THAT PART OF TRACT A, REGISTERED LAND SURVEY NO. 847, HENNEPIN COUNTY, MINNESOTA LYING WEST OF THE WEST RIGHT-OF-WAY OF VINE HILL ROAD AND EAST OF A LINE DESCRIBED AS COMMENCING AT THE SOUTHEAST CORNER OF SAID TRACT A; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS WEST ON AN ASSUMED BEARING ALONG THE SOUTH LINE OF SAID TRACT A A DISTANCE OF 130.00 FEET; THENCE NORTH 43 DEGREES 21 MINUTES 57 SECONDS WEST A DISTANCE OF 151.15 FEET, MORE OF LESS, TO THE NORTH LINE OF SAID TRACT A AND SAID LINE THERE TERMINATING.

THE ABOVE DESCRIBED PARCEL A IS SUBJECT TO AN EASEMENT FOR PUBLIC DRAINAGE AND UTILITIES, SAID EASEMENT BEING STRIP OF LAND 10.00 FEET TO THE LEFT OF THE FOLLOWING DESCRIBED LINE: BEGINNING AT THE NORTHEAST CORNER OF SAID TRACT A; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS WEST ON AN ASSUMED BEARING ALONG THE NORTH LINE OF SAID TRACT A, A DISTANCE OF 234.06 FEET; THENCE SOUTH 43 DEGREES 21 MINUTES 57 SECONDS EAST, A DISTANCE OF 151.15 FEET; THENCE SOUTH 90 DEGREES 00 MINUTES 00 SECONDS EAST, A DISTANCE OF 130.00 FEET; THENCE NORTH 00 DEGREES 08 MINUTES 41 SECONDS EAST, A DISTANCE OF 109.88 FEET TO THE POINT OF BEGINNING.

PARCEL B: TRACT B, REGISTERED LAND SURVEY NO. 847, EXCEPT VINE HILL ROAD RIGHT-OF-WAY, HENNEPIN COUNTY, MINNESOTA

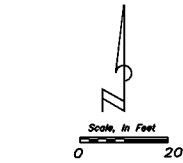
AND THAT PART OF TRACT A, REGISTERED LAND SURVEY NO. 847, HENNEPIN COUNTY, MINNESOTA LYING WEST OF A LINE DESCRIBED AS COMMENCING AT THE SOUTHEAST CORNER OF SAID TRACT A; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS WEST ON AN ASSUMED BEARING ALONG THE SOUTH LINE OF SAID TRACT A A DISTANCE OF 130.00 FEET; THENCE NORTH 43 DEGREES 21 MINUTES 57 SECONDS WEST A DISTANCE OF 151.15 FEET, MORE OF LESS, TO THE NORTH LINE OF SAID TRACT A AND SAID LINE THERE TERMINATING.

THE ABOVE DESCRIBED PARCEL B IS SUBJECT TO AN EASEMENT FOR PUBLIC DRAINAGE AND UTILITIES, SAID EASEMENT BEING STRIP OF LAND 10.00 FEET TO THE LEFT OF THE FOLLOWING DESCRIBED LINE: BEGINNING AT THE NORTHEAST CORNER OF SAID TRACT B; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS WEST ON AN ASSUMED BEARING ALONG THE NORTH LINE OF SAID TRACT B, A DISTANCE OF 130.00 FEET; THENCE NORTH 43 DEGREES 21 MINUTES 57 SECONDS WEST, A DISTANCE OF 151.15 FEET; THENCE SOUTH 90 DEGREES 00 MINUTES 00 SECONDS WEST, A DISTANCE OF 32.70 FEET; THENCE SOUTH 00 DEGREES 11 MINUTES 32 SECONDS WEST, A DISTANCE OF 219.82 FEET; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST, A DISTANCE OF 266.85 FEET; THENCE NORTH 00 DEGREES 11 MINUTES 32 SECONDS EAST, A DISTANCE OF 109.94 FEET TO THE POINT OF BEGINNING.

CERTIFICATE OF SURVEY

PREPARED FOR:

TODD CEBULLA
5520 VINE HILL RD
SHOREWOOD MN 55331



LEGEND:

- FOUND IRON PIPE (AS NOTED)
- SET 1/2" REBAR W/CAP #44109
- ⤴ POWER POLE (WITH GUY ANCHOR)
- ⊕ FIRE HYDRANT
- ⊞ GATE VALVE
- COMMUNICATIONS PEDESTAL
- ⊗ CATCH BASIN
- ⊙ SANITARY SEWER MANHOLE
- ⊙ DECIDUOUS TREE (SIZE IN INCHES)
- ★ CONIFEROUS TREE (SIZE IN INCHES)
- OH — OVERHEAD UTILITY LINE

NOTES:

- THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE INSURANCE COMMITMENT.
- ADDRESSES OF THE SUBJECT PROPERTIES:
P.I.D. 36-117-23-11-0003: 5520 VINE HILL ROAD, SHOREWOOD, MN 55331
P.I.D. 36-117-23-11-0004: 19210 WATERFORD PLACE, SHOREWOOD, MN 55331
- PARCEL AREAS:
36-117-23-11-0003: 29,317 SQ. FT. (0.673 ACRES)
36-117-23-11-0004: 29,338 SQ. FT. (0.674 ACRES)
PROPOSED PARCEL A: 20,002 SQ. FT. (0.459 ACRES)
PROPOSED PARCEL B: 38,652 SQ. FT. (0.887 ACRES)
- BEARING BASIS IS ASSUMED.
- DATE OF FIELDWORK: APRIL 2021

HARDCOVER CALCULATIONS:

5520 VINE HILL ROAD:

CONCRETE: 125 SQ. FT.
HOUSE: 932 SQ. FT.
GARAGE (INCLUDING ELEVATED PORTION): 884 SQ. FT.
SHED: 100 SQ. FT.
BITUMINOUS: 1,522 SQ. FT.

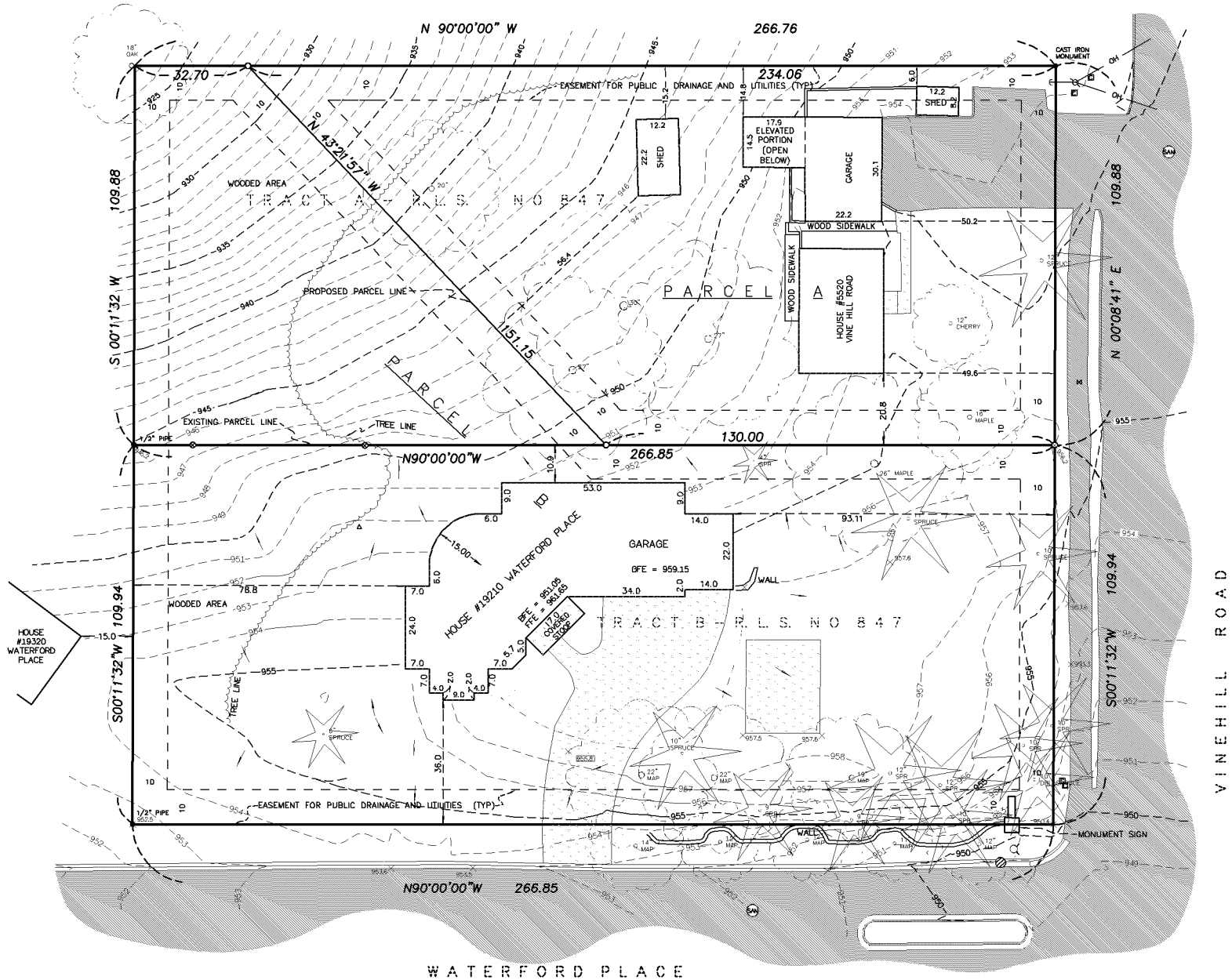
TOTAL: 3,563 SQ. FT. (12.1% OF EXISTING PARCEL OR 17.8% OF PROPOSED PARCEL A)

19210 WATERFORD PLACE:

CONCRETE PAD: 582 SQ. FT.
HOUSE: 3,470 SQ. FT.
CONCRETE STOOP AND DRIVEWAY: 2,136 SQ. FT.
MONUMENT SIGN: 21 SQ. FT.

TOTAL: 6,209 SQ. FT. (21.1% OF EXISTING PARCEL OR 16.1% OF PROPOSED PARCEL B)

- CONCRETE SURFACE
- BITUMINOUS SURFACE



CERTIFICATION :

I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the state of Minnesota.

SIGNED : *Travis W. Van NESTE*

Travis W. Van NESTE, Minnesota Professional Surveyor #44109
Michigan Professional Surveyor #40095

JOB # 2021004	ISSUED: 4-26-2021	
DRAWN BY: TWVN	REV: 7-19-2021	
SCALE: 1"=20 FEET		

VAN NESTE SURVEYING
PROFESSIONAL SURVEYING SERVICES
4400 WEST ARM RD, UNIT 120, SPRING PARK, MN 55384
(952) 686-3055 VANNESTESURVEYING.COM



RESOLUTION 21-081

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

**A RESOLUTION APPROVING A LOT LINE ADJUSTMENT FOR PROPERTIES AT
19210 WATERFORD PLACE AND 5520 VINE HILL ROAD**

WHEREAS, Todd Cebulla is the owners of real property addressed as 19210 Waterford Place and 5520 Vine Hill Road (the “Applicant”); and

WHEREAS, his properties in the City of Shorewood (the “City”), are legally described as:

Property at 19210 Waterford Place:

TRACT B, REGISTERED LAND SURVEY NO. 847, EXCEPT VINE HILL ROAD RIGHT-OF-WAY, HENNEPIN COUNTY, MINNESOTA

AND THAT PART OF TRACT A, REGISTERED LAND SURVEY NO. 847, HENNEPIN COUNTY, MINNESOTA LYING WEST OF A LINE DESCRIBED AS COMMENCING AT THE SOUTHEAST CORNER OF SAID TRACT A; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS WEST ON AN ASSUMED BEARING ALONG THE SOUTH LINE OF SAID TRACT A A DISTANCE OF 130.00 FEET; THENCE NORTH 43 DEGREES 21 MINUTES 57 SECONDS WEST A DISTANCE OF 151.15 FEET, MORE OF LESS, TO THE NORTH LINE OF SAID TRACT A AND SAID LINE THERE TERMINATING.

Property at 5520 Vine Hill Road:

THAT PART OF TRACT A, REGISTERED LAND SURVEY NO. 847, HENNEPIN COUNTY, MINNESOTA LYING WEST OF THE WEST RIGHT-OF-WAY OF VINE HILL ROAD AND EAST OF A LINE DESCRIBED AS COMMENCING AT THE SOUTHEAST CORNER OF SAID TRACT A; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS WEST ON AN ASSUMED BEARING ALONG THE SOUTH LINE OF SAID TRACT A A DISTANCE OF 130.00 FEET; THENCE NORTH 43 DEGREES 21 MINUTES 57 SECONDS WEST A DISTANCE OF 151.15 FEET, MORE OF LESS, TO THE NORTH LINE OF SAID TRACT A AND SAID LINE THERE TERMINATING.

WHEREAS, the Applicant has applied to the City for a lot line adjustment of said real property into two parcels legally described and illustrated in Exhibit A, attached hereto and made a part hereof; and

WHEREAS, the Applicant has agreed to grant the City ten-foot drainage and utility easements around the periphery of each lot; and

WHEREAS, the application was considered by the Planning Commission at a regular meeting held on July 6, 2021, the minutes are on file at City Hall; and

WHEREAS, the City Council considered the application at its regular meeting on July 26, 2021, at which time the Planning Director's memorandum and the Planning Commission's recommendations were reviewed and comments were heard by the Council from the Applicant and City staff.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Shorewood as follows:

1. The real property legally described above is hereby approved for division into two parcels, legally described and illustrated in Exhibit A, consistent with the plans received by the city on July 19, 2021.
2. Prior to release of this resolution, the Applicant shall execute ten-foot drainage and utility easements around the periphery of each lot.
3. The City Clerk will furnish the Applicant with a certified copy of this resolution for recording purposes when the above conditions are satisfied.
4. The Applicant shall record this resolution and the easements with the Hennepin County Recorder or Registrar of Titles within thirty (30) days of the date of the certification of this resolution.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF SHOREWOOD this 26th day of July, 2021.

Jennifer Labadie, Mayor

ATTEST:

Sandie Thone, City Clerk

Exhibit A:

Proposed New property description for 19210 Waterford Place:

TRACT B, REGISTERED LAND SURVEY NO. 847, EXCEPT VINE HILL ROAD RIGHT-OF-WAY, HENNEPIN COUNTY, MINNESOTA

AND THAT PART OF TRACT A, REGISTERED LAND SURVEY NO. 847, HENNEPIN COUNTY, MINNESOTA LYING WEST OF A LINE DESCRIBED AS COMMENCING AT THE SOUTHEAST CORNER OF SAID TRACT A; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS WEST ON AN ASSUMED BEARING ALONG THE SOUTH LINE OF SAID TRACT A A DISTANCE OF 130.00 FEET; THENCE NORTH 43 DEGREES 21 MINUTES 57 SECONDS WEST A DISTANCE OF 151.15 FEET, MORE OF LESS, TO THE NORTH LINE OF SAID TRACT A AND SAID LINE THERE TERMINATING.

Proposed new property description for 5520 Vine Hill Road:

THAT PART OF TRACT A, REGISTERED LAND SURVEY NO. 847, HENNEPIN COUNTY, MINNESOTA LYING WEST OF THE WEST RIGHT-OF-WAY OF VINE HILL ROAD AND EAST OF A LINE DESCRIBED AS COMMENCING AT THE SOUTHEAST CORNER OF SAID TRACT A; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS WEST ON AN ASSUMED BEARING ALONG THE SOUTH LINE OF SAID TRACT A A DISTANCE OF 130.00 FEET; THENCE NORTH 43 DEGREES 21 MINUTES 57 SECONDS WEST A DISTANCE OF 151.15 FEET, MORE OF LESS, TO THE NORTH LINE OF SAID TRACT A AND SAID LINE THERE TERMINATING.

Replace this page with Survey.



City of Shorewood Council Meeting Item

7D

MEETING TYPE
Regular Meeting

Title / Subject: Conditional Use Permit (CUP) for a Fence

Location: 4865 Ferncroft Drive
Applicant: Jacob Gustafson and Allison Spies

Meeting Date: July 26, 2021
Prepared by: Emma Notermann, Planning Technician

Review Deadline: September 22, 2021

Attachments: Applicants Narrative
Planning Memorandum from the July 6, 2021 Meeting
Resolution

Background: See attached planning memorandum for detailed background on this request. At the July 6, 2021, the Planning Commission voted unanimously to recommend approval of the CUP for a fence no taller than five-feet, subject to conditions:

- 1) The applicant be required to acquire all necessary permits prior to constructing the fence.
- 2) Staff approves a plan to address the existing boulder wall that crosses through the drainage and utility easement to the adjoining property on the south side of the property.

Staff has been working with the applicant on a plan for the boulder wall. The applicant can either remove the wall from the drainage and utility easement or both property owners can sign encroachment agreements.

The applicant was present at the meeting and no public comment was recieved.

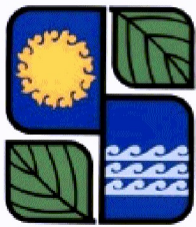
Financial or Budget Considerations: The application fees are adequate to cover the cost of processing the request.

Recommendation / Action Requested: Staff and the Planning Commission recommend approval of the request to construct a fence that varies from the regulations of the Shorewood City Code subject to the conditions in the attached resolution.

Proposed motion: Move to adopt the attached resolution approving a CUP for Jacob Gustafson and Allison Spies to construct a fence no taller than five-feet subject to the conditions listed in the attached resolution for the property located at 4865 Ferncroft Drive.

Action on this request would require a simple majority.

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

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, Mayor and City Council

FROM: Emma Notermann, Planning Technician

MEETING DATE: July 6, 2020

REQUEST: Conditional Use Permit (CUP)- Fence

APPLICANT: Jacob Gustafson and Allison Spies

LOCATION: 4865 Ferncroft Drive

REVIEW DEADLINE: September 22, 2021

LAND USE CLASSIFICATION: Low to Medium
Density Residential

ZONING: R-1D/S

FILE NUMBER: 21.14



REQUEST:

Jacob Gustafson and Allison Spies have requested a CUP to construct a five-foot fence on their property for the purpose of enclosing a portion of their rear yard. The request requires a CUP because the proposed fence is taller than the required height established for shoreline fences in city code.

Notice of this application and the public meeting was mailed to all property owners within 500 feet of the property at least 10 days prior to the meeting.

BACKGROUND

The property is zoned R-1D, Single Family Residential, and it is located in the Shoreland District, with the west end of the property abutting Lake William. It contains approximately 22,171 square feet of area. The property was part of a minor subdivision approved in 2019 and the existing home was completed in 2020.

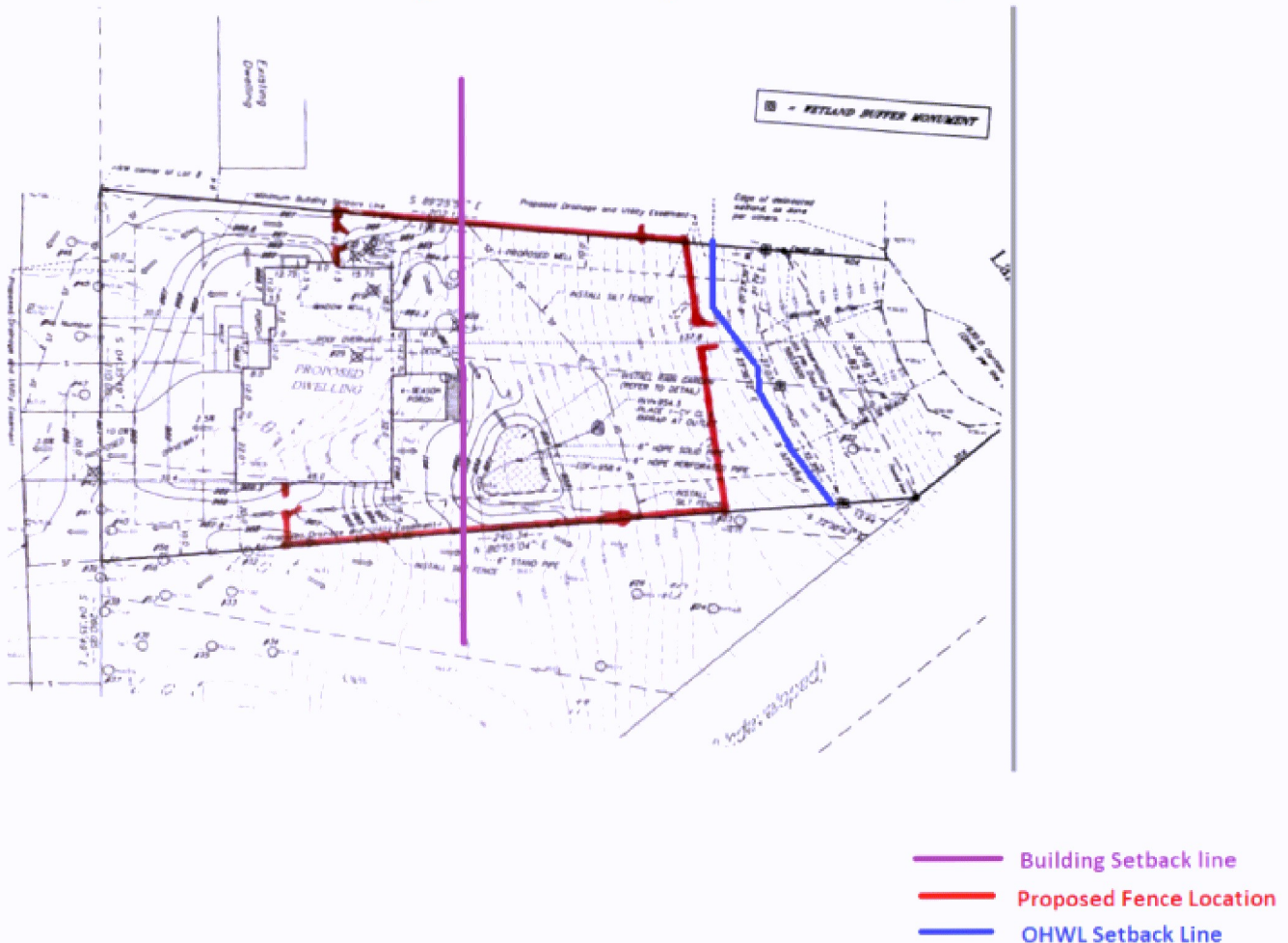
Applicable Code Sections:

City Code Section 1201.03, Subd. 2.f.11. provides for a CUP to be obtained for any fence when the construction, height or length vary from the fence regulations.

City Code Section 1201.03, Subd. 2.f.8. regulates the setback and height for a fence in the shoreline setback area.

ANALYSIS

The proposed fence will be located as shown on the attached plans, extending from the back of the home towards Lake William to enclose a portion of the rear yard of the property. The proposed fence will be a 5-foot-tall black vinyl, chainlink fence. The fence will meet the 50-foot setback from the Ordinary High Water Level (OHWL) of Lake William. However, City Code Section 1201.03, Subd. 2.f.8. states that no fence in the Shoreland District may be taller than four feet when extending from the required setback line to the average building construction setback line. The image below shows the OHWL setback line and the average building setback line, as well as the proposed fence location. Any portion of the fence that extends towards the lake from the building setback line is subject to the four-foot height restriction.



Since the proposed fence varies from the regulations of City Code Section 1201.03, Subd. 2.f.8- Shoreline fences in height, a CUP may be issued as provided by City Code Section 1201.03, Subd. 2.f.11.

Additionally, staff would note that the plans submitted for the fence show a boulder wall that extends through the ten-foot drainage and utility easement and across the south side property line. This boulder wall was not approved as part of the original building permit and the location within the easement and crossing the property line would not be a permitted improvement to the property.

FINDINGS/RECOMMENDATION

Staff finds this fence CUP request does not cause any adverse effects on the general welfare, public health, and safety due to the following reasons.

The proposed use, and its related construction, would be consistent with the policies and provisions of the Comprehensive Plan. Although the proposed fence varies slightly from the provisions of the City Code, it is not inconsistent with a reasonable use of the property, considering that a four (4) foot fence is allowed.

