

CITY OF SHOREWOOD
CITY COUNCIL REGULAR MEETING
MONDAY, AUGUST 8, 2022

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

MINUTES

1. CONVENE CITY COUNCIL REGULAR MEETING

Councilmember Siakel called the meeting to order at 7:00 P.M. She explained that Mayor Labadie was on vacation and Councilmember Johnson, who is the Acting Mayor, was out sick this evening which meant that the Council would need to vote for someone else to serve as Acting Mayor just for the meeting.

Callies moved, Gorham seconded, appointing Councilmember Siakel to serve as Temporary Acting Mayor. All in favor, motion passed.

PLEDGE OF ALLEGIANCE

A. Roll Call

Present: Councilmembers Siakel, Gorham, and Callies; Interim City Administrator Shukle; City Clerk/HR Director Thone; Finance Director Rigdon; Planning Director Darling; Director of Public Works Brown; and, City Engineer Budde

Absent: Mayor Labadie and Councilmember Johnson

B. Review Agenda

Gorham moved, Siakel seconded, approving the agenda as presented. All in favor, motion passed.

2. CONSENT AGENDA

Temporary Acting Mayor Siakel explained that Item F. was due to Park and Recreation Director Twila Grout retiring. She stated that Park and Recreation Director Grout has done a fantastic job serving in the City and reviewed her various roles dating back to 1997. She stated that Ms. Grout will be missed and wanted to make sure that her work and dedication received attention.

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

- A. City Council Regular Meeting Minutes of July 25, 2022
- B. Approval of the Verified Claims List
- C. Continue Review – Vacation of a Portion of Fire Lane 1 to Set Property Line Location: 4580 Enchanted Point
- D. Accept Final Improvements for Freeman Park Baseball Field Drainage, Adopting RESOLUTION NO. 22-070, “A Resolution to Accept Final

Improvements for the Freeman Park Drainage Improvements Project, City Project 20-10”

- E. Extension of Variance Approval: Location: 23320 Park Street, Applicant: Kimberly Poe, Adopting RESOLUTION NO. 22-071, “A Resolution Approving an Extension for a Variance to the Side Yard Setback for Property Located at 23320 Park Street.”**
- F. Accept Resignation of Park and Recreation Director and Authorize Advertisement for Position**
- G. Approve Hiring Public Works LEO/Shop Technician**
- H. Accept Quote for Badger Park Cameras and Intrusion System**

All in favor, motion passed.

3. MATTERS FROM THE FLOOR

Richard Mann, 25545 Birch Bluff Road noted that his comments were related to the continued discussion of road widening and stormwater mains for Birch Bluff Road. He stated that he has done a lot of research and would like it known for the record that the constituents of the road that he has spoken to are against the widening of the roadway but were in favor of having water and sewer brought in. He explained that the proposed widening is causing a lot of heartburn from both an aesthetic point of view and because of a fear of increased speed. He stated that if things continue to move forward he would ask that the City look into permanent speed bumps to slow the traffic down. He stated that he feels the information related to the pre-scope paper did not have anything that would affect the wetlands and feels it needs to be studied further. He stated that he would like to hear from City Engineer Budde at some point as far as the environmental impacts related to width and what statutes are being applied to ensure that the road needs to go to 26 feet rather than its current status and width. He reiterated that the majority of people along Birch Bluff Road that he has spoken to do not wish to have the road widened.

Greg Larson, 25535 Orchard Circle, asked about the Smithtown Ponds construction plans related to tree preservation. He stated that it appears that most of the trees that were supposed to be preserved have been whacked and asked for details on those decisions.

Temporary Acting Mayor Siakel stated that Matters from the Floor is designed as an opportunity for the Council to listen to feedback and questions from the residents.

Mr. Larson asked what forum was available to the residents to actually address the Council and get questions answered.

Temporary Acting Mayor Siakel asked if Mr. Larson had contacted City staff because many times they can address the concerns from the residents. She stated that she does not know if anyone on the Council has the specific information available at the moment in order to answer Mr. Larson’s question related to tree preservation.

Mr. Larson asked if anyone present had information on why all the trees in the tree preservation plan for the Smithtown Pond project have been whacked and are gone. He stated that if anyone

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on the Council doubts what he is saying he suggested that they meet tomorrow morning at 10:00 a.m. to do a walk-through of the area.

City Engineer Budde stated that the tree preservation plan that Mr. Larson is referring to is based off a very early concept. He stated that as they went through the permitting process, one of the major obstacles was with the Army Corps of Engineers which meant some adjustments needed to be made to the grading on the site in order to be able to address the drainage concerns. He stated that part of those adjustments were that some of the trees that they had originally wanted to preserve were not able to be preserved. He stated that they are still planning to replace many of those trees and also plan to exceed the replacement counts that they are supposed to meet based on the Tree Preservation Policy. He reiterated that the document Mr. Larson was referring to was a very early concept and not the final plans.

Mr. Larson stated that he pulled this document off the City's website this morning.

Temporary Acting Mayor Siakel thanked Mr. Larson for bringing his concerns to the attention of the Council and assured him that the Council would direct staff to look into the issues Mr. Larson had raised.

Mr. Larson stated that during the June 13, 2022 City Council meeting when the Council had discussed the Birch Bluff Road plan there was a statement made that most of the trees impacted are scrub trees and not of good quality. He asked about the definition of a 'scrub' tree.

Temporary Acting Mayor Siakel stated that scrub trees are the little saplings that have grown up along Birch Bluff Road. She stated that she believes that there were only a few trees that were impacted which may even be less now that they are not putting in a sidewalk.

