

**CITY OF SHOREWOOD
CITY COUNCIL REGULAR MEETING
MONDAY, JULY 26, 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 7:00 P.M.

PLEDGE OF ALLEGIANCE

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

Johnson moved, Siakel seconded, approving the agenda as presented. All in favor. Motion passed.

2. CONSENT AGENDA

Mayor Labadie reviewed the items on the Consent Agenda.

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

- A. City Council Work Session Meeting Minutes of July 12, 2021**
- B. City Council Regular Meeting Minutes of July 12, 2021**
- C. City Council Special Meeting Minutes of July 15, 2021**
- D. Approval of the Verified Claims List**
- E. Appointment of Administrative Assistant**
- F. Approve Final Payment for 2021 Pavement Marking, City Project 21-04, RESOLUTION NO. 21-078, "A Resolution for Acceptance and Final Payment, City Project 21-04, the 2021 Pavement Marking Plan."**
- G. Accept Improvements and Partial Release for Minnetonka Country Club 1st, 2nd, and 3rd Additions, City Projects 14-13, 15-06, and 16-04 RESOLUTION NO.**

21-079, "A Resolution Accepting Improvements and Partial Release of Letter of Credit for Minnetonka Country Club 1st, 2nd, and 3rd Additions."

All in favor. Motion passed.

3. MATTERS FROM THE FLOOR

Brent Hislop, 6000 Strawberry Lane, distributed some graphics for the Council to see. He stated that their home abuts the road project that will be discussed later in the agenda. He thanked the City staff and the Council for all their hard work with the stormwater project because he thinks this is sorely needed in the City. He stated that he had a brief conversation with City Engineer Budde about a year ago as the ponding project was getting going. He stated that the first item he would like to be taken into consideration is the existing pond. He stated that the pond was likely dug sometime in the 1980s and noted that it is private property but the City has a drainage and utility easement over it. He asked that the City consider dredging or cleaning the existing pond somehow to assist with moving water from their area. He stated that he would also like to ask the old drain tile pipe somehow be improved and noted that this would not just be of benefit to their property, but to the surrounding area. He stated that the last thing he would like to ask for work to be done on portions of the regional trail to restore the ditch to allow the pond to flow either to the pond or down the trail. He stated that there is an old culvert at Strawberry and the trail that he believes is clogged.

George Greenfield, 24715 Yellowstone Trail, asked Councilmember Johnson what the statutory justification is for appointing someone rather than electing someone to the Council vacancy. Mayor Labadie explained that question would be more appropriate for City Attorney Keane.

Mr. Greenfield explained that the reason he addressed his question to Councilmember Johnson was that he had asked him that question a few months ago and never received an answer. He stated that he is concerned that the Council did not scrutinize this matter well enough to know the rationale for having an appointment rather than a special election.

Mayor Labadie explained that the Council consists of residents of the City, but counts on guidance from the City Attorney as well as the League of Minnesota Cities on that matter. Cities are allowed to appoint someone to fill a Council vacancy in this situation if the remaining term was less than two years, so the City was justified in seeking applications, conducting interviews, and appointing someone to fill the seat. She stated that the City received around thirteen applications and the vacant seat was filled following two rounds of interviews. She stated that the City followed state statute and the guidance of the League of Minnesota Cities and the City Attorney.

Mr. Greenfield stated that he would disagree that there was less than two years left on the term vacated by Mayor Labadie. He stated that mathematically she had to resign her term before she was sworn in as mayor, so that means there was more than two years left on her term. He stated that he feels it had nothing to do with the fact that there were less than two years left on the term and read aloud a portion of the Statute. He stated that the fact that the Council did not know the real reason and were unable to articulate it, indicates their indifference to the democratic process because they chose to take the will of four people over the will of the registered voters in the City. He stated that they were technically correct, but derelict in their investigation of the justification.

Councilmember Siakel stated that the Council did absolutely nothing wrong and followed State statute and the guidance of its legal counsel.

Mr. Greenfield argued that less than half is still more than two and feels it is a logical fact that cannot be disputed. Mayor Labadie stated that they can calculate the number of days for Mr. Greenfield if he would like, but he explained that he had exceeded his allotted three minutes. Mr. Greenfield stated that there is no time limit on his First Amendment rights about redress for petitions for grievances. He stated that the three minutes thing comes from Roberts Rules of Order which have no legal standing. Mayor Labadie thanked Mr. Greenfield for expressing his opinion.

4. PUBLIC HEARING

5. REPORTS AND PRESENTATIONS

6. PARKS

7. PLANNING

A. Report by Commissioner Huskins on July 6, 2021 Planning Commission Meeting

Commissioner Huskins gave an overview of the July 6, 2021 Planning Commission Meeting as reflected in the minutes.

B. Variance to a Side Yard Setback

Applicant: Kimberly Poe

Location: 23320 Park Street

Planning Director Darling explained that this is a request for a variance to allow an addition to the home located at 23320 Park Street. The properties around this home are all single family home except for an open space property owned by the City located to the northwest. The property was created in 1987 and the home was constructed in 1924 prior to modern zoning regulations. The home was constructed six feet from the property line and the applicant has proposed to add a main floor bathroom and front entryway. She explained that the addition would be slightly over seven feet to the side property line. The Planning Commission recommended approval.

Councilmember Johnson noted that at the meeting it was clarified that the concern raised by a neighbor was on the opposite side of the house, so would not cause issues.

Gorham moved, Johnson seconded, Adopting RESOLUTION NO. 21-080, "A Resolution a Variance to the Side Yard Setback for Property Located at 23320 Park Street." All in favor. Motion passed.

C. Minor Subdivision/Lot Line Adjustment

Applicant: Todd Cebulla

Location: 19210 Waterford Place and 5520 Vine Hill Road

Planning Director Darling explained that this is a request by the property owner for a lot line adjustment effecting two properties that he owns. She stated that both existing and proposed lots meet the required minimum lot size. The Planning Commission recommended approval subject to the condition that the applicant submit executed drainage and utility easements for the periphery of both lots.

Callies moved, Siakel seconded, Adopting RESOLUTION NO. 21-081, "A Resolution Approving a Lot Line Adjustment for Properties at 19210 Waterford Place and 5520 Vine Hill Road." All in favor. Motion passed.

D. CUP for a Fence

Applicant: Jacob Gustafson and Allison Spies

Location: 4865 Ferncroft Drive

Planning Director Darling stated that this is a Conditional Use request for a five foot fence where a four foot fence is permitted. She stated that this property backs up to Lake William which has a fifty foot setback to high water elevation and beyond the setback, the applicants are proposing to enclose their rear yard with a five foot black vinyl chain link fence to give their dogs freedom to roam the rear yard. The fencing regulations indicate that fences may not exceed four feet in height in that portion of the rear yard, but allow for taller fences upon approval of a CUP. The Planning Commission recommended approval.

Councilmember Gorham referenced past discussion about a similar request on Club Lane. He stated that he and another one of the Planning Commissioners did not want the fence along Smithtown, but felt it could be done with conditions which, he feels was the spirit of the CUP. He stated that he feels it is a permitted use, with conditions. He stated that he did not see conditions listed in this situation and asked if it was because it was black chain link, in the back yard, or because there is a differentiation between Lake William and Smithtown. He stated that for him, lake access is still a priority for the City, appearance-wise and he does not know if the City is 'conditioning' this approval and instead just saying it is okay, almost like a variance with no conditions. He asked if there was any discussion about conditions upon recommendation.

Planning Director Darling stated that the only condition that is included are that they have to get the zoning permit for the fence before they can install it and the City wanted them to show the plans for the retaining wall in the backyard that was discovered across the property line. They have since let the City know that they are proposing to remove the retaining wall where it crosses the property line rather than submit an encroachment agreement. She stated that other conditions were not applied, but the Council could apply one that the fence cannot be replaced with anything more opaque than the black vinyl chain link materials. She stated that this is not a variance so the applicant does not have to show practical difficulties.

Councilmember Gorham stated that the application was almost like it was pretending to be a variance and making arguments that he considered 'variance' arguments, not conditional use arguments. Planning Director Darling stated that may be the case, but the City looks at the general standards of the conditional use, which some of them are similar to the broader variance standards.

Councilmember Gorham stated that there was some screening discussion and suggested that perhaps that be included as a condition of approval. Planning Director Darling confirmed that the Council could do that, but it is a see-through fence, but they could require some screening that it would like.