The proposed fence would be compatible with present and future residential land uses in the area and would not tend to or actually depreciate the area in which it is proposed. The proposed chainlink fence would allow the homeowners to enclose their backyard, without causing a great disruption of view from Lake William.

The proposed fence would be accommodated with existing public services including public streets, as it is proposed to be located entirely on the applicant's property and setback adequately from the OHWL of Lake William.

The establishment of the proposed fence would promote and enhance the general public welfare by providing additional security for the property owners and their dogs. The fence would not be detrimental to or endanger the public health and safety of any adjacent property owners.

By obtaining a conditional use permit, the proposed fence would conform to the applicable regulations of city code that allow for a fence that varies by construction, height or length.

Therefore, staff would recommend approval of the CUP for the fence height to be five feet where four feet is required by city code. These criteria are open to interpretation and consequently, the Planning Commission could reasonably find otherwise. Should the Planning Commission recommend approval of the fence CUP, staff recommends that the following conditions be included:

- 1) The applicant be required to acquire all necessary permits prior to constructing the fence.
- 2) Plans to remove or relocate the existing boulder wall that crosses through the drainage and utility easement to the adjoining property on the south side of the property be submitted and approved by staff.

ATTACHMENTS

Location map

Applicants' narrative and plans

City Code Section 1201.03, Subd. 2.f- Fences

4865 Ferncroft Drive Location Map



Jacob Gustafson and Allison Spies
4865 Ferncroft Drive
Shorewood MN 55331

City of Shorewood
25 May 2021 (updated 27 June 2021)

Fence Height Increase Requiring Conditional Use Permit

We have recently completed a new home build adjacent to Lake William and look forward to joining the Shorewood community. We are respectfully requesting permission to increase the height of our backyard fence from four foot to five foot to allow us to safely contain our two dogs, Samson and Matilda. Samson and Matilda are very good-natured eight and six year old Tibetan Mastiffs whose heights require a five-foot fence for containment. Both dogs have completed the extensive training required to be recognized as American Kennel Club Canine Good Citizens. The dogs attend nursing homes in a therapy capacity and we want them to be able to enjoy time in the backyard without needing to be leashed.

We are keenly aware of our responsibility to preserve an open, accessible and attractive lakefront. The proposed fence meets all other fencing requirements mandated by the city, to include lake setback and openness. It is a style that will be easily concealed by vegetation and placement. In reference to the performance standards referenced in the Zoning Regulations:

1. The Shorewood 2040 Comprehensive Plan notes that Shorewood is committed to keeping the shore land areas as natural as possible (pg. 97). In the spirit of the comprehensive plan we have selected a black chain-link and cedar alternating board fence that will blend seamlessly into the vegetation.
2. The proposed extra 12 inches of fence is compatible with present and future land uses in the area and would not tend to or actually depreciate the lakeshore of Lake William. The proposed fence remains close to the house, within setback guidelines and will be professionally landscaped to additionally conceal its position from neighbors and anyone enjoying activities on Lake William.
3. The proposed fence would provide no additional burden on the city's service capability and would be accommodated with existing public services, including public streets.
4. The establishment, maintenance and operation of the fence would promote and enhance the general public welfare and would not be detrimental to or endanger public safety. The increase of the fence's height does not obstruct any sightlines and allows for Samson and Matilda to be safely contained. The dogs' ability to jump over a 4ft fence and their lack of road sense means their own welfare is compromised without the fence height increase requested.
5. The proposed use of the conditional use permit, to safely contain our domestic dogs, conforms to the applicable regulations of the district and the city code.

On the following page we have included pictures of the fence styles we believe will blend seamlessly into the garden area with their additional twelve inches in height. We have also included photos of our dogs for reference.

Proposed Fence Styles



A 5ft cedar alternating board fence is proposed for the street facing and near side of house



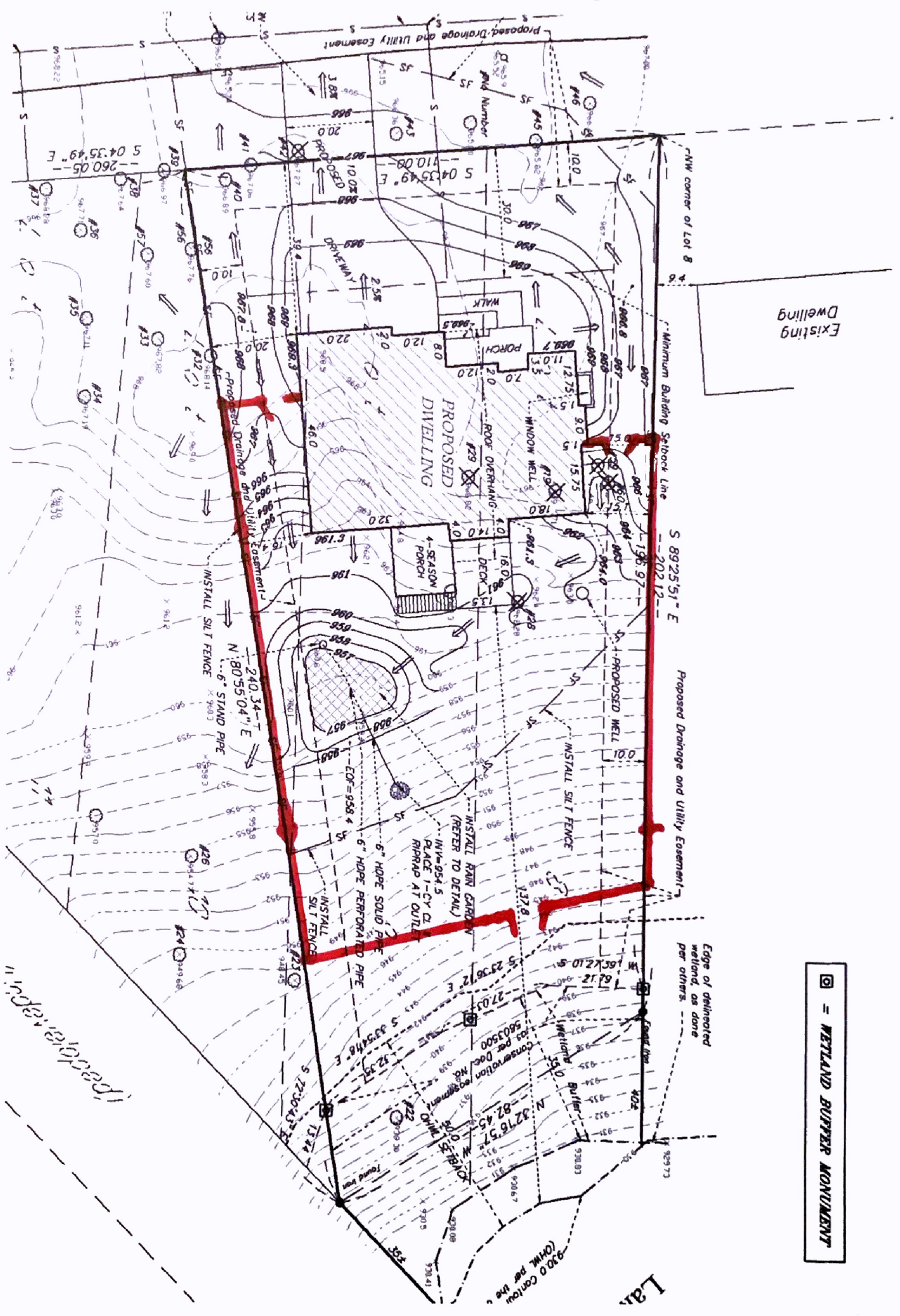
A 5ft black vinyl chain-link fence is proposed in the backyard between the house and Lake William

Samson and Matilda



☐ = WETLAND BUFFER MONUMENT

Edge of delineated wetland, as done per others.





Sterling Fence Inc.

13480 Pioneer Trail
Eden Prairie, MN 55347
Fax: (952) 868-3316

OFFICE USE ONLY

Date Started _____

Date Completed _____

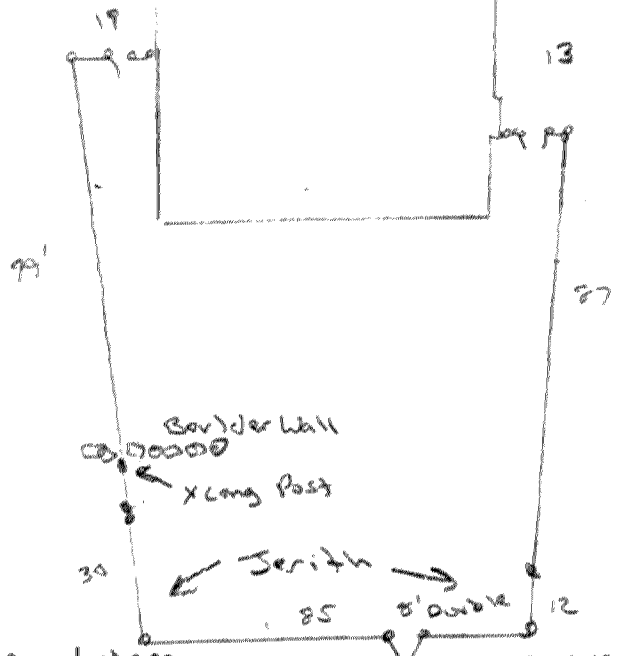
CUSTOMER Allison Spies + Jacob Gustafson

ADDRESS 4865 Finncroft Drive

Shorewood ZIP 55331 JOB NO. 136298

PHONE (Hm) 205 705 8488 (Wk) _____ SALESMAN Caci

FENCING DIAGRAM



Style 6' Alt + Beam # 202

Height 6' 60"

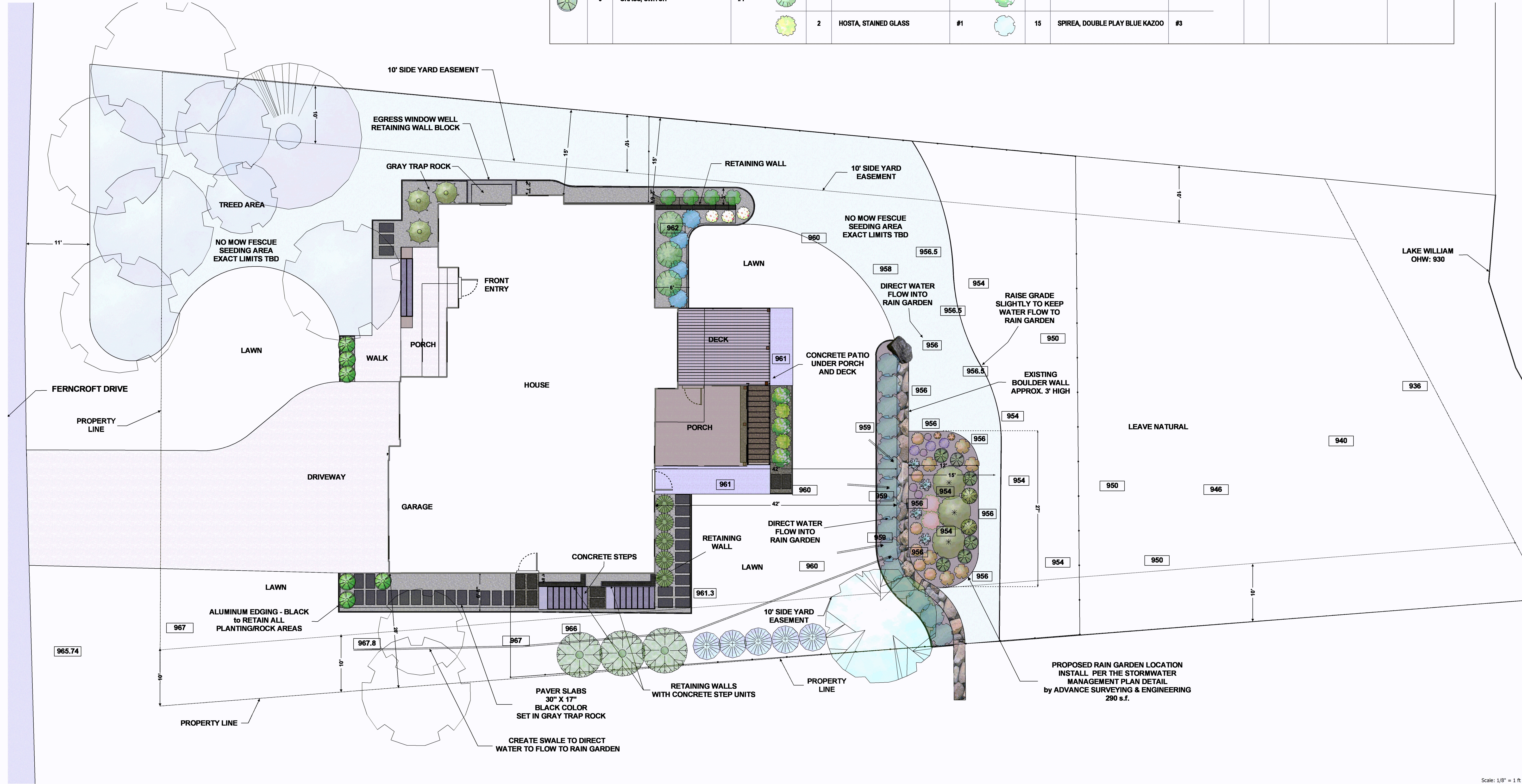
Color Cedar Bronze


















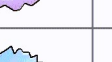






Post Cap _____

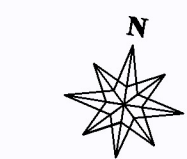
Removal (see back) ☒ Yes ☐ No Wood _____ ft

Head ☒ Yes ☐ No Chain Link _____ ft

Obstructions: i.e. Brush, Bushes, Terrain / Special Instructions:



PLANT LIST - GUSTAFSON-SPIES															
Symbol	Qty	Common Name	Container	Herbaceous/Perennials											
Groundcovers/Evergreen					3	ASTER, NEW ENGLAND	#1		2	JOE PYE WEED, BABY JOE	#1		4	STEPHANANDRA, CRISPA CUTLEAF	#2
	3	YEW, TAUNTON	#3		3	ASTILBE, FANAL	#1		2	MILKWEED, SWAMP	#1	Shrubs/Evergreen			
Groundcovers/Ornamental Grass					3	ASTILBE, FANAL	#1		6	RUDBECKIA, BLACK EYED SUSAN	#1		5	ARBORVITAE, NORTH POLE	#20
											Trees/Deciduous				
	5	GRASS, KARL FOERSTER	#1		2	BUTTERFLY FLOWER	#1	Shrubs/Deciduous				3	BIRCH, DAKOTA PINNACLE	#20	
	4	GRASS, LITTLE BLUESTEM	#1		4	CONEFLOWER, PURPLE	#1		3	DOGWOOD, ISANTI	#2		1	MAPLE, AUTUMN BLAZE	2" BB
	6	GRASS, OVERDAM	#1		4	HOSTA, BLUEBERRY MUFFIN	#1		6	DWARF BUSH HONEYSUCKLE	#2				
	6	GRASS, SWITCH	#1		3	HOSTA, EARTH ANGEL	#1		3	HYDRANGEA, BOBO	#3				
					2	HOSTA, STAINED GLASS	#1		15	SPIREA, DOUBLE PLAY BLUE KAZOO	#3				



f. *Fences - general requirements.*

(1) *Permit required.* No person, firm or corporation shall construct or erect any fence without first securing a building permit.

(2) *Locations.* All fences shall be located entirely upon the property of the fence owner unless the owner of the adjoining property agrees, in writing, that the fence may be erected on the property line of the respective properties. No boundary line fence shall be erected closer than three feet to an existing parallel boundary line fence.

(3) *Surveys.* The Building Official may require an applicant for a fence permit to establish his or her true boundary line by a survey thereof to be made by a registered land surveyor.

(4) *Construction and maintenance.* Every fence shall be constructed in a substantial, workmanlike manner and of material reasonably suited for the purpose for which the fence is proposed to be used. Every fence shall be maintained in the condition as to not become a hazard, eyesore or public or private nuisance. All fences shall be so constructed that the finished side faces away from the fence owner's lot. Any fence which endangers the public safety, health or welfare shall be considered a public nuisance and abatement proceedings may be instituted by the proper city official if within 15 days after notification the owner of the fence has not undertaken the necessary repairs himself or herself to abate the nuisance. Link fences, where permitted, shall be constructed in a manner that no barbed ends shall be at the top.

(5) *Nonconforming fences.* All fences existing on the date of the adoption of this chapter, but not conforming herewith, except as to height restrictions, shall conform and be subject to the terms of this chapter. If at any time a nonconforming fence shall be damaged to the extent of more than 25% in any plane, then without further action by the Council, the fence shall, from and after the date of the damage, be subject to all the regulations specified by these zoning regulations. Any fence which is damaged to an extent of less than 25% may be restored to its former extent. It is the intent of this section that all nonconforming fences shall be eventually brought into conformity.

(6) *Prohibited fences.* Electric fences shall not be permitted except in conjunction with the issuance of a horse permit pursuant to Chapter 702 of this code and shall be removed upon expiration or revocation of a horse permit. Barbed wire fences shall not be permitted except as hereinafter provided. Fences of the picket, rail or slat types shall be so constructed that the spaces between the pickets, rails or slats shall be greater than 12 inches or less than six inches. Wire fences which are not readily visible shall be prohibited except where attached to a wooden or other fence of opaque material which is itself plainly visible.

(7) *Required fences, swimming pools.* Outdoor swimming pools with a capacity of 1,500 gallons or with a depth of three feet or more of water shall be adequately fenced to prevent uncontrolled access from the street or adjoining property. The pools shall be completely enclosed by a nonclimbable fence at least four feet in height.

(8) *Shoreline fences.* No fence shall be allowed within the shoreline setback area as specified in § 1201.26 Subd. 5a(3) of this chapter. In addition, fences on or adjacent to the shoreline of any navigable lake, channel or stream or on or along that portion of a lot line extending from a navigable lake, channel or stream to the near side of the average building construction line, shall not exceed four feet in height.

(9) *Residential District fences.*

(a) *Boundary line fences.* In all parts of Shorewood which are zoned residential, no boundary line fences shall exceed four feet in height, except that:

(i) Fences on all corner lots erected within 30 feet of the intersecting property line shall be subject to subdivision 2h of this section;

(ii) Fences along any rear property line which is also the rear property line of an abutting lot shall not exceed six feet in height;

(iii) Fences along a rear property line, which line constitutes the side lot line of an abutting lot shall not exceed six feet in height for a distance as calculated in (iv) below and shall not exceed four feet in height when abutting a front yard line;

(iv) Subject to other restrictions within this section, fences may be constructed to a height of six feet on or along the side yard property line from the rear lot line to the required front yard setback line;

(v) In those instances where a fence exists as an enclosure which restricts access from the front to the rear yard, a gate, identifiable collapsible section or other means of recognizable ingress shall be provided for emergency vehicles. The ingress shall be unobstructed and a minimum of ten feet in width. The location of the ingress points shall be positioned at any point paralleling the front lot line, between the side lot property line and the principal structure;

(vi) All boundary line fences in residential districts shall be constructed in a manner that at least 25% of the plane between the ground and the top of the fence constructed is open;

(vii) Fences in yards abutting an intermediate arterial or minor arterial street, as designated in the Shorewood Comprehensive Plan, may be constructed to a height of six feet in a front or side yard abutting the arterial street, by conditional use permit as provided for in § 1201.04. In addition the following conditions shall apply:

A. The fence shall be located no closer than eight feet to the property line;

B. A landscape plan for the above-referenced eight foot setback area must be submitted in compliance with § 1201.03 subd. 2.g. of this chapter;

C. The fence shall not obstruct traffic visibility.

(b) *Interior yard fences.*

(i) Any fence erected within any portion of the required front yard shall not exceed four feet in height and shall be at least 25% open.

(ii) Within a rear yard, at a point eight feet beyond any property line, a solid fence up to six feet in height may be erected as a total enclosure. The enclosure shall not exceed 25% of the required rear yard area and shall have adequate means of emergency access.

(iii) Chain link or woven wire fences (without slat screens, canvas or other screening material opaque in nature) used for the enclosure of tennis courts or other recreational purposes shall not exceed ten feet in height.

(10) *Commercial District fences.* Fences in all Commercial Districts shall not exceed eight feet in height, except that:

(a) Boundary line fences abutting R Districts shall conform to those regulations applicable to the R District;

(b) *Security fences:*

(i) Fences which are erected primarily to secure a particular area may have “arms” not to exceed 36 inches in length, located a minimum of six feet and a maximum of eight feet above ground level, on which arms barbed wire may be strung;

(ii) A survey establishing the true boundary line must be made by a registered land surveyor and submitted to the city;

(iii) Fence arm extensions may not extend across an abutting property line or over any public right-of-way;

(c) Fences erected within the required front yard area shall not exceed six feet in height and shall be of a chain link or woven wire construction which affords maximum visibility.

(11) *Special purpose fences.* Fences for special purposes and fences differing in construction, height or length may be permitted in any district in the city by issuance of a conditional use permit.

(12) *Fence height.* The height of fences prescribed herein shall be considered to be the maximum height allowed. Fence posts may extend above the specified height by no more than eight inches.

RESOLUTION 21-082

A RESOLUTION APPROVING A CONDITIONAL USE PERMIT FOR A FENCE FOR THE PROPERTY LOCATED AT 4865 FERNCROFT DRIVE

WHEREAS, Jacob Gustafson and Allison Spies (the “Applicants”) have applied for a conditional use permit for a fence at their residence addressed as 4865 Ferncroft Drive, on the property legally described as:

Lot 8, Block 8, MINNETONKA MANOR, Hennepin County, Minnesota; and those parts of Lots 9 and 10, Block 8, MINNETONKA MANOR, Hennepin County, Minnesota, lying northerly of the following described line:

Commencing at the northwest corner of said Lot 8; thence on an assumed bearing of South 04 degrees 35 minutes 49 seconds East along the west line of said Lots 8, 9 and 10, a distance of 110.00 feet to the point of beginning of the line to be described; thence North 80 degrees 55 minutes 04 seconds East a distance of 240.34 feet to the southeasterly line of said Lot 9 and there terminating.

WHEREAS, the Shorewood City Code requires a conditional use permit for the construction of fences that vary in height, location and design from the regulations for residential zoning districts; and

WHEREAS, the Applicants have applied for a conditional use permit for the construction of a five-foot high fence in the rear yard of their property that is located in the Shoreland District, where a maximum four-foot fence is allowed between the ordinary high water level setback and the average building construction line; and

WHEREAS, the Planning Commission considered the request for a conditional use permit for a special purpose fence and held a public hearing at its regular meeting on July 6, 2021, at which time the planning staff memorandum was reviewed and comments were heard by the Applicants and the public; and

WHEREAS, the City Council considered the request for a conditional use permit for a fence at its regular meeting on July 26, 2021, at which time the Planning Commission’s recommendations were reviewed and comments were heard by the Applicants, staff, and the public.

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

FINDINGS OF FACT

1. The subject property is located in an R-1D, Single Family Residential zoning district and the Shoreland District of Lake William.

2. The rear yard of the property abuts Lake William, which is designated as a General Development Lake.
3. The proposed fence is located outside of the 50-foot setback from the Ordinary High Water Level of Lake William.
4. The proposed fence is a five-foot tall chain link fence.
5. The Applicant's proposal is identified on plans dated May 25 and June 28, 2021.

CONCLUSIONS

1. The Applicants' request for a fence no taller than five-foot to be installed as shown on the plans submitted on May 25 and June 28, 2021 is hereby approved based on the finding that the request has satisfied the criteria for granting a conditional use permit for a fence under the Shorewood City Code, subject to the following conditions:
 - a. Prior to construction of the fence, the Applicants must request and receive a zoning permit.
 - b. Staff shall approve of a plan to address the boulder wall that extends through a drainage and utility easement and across property lines. Should the Applicant and the adjacent property owners choose to keep the existing boulder wall, they must submit executed encroachment agreements for both affected properties before a zoning permit for the fence will be issued.
2. The conditional use permit shall expire one year after approval unless the applicants have completed the fence.
3. 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 26th day of July, 2021.