Councilmember Callies stated that in order to approve a CUP, they have to comply with the conditions in the ordinance and there are not any other particular ones regarding fence, other than in order to have a fence taller than four feet they need to get a CUP. She stated that the

applicants are complying with the conditions as stated in the code. She stated that she does not see the point of having screening because that would negate the idea behind having a chain link fence. She asked where Councilmember Gorham would recommend that screening be placed.

Councilmember Gorham stated that he was thinking between the fence and the lake.

Councilmember Callies noted that she feels that would block the view more than just the fencing.

Councilmember Siakel stated that she does not really understand Councilmember Gorham's comment regarding lake access.

Councilmember Gorham asked if the Council felt strongly about a five or six foot tall fence on Smithtown whether they also felt that way about a five foot fence on the backside of a property abutting Lake William. He stated that his impression is no and noted that he had meant to ask it as an open ended question.

Councilmember Siakel explained that she had also reflected on the request on Club Lane, but in that instance, it was a six foot tall, solid wood fence down the property line in a newly constructed home. She stated that she feels like they are two different scenarios and thinks they should each be considered on their own merits.

Councilmember Johnson stated that was also the bulk of the discussion among the Planning Commission and their ultimate decision was that the two situations, while somewhat similar, have unique characteristics that make them completely separate.

Commissioner Huskins stated that part of the Planning Commission discussion was that, how they understood the application and the plans, it included not only the fence, but landscaping near the fencing. He stated that their understanding was that the landscaping, as it matured, would grow above the five feet. The Planning Commission had a discussion about the difference between a four and five foot tall fence if the intent was to put landscaping that, as it matured, would cover the fence and beyond. He suggested that the Council may want to include that as a condition.

Councilmember Callies stated that she thinks the Council could add a condition that the type of fence not be changed and continued to be a see-through chain link fence.

Mayor Labadie asked Allison Spies, the applicant, if the conditions being discussed were ones that they were willing to meet. Ms. Spies stated that they absolutely would be fine with the conditions discussed. She stated that they do not want to obscure their own view of the lake and the hope is to help it blend as much as possible with the existing vegetation.

Callies moved, Johnson seconded, Adopting RESOLUTION NO. 21-082, "A Resolution Approving a Conditional Use Permit for a Fence for the Property Located at 4865 Ferncroft Drive, with the condition that the fence type remain as chain link." All in favor. Motion passed.

E. Sign Ordinance Amendments

Planning Director Darling explained that after the last election and due to the number of complaints the City received, Council asked staff to review the regulations regarding campaign

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signage. She stated that they specifically asked staff to look into whether campaign signs should be prohibited in the public right-of-way or if the City should increase the setback. Staff presented information to the Planning Commission with a summary table of several other cities and provided background information from State Statutes and the League of Minnesota Cities on this topic. She explained that during election season which is defined as forty-six days prior to the State primary and ten days following the election, cities have no ability to regulate the number of signs but they can regulate where the signs may be placed, including prohibiting them from public rights-of-way. She stated that a number of other cities do prohibit them from public rights-of-way which Shorewood has not done but only required a ten foot setback from the road surface. Staff has also proposed providing a clear view triangle at intersections so signs do not block visibility around corners. She gave an overview of the substitution clause and related definitions for commercial and non-commercial speech which is an important addition to the code because it allows non-commercial speech signs at any time of the year and not just during elections. She reviewed the Planning Commission discussions from three separate meetings, and explained that they found a greater setback would be inappropriate in areas of the City where homes are closer than typical to the street and are recommending the current setback of ten feet from the street remain. She stated that the Planning Commission held a public hearing and noted that in addition to the letter attached to the packet, staff received another letter on July 23, 2021 noting concerns with the amendment. She stated that this letter was e-mailed to the Council and will now be part of the packet for the meeting.

Councilmember Callies stated that she has a few concerns about some of the recommended changes. She stated that she thinks ten feet from the street for campaign signs is not really feasible in many areas of the City, including her neighborhood. She stated that she is unsure how strictly these things are enforced, but has concerns about putting it into the regulations because ten feet is a lot, when it is actually measured. She suggested changing the language to say something like, 'no sign shall put in a way that is creating a hazard'. She understands that this is subjective, but thinks that ten feet is too much for many neighborhoods in the City.

Planning Director Darling pointed out that the current setback is ten feet, and this is not being changed. City Attorney Keane noted that ten feet is also what is referenced in State Statute.

Mayor Labadie noted that the Council had not asked staff to research this item but asked if other neighboring cities have similar restrictions or similar language. Planning Director Darling stated this information was included in a table that was attached to the packet and explained that the majority of the cities prohibit signs in the right-of-way.

Councilmember Gorham noted that the only city he saw with a ten-foot setback was Minnetonka and asked if there were any that had a five-foot setback. Planning Director Darling stated that most of them just simply said no signs in the public right-of-way. She stated the rights-of-way throughout the City are varied from what is essentially a cartway with an eight or twelve foot right-of-way and in other places there is sixty-five or seventy feet. It is hard to know when investigating a complaint, which one it happens to be, which is why staff thinks it is wise to have the ten foot setback. She stated that it would also be some other measurement, but that it be consistent from the edge of the roadway.

Councilmember Callies asked about the number of complaints this issue receives and stated that she would think there would be more issues with permanent signs in the right-of-way and not temporary signs such as election signs.

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Planning Director Darling stated that they do get complaints about signs placed in the public right-of-way. She stated that they recently had a complaint about a company that had just gone all the way down Smithtown Road and installed signs that were clearly within the right-of-way. She stated that during the last campaign period, the City had a lot of complaints, but they were mostly that certain candidates put in a sign that was blocking their candidate's sign.

Councilmember Siakel stated that to her, this measurement just provides some clarification and she does not have an issue with it.

Councilmember Callies stated that she understands that sentiment, but does not like having a regulation that the City says they are going to basically turn a blind eye to it.

Councilmember Siakel stated that she does not feel it is turning a blind eye to it, but the City has no control over what people put in their own yards and is just clarifying this and noted that the real issue the City has had is with the right-of-way.

Alan Yelsey, 26335 Peach Circle, stated that he submitted a letter regarding this issue. He stated that it always comes down to principles for him and he has listened carefully to the Council and he does not hear principles. He stated that the right-of-way does not supersede the right of freedom of speech and democracy. He stated that instead of attempting to limit people's rights during elections they should be encouraging them to express their own opinions. He stated that holding this meeting and not allowing people to speak over Zoom is also a limitation on democracy and freedom of speech. He stated that he would have preferred to speak to the Council over Zoom. He stated that it is abhorrent that they did that and he would like to know who made that decision because he would like to challenge the decision. He stated that he happens to be one of the largest political sign placers in the area and explained that most people do not exactly know what right-of-way is. He stated that the non-commercial signs that are placed throughout town are within ten feet and the reason is so they can be seen by cars and people walking by. Many people have grandfathered in plantings and fences that are within ten feet from the road which makes it impossible to place a sign in many properties in the community. He asked what superseded the Council's decision making and whether it was protecting the City's right-of-way because no one enforces it fairly or is it to make sure that people have the right of freedom of speech and it is not impeded as much as possible, unless there are safety concerns. He suggested that there be wording that says that signs cannot be placed immediately by the road. He stated that it is horrific to watch his town limit freedom of speech in this meeting, using Zoom as an example where people are not allowed to speak who are not able to come to the meeting due to being disabled or they are home taking care of someone. He stated that this administration does not seem to care about democracy whatsoever, or hold it as precious as he does. He stated that there is a movement now that will challenge the Council on all of these aspects, legally as well as at the ballot box. He stated that legally, he has looked at the State ordinance and sent it to the City, because it did not state a ten foot setback.

City Attorney Keane explained that during general election years there are basically no sign regulations for forty-six days before an election and ten days after. Mr. Yelsey agreed that there is no restriction on size, location, or number of signs. He stated that the State does not dictate that this is done. The surrounding communities, for example, Tonka Bay, in the last election did take some of their signs from right-of-way for one day. He stated that it was an administrator who did that because this issue is not properly or equally enforced. He stated that the Council is attempting to interfere with a democratic process that is precious to many. He reiterated that he

feels they are interfering with it by not allowing the Zoom meeting and also feels the three minute limit speaking protocol is uncalled for and unnecessary.

Mayor Labadie stated that Mr. Yelsey is bringing up many points that are not on the agenda.