Jennifer Labadie, Mayor

ATTEST:

Sandie Thone, City Clerk



City of Shorewood Council Meeting Item

Title/Subject: Approve Amendment to City Code Chapter 1201.03 Regarding Rules for Campaign and other related Signage

Applicant: City of Shorewood

Meeting Date: July 26, 2021

Prepared By: Marie Darling, Planning Director

Attachments: Ordinance with Amendments Indicated (Redline version)
Planning Commission Memo for July 6, 2021 and attachments
Ordinance 581
Resolution for Summary Publication

Background: During the last election cycle, the City received a number of complaints regarding the difficulty interpreting the campaign sign rules and the number of signs that were posted. State law doesn't permit limits on the number or campaign signs, only the location.

The Planning Commission reviewed the current rules and made a few recommendations, but they did not recommend changing the setback from the street nor prohibiting sign placement in the right-of-way. Attached are the Planning Commission recommendations. They include:

1. Clarifying the rules by simplifying the language and reorganizing them.
2. Adding definitions.
3. Prohibiting lights from being added to the signs.
4. Applying the clear view triangle rules at corners to prevent signs from blocking visibility at intersections.

The City Attorney has also reviewed the ordinance amendments and his recommendations were included in the attached ordinance as well.

The redline version also includes all the sign-related definitions for your reference. Ordinance 581 only includes the definitions that are changing.

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

Recommended Action: Staff recommends approval of the ordinance amendment.

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.*

Proposed Motions: Motion to approve ordinance 581 amending Chapter 1201 (zoning regulations) related to 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.

ORDINANCE 581

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

Language ~~stricken~~ is proposed to be removed, language underlined is proposed for insertion.

Section 1: City Code Section 1201.01 (Definitions) is hereby amended to add or alter the following definitions:

1201.02 DEFINITIONS.

SIGN. The use of any words, numerals, figures, devices or trademarks by which anything is made known such as are used to show an individual, firm, profession or business and are visible to the general public.

SIGN - ADDRESS. A sign communicating street address only, whether script or in numerical form. In R Districts an address sign may include the name of the resident.

SIGN - ADVERTISING. A billboard, poster panel, painted bulletin board or other communication device which is used for commercial speech to advertise products, goods or services which are not exclusively related to the premises on which the sign is located.

SIGN AREA. The total area of a sign measured at the perimeter of the surface on which the sign is inscribed. For signs consisting of letters, figures, or symbols applied directly onto a building or structure, the sign area shall be that area enclosed within the smallest rectangle that can be made to circumscribe the sign.

SIGN - AREA IDENTIFICATION. A freestanding sign which identifies the name of a residential housing development, an office or business structure containing two or more independent concerns; a single business consisting of three or more separate structures existing on individual platted lots or as a planned unit development; or any integrated combination of the above. The sign is limited only to the identification of an area or complex and does not contain the name of individual owners or tenants nor contain advertising.

SIGN, BENCH. A sign which is affixed to a bench such as at a bus stop.

SIGN - BUSINESS. Any commercial speech sign which identifies a business or group

of businesses, either retail or wholesale, ~~or~~ any sign which identifies a profession, or is used in the identification or promotion of any principal commodity or service, including entertainment, offered or sold upon the premises where the sign is located.

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

SIGN - CANOPY. Any message or identification which is affixed to a projection or extension of a building or structure erected in a manner as to provide a shelter or cover over the approach to any entrance of a store, building or place of assembly.

SIGN - CONSTRUCTION. A sign placed at a construction site identifying the project or the name of the architect, engineer, contractor, financier or other involved parties.

SIGN - DIRECTIONAL. A sign erected on public or private property which bears the address or name or both of a business, institution, church or other use or activity plus directional arrows or information on location.

SIGN - DIRECTORY. An exterior informational wall sign which identifies the names of businesses served by a common public entrance in a shopping center.

SIGN - DYNAMIC DISPLAY. A sign or characteristics of a sign that appear to have movement or that appear to change, caused by any method other than physically removing and replacing the sign or its components, whether the apparent movement or change is in the display, the sign structure itself, or any other component of the sign. This includes a display that incorporates a technology or method allowing the sign face to change the image without having to physically or mechanically replace the sign face or its components. This also includes any rotating, revolving, moving, flashing, blinking, or animated display and any display that incorporates rotating panels, LED lights manipulated through digital input, "digital ink" or any other method or technology that allows the sign face to present a series of images or displays.

SIGN - FREESTANDING. Any stationary or portable, self-supported sign not affixed to any other structure.

SIGN - HOLIDAY. Decorations or messages which recognize an official national, state or local holiday.

SIGN - ILLUMINATED. Any sign which is lighted by an artificial light source either directed upon it or illuminated from an interior source.

SIGN - INFORMATIONAL. Any sign giving information to employees, visitors or delivery vehicles, but containing no advertising or identification.

SIGN - INSTITUTIONAL. A sign which identifies the name and other characteristics of a public or semi-public institution on the site where the sign is located.

SIGN - INTEGRAL. A sign carrying the name of a building, its date of erection, monumental citations, commemorative tablets and the like when carved into stone, concrete or similar material or made of bronze, aluminum or other permanent type of construction and made an integral part of the structure.

SIGN - MAXIMUM HEIGHT OF. The vertical distance measured from the grade to the top of a sign.

SIGN - MENU BOARD. Any sign that has a message related to the site's food service and the copy is manually or electronically changed and the lettering of which is two inches or less in height so as to not be readable from the adjoining street right-of-way or adjoining property.

SIGN - MINIMUM HEIGHT OF. The vertical distance measured from the nearest finished grade to the lower limit of the sign.

SIGN - MONUMENT. A sign whose base and structure is positioned primarily on the ground and is typically solid from grade to the top of the structure.

SIGN - NONCONFORMING.

- a. ***LEGAL.*** A sign which lawfully existed at the time of the passage of this chapter or amendments thereto, but which does not conform with the regulations of this chapter.
- b. ***ILLEGAL.*** A sign which was constructed after the passage of this chapter or amendments thereto and does not conform with the regulations of this chapter.

SIGN - PORTABLE. A sign so designed as to be movable from one location to another and which is not permanently attached to the ground or structure.

SIGN - PROJECTING. A sign, other than a wall sign, which is affixed to a building and which extends perpendicular from the building wall.

SIGN - PUBLIC. Any sign erected by municipal, county, state or other governmental agencies, including, but not limited to street signs, traffic-control signs and parking-control signs.

SIGN - REAL ESTATE. A business sign placed upon a property advertising that particular property for sale, for rent or for lease.

SIGN - ROOF. Any sign which is erected, constructed or attached wholly or in part upon or over the roof of a building.

SIGN, ROTATING. A sign which revolves or rotates on its axis.

SIGN - STRUCTURE. The supports, uprights, bracing and framework for a sign, including the sign area.

SIGN - TEMPORARY. Any sign which is erected or displayed for a specific period of time.

SIGN - WALL. A sign which is affixed to the exterior wall of a building and which is parallel to the building wall. A wall sign does not project more than 12 inches from the surface to which it is attached, nor extend beyond the top of the parapet wall.

SIGN - WALL GRAPHIC. A sign which is painted directly on an exterior wall surface.

SIGN - WINDOW. A sign affixed to or inside of a window in view of the general public. This does not include merchandise on display.

SPEECH, COMMERCIAL. A message advertising a business, profession, commodity, service, entertainment, or any other matter of a commercial nature, even though the matter may be related to a nonprofit organization.

SPEECH, NON-COMMERCIAL. A message not consistent with the definition of commercial speech, which includes, but is not limited to, messages concerning political, religious, social, ideological, public service and information topics.

Section 2: City Code Section 1201.03 (General Building and Performance Standards) Subd. 11. (Signs) b. (Permitted and Prohibited Signs) (1) (Permitted Signs) is hereby amended as follows:

Section 1201.03 General Building and Performance Standards

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)~~ (d) –Holiday signs, displayed for a period not to exceed 30 days and no larger than 32 square feet in area;
- ~~(d)~~(e) 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.

Section 3: City Code Section 1201.03 (General Building and Performance Standards) Subd. 11. (Signs) c. (General Provisions) is hereby amended as follows:

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 c. (5) (b) of this subdivision.

~~(3)~~(4) No signs other than ~~governmental-public~~ signs and ~~political~~ campaign signs as provided in ~~bc.(15)(bd)~~ 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)~~ Campaign signs, subject to the following:

- ~~(i) All campaign signs may be posted in any number 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: 46 days prior to the election until ten days following the election.~~
- ~~(ii) Campaign signs shall not be located closer than ten feet from the curb or for those streets without curbs, the paved street surface; or in violation of Chapter 1201.03 Subd. 2, h. (Traffic Visibility) of City Code.~~
- ~~(iii) No campaign sign shall be placed on any property without the consent of the property owner. For any campaign sign placed in the right-of-way, the sign shall not be placed in front of any property without the consent of the abutting property owner.~~
- ~~(iv) Any campaign sign placed in the right-of-way in violation of sections (ii) or (iii) above shall be considered abandoned and subject to removal and disposal without notice.~~
- ~~(v) The property owner shall be responsible for any sign placed on his/her property or within the right-of-way abutting his/her property.~~
- ~~(vi) No lights may be affixed to or installed in any manner to illuminate a campaign sign allowed by 1201.03 Subd. 11 (d).~~

~~(a)~~(c) 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.

~~(5)~~(6) No sign or sign structure shall protrude over a public right-of-way.

~~(6)~~(7) All signs which require a permit shall display, in a conspicuous manner, the owner's name, permit number and date the sign was erected.

~~(7)~~(8) All height restrictions on signs shall include height of sign structure and be measured from lot grade.

~~(8)~~(9) 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.

~~(9)~~(10) 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.

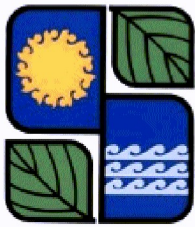
~~(11)~~ The regulations contained herein shall not apply to traffic signs or the flag, separate emblem, or insignia of a nation, political unit, school or religious group, or integral signs. There shall be no more than one United States flag and no more than three other non-commercial flags on a property. 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.

~~(10)~~

~~(12)~~ All signs requiring a permit from the city shall be subject to review and approval by the Zoning Administrator.

~~(11)~~(13) Substitution Clause. The owner of any sign which is otherwise allowed by this subdivision 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 so long as the substitution changes the message of the sign only. The purpose of this provision is to prevent any inadvertent favoring of messages on business signs over messages on noncommercial speech signs, or favoring of any particular noncommercial speech over any other non-commercial speech. This exemption to separate approvals or permits shall not be construed as relieving the sign owner from responsibility for its erection and maintenance or its compliance with the provisions of this subdivision or any other law or ordinance regulating the same.

NOW THEREFORE the City Council of the City of Shorewood, Minnesota, ordains:



CITY OF
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5755 COUNTRY CLUB ROAD, SHOREWOOD, MINNESOTA 55331-8927 • 952.960.7900
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MEMORANDUM

TO: Planning Commission

FROM: Marie Darling, Planning Director

MEETING DATE: July 6, 2021 (Continued from the June 1, 2021 Meeting)

RE: **Text Amendments for Political Signage**

Background

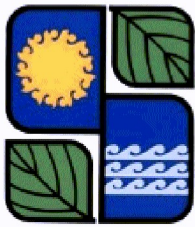
At the June 1, 2021 Planning Commission meeting, the Commissioners gave direction on specific changes that are reflected in the attached draft ordinance. Specifically,

- The commission recommended simplifying the way the elections were referred to for greater clarify.
- The commission recommended that only signs in the right-of-way should be considered abandoned and removed without notice if placed in violation of code.

Please review the attached ordinance amendments to determine if the ordinance is adequate to correct the issues.

ATTACHMENTS:

Correspondence Received
Planning Commission Memorandum June 1, 2021
Minutes from Planning Commission Meeting June 1, 2021
Planning Commission Memorandum April 6, 2021
Minutes from Planning Commission Meeting April 6, 2021
Article from the League of Minnesota Cities
Draft Ordinance



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MEMORANDUM

TO: Planning Commission

FROM: Marie Darling, Planning Director

MEETING DATE: June 1, 2021 (Continued from the May 4, 2021 Meeting)

RE: **Text Amendments for Political Signage**

Background

At the April Planning Commission meeting, the Commissioners gave direction on specific changes that are reflected in the attached draft ordinance. Specifically,

- The commission did not recommend increasing the distance from streets or prohibiting campaign/noncommercial speech signs from the right-of-way during the allowed election times.
- The commission recommended that the City have the same timeframe for campaign/noncommercial speech signs for those elections not included in the state primary/general election statutes.
- A commissioner asked if signs could be posted during political rallies in the park. Chapter 902.02 specifically prohibits pasting, affixing or inscribing any handbill, poster or sign within the parks, unless authorized by permit from the City Council. The chapter does not prohibit people from holding or carrying signs during an event.

Staff left in all the sign related definitions for your use while reviewing the changes. Only the definitions that will be changing will be left in the final draft of the ordinance forwarded to the Council for adoption.

Please review the attached ordinance amendments to determine if the ordinance is adequate to correct the issues with duplication and lack of clarity in the existing ordinance and if the substitution clause is adequate.

ATTACHMENTS:

Correspondence Received
Planning Commission Memorandum April 6, 2021
Minutes from Planning Commission Meeting April 6, 2021
Article from the League of Minnesota Cities
Draft Ordinance

Marie Darling

From: McDonald <p.m.mcdonald@usfamily.net>
Sent: Sunday, May 2, 2021 2:40 PM
To: Marie Darling
Subject: RE: Amendments to the Sign Regulations

Thank you for sending this information. I was unable to open the Staff Report document as it appeared to be damaged, however the minutes were readable. Just a comment regarding the setback of ten feet. Many places in the city have a drop-off or ditch close to the road that would prohibit placing any campaign signs with that amount of setback.

I have a proposal for signs that I would like the City to consider.

Since we don't have sidewalks, and we love to walk, it is important for people to be aware of traffic on the road when they are walking. Many people walk with their backs to traffic and with some kind of headphones on. If pedestrians walk facing traffic, on the left side of the road, that would enable awareness of oncoming cars. During my lifetime I've heard of people being injured, even death, because of a lack of awareness of traffic. A sign that says "Pedestrians Keep Left" would encourage awareness of safer ways to use the roadways.

Of course what I'm proposing is a traffic sign (like a No Parking sign). I hope that this is something the City of Shorewood could do to help people protect themselves.

Best Regards,
Pam McDonald

From: Marie Darling [mailto:MDarling@ci.shorewood.mn.us]
Sent: Thursday, April 29, 2021 4:24 PM
To: Marie Darling <MDarling@ci.shorewood.mn.us>
Cc: Emma Notermann <ENotermann@ci.shorewood.mn.us>
Subject: Amendments to the Sign Regulations

I was very excited to hear that you are interested in the proposed ordinance amendments. However, I wanted to let you know that I will be requesting a continuance of the review of the sign amendments to the June 1 Planning Commission meeting. The Planning Commission won't have a draft to review but they will be opening and continuing the public hearing. If you want to come and request the opportunity to speak on this topic, you can do so. You are also welcome to come to the meeting on June 1st.

The links to the May meeting will be available on the city's website late Tuesday afternoon, typically before 6:00 p.m.

Because you requested for information on what has been discussed so far, I have attached a copy of the original staff report and the minutes from the April planning commission where the amendments were discussed generally.

Please let me know if you have any questions.

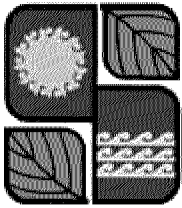
Marie Darling
Planning Director

952-960-7912
mdarling@ci.shorewood.mn.us

City of Shorewood
5755 Country Club Road

Shorewood, MN 55331

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B. PUBLIC HEARING – Sign Ordinance Amendments

Applicant: City of Shorewood

Location: Citywide

Planning Director Darling stated that this is a request for text amendments related to political signage. She stated that the Commission had discussed this at their April meeting and gave specific directions on changes that are reflected in the draft ordinance being presented. She gave a brief overview of the recommended amendments.

Commissioner Eggenberger stated that the letter from Pam McDonald talks about many places in the City that have a drop-off or ditch close to the road that would prohibit placing any campaign sign at least 10 feet away from the road. He stated that he knows that is tough for some people, but thinks a 10 feet distance is fine and doesn't know how the city would make an exception for a ditch or a drop-off.

Commissioner Huskins asked if there was a height limitation to the sign and asked if the sign were placed in a drop-off, could they just use a taller stake so the sign would still be visible.

Commissioner Eggenberger questioned how the City could actually define 'drop-off'.

Planning Director Darling explained that there are height restrictions outside of the election period but not during the election period.

The Commission discussed various remedies to the problem of having a ditch and still being able to display signs.

Chair Maddy opened the Public Hearing at 8:27 P.M. noting the procedures used in a Public Hearing.

There being no public comment, Chair Maddy closed the Public Testimony portion of the Public Hearing at 8:27 P.M.

The Commission discussed some language tweaks to make things more clear and eliminate loopholes and make it clear that it is election related signage.

Huskins moved, recommending approval of the Sign Ordinance Amendments, as amended by staff so it is all election related.

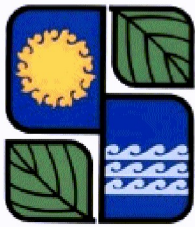
Planning Director Darling asked if he meant to exclude non-commercial signage.

Commissioner Gault suggested that the Commission defer making a recommendation on these amendments until the next meeting because he doesn't want to recommend approval of something that he has not seen and would like to see the final wording.

There was consensus among the Commission to wait to make a recommendation until they see the final draft.

Commissioner Huskins withdrew his motion.

Gault moved, Huskins seconded, tabling approval of the Sign Ordinance Amendments until the next Commission meeting. Roll Call Vote – ayes – all. Motion carried 4/0.



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MEMORANDUM

TO: Planning Commission
FROM: Marie Darling, Planning Director
MEETING DATE: April 6, 2021
RE: Text Amendments for Political Signage

One of the priorities set by the City Council for 2021, was the review and amendment of the political sign regulations. Of concern were the number and proximity of the signs to the street throughout the city.

Background

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's sign regulations include the following regulations for political and noncommercial signs signs: (Section 1201.03 Subd. 11. b. (1) (d))

- (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;

This paragraph includes two standards for election signs: the required language that mirrors state statute and another standard that appears to apply to all elections, including state primaries. The City can allow a

greater period than the state required standard (but not lesser) and can have different standards that apply to school, county and municipal elections. However, having two different standards that apply to the same elections is confusing.

Also, there is no definition of noncommercial speech signs or noncommercial speech in the zoning regulations. Finally, there is no fee identified in Chapter 1300 (Municipal Fees) or the Master Fee Schedule regarding removal of signs.

Another section of the sign regulations (Section 1201.03 Subd. 11. B. (3) states:

- (3) No portion of any sign shall be located within five feet of any property line. No signs other than governmental signs and political campaign 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.

There is no definition of governmental signs and the term political campaign sign seems to refer to campaign signs, but with no additional definition.

Proposed Ordinance Amendments

Definitions: Staff propose to add additional definitions for noncommercial speech signs and abandoned signs. Staff also propose to change the reference of “governmental signs” to “public signs” and amend the reference of “political campaign signs” to solely “campaign signs”. Instead of campaign signs, the Planning Commission could recommend the term “noncommercial speech sign”, which is more content neutral and matches the language in state statute.

Elections: Staff propose to amend the language for elections so that the wording continues to mirror the state statute for elections with primaries, but amend the other standard so that it applies to all other elections. The length of time would be the same as indicated in the ordinance now, but where the rules apply would be clearer.

Increase the Distance from Streets: In order to increase the distance between the public street and the campaign signs, staff propose to prohibit all signs other than governmental signs from the right-of-way or 15 feet from the curb or edge of pavement, whichever is greater. Staff proposed the second setback as some streets have a very small right-of-way or the right-of-way applies to the traveled surface. There are a few streets that have extra width in the right-of-way over the standard width and this proposal would require the signs to be placed farther back. Staff also recommend that any signs placed in the right-of-way or within the allowed 15-foot setback from a roadway would be considered abandoned and the appropriate jurisdiction could remove them.

Public Lands and Public Parks: The current ordinance prohibits placing signs in public rights-of-way or on land without the permission of the adjacent property owner. As the City cannot give permission to one candidate or side of an issue without giving permission to all candidates or sides, staff recommends prohibiting noncommercial signs in parks and public lands. Further, that any signs installed on public lands or parks would be considered abandoned and the City could remove them without notice.

Responsibility for Signs: The signs are currently the responsibility of the persons that place them. That type of language was partially struck down by the MN Court of Appeals in 2006. Staff are not aware that anyone ever puts that language on a campaign sign or other noncommercial speech signs. Staff would propose that the property owner be responsible for the placement of a sign on their property.

Noncommercial Speech Signs: Under the current regulations, the signs are treated differently based on when the signs are installed, as follows:

- During an election period, the signs are treated the same as any political signs
- Outside of the election period, the signs are limited by 1) the same requirements in each district as any other signs; 2) may not be placed in the public right of way; and 3) must be installed at least five feet from all property lines

Staff propose to continue to treat noncommercial signs the same as above.

However, staff notes that there is one other issue related to noncommercial speech on signs that should be addressed. This is not related specifically to political or campaign signs. Shorewood is required to allow the substitution of any noncommercial speech for any other speech on any sign that is allowed in any zoning district. For example, a homeowner is allowed one nameplate sign. Because they are allowed a nameplate sign, they may substitute other noncommercial speech on a sign of the same size allowed for a nameplate sign, like “Black Lives Matter” or “Blue Lives Matter” or “Thank You Essential Workers.” Similarly, in a commercial district, a property owner may substitute noncommercial speech for advertising on any business sign, like replacing their business name with “Happy Easter” or “Heroes Work Here” and the city cannot prohibit or regulate the content. Because this is established law and the City would be amending the sign regulations, staff recommend including a statement to that effect in the general provisions.

How do other cities regulate signage?

Attached is a summary table of other cities’ ordinances related to political signs and campaign signs. Much of the regulations are very similar to state statute and have similar limitations. The majority of cities prohibit signs in the right-of-way.