Mr. Yelsey stated that he is bringing up the principle of democracy and is what he would like to speak about. He stated that the sign issue is one of those principles but he is also asking the Council, before the chance is lost, to begin to enforce the precious democracy and allow all to have the right to freedom of speech without impeding it. He asked why the right-of-way is so precious when it will not even be enforced because there are signs located within the right-of-way all over the City right now. He stated that if the Council is unclear about whether something is a good idea or not, just ask the citizens, as part of the democratic process. He stated that he is 100% opposed to any restrictions on where signs can be placed other than for site line issues or that they provide an impediment to pedestrians or vehicles.

Mayor Labadie thanked Mr. Yelsey for his comments and noted that his comments and opinions have been duly noted. She asked the Council if they would like to move forward with this discussion or continue it for a future meeting.

Councilmember Gorham stated that he would like additional time to discuss it and referenced past Planning Commission discussions regarding the different sizes of right-of-way.

Councilmember Siakel clarified that the Council did not create this and it was brought to them and many items are brought up by the public. She noted that the Council does not invent things to put on the agenda. She stated that she is fine taking more time to discuss.

Mayor Labadie stated that she would also like to continue it to a future meeting and asked staff to place it on a future agenda. She stated that this will allow anyone in the community to come and discuss this matter in a democratic format in order for their voice to be heard.

8. ENGINEERING/PUBLIC WORKS

A. Strawberry Lane Design Parameters

Mayor Labadie stated that before the discussion begins, she would like to assure the residents that her mind has not already been made up about the design and while she cannot speak for the rest of the Council, she believes they have also not made up their minds. She noted that she has read all the e-mails that she has received regarding this project.

City Engineer Budde explained the original proposal and noted that it had prompted overwhelming feedback from the residents along the corridor. He stated that the feedback was that they did not support the eight foot wide trail and would like to see something similar to Smithtown Road which has a six foot wide concrete sidewalk adjacent to the back of curb. He stated that some of the feedback was also that no sidewalk facilities were necessary. He stated that based on the feedback, staff did a more detailed look at the six foot wide sidewalk option to explore pros and cons of how it would affect the project. He stated that they found the overall width of the corridor would be reduced by seven feet from what was originally proposed. He stated that this reduced width had some nuances for other portions of the project and gave a brief over of those items. He explained that this option was presented at the neighborhood meeting and the City received

comments after that meeting that the residents still did not like this option because it did not reduce the impacts in front of their house on the south side, but the west side gained about six feet because of the shift. He stated that the reason that they did this was to take advantage of the existing right-of-way. He gave an overview of the process that has happened, to date, regarding this project, dating back to 2012. He explained that if the Council decides to move the project forward, staff would continue to do final design and complete right-of-way acquisition with whoever they need to throughout the months of August and September. The final design will be completed in the winter which will be brought back to the Council for approval of the plan and authorization to bid. He stated that about a month or two later the Council would bring it back in for awarding of the contract. He explained that, ideally, tree removal would happen during spring and winter of 2022 and the major construction happen in spring/summer/fall of 2022. He stated that, per City Code, right-of-way widths need to be at a minimum of one hundred feet for arterial roadways, sixty feet for collector roadways, and fifty feet for local streets. Strawberry Lane is a local street, and they have been able to fit it within the fifty foot corridor, with the sidewalk option. A few of the adjacent streets, near the neighborhood are currently built to the same standard being proposed here. He noted that this design will require acquiring roadway easement from four additional property owners on the west side. He stated that from a design and functionality standpoint, both the original option and the revised option would work and the difference is the additional cost and risk associated with needing to acquire additional properties. He stated that reducing the project and shifting things, the City would save about \$65,000 on construction and right-of-way acquisition costs. He noted that the City has received ballpark pricing from Xcel Energy regarding moving the overhead utilities to underground, however there are two other communication lines that share the same poles. He stated that the ballpark estimate is for around \$200,000 from Xcel and would estimate that it will be about \$100,000 for each other communication utility to move them underground. He stated that this was not originally included in the scope of the project and the City's position is that if this is pursued, these costs will be 100% assessable to the adjacent residents and would also require agreement from 100% of the neighbors before they would pursue that any further. He stated that it would be about an \$8,000 assessment. Many homes have an overhead service from the pole directly to their house, which would cost an additional estimated \$2,000 to move underground. He stated that his understanding is that, at this point, the City is not pursuing moving the utilities underground because of those factors. He stated that he is looking for feedback from the Council on whether the City should pursue the six foot wide sidewalk tied to the back of curb or the eight foot wide trail with a five foot boulevard. The feedback from the neighborhood meeting was about 95-99% in favor of the six foot side sidewalk versus the eight foot trail. He stated that he would also like feedback on whether or not the City should pursue shifting Strawberry Lane six feet to the west on the south half which will require acquiring right-of-way from four additional property owners, or leave it where it was last recommended to center it with the available right-of-way and not impact the residents on the west side.

Councilmember Callies asked why the City was even looking at doing this project and what the impetus was for improving Strawberry Lane. City Engineer Budde stated that from his understanding there have been drainage issues up and around the surrounding area for a long time. He stated that reconstruction of Strawberry Lane can help improve those issues and believes Strawberry Lane has been identified in the City's Capital Improvement Plan (CIP) for at least five years. He stated that the City gets a lot of comments about the condition of the roadway being terrible and a lot of comments from people expressing interest in being on City water and this project will help facilitate a number of residents north of the trail onto City water. He stated that there have also been a number of complaints about safety, so all of those factors go into the

need for the project and reiterated that it has been on the City's CIP for five years with this year being the targeted year for the project.

Councilmember Siakel stated that she has served on the Council for 11 years and Strawberry Lane was one of the first things discussed when she came onto the Council. She stated that one of the neighbors participated on the Trail Committee which was put together with residents from throughout the City that looked at where there were existing sidewalks, where they were needed, and what the consensus around those was. She explained that the goal of the Trail Committee was to look at where the City was with trail development, devise a plan, and prioritize the projects. Strawberry Lane has always been one of the top priorities because it links to a school.

Councilmember Siakel stated that this has been talked about for a long time and there have been residents that came in to talk about it. She stated that it has been talked about at least as long as she has been on the Council for the trails and the road plan. She stated that she believes that this project has actually been delayed and was originally supposed to be done in 2017. She stated that she knows the City has applied for grants for a trail along Strawberry Lane because it connects to the school and reiterated that it has been a conversation for years. She stated that Minnewashta used to be a small school and that is not longer the case so there is more conversation about increased safety and drivability along Strawberry Lane.

Siakel stated that she can see why someone would not want the eight-foot parkway and agrees that may be overkill in this situation but thinks something like the sidewalk going down Smithtown Road would make it much safer for pedestrians. She stated that she is in favor of the sidewalk and thinks it needs to be there, but also felt the City needs to listen to residents and make sure that something is done that is compatible with the existing street and put something in that everyone can agree upon. She stated that she supports the idea of the six-foot sidewalk and thinks whatever can be done with the least impact and the less the City has to purchase property, the better. She stated that anything the City does absolutely has to improve the drainage in the area. She stated that she is confident that the City can work with residents so Strawberry Lane is designed in a way that will be as least disruptive as possible.

Mayor Labadie stated that she has served on the Council for quite a while and prior to that served on the Planning Commission for several years and agrees with what Councilmember Siakel stated, however, the reasoning is not only because the end of Strawberry land ends in a school. There is also the trail running through, a park at the other end, and will now link to the sidewalk. She stated that at the start of these discussions the Smithtown sidewalk did not exist and was just a vision. She stated that the Council will listen to the residents, but stated that she is not sure that everyone will walk away happy from this project. She stated that this is a generational decision and is a decision that will impact more than the current property owners. She stated that it will impact the City, the City footprint, and generations to come. The Council takes these types of decisions very seriously and would like to hear the residents input.

Councilmember Gorham asked what is being saved by doing right-of-way, from the standpoint of trees or property. He stated that the project right now is very broad and not very nuanced. He stated that he does not believe the City has tried to minimize the impact of this as much as possible. He stated that it may be possible that the City has looked at it enough, but presenting over-simplified plans makes it appear as though the City has not looked at it enough. He stated that the block diagrams being presented feel very programmatic.