ATTACHMENTS: Summary of other cities’ ordinances

City	Reference	Code
Shorewood	ROW	Section 1201.03 Subd. 11. B. (3) states that no signs other than governmental signs and political signs shall be erected or temporarily placed within any street right-of-way or upon public lands or easements or rights-of-way. There is no definition of governmental signs.
	Political Campaign Signs	Signs must contain the name and address of the persons responsible for the sign and its removal.
	Political Campaign Signs	Signs shall be permitted on each lot for a period of 100 days prior to and 10 days after an election.
	Political Campaign Signs	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 10 days after the state general election.
	Political Campaign Signs	At any time, the city shall have the right to remove signs that are prohibited under this subdivision and assess a fee.
Mound	Political Campaign Signs	Campaign signs or other noncommercial speech signs shall not be located closer than 10 feet from any street surface and shall not be placed in front of any property without the consent of the property owner.
	Political Campaign Signs	(d) Exemptions. No permit shall be required for the following signs; provided, however, that all signs herein exempted from the permit requirements shall conform with all other requirements of this chapter:
	Political Campaign Signs	Campaign sign means a temporary sign posted by a bona fide candidate for political office or by a person or group promoting a political issue for a candidate.
	ROW	(a) No sign other than governmental unit signs shall be erected or placed upon any public way or upon public easements with the exception of garage sale and real estate directional signage as provided for in subsection (i) of this section, pertaining to temporary signs.
	Political Campaign Signs	(r) Campaign signs may be placed in any district, subject to the following restrictions: (1) Pursuant to Minn. Stats. § 211B.045, all noncommercial signs of any size may be posted in any number from 46 days before the state primary in a state general election year until ten days following the state election.
Excelsior	ROW	(2) Campaign signs shall be exempt from fees.
	Political Campaign Signs	(3) All campaign signs shall have the name and telephone number of the person responsible for posting the sign clearly marked either on the face or reverse side.
	ROW	(4) Campaign signs shall be removed and/or replaced if they become torn, faded, or otherwise damaged.
	ROW	No sign shall be placed within any drainage or utility easement or within the public right-of-way except by the issuance of a license agreement in accordance with article 25 of this Appendix E.
	ROW	No sign or sign structure shall be placed on or protrude over the public right-of-way except wall (maximum protrusion 18 inches), canopy, awning, marquee, and nonilluminated sandwich board signs not to exceed eight square feet per side. All signs located over public right-of-way or over any public or private access route (sidewalk, etc.) shall be located a minimum of eight feet above surface grade.
Deephaven	ROW	Except for traffic control, all signs are prohibited within the public right-of-way or easements except that the zoning administrator may grant an administrative permit to locate signs, banners and decorations on or within the right-of-way, as allowed in subsections 24-3(h) and 24-3(k).
	Political Campaign Signs	All noncommercial speech signs of any size posted in any number from 46 days before the state primary in a state general election year until ten days following general election, and 13 weeks prior to any special election until ten days following the special election. Sign installation shall comply with the Fair Campaign Practices Act contained in Minn. Stats., chapter 211B.
	Political Campaign Signs	Subd. 27. "Non-commercial Speech" Dissemination of messages not classified as Commercial Speech, which include, but are not limited to, messages concerning political, religious, social, ideological, public service and informational topics.
	Political Campaign Signs	Subd. 32. "Political Sign" Any sign which includes the name or picture of an individual seeking election or appointment to public office, or pertaining to a forthcoming public election or referendum, or pertaining to or advocating political views or policies, which is erected on private property by a bona fide candidate for political office or by a person or group supporting such a candidate and which contains the name of the person or group responsible for the erection and removal of the sign.
	Political Campaign Signs	1115.05 Exemptions. The following signs shall not require a permit. These exemptions, however, shall not be construed as relieving the owner of the sign from the responsibility of its erection and maintenance, and its compliance with the provisions of this ordinance or any other law or ordinance regulating the same.
Victoria	Political Campaign Signs	c. Political Signs. Freestanding political signs, not exceeding a sign surface area of 12 square feet each, displayed for a period of not more than eight weeks prior to the pertinent election date and not more than one week after that election date.
	ROW	1115.06 Prohibited Signs. Unless a sign is specifically permitted under this Section, or a temporary sign permit has been issued for the sign under this Section, or a special use permit has been issued for the sign under the City's Zoning Ordinance, the sign is prohibited. By way of example and not by way of limitation, the following signs are specifically prohibited: (h) Signs within the public right-of-way, public property or public easement.
	Political Campaign Signs	Signs containing noncommercial speech are permitted without a permit anywhere that signs containing commercial speech are permitted without a permit, subject to the same regulations regarding size and setback applicable to such signs.
	ROW	No sign other than public signs (governmental signs) shall be erected or placed upon any public street, right-of-way, public easement, public land or project over public property.
	Political Campaign Signs	The following signs are allowed without a permit: A. Political campaign signs. Political campaign signs not exceeding eight square feet. The sign must contain the name and address of the person responsible for such sign, and that person shall be responsible for its removal. The city shall have the right to remove and destroy signs not conforming to this section.
Minnetrista	Political Campaign Signs	State Law reference— Noncommercial signs permitted during certain times, Minn. Stats. § 211B.045.
	ROW	The following signs are prohibited in all districts: Signs on or over the public rights-of-way, unless the city council grants permission for a temporary sign on or over the public rights-of-way for a period of time not to exceed ten days, except in section 21-21(E,4) sandwich board signs in the central business district.
	ROW	Uncontrolled and unlimited signs, particularly temporary signs, which are commonly located within or adjacent to public right-of-way, or are located at driveway or street intersections, result in roadside clutter and obstruction of views of oncoming traffic. This creates a hazard to drivers and pedestrians.
	Political Campaign Signs	The following types of Signs are prohibited within the city: (a) Signs within public right-of-way or easements, except Government Signs.
	ROW	The following types of Signs are allowed without a permit in all zoning districts: (e) Signs permitted by Minnesota Statutes Section 211B.045.
		(h) No Signs erected on private property shall project over public property.

	ROW	Findings. The city finds it is necessary for the promotion and preservation of the public health, safety, welfare and aesthetics of the community that the construction, location, size and maintenance of signs be controlled. Further the city finds:
	ROW	Uncontrolled and unlimited signs, particularly temporary signs, which are commonly located within or adjacent to public right-of-way, or are located at driveway/street intersections, result in roadside clutter and obstruction of views of oncoming traffic. This creates a hazard to drivers and pedestrians and also adversely impacts a logical flow of information.
Chanhasen		Signs allowed without permit. Political campaign signs. Temporary political campaign signs are permitted according to the following: The sign must contain the name of the person responsible for such sign, and that person shall be responsible for its removal.
		Signs are not permitted in the public right-of-way, or within the sight triangle.
		Shall comply with the Fair Campaign Practices Act contained in M.S. § 211B.045.
		The city shall have the right to remove and destroy signs not conforming to this subsection.
		Permitted from 46 days before the state primary in a state general election year until ten days following the state general election and 13 weeks prior to any special election until ten days following the special election.
	Political Campaign Signs	No such sign shall be located within 100 feet of any polling site.
		Sign shall be located on private property with permission of the property owner.
	ROW	No sign, other than governmental signs, shall be erected or placed upon any public street, right-of-way, or project over public property unless approved by the city and contingent upon an approved encroachment agreement. Temporary signs may not be erected or placed in a public easement unless approved by the city. No sign shall be placed within any drainage or utility easement without an approved encroachment agreement.
	ROW	uncontrolled and unlimited signs, particularly temporary signs which are commonly located within or adjacent to public right-of-way or are located at driveway/street intersections, result in roadside clutter and obstruction of views of oncoming traffic. This creates a hazard to drivers and pedestrians and also adversely impacts a logical flow of information;
	Political Campaign Signs	the right to express noncommercial opinions in any zoning district must be protected, subject to reasonable restrictions on size, height, location and number.
	Political Campaign Signs	17."Non-commercial sign" - any sign that is not a commercial sign, including but not limited to signs that convey messages concerning political, religious, social, ideological, public service and informational topics.
Minnetonka	Political Campaign Signs	The following signs do not require a permit but must meet the regulations in this section: a) Signs required or allowed by section 325.05, subd. 3.
	Political Campaign Signs	f) In all districts, any sign authorized in this chapter is allowed to contain noncommercial copy in lieu of any other copy. For new signs posted with a noncommercial message, the sign fee is waived until such time as the sign is converted to contain a commercial message.
		a) Signs may not be located on property without the permission of the property owner. For signs located in public right-of-way as allowed under subdivision 3(e) of this section 325.05, the permission of the immediately adjacent property owner must be obtained.
	ROW	b) Unless specifically noted otherwise, all signs must maintain a 10-foot setback from all lot lines. The city may require a greater or lesser setback because of public safety reasons which may include the following conditions: vehicle sight distance, distance from intersection, designation of adjacent right-of-way.
	ROW	e) Signs may not be located within public right-of-way except for official traffic control devices and those allowed by section 3(e) of this section 325.05.
	ROW	<i>Streets and Easements.</i> No sign other than public signs shall be erected or placed upon any public street, right-of-way, public easement, or public land, or project over public property or public easements, except as allowed in the I-394 Mixed Use Zoning District.
	ROW	No garage sale signs shall be located on any governmental property, including the street right-of-way.
Golden Valley	Political Campaign Signs	All signs containing non-commercial speech of any size may be posted in any number from 46 days before the State primary in a State general election year until 10 days following the State general election subject to the applicable provisions of Minn. Stats. § 211B.045.
	Political Campaign Signs	All signs containing non-commercial speech of any size may be posted in any number from 90 days before a special or municipal election until 10 days following the special or municipal election.
	Political Campaign Signs	All such signs shall conform with the location, setback, and placement provisions of this chapter.

6. NEW BUSINESS

A. Sign Ordinance Update – Discussion on Political Signs

Planning Director Darling explained that this item is also a staff-initiated item regarding text amendments for political signage. She stated that one of the priorities that the Council set for themselves and the Planning Commission this year was to review and consider amendments of the political sign regulations and noted that of concern specifically were the number and proximity of campaign signs to the streets. She stated that it is a complicated issue and there are a number of State statutes that give the City some requirements for what is allowed. She read aloud the State statute and the City's sign regulation language. She stated that the language is similar but has two separate standards that apply to all elections which causes confusion about when the City can apply their standards and when they cannot. Staff is proposing that the code be changed to be more clear when the non-commercial signs can be put up before all elections. She reviewed the recommendations from staff that they would like the Planning Commission to consider.

Commissioner Eggenberger asked about regulation of non-commercial signage and whether the City can regulate where they are placed.

Planning Director Darling stated that the City can impose location requirements.

Councilmember Callies stated that she thinks it is a good idea to have the language be consistent with the State law but thinks that 15 feet from the edge of the pavement is not practical for most areas of the City and would basically prohibit any campaign signs being visible.

Commissioner Huskins stated that he would agree that a 15-foot setback seems a bit excessive, but his concern was that it may have the unintended consequence of having people place larger signs in order for them to be visible. He stated that he would prefer smaller signs in the neighborhoods. He asked if a campaign would be allowed to have signage for an event if they got a permit to hold a rally on public lands.

Planning Director Darling stated that she would have to review that information and noted that there are very few signs that organizations can put up during events.

Commissioner Huskins stated that the proposed language states that the City would have the right to remove the signs that are in violation.

Planning Director Darling clarified that this is would either be in the right-of-way or on public land. She stated that if there were violations on private property, the City would notify the property owner.

Commissioner Gault commented that he was not sure if residents understood the regulations surrounding nameplate signs and substitution of non-commercial signs.

Planning Director Darling stated that nameplate signs seem to be going away and very few homeowners even have them anymore.

Commissioner Riedel asked if Commissioner Gault was asking if someone, under this ordinance, would be permitted to put up a non-conforming sign simply because it contains non-commercial speech. He stated that he does not think that is the case and people cannot put up a fully non-conforming sign.

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Commissioner Gault stated that he agreed, but feels this language says they can substitute their nameplate sign with a non-commercial speech sign but cannot have both.

Commissioner Riedel stated that he would agree and feels that this is a 1st Amendment issue that if you are allowed to write something, then you are allowed to write anything.

Chair Maddy stated he has the same concern because you can have a sign that says, "Vote for Joey", but cannot have a sign that says, "Eat at Joey Nova's". He stated that he would like to stay as far away from this as possible.

Commissioner Riedel stated that he would not want to go further than the City has to with this issue and would like to do the minimum to avoid 1st Amendment issues.

Chair Maddy stated that State law dictates what the City has to do and asked why the City would not just match their language and not touch any restrictions. He stated that he did not think the City has had a problem with excessive signage.

Planning Director Darling stated that the City can match the State law exactly, except State law does not apply to things like school board elections or municipal elections that would happen in non-State general election year. She stated that she thinks that there should be rules for those instances as well.

Chair Maddy suggested having the school board and other elections match the framework of the State election language and just leave it at that.

Planning Director Darling stated that would be fine.

Commissioner Gault suggested that it just refer to 'public elections'.

Planning Director Darling clarified that there have been complaints about the number of signs and how close they were which is why the Planning Commission was directed to take a look at this issue.

Commissioner Gault stated that he would go to the free speech issue that if he can say one thing, he should be able to say it 100 times or be able to say 100 different things.

Commissioner Huskins stated that the State language does not appear to say anything about setbacks. He stated that if the City simply takes the State's language, he does not think that would be sufficient.

Chair Maddy asked if the setback issue was because of traffic and visibility concerns.

Planning Director Darling stated that there could be visibility issues which is why she thinks there has been a setback included. She stated that she thinks it was that there were so many, so close to the street, that there was a concern that it would be a distraction.

Commissioner Riedel stated that he thinks a setback is helpful and becomes an issue when there are complaints if there is a specific hard number to point to, then it becomes less of a subjective issue. Just stating that signage is not allowed to interfere with visibility opens it up for discussion and interpretation. He stated that he thinks a 15-foot setback is excessive and would suggest something like 5-10 feet.

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Chair Maddy stated that he does not want to dictate how many feet back a sign can be. He stated that it is not blocking the view of traffic, he would prefer the City just stay out of it.

Commissioner Gault stated that it has to be on private property so whatever number that would be forces there to be a setback. He stated that then this raises the question of whether the City allows it at the property line.

Planning Director Darling asked what would be done when the property line is in the middle of the street.

Commissioner Gault stated that some common sense needs to be used and people cannot put any sign where it will obstruct traffic either for pedestrians or vehicles. He stated that the speech he wants to promote on his private property is whatever he wants it to be and the City has no constitutional ability to stop that unless he would advocate for violence or something. He stated that he does not have a concern with the number of signs, but does have a concern with someone putting up a 10 x 12 sign at an intersection where it will obstruct visibility.

Commissioner Eggenberger stated that the trouble with that, without using a setback, is people just saying, 'oh, well that doesn't obstruct traffic' and it is just an opposing discussion without a tangible solution. He stated that if there is a setback then it is clear when things need to be moved and when they do not.

Commissioner Riedel stated that the more he thinks about this, the more he agrees with Chair Maddy. A setback onto private property could actually be challenged. He stated that a public right-of-way is one thing, but an individuals property is their property and a setback in this situation would be somewhat arbitrary.

Commissioner Eggenberger stated that all of the City codes could be considered somewhat arbitrary and listed a few examples.

Chair Maddy stated that to paraphrase, it appears that what the Commission wants to do is not push any values and let people speak. He stated that the setback issue is interesting because there are good arguments on both sides.

Commissioner Huskins stated that he would agree with Commissioner Gault and thinks that a setback will help clarify and reduce some of the subjectivity that would otherwise occur. He stated that he believes a ten-foot setback is reasonable.

Commissioner Eggenberger stated that he would agree with Commissioner Huskins.

Planning Director Darling asked if they meant ten feet from the edge of the road or ten feet from the front property line.

There was a consensus that the measurement would be from the edge of the road. There was consensus to follow the State guidelines for all public elections for signs to be posted 46 days before the election.

Commissioner Huskins stated that he prefers the terminology 'non-commercial speech' versus 'campaign signs'.

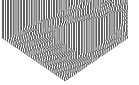
Commissioner Riedel asked what type of sign is permitted year round with or without a permit.

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Planning Director Darling stated that most small signs, such as nameplates and the small signs that stick in the ground do not require a permit. Nameplate signs are allowed in any residential district, so there can also be a non-commercial speech sign of the same size, subject to the same setback requirements at any time in the year. She clarified that people get to have one sign and can choose to use it for their name or some other non-commercial speech message. She thanked the Commission for their input and stated that she will bring this back to the Commission at a future date.



Can Cities Prohibit Campaign Signs and Flags?

City Regulations



Do cities have the authority to prohibit campaign signs and flags?



We have been getting this question a lot lately because there is some confusion about a state law that preempts local sign ordinances during election season. In short, city regulations must comply with both state law and the First Amendment to the U.S.

Constitution. State law (Minnesota Statutes, section 211B.045) provides a limited preemption of cities' authority to regulate campaign signs during the election season (defined as 46 days before the state general primary until 10 days after the state general election). State law requires cities to allow the posting of noncommercial signs of any size or number during this time. However, during the rest of the year, state law permits cities to regulate the size and number of noncommercial signs.

In addition, courts have ruled that the First Amendment prohibits cities from regulating signs based on their content. Best practice suggests avoiding total bans on noncommercial lawn signs in residential areas and using caution in adopting provisions that may favor some messages over others. City ordinances can regulate the size and number of signs, but not their content.

Courts have also recognized that the display of flags can constitute expressive conduct protected under the First Amendment. If regulating flags, cities should use caution to avoid favoring some types of flags (particularly, the U.S. flag) over other flags. If one type of noncommercial flag is acceptable, any noncommercial flag should be allowed. Learn more from the LMC information memo at www.lmc.org/signs.

Answered by Research Attorney Jacob Glass: jglass@lmc.org

Employment Law



It's been a while since we've checked to make sure our city has all the correct employment law posters. How can we check on this?



It's important to make sure you update required workplace posters as new laws are passed. For example, during 2020, COVID-related leave laws required special postings and notices to employees. Fortunately, there are free websites offering required federal and state employment

posters. The U.S. Department of Labor offers a site that helps determine which posters you need at <https://webapps.dol.gov/elaws/posters.htm>. And the Minnesota Department of Labor and Industry will even notify you via email when updates have been made to required posters. You can sign up for these updates at www.dli.mn.gov/about-department/workplace-posters.

Generally, the law requiring the labor law poster will indicate for whom it must be displayed. Some posters must be displayed in places available to job applicants as well as employees. Some cities, for example, post a notice on their website stating, "Applicants have rights under federal and state employment laws," and link to various employment posters. It's a good idea to do that in addition to placing posters in the workplace and on the city's employee intranet.

Answered by Human Resources Director Laura Kushner: lkushner@lmc.org

Construction Risk



Our city is about to build a new community center. How can we protect the building in case it is damaged during construction?



The city should make sure the new building under construction is covered by builder's risk insurance. This is a specialized type of property insurance that protects buildings under construction from loss. Coverage is usually written on an all-risk basis and covers loss from many types of causes, including fire, storm damage, theft, and vandalism. Materials, supplies, scaffolding, and equipment are usually covered as well. Builder's risk insurance is a no-fault coverage that protects the city, contractor, and subcontractors. The city should specify in the construction contract who is responsible for buying the builder's risk insurance.

The League of Minnesota Cities Insurance Trust's (LMCIT) property coverage provides automatic builder's risk coverage for buildings under construction, alteration, repair, or expansion, if the estimated total project cost is less than \$3 million. Construction projects under this threshold do not have to be reported and scheduled for the builder's risk coverage to apply. However, the building must be included in the schedule of property at the member's subsequent renewal. Payment of a claim is subject to a member's deductible. LMCIT can sometimes provide higher limits for an additional premium depending on the scope and cost of the project. If the member does not provide the builder's risk coverage, it should require the coverage to be purchased by the contractor. Learn more from the LMC information memo at www.lmc.org/prop-guide.

Answered by Risk Management Attorney Chris Smith: csmith@lmc.org

ORDINANCE 581

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

Language ~~stricken~~ is proposed to be removed, language underlined is proposed for insertion.

Section 1: City Code Section 1201.01 (Definitions) is hereby amended to add or alter the following definitions:

1201.02 DEFINITIONS.

SIGN - ADVERTISING. A billboard, poster panel, painted bulletin board or other communication device which is used for commercial speech to advertise products, goods or services which are not exclusively related to the premises on which the sign is located.

SIGN - BUSINESS. Any commercial speech sign which identifies a business or group of businesses, either retail or wholesale, any sign which identifies a profession, or is used in the identification or promotion of any principal commodity or service, including entertainment, offered or sold upon the premises where the sign is located.

SIGN - CAMPAIGN. A temporary sign promoting the candidacy of a person running for a governmental office or promoting noncommercial speech.

SPEECH, COMMERCIAL. A message advertising a business, profession, commodity, service, entertainment, or any other matter of a commercial nature, even though the matter may be related to a nonprofit organization.

SPEECH, NON-COMMERCIAL. A message not consistent with the definition of commercial speech, which includes, but is not limited to, messages concerning political, religious, social, ideological, public service and information topics.

Section 2: City Code Section 1201.03 (General Building and Performance Standards) Subd. 11. (Signs) b. (Permitted and Prohibited Signs) (1) (Permitted Signs) is hereby amended as follows:

Section 1201.03 General Building and Performance Standards

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) Holiday signs, displayed for a period not to exceed 30 days and no larger than 32 square feet in area;
- (e) 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.

Section 3: City Code Section 1201.03 (General Building and Performance Standards) Subd. 11. (Signs) c. (General Provisions) is hereby amended as follows:

a. *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 c. (5) (b) of this subdivision.

- (4) No signs other than public signs and campaign signs as provided in c.(5)(b) of this subdivision, shall be erected or temporarily placed within any street right-of-way, upon public lands, 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.

- (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) Campaign signs, subject to the following:
 - (i) All campaign signs may be posted in any number 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: 46 days prior to the election until ten days following the election.
 - (ii) Campaign signs shall not be located closer than ten feet from the curb or for those streets without curbs, the paved street surface; or in violation of Chapter 1201.03 Subd. 2. h. (Traffic Visibility) of City Code.
 - (iii) No campaign sign shall be placed on any property without the consent of the property owner. For any campaign sign placed in the right-of-way, the sign shall not be placed in front of any property without the consent of the abutting property owner.
 - (iv) Any campaign sign placed in the right-of-way in violation of sections (ii) or (iii) above shall be considered abandoned and subject to removal and disposal without notice.
 - (v) The property owner shall be responsible for any sign placed on his/her property or within the right-of-way abutting his/her property.
 - (vi) No lights may be affixed to or installed in any manner to illuminate a campaign sign allowed by 1201.03 Subd. 11 (d).
- (c) 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.

- (6) No sign or sign structure shall protrude over a public right-of-way.
- (7) All signs which require a permit shall display, in a conspicuous manner, the owner's name, permit number and date the sign was erected.
- (8) All height restrictions on signs shall include height of sign structure and be measured from lot grade.
- (9) 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.
- (10) 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.
- (11) 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 on a property. 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.
- (12) 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 subdivision 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 so long as the substitution changes the message of the sign only. The purpose of this provision is to prevent any inadvertent favoring of messages on business signs over messages on noncommercial speech signs, or favoring of any particular noncommercial speech over any other non-commercial speech. This exemption to separate approvals or permits shall not be construed as relieving the sign owner from responsibility for its erection and maintenance or its compliance with the provisions of this subdivision or any other law or ordinance regulating the same.

NOW THEREFORE the City Council of the City of Shorewood, Minnesota, ordains:

Section 4. That Ordinance 581 Amending Shorewood City Code, Chapter 1201 (ZONING REGULATIONS) RELATED TO SIGNS has been hereby approved and adopted.

Section 5. This Ordinance 581 shall take effect upon publication in the City's official newspaper.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF SHOREWOOD, MINNESOTA this xxth day of x, 2021.

JENNIFER LABADIE, MAYOR

ATTEST:

SANDIE THONE, CITY CLERK

RESOLUTION 21-083

**CITY OF SHREWOOD
COUNTY OF HENNEPIN
STATE OF MINNESOTA**

**A RESOLUTION APPROVING THE PUBLICATION OF
ORDINANCE 581 REGARDING ZONING ORDINANCE AMENDMENTS RELATED
TO SIGNS**

WHEREAS, at a duly called meeting on July 26, 2021, the City Council of the City of Shorewood adopted Ordinance No. 581 entitled "AN ORDINANCE APROVING AN AMENDMENT TO SHOREWOOD CITY CODE CHAPTER 1201 (ZONING REGULATIONS)" RELATED TO SIGNS; and

WHEREAS, The City Council adopted a lengthy ordinance amending City Code Chapter 1201.01 and 1201.03 to amend regulations related to campaign and related signage; 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. 581 clearly informs the public of the intent and effect of the Ordinance.
2. The City Clerk is directed to publish Ordinance No. 581 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 26th day of July, 2021.

Jennifer Labadie, Mayor

Attest:

Sandie Thone, City Clerk

From: Alan Yelsey <a.yelsey@gmail.com>

Sent: Friday, July 23, 2021 4:20 PM

To: Jennifer Labadie <JLabadie@ci.shorewood.mn.us>; Paula Callies <pcallies@ci.shorewood.mn.us>; Patrick Johnson <PJohnson@ci.shorewood.mn.us>; Greg Lerud <GLerud@ci.shorewood.mn.us>; Marie Darling <MDarling@ci.shorewood.mn.us>; Nathaniel Gorham <NGorham@ci.shorewood.mn.us>; Debbie Siakel <DSiakel@ci.shorewood.mn.us>

Cc: greg larson <g.larson@mchsi.com>; Anne Leland <anneleland56@gmail.com>; Cathy Olson <c.olson@dflsd33.org>

Subject: Shorewood's Undemocratic and Illegal Attempts to Restrict Free Speech - Non-Commercial Signage, Public Meetings, Failure to Notify the Public in a Timely Fashion

Dear Shorewood Government:

1) Restricting private property non-commercial political signage during the state mandated protection periods surrounding elections is undemocratic and illegal. The State of Minnesota specifically allows all non-commercial signs of any size in any number beginning 46 days before the state primary until 10 days following the election. "Municipal ordinances may regulate the size and number of noncommercial signs at other times." We reject any setback restriction as unnecessary, dangerous and illegal since the state has not granted municipalities the power to restrict private placement of election related signs. A 10 foot setback from a road restriction is unnecessary and illegal. Many Shorewood residences, estimated at over 100, have plantings, fences, lawns or barriers that prevent lawn signs from being placed or seen beyond 10 feet from a roadway, denying them their right to free speech. Having signs near the road allows a driver to view the sign within their safe and normal view and do not distract the driver to move their head or eyes to read a distant sign. Further, many residents enjoy non-commercial speech in the form of message signs placed on their property throughout the year. Certainly, a qualification for any signage is that it should allow enough room for a pedestrian or biker to safely avoid an oncoming road vehicle and it should not prevent anyone from viewing essential street signs and traffic controls or viewing any form of traffic. Most political signs are low to the ground and do not pose a problem. Any illegal attempt to restrict political speech of any kind will be challenged in court and at the next election.

2) Restricting resident speech to 3 or 5 minutes during any and every City public meeting and any and every topic is undemocratic, unwarranted, unacceptable and illegal. Certainly the City has a right to reasonably and fairly restrict resident speech that is repetitive, abusive or off topic. However, rules of speech must apply to each and every participant in the meeting equally.

The residents of Shorewood have an equal right to speak on important topics as the Mayor, the City Council, City Staff, Contractors and guest speakers. If an agenda is tight, either add another meeting or schedule a special public meeting to enable residents to speak their mind and fully address their needs and thoughts. If the City wishes to restrict residents on any topic, simple or complex, to just 3 or 5 minutes, those same restrictions should be placed upon every other participant in the meeting,

including City officials. This is a democracy that requires the full solicitation of resident perspectives and needs and the open and free opportunity for residents to express themselves.

3) The City has repeatedly violated its own resolutions pertaining to pesticide use and has repeatedly failed to fully and clearly communicate with at least 1 weeks notice any agenda items and any information that will be acted upon during an upcoming City Council meeting. The City refuses to be accountable for its contamination of the local wetlands and refuses to allow residents at least 1 week to review packets of meeting material prior to a Council meeting action. Refusing to provide adequate advance notice so residents are both informed and organized is non-democratic, abusive and illegal. The City is urged to immediately act to cease all pesticide contamination and to immediately begin to communicate all information pertaining to upcoming City meetings in a clear and organized fashion so that residents have ample time to read the material, recognize items they wish to participate in, and if necessary, organize a response to the information.

We have hired you to best meet our needs. Restricting our speech, polluting our wetlands and water and acting without easy and clear resident access to essential information well in advance of City meetings and actions is unacceptable and illegal.

--

Alan

Alan Yelsey

26335 Peach Circle
a.yelsey@gmail.com

Sandie Thone

Subject: FW: Strawberry Lane - impacts

From: Brent Hislop - Live <brent.hislop@LIVE.com>

Sent: Monday, July 26, 2021 4:46 PM

To: Engineer <CityEngineer@ci.shorewood.mn.us>; Andrew.Budde@bolton-menk.com

Cc: Marie Darling <MDarling@ci.shorewood.mn.us>; Karen Hislop <kikinelson@yahoo.com>

Subject: Strawberry Lane - impacts

Hi Andrew (& Marie) –

Thank you for your efforts on the Strawberry Lane project. I left you a brief voicemail at your City office.... I hope to talk with you in advance of tonight's meeting. As you know, we live at 6000 Strawberry Lane (NW corner of Strawberry Ln & the Trail crossing.

We have a few comments/questions related to alignment south of the trail:

1. We believe that both reconstruction and a trail/sidewalk (min. 6' wide) is needed on Strawberry Lane – and has been planned for the past 10 years. Safe pedestrian traffic is important.
2. We ask that the Council approve an alignment that is centered in the existing City right-of-way.
 - a. The existing ROW is not private property. I respect that existing trees may be in the right-of-way, but these should not take precedent to proper street alignment (particularly given the type/ marginal quality of most of the impacted trees).... Trees are a renewable asset. Street alignment is a more permanent improvement. Thought: As a means of visual mitigation – they City may work with impacted abutting owners to re-plant screening or buffer trees/shrubs upon project completion in these areas.
 - b. Requiring this project to acquire add'l private property is counter-intuitive, particularly given the project ROW needs are met by the shifted centerline alignment design. ROW acquisition is unnecessary and adds cost to the project.
 - c. If a 6' back of curb sidewalk design is selected, the non-centered design artificially does not balance the ROW green space between West & East property owners. A ROW centered road/sidewalk alignment is most equitable in terms of buffer beyond the property line and avoids acquisition/condemnation.
3. Question: Will the OH utility lines be buried underground as part of this project? Given the confined excess ROW, we'd request this be considered.

I'd ask you forward this to the City Council in advance of tonight's meeting.



Brent Hislop

(612) 590-0811

brent.hislop@live.com

Sandie Thone

Subject: FW: Strawberry Ln Design

-----Original Message-----

From: Dale Woodbeck <woodbeck@centurylink.net>
Sent: Monday, July 26, 2021 3:27 PM
To: Greg Lerud <GLerud@ci.shorewood.mn.us>
Subject: Strawberry Ln Design

Hi Greg,

One more note before the council meeting tonight. I wanted to attend and comment, but I have a meeting with the board of directors at my job that overlaps with the city council meeting.

I am in favor of a separated walking path to complement the realignment and reconstruction of Strawberry Ln. I walk along Eureka Road between Shorewood Pond and Freeman Park every morning. I think that design helps pedestrians and doesn't overwhelm the landscape with its width. I realize that the Eureka Road configuration is not in keeping with current best practices for multi-use trails. If the city is compelled to use current standards that call for a wider trail and more distance between the road and trail users, I'm in favor. I think that would be a safer, more user friendly option than a sidewalk immediately adjacent to the curb. I don't think it would be design-overkill for the street. It would be the most pleasant of the options to get to the regional trail and to Miinnewashta Elementary.

Thanks for your time.

Dale Woodbeck
26475 Strawberry Ct

Sandie Thone

Subject: FW: Ponding-Stormwater Project - Shorewood - Strawberry Lane
Attachments: IMG_1846.jpg

From: Brent Hislop - Live <brent.hislop@LIVE.COM>
Sent: Monday, July 26, 2021 5:12 PM
To: Marie Darling <MDarling@ci.shorewood.mn.us>; Engineer <CityEngineer@ci.shorewood.mn.us>
Subject: FW: Ponding-Stormwater Project - Shorewood - Strawberry Lane

Hi Marie/Andrew –

Below is an email we had some discussion on last year. Before this project is finalized, I wanted to address this one more time – these items originate off of our property, but impact our parcel. Please see below & attached.

Marie – I'd ask you forward this to Council for some consideration/discussion.

Thanks for your review.



Brent Hislop
(612) 590-0811
brent.hislop@live.com

From: Brent Hislop - Live <brent.hislop@LIVE.COM>
Sent: Friday, May 22, 2020 2:12 PM
To: Andrew Budde (cityengineer@ci.shorewood.mn.us) <cityengineer@ci.shorewood.mn.us>
Subject: Ponding-Stormwater Project - Shorewood - Strawberry Lane

Hi Andrew –

Good to talk with you yesterday. I understand the City is in process of addressing some of the stormwater issues in the greater western part of Shorewood. As talked, I ask the City to address 3 items which impact our home/property at 6000 Strawberry Lane in Shorewood.

1. **Existing Pond** (maint. needed) – as you know there's an existing pond at the N/NW part of our property. I believe this was installed 40 yrs. ago when Strawberry Gardens was done. The City has a D/U easement over it for basic maintenance. I believe it's likely not been improved during its lifetime. It's fairly shallow & full of silt.... I don't believe it functions at the capacity it was originally intended for.

.... My request is that the City dredge/hydrovac the silt to allow intended capacity.
We enjoy the pond and don't want it dry, but do want it to function as intended – basic typical maintenance.

2. **Old Drain Tile** – water from other properties (not functioning) – After we bought the property in 2008 (does not show on city util. plans), I learned there is an old clay drain tile line which exists and drains to the pond. I expect this was likely installed in the 70's or 80's when some of the lots to our west/southwest were improved. The line is collapsed in at least one location & I suspect does not function properly. The result of this is over-ground flow on the SW part of our land toward the pond – generally in spring (snow melt) and during larger rain events (i.e. like last weekend) – *** this is largely water coming from other properties onto ours. I've had a wetland delineation done 2x in the past 12 yrs. – the NOD was No Wetlands, but as you can see from the attached picture – a fair bit of over-ground flow occurs coming from other properties.

..... My request is that the city correct the issue to pipe any off-site water directly to the pond. The pipe cuts across our property (prior to us owning, it was vacant/thick buckthorn-tree cover), but I'd like to see it run in the D/U easement at our west property line and then to the existing pond.

3. **LRT Trail Ditch Drainage** (not functioning / maintenance) – Our property runs along a portion of the bike trail. In the past I've talked with long-time residents (some have owned for 50+ years) – I understand that the regional trail ditch system historically moved stormwater to the east/NE. While remnants of this ditch system still exist, it's largely been allowed to deteriorate and no longer functions in many segments. Along our property – water flows to the trail ditch, but generally ponds/back up. This is a location that the Metropolitan Mosquito Control Dist. often uses as a sample/test spot.

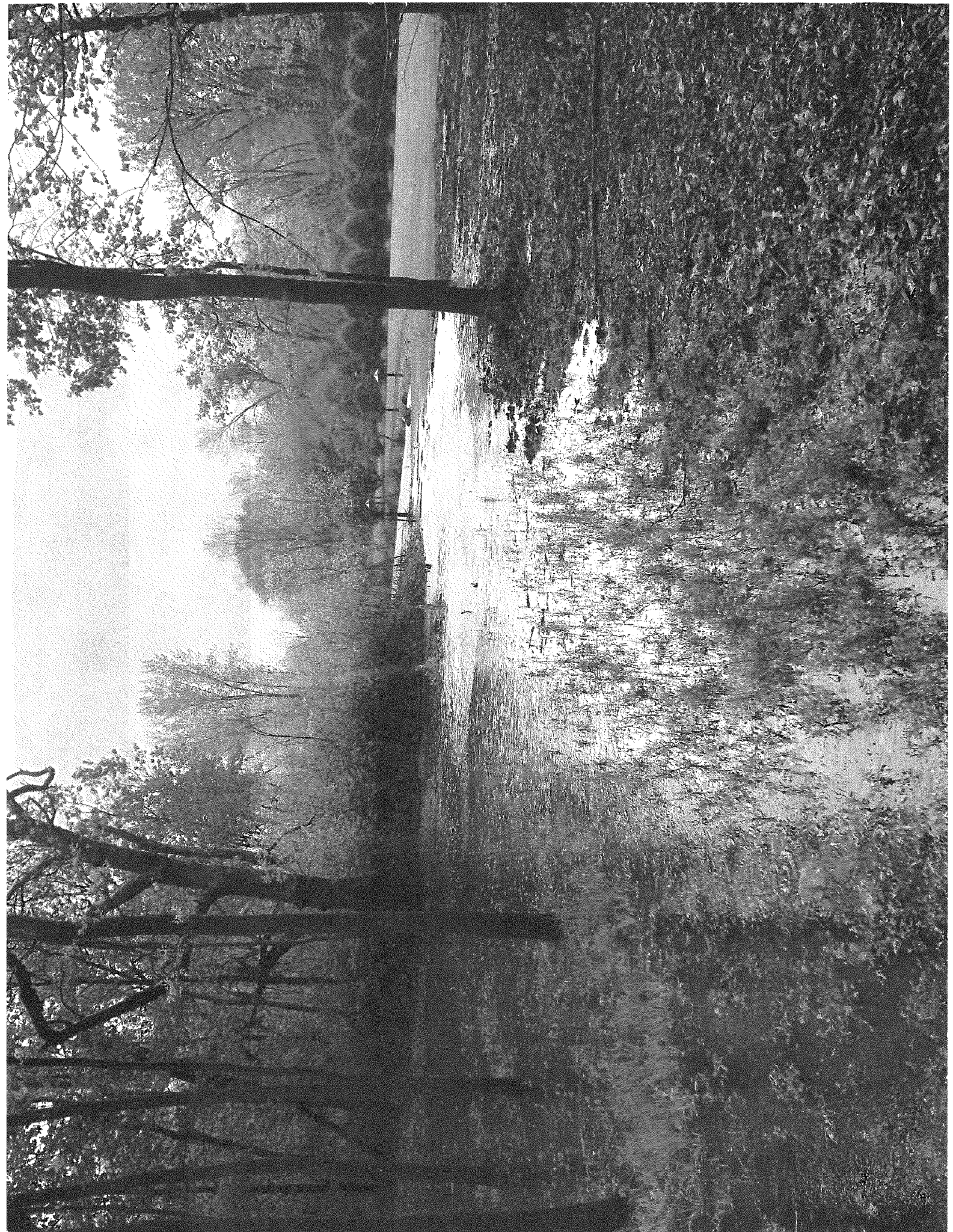
..... My request is that the City include bike trail drainage ditch maintenance in their project to allow the orig. stormwater movement to function – flow under Strawberry Lane and to the east.

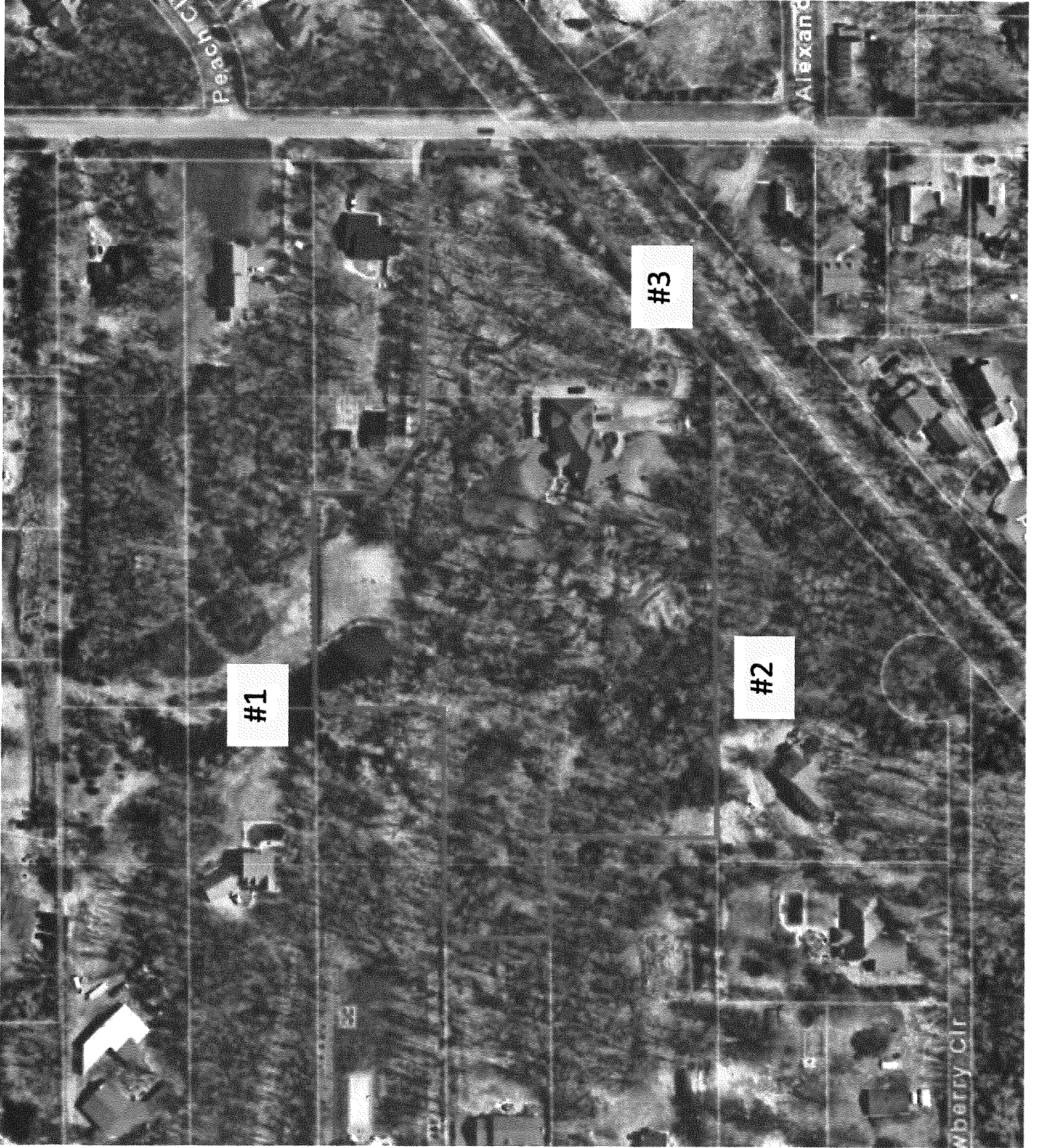
I look forward to meeting with you next Wednesday @ 4:00 to talk & walk the property. Thanks for your help in advance on these issues.

Enjoy your Memorial Day weekend.



Brent Hislop
(612) 590-0811
brent.hislop@live.com





#1

#2

#3

Cherry Cir

Alexander

Peach Cir



City of Shorewood Council Meeting Item

Title/Subject: Approval of Strawberry Lane Design Parameters,
City Project 19-05
Meeting Date: Monday, July 26, 2021
Prepared by: Andrew Budde, City Engineer
Reviewed by: Larry Brown, Director of Public Works
Attachments: Overview Maps, Typical Sections, and Resolutions

Background: On April 28, 2021, City Council approved the Feasibility Study for Strawberry Lane Reconstruction and Trail Project. The project includes the full reconstruction of Strawberry Lane, the addition of an eight-foot-wide trail on the east side of the roadway, drainage improvements, and new watermain. The project will also include the reconstruction of Peach Circle and pavement reclamation of Strawberry Court with the addition of watermain.

An eight-foot-wide bituminous trail on Strawberry Lane was proposed as it provided the minimum desired width for mixed use of pedestrians and bicyclists. The proposed trail creates a link to Smithtown Road, Lake Minnetonka Regional Trail, future connections to Shorewood and to the City of Chanhassen trails on West 62nd Street and Church Road.

Shortly after the approval of the feasibility study, many residents along the corridor commented that they were not in support of the eight-foot-wide bituminous trail with a five-foot-wide turf area between the back of curb and the trail. Many of the comments indicated that the section created too large of an impact to trees and front yards of residents, and that the section did not match their desired vision for Strawberry Lane. Most residents commented that they would like to see a six-foot-wide sidewalk against the back of curb similar to Smithtown Road. Several other comments received indicated that residents did not feel any pedestrian facilities along Strawberry Lane were warranted.

Based on the overwhelming feedback, staff reviewed in more detail the option of a six-foot-wide sidewalk located against the back of curb. The overall width of the corridor would then be reduced by seven feet from what had been proposed.

The narrower section also provided the opportunity to shift the alignment of the roadway, south of the Lake Minnetonka Region Trail six feet east, due to a jog in the alignment of the right of way along Strawberry Lane. This adjustment avoids the need to acquire right of way from four property owners on the west side of Strawberry Lane.

Right of way acquisition is a significant undertaking for any project and includes the cost of acquiring the right of way and the potential of condemnation if the city and property owners cannot come to a mutual agreement.

On June 22, 2021, the city hosted a virtual neighborhood meeting to present the information on the two trail/sidewalk options. After the neighborhood meeting, many residents on the southeast end of Strawberry Lane commented that they did not like the proposed six-foot alignment shift as they have very similar impacts between the eight-foot trail and six foot wide sidewalk options. The impacts are within the front yards of the properties on the east but are within the city right of way that was dedicated as part of the Shorewood Oaks plat.

Based on the resident feedback, staff has looked closer at maintaining the original roadway alignment (without an alignment shift) south of the trail and the associated impacts. The largest impact is that it would require the city to acquire right of way from the four additional parcels on the west side, the same as the eight-foot trail option. Staff has reached out to and met with nearly all impacted property owners on the west side about the proposed change. The feedback received by staff from those property owners is that there is not a majority in favor of one option or the other.

Based on all the feedback received from residents and further evaluation of alternatives, it is the staff's recommendation to pursue the six-foot-wide sidewalk next to the back of curb and shift the southern alignment of Strawberry Lane six-foot east to eliminate right of way acquisition from the subject four properties on the west. It is noted that moving forward with the original roadway alignment, without the six-foot shift in alignment, is more costly but still feasible.

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 allocated to Right of Way Acquisition. The total project costs estimated for the feasibility study is \$4,820,000.

The reduction of the sidewalk/trail width from an eight foot wide trail, as proposed in the feasibility study, to a six-foot-wide sidewalk behind the back of curb, is estimated to save \$20,000 in project costs.

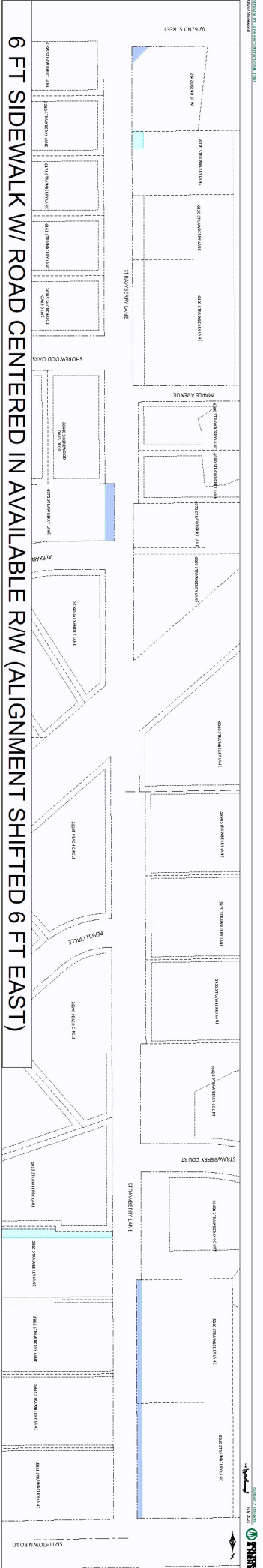
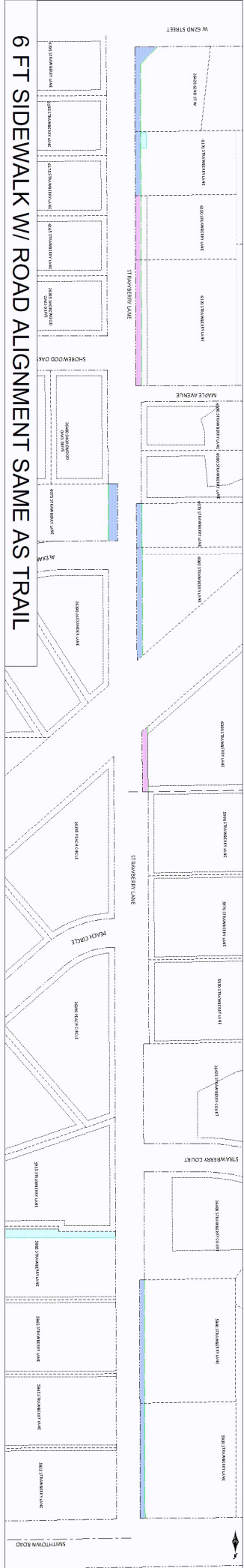
If the six-foot-wide sidewalk option is pursued without the six-foot alignment shift, it is estimated to add an additional \$45,000 in right of way acquisition costs.