City Engineer Budde stated that staff started the final design earlier this spring, so that process has just begun. He stated that it is hard to know all the nuances without getting into the meat and potatoes and going through final plan development. He stated that every time a new option comes up, they must develop new plan specifics which takes time and energy. He stated that they have looked at these three options now, and in the grand scheme of things, the tree loss between the two options with a six foot sidewalk he does not know yet because he has to continue to coordinate with drainage, watermain, and private utilities, which all end up having reasons that a tree could be taken down. He stated that he does not know those kinds of details yet and explained that it is hard to give firm answers on what all the impacts will be without diving into plan details.

Councilmember Gorham stated that he understands, but it is difficult to decide based on a plan that seems like a 25-30% design. City Engineer Budde stated that it is probably about 50% because they have a very good understanding of the drainage and what they would like to improve as well as a good understanding of where they think the watermain would go. However, all the factors about tweaking a road alignment messes all that stuff up, so it will need to be redone. He explained that from his perspective, if he knew what were the most sensitive items that the City could try to minimize, they can work on those things. He gave the example of tree loss and explained that if that was the most important, they could do things to minimize tree loss by things like alternative construction methods or people being more accepting to root impacts without having to take the entire tree down. He stated that there are things, in this regard, that have not even been looked at.

Councilmember Gorham stated that one thought regarding this whole process is that this is not a final design. He suggested that the City start calling this phase the preliminary design with final design being something that is way down the road when it is being bid out. He stated that he thinks the terminology scares people. City Engineer Budde explained that he considers the feasibility study being the preliminary design.

Councilmember Gorham stated that from a design perspective when looking at this, it is looking at drainage and minimizing right-of-way, but feels the rural character should be somewhere on the agenda as the design process begins. City Engineer Budde stated that a rural option was never really on the table from when he started because the City standard is urban and to do stormwater improvements. He stated that he has compared the impacts of urban versus rural cross sections in other cities, and he said there is no doubt that there would be more tree loss and greater impacts with a rural cross section to address drainage issues. There would be large, wide ditches, which would require a lot more trees to come down and a lot more impact to the front yards and most likely a lot less aesthetic. He stated that he cannot do what they are asking him to do from a drainage perspective and keep it a rural section because there would be ditches that are eight feet deep in people's front yards.

Councilmember Gorham stated that he thinks that information is part of the story and has not been communicated to the residents adequately. He stated that he thinks City Engineer Budde is doing things and looking at this, but he has a question about why the road is as wide as it is and asked if it could be narrower. City Engineer Budde explained that it could be narrower, but he would not recommend it from an engineering perspective with relation to what the City is trying to do with respect to standards and safety accommodations. He stated that he has seen streets that are narrower, and they just do not function. He gave the example of a situation where there is one landscaping truck that comes and parks their truck to unload their lawnmower which means that two cars cannot get past.

Councilmember Gorham stated that this is good information and suggested that this kind of information be included in the 'story'. Shorewood is changing, one street project at a time, and eventually, all the streets will look like Smithtown which is why everyone is here, because they like the way their street looks now. He stated that there are all these other things tugging at the design, but the message is only 'here is what I think should happen' without explaining the process. He stated that he feels the process is not robust enough because of how many people are attending the meeting. City Engineer Budde stated that in his experience, you can never make everyone happy on a project.

Councilmember Callies asked about the mention in the staff report that stated staff had looked at maintaining the original roadway alignment without the shift to the east. She stated that if that is maintained, she asked why there would be additional right-of-way acquisition that would be necessary. City Engineer Budde explained that how some of the right-of-way was acquired in much of this area is that some of the newer developments such as Shorewood Oaks, when they plat, they are required to dedicate a little more right-of-way, so that is where the additional width comes from. Some of the other rights-of-way are very tight, in his opinion, the City should have additional right-of-way for things such as the needed signage or snow storage.

Councilmember Callies asked what he meant when he says 'alignment'. City Engineer Budde stated that a better description may be 'keeping the same center-line of the roadway'. Councilmember Callies asked for more details on the necessary right-of-way acquisitions with the different options. City Engineer Budde stated that if the City keeps the existing alignment, it will require acquisition from seven to eight property owners. He reviewed the options and the acquisitions that would be necessary.

Councilmember Johnson asked if the intent was to bring each additional variable of this project back before the Council, such as things like the overall alignment and the option about burying power lines. City Engineer Budde explained that he would like as much feedback as the Council will give him.

Mayor Labadie confirmed that City Engineer Budde is seeking feedback on the width of the sidewalk of either six feet or eight feet and the inclusion of a five foot boulevard. She stated that the overwhelming response from the neighbors on Strawberry Lane to go with the six foot wide sidewalk.

Councilmember Johnson stated that he has fielded a lot of calls and can only recall three parties that suggested moving forward with the eight-foot sidewalk and everybody else was in support of six feet. Councilmember Callies stated that she had also received calls and e-mails, and some would prefer that there not be anything. She stated that she does not even think there is a point in even discussing an eight foot sidewalk with a boulevard because nobody supports that.

Councilmember Siakel stated that she agreed because eight feet is just too much and thinks the six foot width that is consistent with Smithtown Road makes sense.

Mayor Labadie stated that she agreed and asked if there was anyone from the audience would like to discuss the concept of an eight foot wide sidewalk with a five foot boulevard. There were no interested parties.

There was a consensus to give direction moving forward with the six foot sidewalk option.

Mayor Labadie noted that the other thing City Engineer Budde has asked for feedback on is the easements and the centering of the roadway. She asked for Council input on this issue before turning it over to resident feedback.

Councilmember Callies stated that she feels the City should minimize the number of acquisitions that are necessary, and it is preferable to use existing right-of-way. Councilmember Siakel stated that she would agree.

Councilmember Gorham stated that he does not feel as though the Council has enough information to make a judgement call on what the impact of right-of-way versus minimal right-of-way will be. He stated that this is just one suggestion for minimizing the impact but asked if there may be other ways to minimize the impact to the street.

Councilmember Callies stated that she is unsure of his point and noted that the issue would primarily be cost. Councilmember Gorham stated that he does not think the issue should be just about cost and not about minimizing the impact of the street as much as possible. One calculus is right-of-way, but that is just one ingredient in the recipe of the design and explained that he cannot make a decision based solely on right-of-way. He asked if the Council was really being asked to make a decision on what had been presented because he did not think that information really told them anything.

Councilmember Johnson stated that, as a Council, they have a fiduciary responsibility to manage costs, however, what looks good on paper in terms of cost, does not necessarily look good when you walk down the street. He stated that as he walks down the street and sees the stakes on the south side of the street, he sees an inequitable process because one side of the street receives six feet to their yard and the other side loses. He stated that, to him, this splits the neighborhood in half and creates the 'haves' and the 'have nots' which does not create a good neighborhood feeling. He stated that he would be in favor of purchasing additional right-of-way in order to come up with a more equitable solution. He stated that he agrees that there are some other variables that need to be tackled, but they may not be appropriate at this point in the process, but feels they do need to be discussed.

Mayor Labadie stated that she thinks it is clear that the Council has not yet made up their minds and invited those present in the audience to give feedback to the Council on this project.

Dave Halbmaier, 26395 Shorewood Oaks Drive, stated that he has lived at this address for 28 years. He thanked the three Councilmembers who responded to their invitation and agreed to meet with the residents of Strawberry Lane, on-site, to listen to their concerns and discuss the project. He stated that he felt that was very helpful. He stated that there have been a number of independent neighborhood meetings outside of the meeting with the City Engineer. He stated that he was asked to speak as a spokesperson for a number of people as a way of being efficient but clarified that he does not speak for all the people on Strawberry Lane. He stated that the first part of their community input is not just about the project, but the process. He stated that he has heard some things about COVID but noted that he has lived here for 28 years and what was done in this situation was not enough communication. He stated that when the City was ready to start the project, they felt they should have sat down with the residents and had a meeting about what it would mean to them and do the stake stuff first. He stated that in reading the second goal of the Comprehensive Plan, the City wants to engage community members and established two way communication. He read aloud that portion of the Comprehensive Plan goals. He stated that if

he overlays that goal with the process that has happened, there is a stark difference. He stated that regardless of their opinion about the project, everybody has agreed on that point that there needs to be more than what was done to engage the community members. He stated that the City should have known that this was going to be a controversial project right from the start which is why the City needs to start listening to people and talking to them before anything is done. He stated that he thinks the process is backwards and while the Council is listening now, the community trust has been violated and money has been wasted. He stated that it is going to be a lot harder now to convince those eight residents to trust how the City will handle this.

Halbmaier stated that they understand one of the project goals is safety, but he is unconvinced that the project will make Strawberry Lane safer overall. He stated that for thirty minutes on either side of the school day it probably will, but for the other twenty-three hours in the day, it will not make the road any safer. He stated that he also thinks that there will be more cars traveling on Strawberry Lane and they will be traveling faster. He stated they feel it will be more dangerous for the light rail or trail crossing with people on bikes and drivers around and will also be more cars parked on the road. He stated that he had four children that attended Minnewashta and they survived walking and biking on the road. He agreed that it can be dangerous but proper caution needs to be used and taught for all roadways. He reiterated that he is not convinced that the net overall safety will be improved.

Halbmaier stated that he has heard from a lot of residents that they like the narrow street look of Strawberry Lane and they do not want to live on a Smithtown Road or Chanhassen with uniform wide streets that feel and look the same. Strawberry Lane is a large part of the diversity of the neighborhood and is what residents like about Shorewood. They are not interested in having a Smithtown Road or having nice, uniform streets. He stated not having uniform streets is what makes Shorewood unique and is something residents are so concerned about. He stated that both proposals do not share the burden of the project with the residents on both sides of Strawberry Lane which means some residents will lose one-third of their yard and driveway while residents on the other side will have a six foot expansion of theirs. He stated that even the option that has no boundary change shifts all the burden the other way.

On the June 22, 2021, Zoom call, Halbmaier asked the Council to not misunderstand wanting a sidewalk versus a trail. He stated that it was just a comparison of what is the least evil, which was the sidewalk. He stated that there is not a large group of people who want the sidewalk at all, so he thinks the Council has misunderstood that sentiment. He stated that there is virtually no difference between the trail or the sidewalk because the burden is still one-third loss of many people's front yards and driveways. If they want to look at minimizing community resident impact, there needs to be a more balanced approach. He stated that there were 10 community members who came over to his house and talked about this and all 10 of those people signed a document that stated that they did not approve of Design A which shifts the centerline of the sidewalk. He stated that he does not want the Council to think that the sidewalk, as discussed on the June 22, 2021, Zoom call, is something that the residents agree with, because they are not.

Halbmaier stated that they are also concerned that on the north side of the road there was no staking done for where the roadway would end which is confusing. The project, in their opinion, should be based on the overall cost to the residents, the environment, and the City. They do not feel like the project or priority should be based on convenience to the City or the expedience of the project. Both proposals do not represent the lowest cost or are the best proposal. He stated that neither proposal is ideal and believes there is a better proposal out there and more compromises that can be made. He stated that they are asking for the Council to reconsider the

design parameters and find a superior and more balanced solution even though it will require more work.

Scott Becker, 6165 Strawberry Lane, thanked the Council for taking the time to answer so many e-mails from the residents. He stated that when it comes to evaluating a project, he noticed that in the feasibility report that it pretty much stated the goal is to improve drainage and bring the roads up to the standards, but he has been involved in a lot of very large development projects and they also include what the project constraints were. He stated that the constraints were briefly mentioned such as safety, environment, aesthetics, traffic flow, property values, happiness of the residents. He stated that the \$150,000 is a drop in the bucket compared to the value of what is being done to the environment by taking out all these trees and is also a drop in the bucket compared to their home values.

Becker stated that he would like to focus on safety and noted that he has found three publications that talk about lane widths and safety. He stated that he shared one of them with Councilmember Gorham when he visited, but explained that he had found two more since that time. He read aloud quotes from the publications and noted that he can get copies of them to the Council. He stated that he thinks that by going with the wider road, this increases the hardscape so much that there will be a drainage problem. He stated that over-development in a swamper area is having a domino effect throughout the City. He stated that one of the things that he sees as a shortcoming is not just saying that their job is to put in a road according to the standards and do the drainage, because there has to be other practical constraints that must be considered.

Becker stated that he thinks property values will go down and there will be a lot of unhappy residents and not just those that live on their side, but also those that like walking and looking at things. He stated that he thinks the City needs a broader more comprehensive view in evaluating these designs. He stated that where the edge of the road is, is fine and does not understand why it needs to move. He stated that he does not understand the difference between right-of-way acquisitions and getting utility easements. He stated that he feels there are ways to minimize this and noted that he and his wife are not saying no to the sidewalk or the project overall, but would like for the City to find a way to have a balanced solution to all the things that matter because Mayor Labadie is correct that this is a generational decision.

Mayor Labadie asked Mr. Becker to provide copies of the documents that he referenced to City Hall to they can be distributed to the Council.

Cindy Becker, 6165 Strawberry Lane, stated that when their homes were built, the builders built with the road in mind. She stated that some people, including her, put a tree too close to the road and understands that it will go away. She stated that she has come to terms with the tree leaving, but explained that she cannot move her house. She stated that her neighbor's driveway is currently fifty-three feet long and her driveway is fifty-nine feet. She stated that with the proposal, the neighbor's driveway will be fifty-nine feet and hers will be forty-one feet. She stated that the proposed plan creates an unbalanced neighborhood that just is not aesthetically pleasing. She stated that if the side of the road can be left where it is, the neighbor's driveway will be fifty-three feet and hers will be forty-seven, but that is what they consider 'fair' even though it does not fit the perfect right-of-way.

Becker stated that in March of 2019, the U.N. General Assembly met, and speakers warned the countries of the world that they had eleven years before there was irreversible climate change. She referenced recent publications that use climate data of what is going on in the world that say

there may be irreversible climate change in seven years. She referenced floods in Germany, wild fires outside of the normal wild fire season, and terrible air quality. She stated that it may be inconvenient for people to change their way of looking at the way they need to live. Deforestation is known to be the major cause for the earth's inability to absorb its carbon overload. The trees on Strawberry Lane are over one-hundred years old and patting ourselves on the back when saplings are planted to replace these huge trees does not replace the problem that is being caused. She stated that she thinks people should plant more saplings, but not cut down old trees. She stated that it is the age-old question of whether the City becomes part of the problem or part of the solution. Trees, in addition to collecting the carbon, prevent flooding. She stated that she is fighting to minimize the project and keep it more balanced so that the neighborhood maintains its neighborhood appeal. She stated that they want to keep the quaint, tree-lined, slow moving road and not allow it to become a through street with fast traffic and be kept as a neighborhood.

Chris Macomber, 26390 Peach Circle, stated that he has a very busy job downtown and part of the reason they bought so far out was because he was willing to take a longer drive to get home and be calm and enjoy the property and their lovely street. He stated that it is important for him to keep it that way. He asked what the degree of clear-cut would be on either side for the road project, regardless of which option is selected. He stated that his understanding is that it is five to ten feet and noted that many of the residents have landscaping or other natural barriers on the property. He stated that when he asked this question last year, what he heard back was that it will grow back in two to three years. He stated that while he understands that this is a generational decision, that means two or three years where the property is exposed so he would like to clearly know what the additional impact is because this is of value to the residents.

Mark Hoffman, 6195 Strawberry Lane, stated that their main concern is that they would like to see a traffic study while the project is going through the feasibility period. He stated that there is already a speeding issue and would ask that widening the street be paused to evaluate whether narrowing the street a bit would make sense and consider a five or six foot sidewalk for safety purposes.

Bob Hennenkamp, 6075 Strawberry Lane, stated that the proposal has the biggest swath of property taken from him and questioned whether it would be done by eminent domain. He asked if he had any legal recourse towards the actual value of the property that he would be losing if this project moves forward. He stated that he has no doubt that he will lose the big maple tree that he planted when he built the house in 1978 even though he thought he had planted it far enough back.

City Attorney Keane stated that for any portion of his property that is acquired, the City is first obligated to make an offer and strive for a voluntary acquisition. He stated that it has to be a fair market offer based on certified appraisers determination of damages and then there are three more steps in the process to ensure that if an individual is still not satisfied there is a hearing process with Commissioners who will listen and there are additional processes to abide by the constitutional requirement under the Fifth Amendment that property shall be taken without fair compensation. He stated that the City strives to avoid the process by making fair offers up front.

Councilmember Siakel noted that to her knowledge, the City has not ever used eminent domain.

Michelle Lee, 26400 Shorewood Oaks Drive, stated that currently her house cannot even be seen from the street because there is so much greenery. She stated that when everything comes down, it appears as though her entire side yard would be taken out and she will have no privacy,

plus a nearby sidewalk. She stated that she also heard that she will be unable to put up a fence and asked if there would be any kind of tree compensation so she would plant privacy trees or if there was anything she can do to rebuild that without simply using saplings.