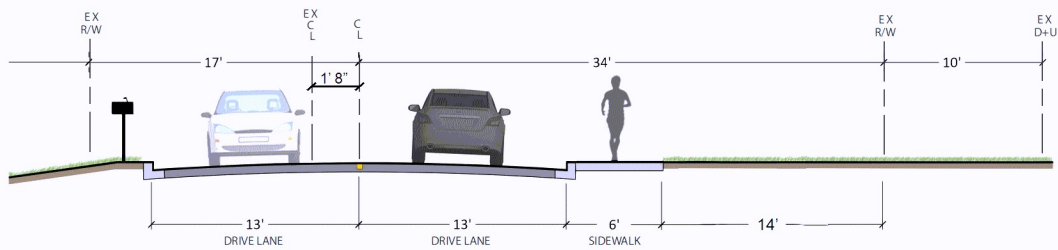
Staff is seeking direction from the City Council on the proposed sidewalk width and whether the centerline alignment should be shifted South of the Lake Minnetonka Regional Trail.

Based on the feedback received, staff prepared two Resolutions, both indicating that the design is to include a six-foot sidewalk behind the back of curb, with two different

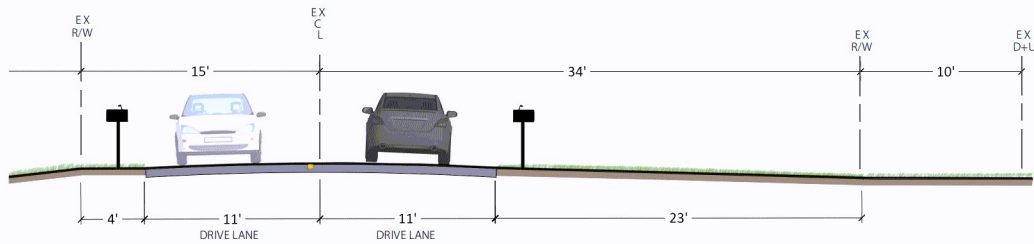
versions regarding, to shift, or, not to shift the centerline alignment six-feet south of the LRT.

Recommendation/Action Requested: Staff recommends the City Council Approve a Resolution providing direction regarding sidewalk parameters and roadway alignment and Authorizing Preparation of Final Plans and Specifications for Strawberry Lane Reconstruction and Trail project.

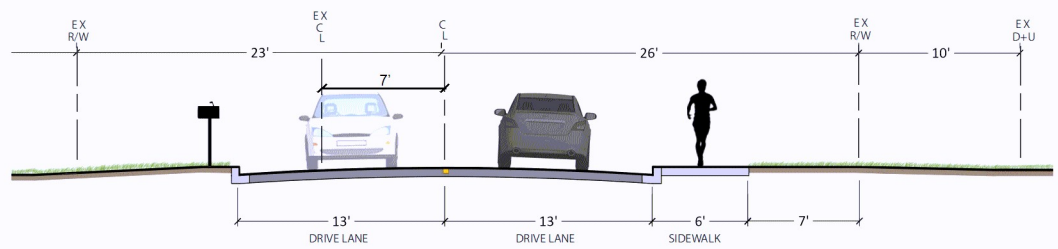




6 FT SIDEWALK
W/ ROAD
ALIGNMENT SHIFT
6 FT WEST



EXISTING
ROADWAY



6 FT SIDEWALK
W/ ROAD
ALIGNMENT
CENTERED IN R/W



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

RESOLUTION 21-084 (Version A)

**A RESOLUTION REGARDING SIDEWALK FACILITIES WITHOUT
SHIFTING THE ROADWAY ALIGNMENT FOR STRAWBERRY LANE,**

CITY PROJECT 19-05

WHEREAS, the current Capital Improvement Plan (CIP) identifies improvements to Strawberry Lane Reconstruction and Trail project from West 62nd Street to Smithtown Road and includes street reconstruction, walking trail, watermain, and drainage improvements; and

WHEREAS, the city approved a Feasibility Study for Strawberry Lane and Trail project that identified an eight-foot-wide bituminous trail and five-foot-wide turf boulevard; and

WHEREAS, feedback from adjacent residents to the project would prefer a six-foot-wide sidewalk on the east side of the roadway adjacent to the back of curb, to minimize impacts to yards, trees, and other features along the corridor; and

WHEREAS, a six foot wide sidewalk, adjacent to the back of curb of Strawberry Lane, can be constructed to generally maintain the same western edge of the roadway, without a shift in centerline alignment south of the Lake Minnetonka Regional Trail; and

WHEREAS, said option would require right of way acquisition from four additional properties on the west side of Strawberry Lane.

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 incorporate a six-foot-wide concrete sidewalk on the east side of Strawberry Lane and adjacent to the back of curb, and generally maintain the same western edge of the roadway south of the Lake Minnetonka Regional Trail and the pursue acquisition of right of way from four additional properties on the west side of Strawberry Lane.

Passed by the City Council of Shorewood, Minnesota this 26th day of July 2021.

Jennifer Labadie, Mayor
Attest:

Sandie Thone, City Clerk

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

RESOLUTION 21-084 (Version B)

**A RESOLUTION REGARDING SIDEWALK FACILITIES AND
SHIFTING THE PROPOSED ROADWAY ALIGNMENT
FOR STRAWBERRY LANE,**

CITY PROJECT 19-05

WHEREAS, the current Capital Improvement Plan (CIP) identifies improvements to Strawberry Lane Reconstruction and Trail project from West 62nd Street to Smithtown Road and includes street reconstruction, walking trail, watermain, and drainage improvements; and

WHEREAS, the city approved a Feasibility Study for Strawberry Lane and Trail project that identified an eight-foot-wide bituminous trail and five-foot-wide turf boulevard; and

WHEREAS, feedback from adjacent residents to the project would prefer a six-foot-wide sidewalk on the east side of the roadway adjacent to the back of curb, to minimize impacts to yards, trees, and other features along the corridor; and

WHEREAS, the narrower corridor, with a six foot wide sidewalk adjacent to the back of curb, allows for the roadway alignment south of the Lake Minnetonka Regional Trail to shift six feet East and eliminate right of way acquisition from four properties on the west side of the roadway.

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 incorporate a six-foot-wide concrete sidewalk on the east side of Strawberry Lane and adjacent to the back of curb, along with a six foot roadway alignment shift to the East to center the roadway corridor in available right of way and eliminate property acquisitions from four property owners on the west side of Strawberry Lane.

Passed by the City Council of Shorewood, Minnesota this 26th day of July 2021.

Jennifer Labadie, Mayor
Attest:

Sandie Thone, City Clerk



City of Shorewood Council Meeting Item

Title/Subject: Approve Plans and Specifications and Authorize Advertisement for Bids for Covington Road Watermain Improvement Project, City Project 21-07

Meeting Date: Monday, July 26, 2021

Prepared by: Matt Bauman, Assistant City Engineer

Reviewed by: Larry Brown, Director of Public Works

Attachments: Site Location Map, Project Plans and Resolution

Background: On June 22nd, staff commenced with a repair to a leaking watermain on Covington Road between the intersections of Vine Hill Road and Sweetwater Curve, as shown in Attachment 1. Further investigation during the repairs showed the existing main has deteriorated significantly and is need of replacement.

The existing watermain is a 12-inch diameter ductile iron pipe. The pipe was installed in 1987 and should have some additional life expectancy, however “hot” (acidic) soils in the area contributed to accelerated degradation of the watermain.

Currently, the portion of Covington Road was scheduled for mill and overlay this year. Due to the discovery of the deteriorated watermain, this portion of Covington Road has been deleted from the current contract and would be completed next year under a new mill and overlay project after the watermain is repaired.

The portion of watermain to be replaced is approximately 860-feet in length. Since the roadway subgrade is in good shape a trenchless pipe replacement option is the most appropriate, via pipe bursting. This method is how the Sweetwater Curve watermain replacement was just completed as part of the mill and overlay project.

The Council was apprised of the situation at the July 12th, 2021 Work Session and directed staff to move forward with the project. Engineering plans, specifications and estimates have been prepared and are ready for publication for bidding and have been included at the following link: www.ci.shorewood.mn.us/CovingtonWater .

Financial Considerations: Construction costs for this work are estimated to be \$392,000. Total project costs for this work are estimated to be \$490,000 including design, construction, engineering and legal costs. This is an emergency replacement that will be funded and would utilize funds from the Municipal Water Fund. Since this is an emergency type repair, it is not accounted for in the Capital Improvement Plan. However, adequate funds exist to perform the project.

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.*

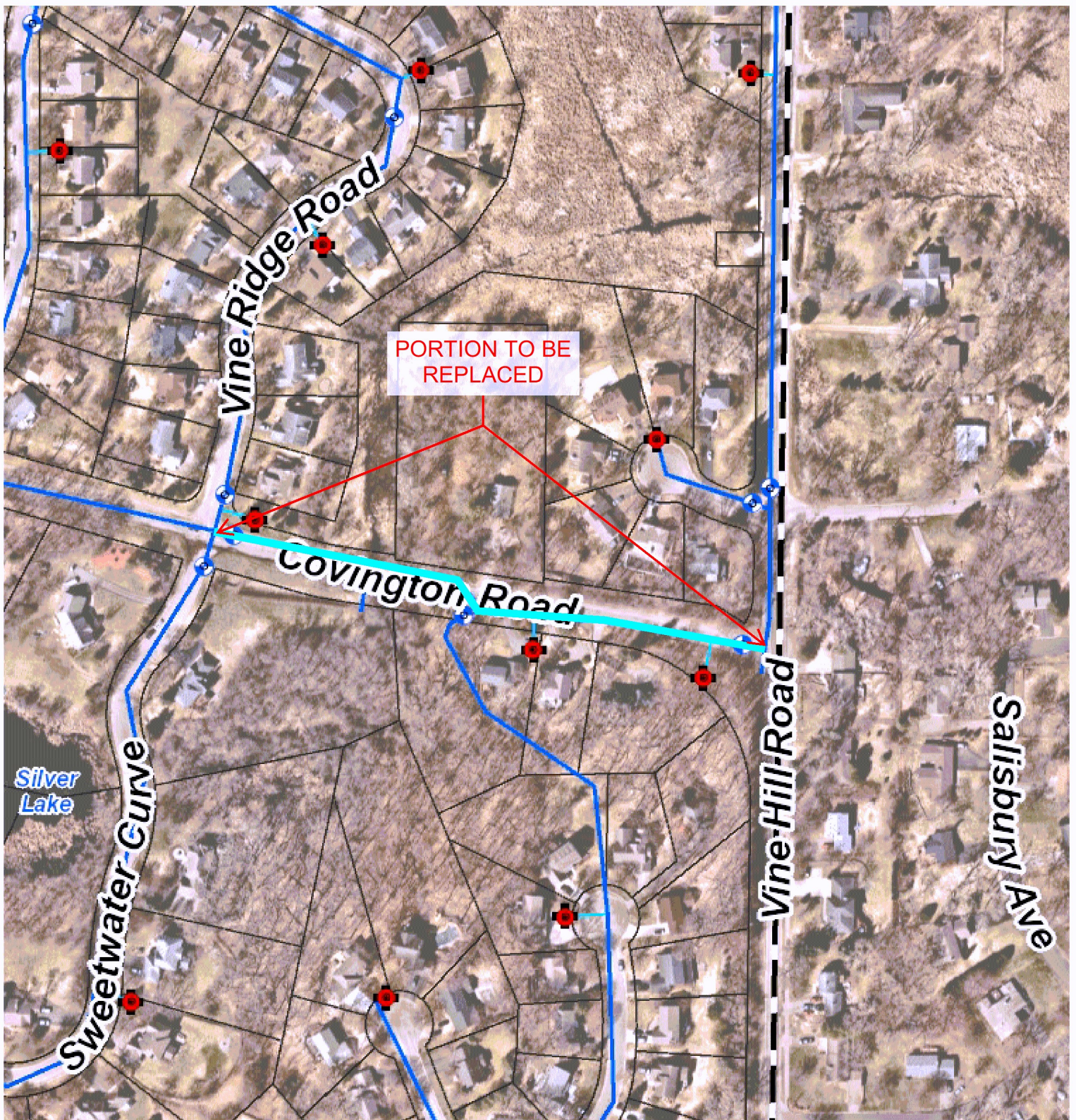
Timing: The following time schedule is being proposed for this project:

- August – Post plans for bidding
- August/September – Open bids and award project
- September through October – Construction

Options: Staff recommends that the Council consider the following actions:

1. Approve the Resolution that approves the Plans, Specifications for the Covington Road Watermain Improvement Project, and authorize advertisement of bids for City Project 21-07.
2. Provide Staff with alternate direction.

Recommendation/Action Requested: Staff recommends that the Council adopt the Resolution as submitted that approves the Plans, Specifications for the Covington Road Watermain Improvement Project, and proceed with bidding the project.



0 200 Feet



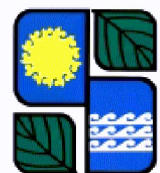
**BOLTON
& MENK**

Real People. Real Solutions.

Disclaimer:

This drawing is neither a legally recorded map nor a survey and is not intended to be used as one. This drawing is a compilation of records, information, and data located in various city, county, and state offices, and other sources affecting the area shown, and is to be used for reference purposes only. The City of Shorewood is not responsible for any inaccuracies herein contained.

© Bolton & Menk, Inc - Web GIS 7/6/2021 8:54 AM



**Covington Road Watermain
Location Map**

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

RESOLUTION 21-085

**A RESOLUTION APPROVING PLANS & SPECIFICATIONS AND AUTHORIZE
ADVERTISEMENT OF BIDS FOR THE COVINGTON ROAD WATERMAIN
IMPROVEMENT PROJECT
CITY PROJECT 21-07**

WHEREAS, the City of Council discussed at the July 6, 2021 work session the recent water main failures on Covington Road between Vine Hill Road and Vine Ridge Road and the need to complete a project to replace the deteriorated watermain to insure the integrity of the distribution system; and

WHEREAS, project plans, specifications and engineer's estimate have been prepared for said improvement and found to be in order; and

WHEREAS, project will be funded through the Municipal Water Fund;

NOW THEREFORE, IT RESOLVED: that the City Council of the City of Shorewood hereby approves the Final Plans & Specifications and authorizes bidding for the Covington Road Watermain Improvement project, City Project 21-07.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF SHOREWOOD this 26th day of July 2021.

Jennifer Labadie, Mayor

Attest:

Sandie Thone, City Clerk



City of Shorewood Council Meeting Item

Title/Subject: **Reject Bids for Lift Stations 7 and 10 Rehabilitation Project, City Project 20-12**
Meeting Date: Monday, July 26, 2021
Prepared by: Matt Bauman, Assistant City Engineer
Reviewed by: Larry Brown, Director of Public Works
Attachments: **Site Location Maps, Bid Tabulation, Resolution**

Background: At the June 14th, 2021 City Council Meeting, staff had presented the final plans and specifications for the Lift Stations 7 & 10 Rehabilitation project. A site location map has been included as Attachments 1 & 2. The two stations are packaged together as one plan set and Council had given authorization to advertise and open bids for the project.

Bids for the project were received and opened on July 6, 2021. A total of three bids were received and the low bidder is submitted by Meyer Contracting from Maple Grove, Minnesota. The bids are summarized below:

<u>Bidder:</u>	<u>Total Bid Amount:</u>
Meyer Contracting	\$429,819.67
Pember Companies	\$437,012.30
Minger Construction Co.	\$443,218.70

Staff has reviewed all the bids and based on the low bid from Meyer Contracting, the construction costs of the project is 48% above the engineer's estimate. The bids received indicate that the bidding process was competitive, but prices have risen significantly in the current market. With market conditions as they are, it is likely that better bid results would be obtained in the spring of 2022.

Financial Considerations: Costs for this work have been budgeted for in the Capital Improvement Plan and would utilize Sanitary Funds. The City has budgeted \$240,000 Lift Station 7 and \$150,000 for Lift Station 10. Items purchased directly by the City, coupled with the low bid price and estimated engineering administration fees to complete the project under the low bid received would be \$635,000. This is \$245,000 over the amount in the Capital Improvement Plan.

Recommendation/Action Requested: Staff recommends the City Council reject the bids and for the Lift Stations 7 & 10 Rehabilitation Project.



CITY OF SHOREWOOD

ATTACHMENT 1
LIFT STATION 7 AT 5600 WOODSIDE LANE



CITY OF SHOREWOOD

**ATTACHMENT 2
LIFT STATION 10 AT 4773 LAKEWAY TERRACE**



City of Shorewood
Project Bid Tabulation

Lift Station 7 & 10 Rehabilitation
BMI No. 0C1.123096 & C16.122395

Soliciting agent: Bolton & Menk, Inc.
Contact: Matthew Bauman, P.E.
Bid Date: 07/06/2021 1:00 PM CDT

Firm	Total Bid
MEYER CONTRACTING, INC.	\$429,819.67
PEMBER COMPANIES, INC.	\$437,012.30
MINER CONSTRUCTION CO, INC.	\$443,218.70

Engineer's Opinion of Cost

\$289,346.00

I hereby certify that this is a true and correct tabulation of the bids as received on July 6, 2021 for the
Lift Station 7 & 10 Rehabilitation Improvements, City Project 20-12.

Matthew Bauman, P.E., Assistant City Engineer

Sandie Thone, City Clerk

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

RESOLUTION 21-086

**A RESOLUTION REJECTING BIDS FOR THE LIFT STATIONS 7 AND 10
REHABILITATION PROJECT,
CITY PROJECT 20-12**

WHEREAS, pursuant to an advertisement for bids for the Lift Stations 7 & 10 Rehabilitation Project, bids were received on July 6, 2021 opened and tabulated according to law, with the following bids received and complying with the advertisement:

Contractor	Total Bid
Meyer Contracting	\$429,819.67
Pember Companies	\$437,012.30
Minger Construction Co.	\$443,218.70

WHEREAS, the quotes received are 48% above the engineers estimate and total project costs would be above the amount budgeted for in the Capital Improvement Plan;

NOW THEREFORE, BE IT RESOLVED: by the City Council of the City of Shorewood hereby rejects the bids received and directs the City Clerk to return the bid bonds and securities to the bidders.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF SHOREWOOD this 26th day of July, 2021.

Jennifer Labadie, Mayor

Attest:

Sandie Thone, City Clerk



City of Shorewood Council Meeting Item

Title/Subject: Discussion Regarding Amendments for Urban Farm Animals

Applicant: City of Shorewood

Meeting Date: July 26, 2021

Prepared By: Marie Darling, Planning Director

Attachments: Potential Ordinance Amendments for Urban Farm Animals
Chapter 705.09 (Farm Animals) of City Code

Background: On June 28, 2021, the City Council reviewed general information on how other cities and Shorewood regulate farm animals and directed staff to draft amendments to the ordinance to allow the following changes to the regulations:

1. Remove the requirement that a 75 percent of neighbors within 150 feet must consent to the request.
2. Add a regulation that the animal shelter must be located closer to the animal owner's home than to a home on an abutting property.
3. Limit the ownership of urban farm animals to properties with single-family dwellings.
4. Require a renewal of the permit, but not require a fee.
5. Prohibit slaughtering.

The attached ordinance amendment reflects all the above items. Staff also added a requirement for screening because the neighbors will no longer be consulted on the appropriate fencing. Staff proposed requiring screening when the enclosure is located within 25 feet of a property line.

Financial or Budget Considerations: Without a renewal fee, the City would be subsidizing the cost of processing the renewals and conducting the inspections for animal owners.

Next Steps: At the June 28, 2021 meeting, staff mentioned that due to a recent Supreme Court Decision, the adoption of an ordinance amendment that relies on zoning ordinance regulations may also have to follow the same process as zoning amendments. Because the case was only recently decided, the League has not yet had time to put together guidance on this topic. To avoid any legal ambiguity with this ordinance amendment, staff recommends that the City follow the same public hearing process for this amendment as a zoning ordinance amendment. The next available meeting to hold a public hearing on this topic would be September 7, 2021.

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.*

ORDINANCE xxx

CITY OF SHOREWOOD
COUNTY OF HENNEPIN
STATE OF MINNESOTA

AN ORDINANCE APPROVING AN AMENDMENT TO SHOREWOOD CITY CODE
CHAPTER 705 (FARM AND OTHER ANIMALS)

Section 1: City Code Chapter 705.09 (Farm Animals) Subd. 2 is hereby amended as follows:

705.09 FARM ANIMALS Subd. 2 (Urban Farm Animals):.

Subd. 2. *Urban farm animals.* A person may own, keep, harbor or otherwise possess urban farm animals within the city in accordance with the provisions of this section.

a. An urban farm animal may only be kept on properties zoned and used for single-family homes. The owner of the urban farm animals shall live in the dwelling on the property.

a.b. An urban farm animal may only be kept in the buildable area of the rear yard of the property, as defined by the Zoning Code.

b. c. An urban farm animal that is kept outside must be provided a shelter structure of appropriate size, that is accessible to the animal at all times as provided in § 7045.06, Subd. 1. of this chapter. The shelter must be situated closer to the animal owner's home than to any dwelling on an adjacent property. The shelter structure and confinement areas shall be located a minimum of 25 feet from adjacent properties or adequately screened to the satisfaction of neighboring property owners, as provided in § 705.09, Subd. 2.j.(2). Screening may be achieved by fencing or landscaping, or a combination of both, to a height of 1 foot above the coop or other habitable structure, but no less than four feet in height and no greater than six feet in height. Fencing shall be a solid privacy fence. The screening shall be one foot in width beyond the enclosure area on each side as provided in Section 705.09 Subd. 2.c.

d. e. The urban farm animal must be contained on the property by the use of a fence or other appropriate containment device or structure.

f.e. Roosters are not allowed.

f. An urban farm animal must not be kept on residentially-zoned property if it is being used as part of a commercial purpose, whether or not the commercial use occurs on the residentially-zoned property.

- g. The ground or floor of the area where an urban farm animal is kept must be covered with vegetation, concrete or other surface approved by the Planning Department, so that it can be, and is, sufficiently maintained to adequately dissipate offensive odors, in compliance with § 7045.06, Subd. 2.a. and c. of this chapter.
- h. The number of chickens, ducks, geese, turkeys, guinea hens, or rabbits shall not exceed a combined total of six.
- i. The number of bee hives shall not exceed four.
- j. Any person having more than the allowable number of animals set forth in paragraphs gi. and hj. above, at the time of the adoption of this chapter, shall not replace animals in excess of those limitations.

k. Slaughtering urban farm animals is prohibited on residentially used or zoned properties.

k.l. Permit issuance; fees.

- (1) No urban farm animal may be kept in the city until a permit to do so has been approved by the Zoning Administrator and issued by the office of the Building Official. No permit shall be granted until the necessary fee has been paid, and until the Building Official or staff representative has made an inspection of the property, and property and has ascertained that the premises comply with all requirements of this chapter. Detailed plans and specifications, accurate and drawn to scale, must be submitted with the application, including, but not limited to, the following:

- (a) Site plan showing the location and setbacks of existing and proposed buildings, fences and structures on the subject property, with dimensions to the property lines.
- (b) Architectural plans of the shelter showing floor plans, building elevations and dimensions.
- (c) Landscaping plan showing how the shelter structure and confinement areas will be screened from adjoining properties.

~~(2) The applicant for any permit required under the provisions of this chapter shall provide with the application, the written consent of 75% of the owners or occupants of privately or publicly owned real estate within 150 feet of the outer boundaries of the premises for which the permit is being requested, or, in the alternative, proof that the applicant's property lines are 150 feet or more from any~~

~~structure. Where a street separates the premises for which the permit is being requested from other neighboring property, no consent is required from the owners or occupants of property located on the opposite side of the street. Where a property within 150 feet consists of a multiple dwelling, the applicant need only obtain the written consent of the owner or manager, or other person in charge of the building.~~

~~(3)~~(2) *Fees.*

(a) The permit fee and other fees and charges set forth in this chapter shall be collected by the city before the issuance of any permits, and the Building Official, or other persons duly authorized to issue the permit for which the payment of a fee is required under the provisions of this chapter, may not issue a permit until the fees shall have been paid.

(b) The City Council shall, from time to time, establish a fee schedule by ordinance.