Mayor Labadie stated that each parcel would be handled individually based on whether the trees are in the right-of-way or on their property.

City Engineer Budde stated that there are several possible scenarios and noted that if the tree is in your property and not in a drainage and utility easement, and the City has to acquire it, they would be compensated, most likely with a right of entry agreement or easement. If the tree is in a drainage and utility easement already, those are kind of the oddball ones where, at this point, they were not planning on compensation.

Ms. Lee stated that then all of the greenery will be gone and she feels it is noteworthy that this will really change her property completely, which is frustrating. She stated that she moved here in 2018 and did not know about this project and only found out about it when a neighbor came by to tell her about it. She stated that it would have been nice to receive a letter addressed to her or to the residents who would be affected by this project to outline what was being planned. She stated that better communication would have been nice.

Councilmember Siakel stated that she is the second resident who brought this up and explained that she lives over on Birch Bluff Road and their road is up for construction two years from now and everyone on her street got a postcard saying that it was coming up. She stated that she thought this was also done in this situation and asked if she was mistaken. She stated that she feels the Council has really tried to do more to communicate with residents and extend the time period where residents are informed about upcoming projects. She stated that it is frustrating to continue to hear residents continue to bring up communication and say they are just learning about this project. She asked if the trees and shrubbery that are located within the easement were there when she moved in or if she had planted them. Ms. Lee explained that she had moved in 2018 so they were already there.

Councilmember Siakel stated that seems to be a problem in the City where people are planting and encroaching on easements. Ms. Lee stated that it has been reported that about 95 percent of people did not want the trail and asked if they knew how many people do not want a sidewalk. She stated that she is an appraiser and has done it since 1998. She stated that in her line of work she has seen a lot of streets that have faster speeds than Strawberry Lane and they seem to get along fine without a sidewalk. She stated that it has been said that they want to look more like Smithtown than have a trail but explained that she does not want to look anything like Smithtown Road, nor does she think it should look like that. She stated that based on who she has talked to, she does not know anyone who really wants the sidewalk and if the road is just widened a bit, there may be a bit more safety, but widening it will also make people drive a lot faster. She stated that she does not think that Strawberry Lane is such a busy road that it needs to be widened and include a sidewalk and thinks it is more just a quiet street.

Alan Yelsey, 26335 Peach Circle, stated that priorities are critical, and he does not hear priorities when residents are talking to the City about most any project. He asked the residents if they received a card from the City early on in the process that notified them. He asked for a show of hands of those that received the notification. After a show of hands, Mr. Yelsey stated that he was happy that most people raised their hands and had received notification. He asked for a show of hands of which residents have had flooding or water issues where run off from the streets

or sewers is on your property imposing either a nuisance or damaging the property. He stated that this project is partly oriented to remove stormwater from the streets and move it to where it goes, which right now is nowhere since they do not have approval or a project, that is building the holding ponds at Smithtown. He stated that he is totally opposed to that project because the City has not responded to the residents questions properly so there is not assurance that project will meet their needs. He stated that he is also concerned that the project has not responded to resident concerns about Strawberry Lane or Peach Circle. He stated that one of the things that has not been covered are what the contingency plan is if Smithtown Pond is not built. He stated that he is not in support of either project, at this time, until the City can provide assurance that it will manage those projects effectively.

Yelsey stated that the residents should not want the City to dig up their street if they do not have a place to put the stormwater. He stated that they also want to put in drinking water for people who want to have City water rather than wells. He asked for a show of hands from those who do not already have City water whether they would sign up for City water. He stated that one person raised their hand. He asked for a show of hands of how many already had City water and explained that quite a few people raised their hands. He stated that the City should know who, if any, are interested in hooking up to City water before the project moves forward.

Yelsey stated that the residents had asked that the construction occur when there is no school in session and expressed concern about safety with having the road dug up for a few months. He stated that safety is not necessarily just the width of the street and the sidewalks, and noted that bicyclists would still be at risk at that street and the intersection. The trail is a very dangerous intersection that is not well done by the City and Three Rivers Park District. Speeding has been a chronic issue since he has been here and has not been addressed, nor does he see a police presence or monitoring of speed.

The people in Shorewood Oaks and that entire area are at risk of people cutting through the neighborhood from Highway 7 to get to Highway 19 or vice versa. Yelsey stated that the entire situation of cut-throughs and speed is solvable if the City acts diligently and makes it a priority. If the City wants trees to be a priority, then they should protect as many trees as possible which should be the engineer's mandate or have a priority to minimize the damage to everyone's property. He stated that it should not have to be a case where the engineer's report is presented and then everyone feels like they have to scramble and feel like they are on the defensive to try to protect their property and their interests. He stated that is not the way a good democracy should work.

Jolene Scott, 6150 Strawberry Lane, stated that she is one of the ones that if the roadway were to stay where it is, that property would need to be acquired. A meeting was called between them and the City Engineer and it was indicated to them that a utility easement may be possible which is something that they would be more amenable to. She stated that there is a lot of fear and mistrust from how this project has progressed, at least over the summer. She stated that there are a lot of questions and asking questions has not always yielded answers so at this point a lot of this is still unclear to the residents.

Scott stated that she expected to hear a clear-cut answer at the neighborhood meeting as to what kind of property right they were looking to acquire so she and her husband could be prepared to think about how that would all work, but that was not finalized. She stated that she feels that the Council moving this project forward is premature because there are so many things yet to be looked at. She suggested that the Council look at the graphic that is included on the website for

this project because it has a pink line that clearly shows the number of trees that will be taken and goes into people's property beyond the City's right-of-way and that has not been shown at tonight's meeting. She stated that she feels this is indicative for how this project has been conveyed to the residents in the area that things are kind of hidden, or masked. Not everything is clear and not all the information is given to the residents so they can know what is going on and feel comfortable with what the City is doing. She stated that many residents are confused and many do not know what is happening. She stated that it is unfortunate because now everyone is nervous and looks down their street and sees the giant tree canopy that will be lost and unfortunately, the Council does not get to see that in their packet nor do the people watching from home. She encouraged everyone to go online and look at the information on the website.

Scott stated that beyond the trees being taken down, the City Engineer has also talked about potential root damage that could cause even more trees to come down which will further impact the look and feel of Strawberry Lane. She stated that the natural, woodsy feel of the City gives it character. She stated that she thinks it needs to be looked at quite a bit further before Council acts. She stated that she thinks there are many other ways that the drainage issue can be approached without moving forward with this plan. She noted that any communication she has received prior to this summer's craziness has been about drainage and explained that she did not anticipate a Smithtown Road type of roadway coming down Strawberry Lane with a sidewalk and large road width and huge curbs. She stated that when she received a postcard that said something like 'Strawberry Lane Drainage Project' on it, she did not anticipate what was ultimately presented. She stated that there is not clarity nor is it transparent and her hearing about the scope and breadth of what could happen from her neighbors and not from the City is very disappointing. She stated that the neighborhood is concerned that what they all love about the place that they live will be lost.

Scott stated that the things kids in the neighborhood grew up with and the kids from Minnewashta who ride down the street as part of their bike club have will also be lost. Strawberry Lane will have a completely different feel and believes the City needs to explore a less invasive property right. She stated that she would like to keep the road edge as it is and noted that she was told by the City Engineer that it was a definite possibility and a utility easement would work with a temporary license to allow for big equipment that needs to be on the property to install some of the utilities.

Carrie Cochran, 5915 Strawberry Lane, stated that they have lived there almost 34 years and actually did move their house because they had so much water in their basement when they built Strawberry Court. She stated that they rebuilt and as part of that had to get an inventory of all the trees on the property and they were told how many trees they could take and details about their dimensions. She stated that now it appears as though the City wants to clear cut Strawberry Lane after they, in their situation, had to go through the expense of naming every single tree and noted that there are still tags on every single tree, to ensure that they saved the number of trees they were supposed to. She asked if that same process happens for road construction.

Cochran stated that she does not think they need a sidewalk and noted that she has walked down the middle of the street almost daily. She has walked dogs on it, her kids have walked to school on it and it has not been a problem. She stated that no parents let their kids walk down Strawberry Lane to the elementary school and if they do, their parents are with them. She stated that she does not think it is a huge issue because almost all the kids ride the bus or their parents drive them because this is an elementary school, not a high school.

Lori Sacchet, 6175 Strawberry Lane, stated that her house is probably the most impacted with almost nineteen feet of her front yard being taken away. She stated that if this goes through, she would look out her window and will see people passing right by her window. She stated that without sounding too derogatory, condescending, or critical, she does not feel that true due diligence was done to this project. She stated that she thinks it was literally handed over to a company.

Sacchet stated that City Engineer Budde is a very nice guy but feels the City of Shorewood turned it over and did not do a proper stakeholder analysis. She stated that she has worked for Honeywell and Medtronic and knows what due diligence means when a project is taken on. She explained that she had global responsibility in her career and thinks that all the neighbors can honestly say that they do not feel that their input was ever considered. She stated that they individually called on the Councilmembers to meet them in the front yards trying to express their concerns about the lack of insight and understanding that this project has gone forward with and the impact to the east side not taking a balanced approach. She stated that when she walks in other neighborhoods, the only one she has seen with a boulevard approach was Lake Lucy Road and the strip of extra is pure weeds and no one cares for it. She stated that the fact that this was even considered for their neighborhood concerns her from the get-go, that a design of that level was even considered because they do not live on the Champs-Elysees. This is not the same as Smithtown Road and it is not Shorewood Oaks Drive.

Sacchet stated that she would implore the Council to look at a much broader scope. She stated that Councilmember Siakel's statement about keeping things simple and only doing acquisition on three properties still concerns her that this would be the type of thinking that accompanied this project. She stated that she just paid \$6,000 to have her driveway redone and explained that if it is almost inconceivable that a third of that could be taken away. She stated that there are a lot of stakeholders sitting in the room and noted that she worked at Minnewashta Elementary School and walked that street every day.

There is something about this that the residents do not want to see lost. Sacchet stated that to hear that the approach being considered is so cerebral and pragmatic concerns her when the proper analysis has not been conducted. She stated that the City should go to the people, do surveys, do discussions, get the ideas on paper. She stated that she has not seen a spreadsheet with all the costs laid out, drainage, tree cutting, stump removal. She stated that it is enough to make them ill and there has not been a cost/benefit analysis at a seriously deep level that shows the alternative pricing of the different scenarios really look like.

Sacchet stated that Councilmember Gorham's comments and questions really resonated with her. She stated that she does not think that the level of scrutiny on this project has been sufficient for the Council to be able to make an informed decision. She stated that she pays a lot of taxes in the City and she expects more from the City. She stated the neighbors implore the Council to really slow down with this project and take all their input into consideration.

Mayor Labadie thanked the residents for coming to the meeting and voicing their concerns. She stated that City Engineer Budde was looking for two decisions and while the Council has come to an agreement on the first item - a trail versus a sidewalk, she would like their input. She stated that she is leaning towards continuing that item but would like to hear from Council first.

Councilmember Johnson stated that he thought to understand some of the cost impacts, City Engineer Budde would need guidance from the Council as to whether they want to consider the

additional right-of-way acquisition. City Engineer Budde stated that he felt that he had laid it out already tonight that the additional right-of-way costs were about \$45,000 at a minimum based on land value.

Councilmember Johnson asked if the satellite images where the construction limits are denoted should be taken literally. City Engineer Budde stated that they should not be taken literally because they are somewhat of a moving target until they truly get to about 80 to 90% design. He stated that what they represent now is taking the roadway and grading it down, tying it into their yards and then adding five feet as a precaution. He stated that they will do their best to try to hone those in as the design advances.

Councilmember Callies stated that she feels a bit disturbed by the characterization that the City is trying not to be forthright. She stated that they do have the information and there has not been an attempt to try to not convey information to people. She understands that people may not feel as though they have gotten all the information they want but explained that there was not a deliberate attempt on the part of the City to obfuscate the situation.

Callies stated that there is a bit of a chicken and egg situation because, until there is a final plan, you cannot really say how many trees will be removed and what will happen with each particular property or details on compensation. She stated that she thinks the purpose of this meeting is to provide some direction she believes there have been changes as a result of the resident comments up to this point. She asked about the current width of the roadway.

City Engineer Budde stated that it is about 22 feet from edge to edge and the proposal for the outer most edge from back of curb is just under 28 feet. He stated that the plans right now would add about six feet of roadway width and another six feet of sidewalk.

Councilmember Callies asked about the reference to 50 feet width. City Engineer Budde explained that 50 feet is the right-of-way width in a lot of areas and not that it is ideally what the City would like to have to construct a roadway because it is the City's standard.

Councilmember Gorham stated that he would like to know more about wider width roadways making it faster and less safe. He said he wants to understand ways to do a more balanced approach and noted that he feels that City Engineer Budde has provided a very binary, over-simplified decision. He stated that he does not feel like the City has done enough exploration of the alternatives. He stated that it feels like there are blinders on when it comes to seeing the City standards for widths and he would like to be able to say that every other width has been explored and all alignment options and have those presented as ways it can be done. He noted that he thinks the City can be more creative in finding a solution. He stated that part of the anxiety of this whole thing, for him, is having three days to look at it and knowing that a decision will need to be made. He stated that he would like to see something more collaborative, such as an open house to present the designs rather than having the pressure of public speaking and making sure that they give their point otherwise it could be lost and the vote could go the wrong way. He stated that this does not feel like a great collaborative process with the residents.

Councilmember Johnson stated that he agrees with Councilmember Gorham's points surrounding creativity and noted that one of the things he would like to investigate are if there are things that can be done creatively to offset the cost of burying the power lines. He stated that he has heard of other places where this has been done that the power company can add a nominal fee to the bill to try to offset those costs. He explained that his hope would be that if the power lines are

buried there may be less impact on the trees. He stated that he is in favor of investigating the bottom diagram because there needs to be a more equitable solution.

Councilmember Siakel stated that the Council received e-mails today from residents that are in support of the top option with the six-foot sidewalk. Councilmember Johnson stated that he believes that is true, but thinks it was north of the trail.

Councilmember Siakel stated that she thinks staff needs some direction and does not understand the points being made by Councilmembers Gorham and Johnson about being creative. She stated that she does not see this as the City making a decision that they are going to cram down people's throats. She stated that it is impossible to sit here and say that trees will not be lost. She stated that she would love for the power lines to be buried but doing it is cost prohibitive unless the residents are willing to assume the assessment. She stated that they tried to do that on Smithtown Road and it was unbelievably expensive so even though it sounds great she cannot support it.

Mayor Labadie stated that she agrees with Councilmember Gorham that the City should investigate more options but not every single one can be investigated because they would end up at the drawing board for twenty years. She stated that the City has had many road projects where there have been residents who do not want it and noted that this is a large group that does not like what is in front of them, which concerns her. She stated that she is a mom and her 'mom intuition' sometimes guides her. When she became mayor, it is almost like the City became one of her kids and right now, she is not prepared to go forward with either option even though she knows that is not what City Engineer Budde wants to hear.

Mayor Labadie stated that the City will have one crack at this, and it needs to be done right. She stated that there has been concern about burying power lines and if the majority of the City has overhead power lines, she asked how they can justify burying it in one neighborhood and not another. She stated that would mean moving forward and burying power lines for all the future projects which would bankrupt the City. She stated that unless there is 100% buy-in from the residents, she does not think exploring this option is a good use of staff's time. She stated that the Council is trying its best to listen but they are not engineers or expert tree people and feels as representatives for the citizens she thinks that they need to direct staff to find one more creative alternative.

Councilmember Callies asked what the Council's goal would be for the other alternative and feels staff needs some direction. She asked if the creative efforts were supposed to go towards, for example, tree preservation, cost savings, or something like having everybody have the same amount of their front yard taken away.

City Engineer Budde stated that he is intrigued by the idea of adding in some curvature so there could be some safety improvements with that approach. He stated that the overwhelming things he has heard are safety and trees. He stated that they can quantify safety with traffic engineers. He stated that the idea of curvature to the road was not something he thought of and suspects that it would ebb and flow the property impacts and will begin the conversation all over again about what is equitable, which he does not know how to quantify.

Councilmember Gorham stated that he wants to make sure that street width is explored and curbs as it relates to drainage, for example, are curbs needed on both sides for the full length of the roadway. He stated that he would like to know these have been looked at and for the Council to

be able to defend the design decisions. He stated that he would like to minimize taking trees and to try to capture as much of the rural character as possible because he thinks that can be defended. He stated that he does not think capturing the rural character has been part of the calculus thus far.

Councilmember Siakel stated that she would like to make the point that when Smithtown Road was referenced, they were referencing the sidewalk and not the street.