(3) Expiration of Permits.

(a) The permit shall expire if: 1) the use of the property for urban farm animals is not established within six months of permit issuance; or 2) five years from the date the permit is issued.

(b) A permit may be renewed according to the process listed above, except that no fee is required.

NOW THEREFORE the City Council of the City of Shorewood, Minnesota, ordains:

Section 2. That Ordinance xxx Amending Shorewood City Code, Chapter 705, Farm and Other Animals has been hereby approved and adopted.

Section 3. This Ordinance xxx adopting the Amendment to City Code, Chapter 705, Farm and Other Animals shall take effect upon publication in the City's official newspaper.

705.09 FARM ANIMALS.

Subd. 1. *Rural farm animals.* Unless otherwise provided for, a person shall not keep, own, harbor or otherwise possess a rural farm animal within the city.

Subd. 2. *Urban farm animals.* A person may own, keep, harbor or otherwise possess urban farm animals within the city in accordance with the provisions of this section.

- a. An urban farm animal may only be kept in the buildable area of the rear yard of the property, as defined by the Zoning Code.
- b. An urban farm animal that is kept outside must be provided a shelter structure of appropriate size, that is accessible to the animal at all times as provided in § 704.06, Subd. 1. of this chapter. The shelter structure and confinement areas shall be adequately screened to the satisfaction of neighboring property owners, as provided in § 705.09, Subd. 2.j.(2). Screening may be achieved by fencing or landscaping, or a combination of both.
- c. The urban farm animal must be contained on the property by the use of a fence or other appropriate containment device or structure.
- d. Roosters are not allowed.
- e. An urban farm animal must not be kept on residentially-zoned property if it is being used as part of a commercial purpose, whether or not the commercial use occurs on the residentially-zoned property.
- f. The ground or floor of the area where an urban farm animal is kept must be covered with vegetation, concrete or other surface approved by the Planning Department, so that it can be, and is, sufficiently maintained to adequately dissipate offensive odors, in compliance with § 704.06, Subd. 2.a. and c. of this chapter.
- g. The number of chickens, ducks, geese, turkeys, guinea hens, or rabbits shall not exceed six.
- h. The number of bee hives shall not exceed four.
- i. Any person having more than the allowable number of animals set forth in paragraphs g. and h. above, at the time of the adoption of this chapter, shall not replace animals in excess of those limitations.
- j. *Permit issuance; fees.*

- (1) No urban farm animal may be kept in the city until a permit to do so has been approved by the Zoning Administrator and issued by the office of the Building

Official. No permit shall be granted until the necessary fee has been paid, and until the Building Official or staff representative has made an inspection of the property, and has ascertained that the premises comply with all requirements of this chapter. Detailed plans and specifications, accurate and drawn to scale, must be submitted with the application, including, but not limited to, the following:

- (a) Site plan showing the location and setbacks of existing and proposed buildings, fences and structures on the subject property.
 - (b) Architectural plans showing floor plans, building elevations and dimensions.
 - (c) Landscaping plan showing how the shelter structure and confinement areas will be screened from adjoining properties.
- (2) The applicant for any permit required under the provisions of this chapter shall provide with the application, the written consent of 75% of the owners or occupants of privately or publicly owned real estate within 150 feet of the outer boundaries of the premises for which the permit is being requested, or, in the alternative, proof that the applicant's property lines are 150 feet or more from any structure. Where a street separates the premises for which the permit is being requested from other neighboring property, no consent is required from the owners or occupants of property located on the opposite side of the street. Where a property within 150 feet consists of a multiple dwelling, the applicant need only obtain the written consent of the owner or manager, or other person in charge of the building.
- (3) *Fees.*
- (a) The permit fee and other fees and charges set forth in this chapter shall be collected by the city before the issuance of any permits, and the Building Official, or other persons duly authorized to issue the permit for which the payment of a fee is required under the provisions of this chapter, may not issue a permit until the fees shall have been paid.
 - (b) The City Council shall, from time to time, establish a fee schedule by ordinance.

(Ord. 493, passed 3-12-2012) Penalty, see § 104.01



#10A.1

MEETING TYPE
Regular

City of Shorewood Council Meeting Item

Title / Subject: 2nd Quarter 2021 General Fund Budget Report

Meeting Date: July 26, 2021

Prepared by: Joe Rigdon, Finance Director

Reviewed by: Greg Lerud, City Administrator

Attachments: General Fund Budget Report

Policy Consideration:

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

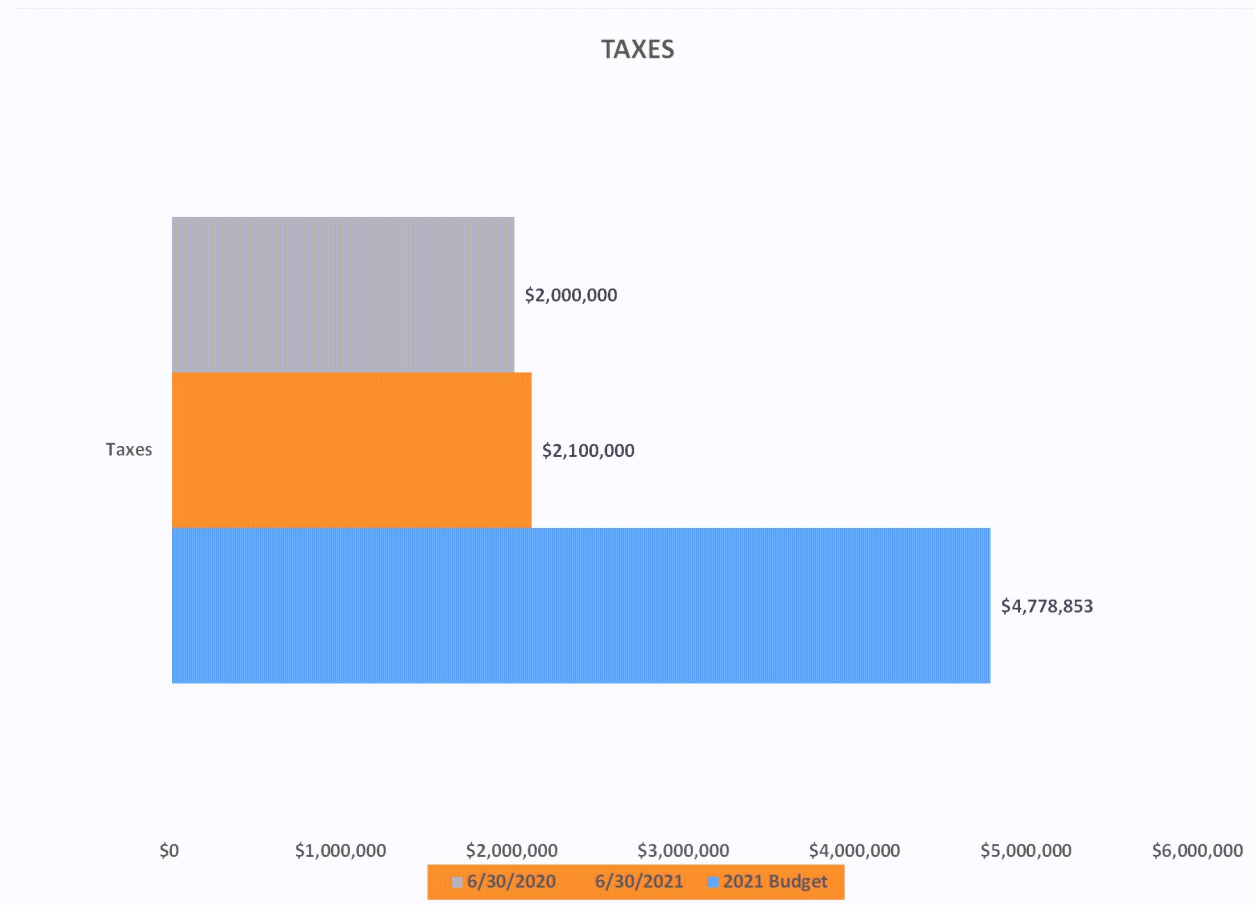
Background:

The following information describes the unaudited financial results of the City's General Fund as of June 30, 2021. Comparisons between year-to-date amounts through June for revenues and expenditures are included to assist in gauging fund performance.

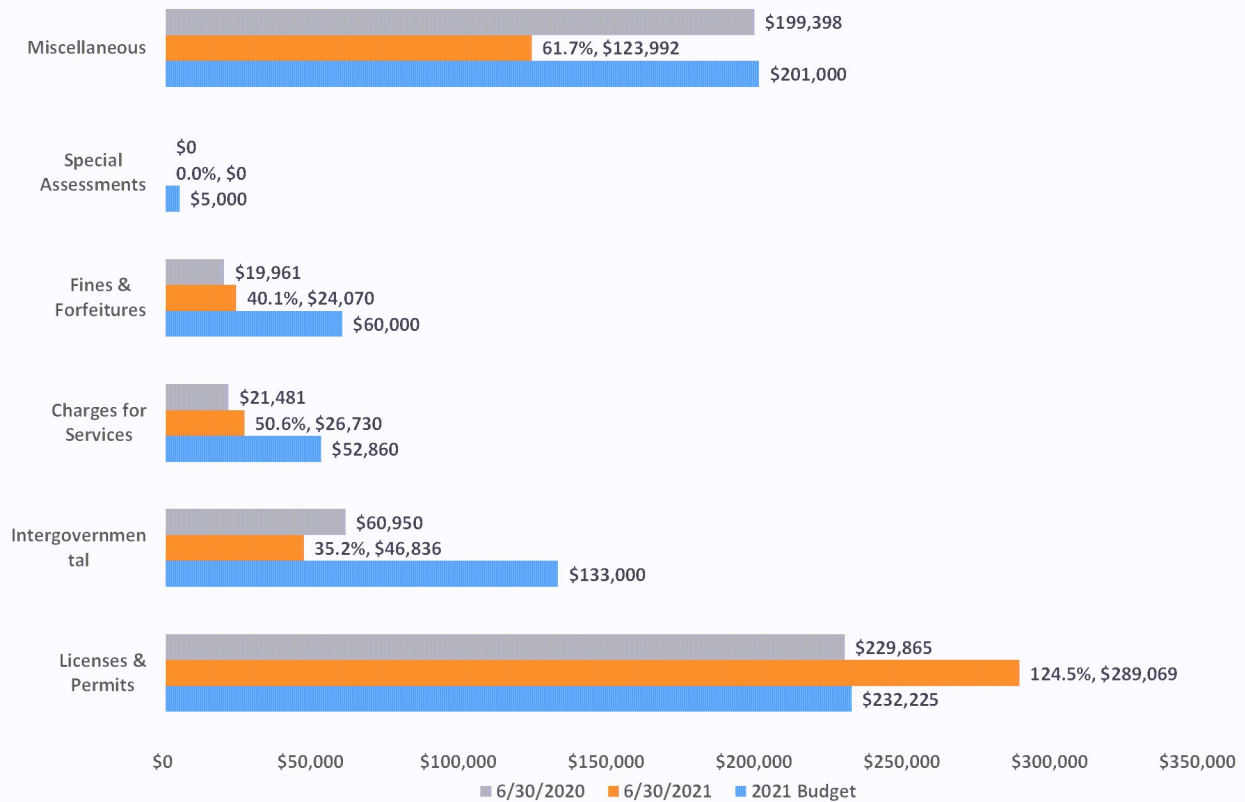
General Fund

Revenues:

Property tax revenues for the General Fund were \$2,100,000 through June 30, consisting of a first half advance of funds from Hennepin County. The remainder of first half property taxes were received in July 2021, and the second half property taxes will be received in December 2021.

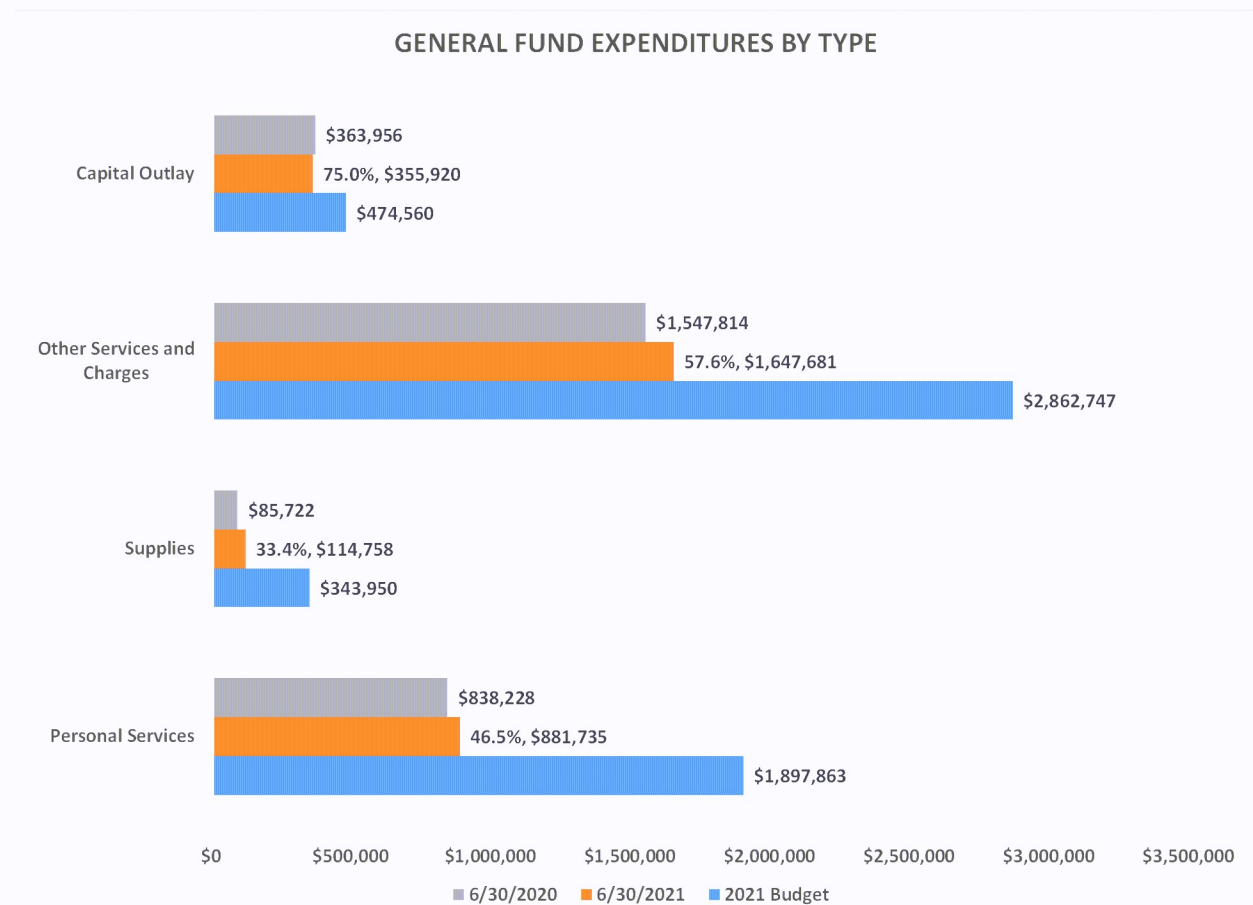


GENERAL FUND NON-TAX REVENUES



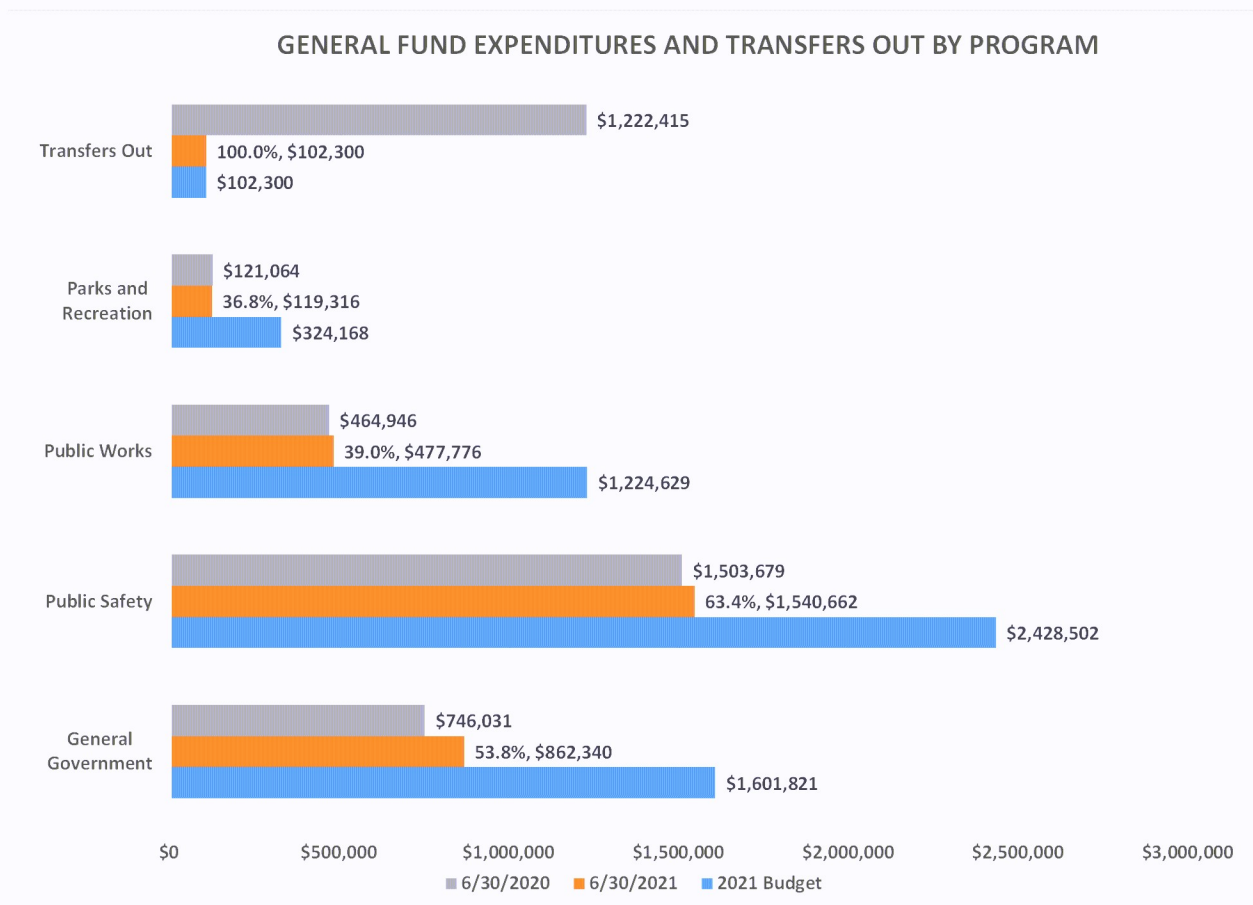
- Licenses and permits amounted to 124.5% of budget, or \$289,069 through June of 2021. The majority of the revenue consisted of building permits and plan check fees. As a comparison, licenses and permits revenues through June of 2020 were \$229,865.
- Intergovernmental revenues were \$46,836 through 06/30/20, as compared to \$60,950 through 06/30/20.
- Miscellaneous revenues totaled \$123,992 through 06/30/21. 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 \$2,610,697, or 47.8% of budget through 06/30/21. Revenues through June for 2021 were \$79,042 higher than prior year revenues through June 2020.

Expenditures by Type:



- General Fund personal services (including salaries and benefits) were at 46.5% of the annual budget through the second quarter of 2021. This amounted to a 5.2% increase over the 2nd quarter of 2020, and resulted due to increases in wages and timing differences in payroll from year to year.
- Supplies expenditures through June 2021 were 33.4% of the 2021 budget.
- Other services and charges were 57.6% of the 2021 budget.
- Capital outlay expenditures were 75.0% of budget through the second quarter, resulting from the payment timing for the capital portion of the police and fire contracts in 2021. Capital expenditures were 2.2% less, when compared through the same period of the prior year.

Expenditures by Program:

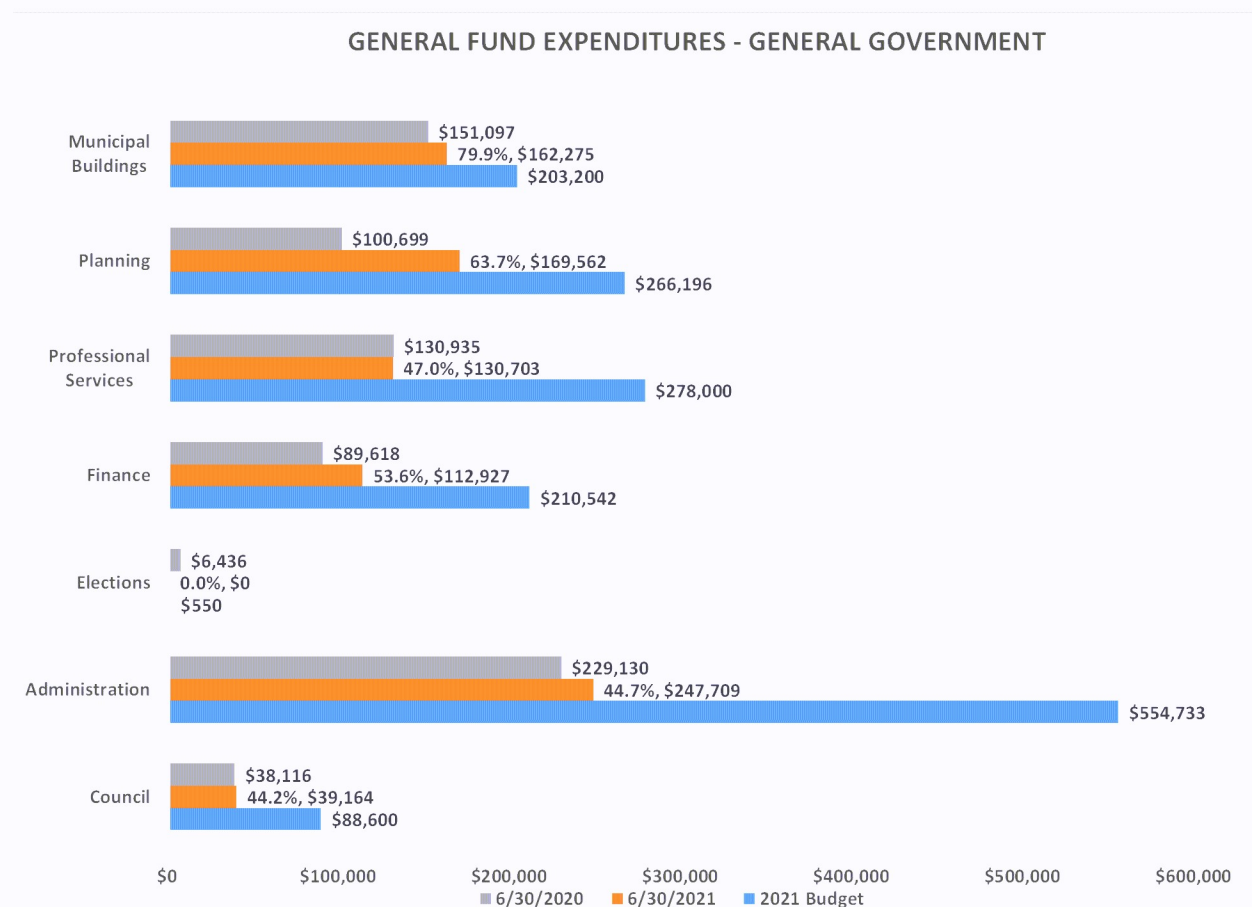


- General government expenditures through June 2021 were \$862,340 (53.8% of budget), or 15.6% higher than 2020.
 - A comparative increase in planning wages and benefits expenditures occurred in the first half of 2021 due to a planning position being open in the first half of 2020.
 - Code enforcement legal costs incurred
 - Purchase of building permit software in 2021
- Public safety expenditures were \$1,540,662 through 06/30/21 (63.4% of budget), increasing 2.5% through 06/30/20.
 - Police increase of 3.2%; Fire increase of 2.0%; Protective Inspections decrease of 3.1%.
- Public works expenditures totaled \$477,776 through 06/30/21 (39.0% of budget), increasing 2.8% from the prior year.
- Parks and recreation expenditures amounted to \$119,316 through June 2021, a 1.4% decrease from 2020.