City Engineer Budde stated that he thinks he has a pretty decent grasp on what the Council is asking him to do and explained that he will speak to staff to confirm with what they have heard as well and has enough to go off of in order to come back. He asked if the option of a six-foot sidewalk or an eight-foot trail was still on the table as a matrix or should be move forward with a six-foot sidewalk with anything moving forward. Mayor Labadie and Councilmember Siakel stated that he should move forward with a six-foot sidewalk option.

Director of Public Works Brown stated that when he first started working at the City 26 years ago, there was a process which was for the engineer to present a design to the public by saying, "This is our design." The feedback that was given was that they did the design and did not even ask the people their opinion. He stated that they reversed the process and said let's get input and will put together some of the framework for something like an open house and have it very loose, so it is not just presenting a design to people without taking input or addressing their concerns. He stated that then the frustration rose that the City was not giving any answers, just like tonight, if he does not know how wide the sidewalk will be, the engineer cannot figure out where it will touch the ground and impact the properties and do not know how much right-of-way is being impacted or figure out cost or calculate drainage. He stated that there is a chicken and egg scenario where the City tries, within the process, to put together a framework that allows feedback and not have everything locked in so they can allow for change. He stated that he appreciates their continued patience with the timing of answers as they work through some of the details that changed again tonight with the feedback.

Councilmember Siakel asked for clarification of what the next step will be so nobody is confused. Mayor Labadie asked City Engineer Budde how soon he would be able to get information back before the Council and whether he felt it should be done at a regular meeting or at an Open House. City Engineer Budde stated that he would prefer it at a Council meeting so there is clear direction and noted that getting the information out to people so they have enough time to absorb it will be very worthwhile. He stated that he thinks he may be able to have more information for the Council by their second meeting in August, but it is probably more likely for the first meeting in September.

Mayor Labadie encouraged residents to check the City website for the agenda and details of the meeting. She thanked everyone for being respectful this evening as they gave their feedback.

Mayor Labadie recessed the meeting at 10:19 p.m. and reconvened at 10:25 p.m.

B. Approve Plans and Specifications and Authorize Advertisement for Bids for Covington Road Watermain Improvement

City Engineer Budde explained that the watermain on Covington Road has had a break in the recent past and it was found that the pipe was in tough shape and should be replaced. He stated that the hope is to get this out for bids and be able to construct this project this fall before the

winter months with the mill and overlay happening most likely next spring. He stated that this project is not in the CIP and is more of a mild emergency type situation. The construction costs are estimated to be around \$392,000 with a total project cost at \$490,000 including design and construction.

Johnson moved, Labadie seconded, Adopting RESOLUTION NO. 21-085, "A Resolution Approving Plans and Specifications and Authorize Advertisement of Bids for the Covington Road Watermain Improvement Project. City Project 21-07" All in favor. Motion passed.

C. Reject Bids for Lift Stations 7 and 10 Rehabilitation Project

City Engineer Budde noted that bids for this project were opened on July 6, 2021, and came back about 48 percent higher than the engineer's estimate. He stated that many contractors are very busy right now and COVID things end up being a remnant on these types of projects, so staff is recommending rejecting these bids and then re-bid the project during the winter months and possibly add in a third lift station with one that is slated in the City's CIP for 2022.

Councilmember Gorham stated that he is a bit worried because three bids came in so close together and asked if he felt the issue was mostly material costs. Public Works Director Brown stated that he feels it is fifty-fifty in that materials costs are playing a role in the pricing, but also the fact that everyone is already busy with fall work and due to the market conditions. He stated that there is nothing urgent to this project, so he does not think it will hurt to try to get the most favorable bidding condition later.

Gorham moved, Johnson seconded, Adopting RESOLUTION NO. 21-086, "A Resolution Rejecting Bids for the Lift Stations 7 and 10 Rehabilitation Project. City Project 20-12" All in favor. Motion passed.

9. GENERAL/NEW BUSINESS

A. Urban Farm Animal Ordinance Discussion

Planning Director Darling stated that at the June 28, 2021 City Council meeting the Council reviewed general information on how other cities regulated farm animals and directed staff to draft amendments to the ordinance to allow for the five changes as discussed. Staff recommends forwarding this to the Planning Commission to hold a public hearing on September 7, 2021.

Councilmember Callies asked for clarification that they will have to pay an initial fee, but not a renewal fee. Planning Director Darling stated that was what the Council had directed.

Mayor Labadie asked about regulation #2 that talks about the animal shelter needing to be located closer to the animal owner's home than to a home on an abutting property. She asked what would happen to existing permit holders and existing shelters. Planning Director Darling stated that that would have to be addressed with their renewal.

Councilmember Callies stated that she thinks there should be a renewal fee. Councilmember Gorham stated that he thinks the Council had directed for there to be no renewal fee when they

were thinking the permit would be renewed annually and now staff is recommending a five-year term for the permit. He asked how much work it is for staff and asked what is currently charged.

Planning Director Darling stated that the City currently charges \$50 which covers the cost of the inspection and about \$5.00 towards the costs of administering the permit. Councilmember Callies stated that she thinks a fee will ensure that the person who has the animals is taking it seriously. Councilmember Siakel asked what she felt the fee should be. Councilmember Callies suggested that it be the same amount.

Labadie moved, Johnson seconded, Directing staff to send this item to the Planning Commission for the public hearing process to consider an Ordinance Approving an Amendment to Shorewood City Code Chapter 705 (Farm and Other Animals).

The Council discussed ways to handle compliance for the existing permit holders.

All in favor. Motion passed.

10. STAFF AND COUNCIL REPORTS

A. Administrator and Staff

1. Second Quarter 2021 General Fund Report

Finance Director Rigdon gave a brief overview of the Second Quarter 2021 General Fund Report and noted that building permits were at about 125% of the budget through June. He stated the City is on target with the expenditures.

2. Second Quarter 2021 Investment Report

Finance Director Rigdon stated that this is also an informational item and no action needs to be taken. He gave a brief overview of the Second Quarter 2021 Investment Report and noted that the City is in compliance with its diversification requirements in the policy. He noted that segregation of investments is similar to the prior period.

Other

Public Works Director Brown stated that a few weeks ago they had an incident at their southeast area water plant located in Silverwood Park. There was a mechanical failure and some actions of some of the younger members of their department resulted in the flooding of the lower level of the filter plant. They have gone through an investigation and consulted with the League of Minnesota Cities to review the situation. He stated that he is estimating the damages to be between \$14,000 to \$18,000. He stated that they have made sure to provide additional training to the individuals involved and are hopeful that the things they have put in place will ensure that this type of thing will not happen again.

Finance Director Rigdon noted that the City's bond sale goes final on July 28, 2021 and funds will be received the same day.

City Engineer Budde stated that the Glen/Amlee/Manitou project is going very well and on schedule with curbing being poured next week. The Mill and Overlay project is continuing forward

and a bit behind on the planned schedule somewhat due to coordination with Centerpoint Energy. He gave an overview on the Smithtown Pond project related to the Army Corps of Engineer and ways to reduce the permitting process to three months and is hoping that this will get the project back on pace.

Planning Director Darling stated that Music in the Park was a success with about 250 people in attendance. She stated staff has invited some contractors to begin using the new permit software and it will probably be open to the public within a few weeks.

City Attorney Keane stated that the Council was laid bare for a great deal of criticism from the public suggesting that there is an autocratic atmosphere of suppression of free speech and anti-democratic policies in how the City conducts its hearings and Matters from the Floor. He stated that the City is not under any obligation to hold public forum and noted that a decade ago it was the exception when a community had an open forum. He stated that the City's Open Forum is very open and more open than most. He stated that the respect that this Council shows to suspend its routine business to allow the public to speak on any subject is commendable. He gave the example of the City where he lives and explained that the Open Forum is on a hard clock and it could be in seconds not minutes. He stated that during Zoom time, they just turned off their window when their time was up and in more conventional times they have an alarm that goes off. He stated that he does not think the Council has anything to apologize for in terms of the openness and their acceptance of public dialogue.

B. Mayor and City Council

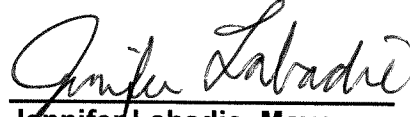
11. ADJOURN

Johnson moved, Gorham seconded, Adjourning the City Council Regular Meeting of July 26, 2021, at 10:54 P.M. All in favor. Motion passed.

ATTEST:



Sandie Thone, City Clerk



Jennifer Labadie, Mayor