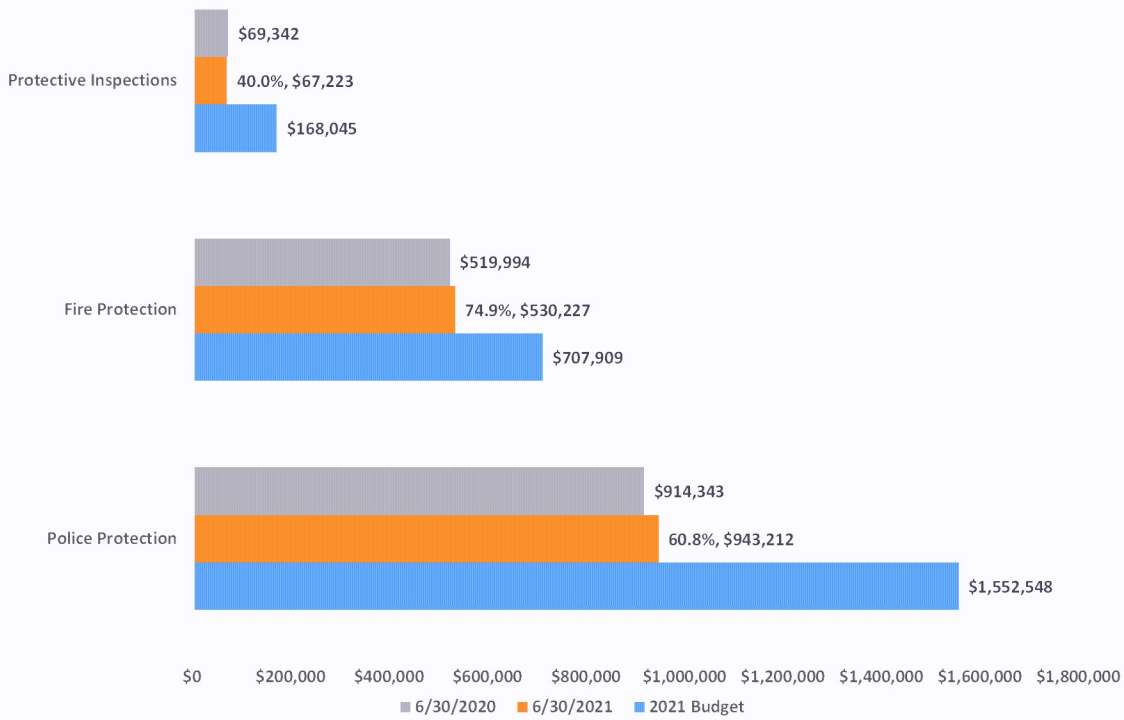
- Budgeted transfers out to other funds were \$102,300 through June 2021, as compared to \$1,222,415 through June 2020.
 - Through 2020, the City certified its entire property tax levy as revenue to the General Fund. Subsequent transfers out were made from the General Fund to various capital projects and debt service funds. Commencing in 2021, the City levied taxes directly to capital and debt funds, thereby reducing General Fund tax revenues as well as eliminating the majority of the transfers out.
- The General Fund exhibited an overall 5.8% increase in expenditures (excluding transfers out) from \$2,835,720 through 06/30/20 to \$3,000,094 through 06/30/21.

Expenditures by Department:

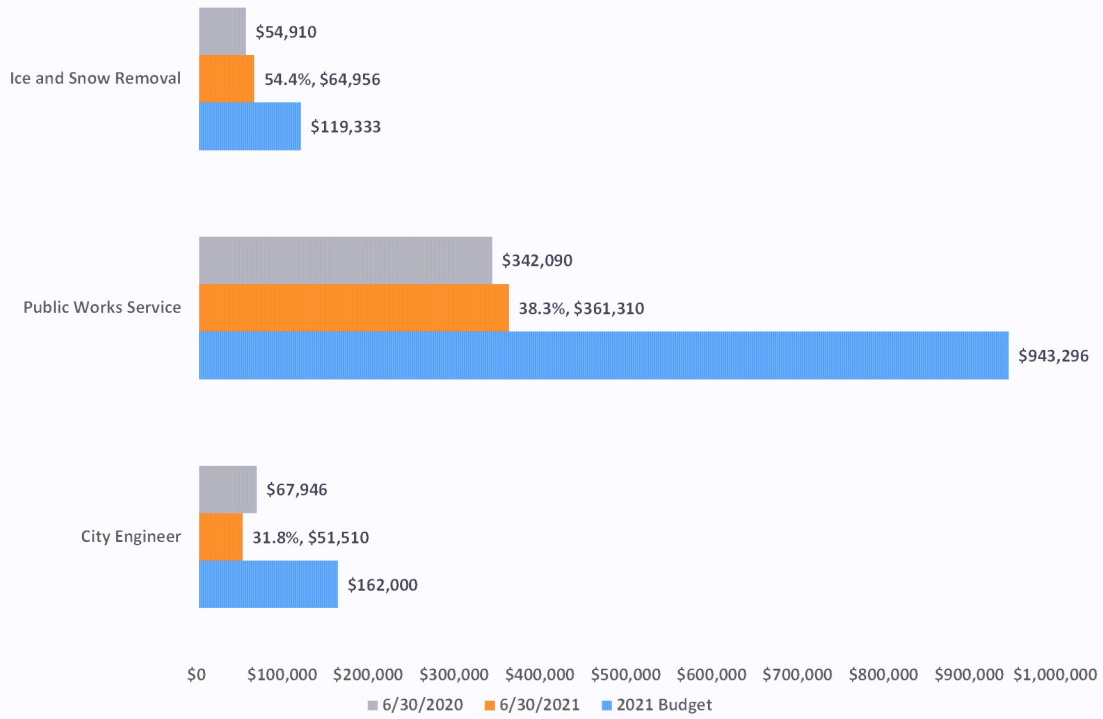
The following charts include expenditure information for individual departments for the first half of 2021.



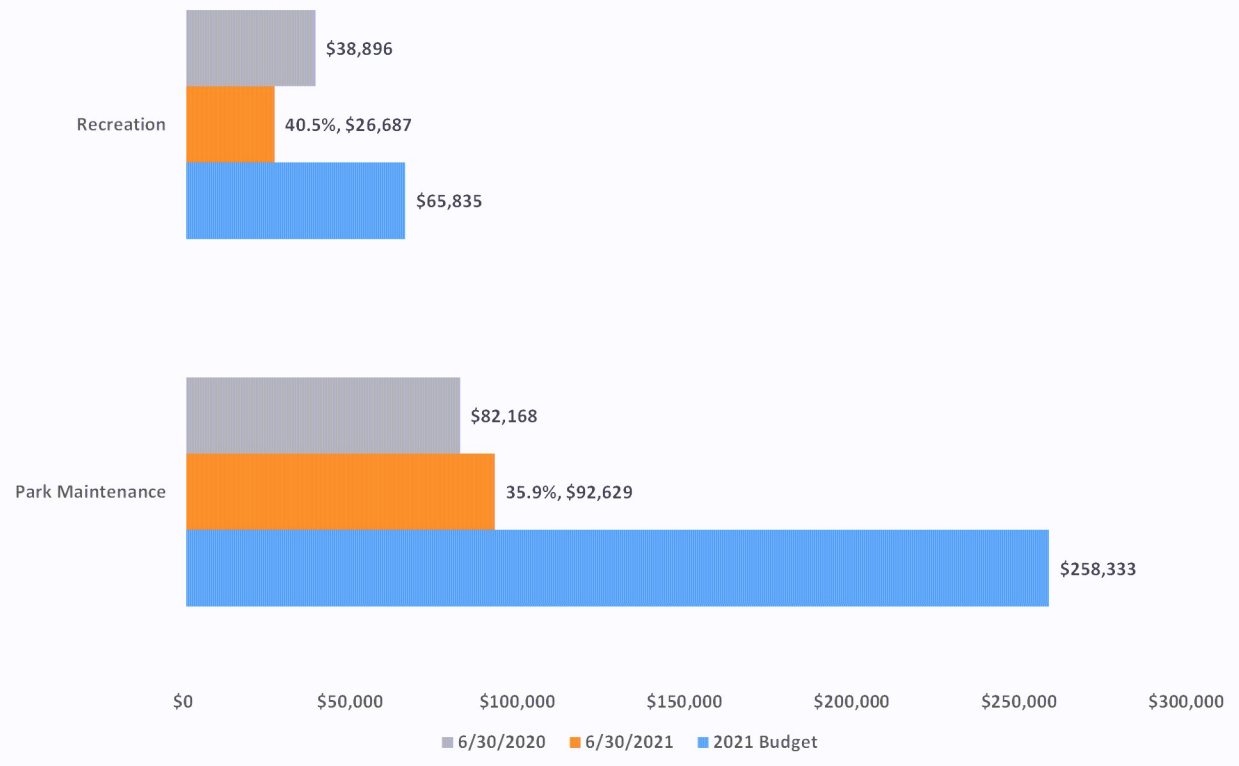
GENERAL FUND EXPENDITURES - PUBLIC SAFETY



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.

Recommendation / Action Requested:

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

Next Steps and Timeline:

The General Fund budget report for 3rd quarter 2021 will be prepared and distributed in October 2021.

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 2nd Quarter 2021 Report

Meeting Date: July 26, 2021

Prepared by: Joe Rigdon, Finance Director

Reviewed by: Greg Lerud, City Administrator

Attachments: Second Quarter 2021 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 June 30, 2021.

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:

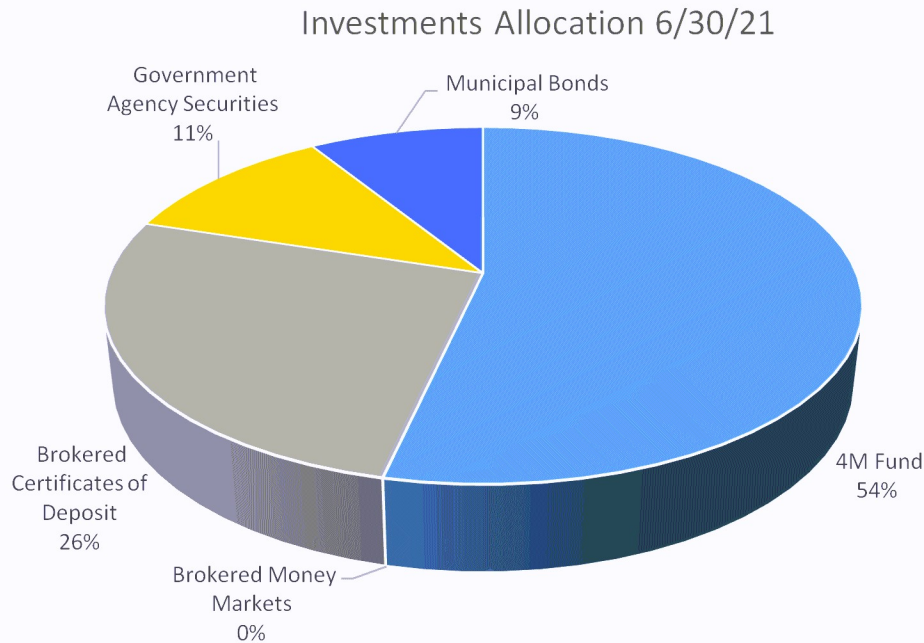
The City shall attempt to diversify its investments according to type and maturity. The portfolio may contain both short-term and long-term investments. The City will attempt to match its investment maturities with anticipated cash flow requirements. The City's investment policy includes the following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

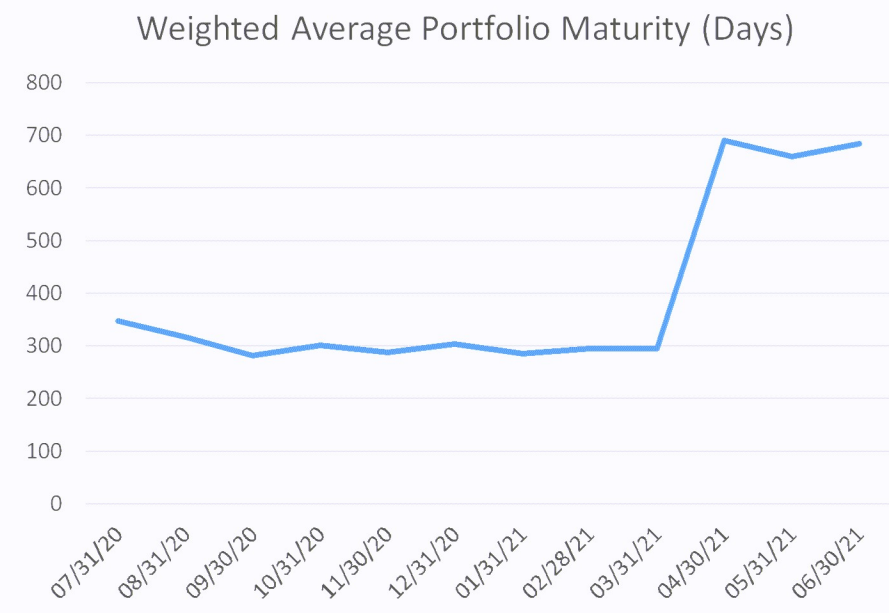
As of 6/30/2021, the City is in compliance with the investment policy's diversification restrictions.

Current Investments:

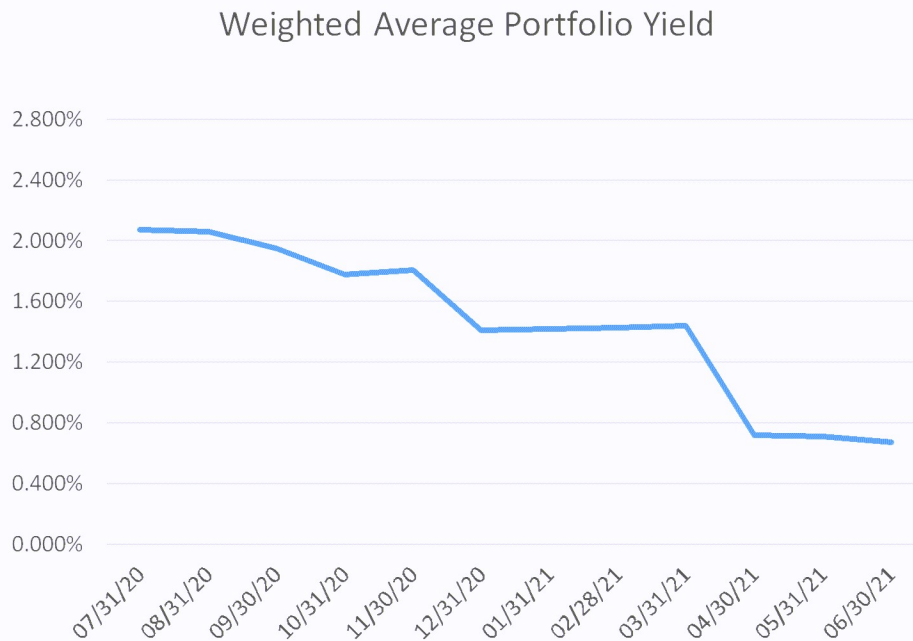
At 6/30/2021, market value of the City's investments amounted to \$13,461,036. Municipal money market funds (4M) were the largest share of the portfolio, at 54%. Net bond proceeds of \$7.4 million were transferred into the 4M fund in August 2020, while approximately \$4.3 million of new bond proceeds will be transferred in late July 2021. An investments summary and an investments detail listing are included on the attachments.



Due to the purchases of several government agency securities in the 2nd quarter with slightly longer duration, the weighted average portfolio maturity in days of the City's investment portfolio has increased in 2021. This calculation varies based on the mix of investment purchases and maturities. The average maturity was a calculated 684 days, or 1.87 years, as of 6/30/2021.



The weighted average yield of the City's investment portfolio has exhibited downward movement during 2020-2021, reflecting current economic conditions. Based on the City's fixed rate investments (excluding the 4M Fund), the portfolio yield was calculated at 0.67% at 6/30/2021, and is expected to decline further in 2021. The 4M Fund average monthly rate for June 2021 was 0.01%.



From 01/01/2021 through 6/30/2021, the City received \$70,719 in investment interest. The change in fair market value of the portfolio decreased by \$41,615 through 6/30/2021 as a result of market economic conditions. 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 6/30/2021 amounted to \$29,104.

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 3rd quarter 2021 will be prepared and distributed in October 2021.

Connection to Vision / Mission:

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

City of Shorewood
Investments Summary
2020-2021

	07/31/20	08/31/20	09/30/20	10/31/20	11/30/20	12/31/20	01/31/21	02/28/21	03/31/21	04/30/21	05/31/21	06/30/21
<u>Allocation (\$)</u>												
4M Fund	2,080,531.85	9,452,325.97	9,994,973.23	9,254,020.11	9,538,762.24	8,862,918.33	9,106,479.90	9,756,920.45	10,262,454.95	6,948,611.87	6,954,234.02	7,207,509.26
Brokered Money Markets	-	-	-	-	-	-	-	-	-	-	-	-
Brokered Certificates of Deposit	3,783,445.26	3,780,630.64	3,532,686.56	3,283,276.71	3,279,754.52	4,275,087.53	4,032,177.49	3,782,865.19	3,298,394.17	3,794,814.63	3,792,685.99	3,545,034.26
Government Agency Securities	(0.00)	(0.00)	(0.00)	(0.00)	(0.00)	(0.00)	-	-	-	1,520,762.00	1,524,082.00	1,517,871.00
Municipal Bonds	2,185,155.00	2,181,944.85	1,898,371.30	1,894,162.30	1,610,988.05	1,293,926.25	1,291,058.20	903,500.70	900,970.00	1,195,968.00	1,193,261.50	1,190,621.50
	8,049,132.11	15,414,901.46	15,426,031.09	14,431,459.12	14,429,504.81	14,431,932.11	14,429,715.59	14,443,286.34	14,461,819.12	13,460,156.50	13,464,263.51	13,461,036.02
<u>Allocation (%)</u>												
4M Fund	25.8%	61.3%	64.8%	64.1%	66.1%	61.4%	63.1%	67.6%	71.0%	51.6%	51.6%	53.5%
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	47.0%	24.5%	22.9%	22.8%	22.7%	29.6%	27.9%	26.2%	22.8%	28.2%	28.2%	26.3%
Government Agency Securities	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	11.3%	11.3%	11.3%
Municipal Bonds	27.1%	14.2%	12.3%	13.1%	11.2%	9.0%	8.9%	6.3%	6.2%	8.9%	8.9%	8.8%
	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	2.075%	2.059%	1.950%	1.780%	1.810%	1.410%	1.420%	1.430%	1.440%	0.720%	0.710%	0.674%
Weighted Average Portfolio Maturity (Days)	348	317	283	301	288	304	286	295	296	691	660	684

City of Shorewood - Investments Detail
12/31/21

4M Fund

Money Market	4M Fund	10,262,454.95	0.01				
Discover Bank CD	Brokered CD	240,000.00	2.00	1/5/2017	1/5/2021	254672227	5649
Mahtomedi MN ISD Taxable	Municipal Bonds	385,000.00	3.40	8/1/2015	2/1/2021	560211MN1	N/A
First National Bank/The First, NA	Brokered CD	249,994.80	1.46	2/26/2020	2/5/2021	Non-DTC	4256
First Mid-Illinois Bank & Trust CD	Brokered CD	249,128.99	2.83	3/13/2019	3/12/2021	Non-DTC	3705
Pinnacle 8k Nashville TN CD	Brokered CD	245,000.00	1.95	9/21/2017	3/22/2021	723455FU0	35583
New Hampshire State GO	Municipal Bonds	595,000.00	2.70	5/2016	4/1/2021	644682U38	N/A
Landmark Community Bank TN CD	Brokered CD	249,900.83	0.06	12/2/2020	6/1/2021	Non-DTC	34982
CFG Community Bank Lutherville, MD CD	Brokered CD	249,778.75	1.69	12/11/2019	6/10/2021	Non-DTC	34294
Great Midwest Bank CD	Brokered CD	111,046.61	2.88	8/15/2018	8/16/2021	Non-DTC	29657
Citibank NA CD	Brokered CD	198,000.00	2.95	8/24/2018	8/24/2021	173120R84	7213
Los Angeles CA	Municipal Bonds	300,000.00	1.30	3/17/2020	9/1/2021	544351MC0	N/A
Texas Capital Bank, TX CD	Brokered CD	249,849.60	0.10	12/2/2020	12/2/2021	Non-DTC	34383
Sallie Mae Bank Salt Lake City, UT CD	Brokered CD	247,000.00	1.75	12/18/2019	12/20/2021	7954505Y7	58177
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, SS8 CD	Brokered CD	249,753.21	1.52	3/2/2020	3/2/2022	Non-DTC	58716
Wells Fargo 8k 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/Private 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
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
Waukesha WI Prom Nts	Municipal Bonds	500,000.00	0.20	4/20/2021	10/1/2023	943080VH1	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	500,000.00	0.82	4/5/2021	3/31/2026	91282C87	N/A

Market Value 12/31/2020	Purchases	Sales	Transfers in	Transfers out	Change in Market Value & Gain/Loss	Interest/ Dividends	Market Value 6/30/2021
8,862,918.33	2,440,600.00	(3,166,227.61)	70,075.93	(1,000,000.00)	-	642.61	7,207,509.26
240,064.80	-	(240,000.00)	-	(2,419.73)	(64.80)	2,419.73	(0.00)
385,735.35	-	(385,000.00)	-	(6,545.00)	(735.35)	6,545.00	-
246,400.00	-	(246,400.00)	-	(3,594.80)	-	3,594.80	-
235,800.00	-	(235,800.00)	-	(13,328.99)	-	13,328.99	-
246,061.34	-	(245,000.00)	-	(1,191.10)	(1,061.34)	1,191.10	0.00
598,581.90	-	(595,000.00)	-	(8,032.50)	(3,581.90)	8,032.50	-
249,800.00	-	(249,800.00)	-	(100.83)	-	100.83	-
243,600.00	-	(243,600.00)	-	(6,178.75)	-	6,178.75	-
102,000.00	-	-	-	-	-	-	102,000.00
201,824.17	-	-	-	(2,994.41)	(2,931.98)	2,994.41	198,892.19
309,609.00	-	-	-	(7,500.00)	(7,200.00)	7,500.00	302,409.00
249,600.00	-	-	-	-	-	-	249,600.00
251,079.70	-	-	-	(2,155.33)	(2,062.45)	2,155.33	249,017.25
242,000.00	-	-	-	-	-	-	242,000.00
242,400.00	-	-	-	-	-	-	242,400.00
257,307.64	-	-	-	(3,414.38)	(3,313.95)	3,414.38	253,993.69
-	249,400.00	-	-	-	-	-	249,400.00
249,500.00	-	-	-	-	-	-	249,500.00
255,199.41	-	-	-	(2,677.07)	(2,614.25)	2,677.07	252,585.16
255,199.41	-	-	-	(2,677.07)	(2,614.25)	2,677.07	252,585.16
249,100.00	-	-	-	-	-	-	249,100.00
-	249,100.00	-	-	-	-	-	249,100.00
-	249,200.00	-	-	-	-	-	249,200.00
258,151.06	-	-	-	(2,265.97)	(2,490.25)	2,265.97	255,660.81
-	521,960.00	-	-	-	(2,175.00)	-	519,785.00
-	530,422.67	-	-	(5,000.00)	(8,176.67)	5,000.00	522,246.00
-	369,645.50	-	-	-	(1,218.00)	-	368,427.50
-	498,647.43	-	-	-	(1,010.93)	-	497,636.50
-	498,352.01	-	-	-	(363.51)	-	497,988.50
14,431,932.11	5,607,327.61	(5,607,327.61)	70,075.93	(1,070,075.93)	(41,614.63)	70,718.54	13,461,036.02

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

29,103.91 29,103.91