Mr. Larson stated that he has had a request in for the last six weeks to find out how many trees and which trees will be removed as part of this project but noted that he had not yet received a response yet.

Temporary Acting Mayor Siakel stated that she wasn't sure details related to which trees would be removed had been determined yet.

City Engineer Budde stated that this was correct because they had not yet completed the final design nor have they completed all of their easement negotiations yet. He stated that they will not know this information until those things are done and many times they do not know this information until the project begins. He explained that oftentimes there are property owners who want the City to remove trees along the corridor that are close the property line or on the property line, which the City will do.

Mr. Larson stated that one of the stated goals for Smithtown Ponds was to preservation and restoration of trees and habitat and asked if that remained a goal.

Temporary Acting Mayor Siakel thanked Mr. Larson for his comments and asked if there was anybody on-line that would like to address the Council.

Alan Yelsey, 26335 Peach Circle, noted that City Engineer Budde had made a comment in response to Mr. Larson that the trees would be 'replaced' and stated his opinion that the City would not 'replace' a thirty foot tree that would have a width of three feet. He stated that the plans

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destroy mature trees and they will not have them back for another forty or fifty years, which to him would not be considered 'replacement'. He stated that it appears as though the Council refuses to have discussion with the residents on all of these matters nor do they provide a forum for discussion. He stated that the citizens of Shorewood should not tolerate a format where there can be no discussion with the City Council and staff in a public forum like this. He stated that he feels the City needs to create some kind of format where that is possible. He stated that his remaining comments are related to the illegalities that the City is involved with that if they are not addressed can result in malfeasance and noted that the Council could be held accountable. He stated that he and Mr. Larson are not attacking the Council. He stated that the illegalities in the Smithtown Ponds project are that there are no construction zones and protected tree areas marked have had trees removed; silt fences were not placed around the property for the first three weeks of the project and did not protect the creek; a gravestone was discovered on the property which was not preserved and protected in the manner prescribed by law with construction continuing. He stated that he wanted to make sure that the Council was aware that there needs to be consequences for the City doing illegal acts and, since they do not appear to be regulating themselves, in his opinion, it is a real problem.

Temporary Acting Mayor Siakel noted that legal counsel was not present tonight to comment on some of these concerns raised by Mr. Yelsey so she asked staff to make sure that City Attorney Shepherd follows up on these concerns.

4. PUBLIC HEARING

5. REPORTS AND PRESENTATIONS

A. Proclamation of Support for Veterans Celebration Chaska Area Fishing with Friends Veteran's Celebration Fishing and BBQ

Temporary Acting Mayor Siakel read aloud a proclamation in recognition of the Chaska Area Fishing with Friends Veteran's Celebration.

6. PARKS

A. Authorize Preparation of Plans and Specifications for Freeman Park Trail Improvement, City Project 22-05

City Engineer Budde explained that the Three Rivers Park District had approached the City about adding a new trail head connection within Freeman Park. He stated that three alternative routes were discussed at a Park Commission meeting in July of 2021 and the Council was updated on their recommendation in August of 2021. He stated that staff has continued discussions with the Three Rivers Park District who have asked that the City take the lead on the design and administration of the project. He noted that the plan is for it to be combined with other planned trail rehabilitation efforts proposed by the City within the Park which has been included in the CIP for 2023. He explained that the trail head connection will be a ten foot wide trail from the existing Lake Minnetonka Regional Trail to the southern parking lot near Eureka Road. He noted that in the future there will be a joint powers agreement with the Three Rivers Park District to clarify the cost sharing and maintenance responsibilities. He explained that the City had budgeted \$200,000 and Three Rivers Park District had budgeted \$231,000 but anticipates that this number may change for 2023. He noted that Three Rivers Park District has agreed to pay for the engineering

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efforts. Staff recommends that the Council authorize preparation of final plans and specifications for this project. He stated that once the plans are fifty percent completed, they will follow up with the Parks Commission to seek their comments on the plans.

Councilmember Gorham asked for a refresher on the options that were considered and the preferred option location.

City Engineer Budde noted that the location was highlighted with the red dashed line on the drawings and noted that it hugs the tree line to the north and is north of the sporting fields.

Councilmember Gorham asked if the plans will affect the outfield fence.

City Engineer Budde stated that he did not believe so, but those details are yet to be determined.

Temporary Acting Mayor Siakel gave a brief overview of the past possibility of the City entering a cost sharing improvement to Freeman Park and presented the three options that were considered last year. She stated that she thinks this is a nice project and creates trails and walkability for the residents. She stated that she feels the City should be thankful that the Three Rivers Park District approached the City and asked them to participate in this project.

Councilmember Callies stated that the City has been discussing this for a long time and feels it should move forward because it will be an improvement.

Gorham moved, Siakel seconded, Adopting RESOLUTION NO. 22-072, “A Resolution to Authorize Preparation of Final Plans and Specifications for the Freeman Park Trail Improvements Project, City Project 22-05”. All in favor, motion passed.

7. PLANNING

8. ENGINEERING/PUBLIC WORKS

9. GENERAL/NEW BUSINESS

10. STAFF AND COUNCIL REPORTS

A. Administrator and Staff

Interim City Administrator Shukle stated that Baker Tilly had received fifty applications for the City Administrator position and are currently in the process of narrowing the prospective list down to about eighteen candidates. He stated that once those candidates are narrowed down, the pertinent materials will be made available to the Council for review. He stated that Baker Tilly has asked the Council to take a look at this material and then determine the five candidates that they would like to interview.

Councilmember Gorham asked if the Council was expected to rank the candidates on their own or if it would take place during a workshop discussion.

Interim City Administrator Shukle stated that the idea would be that he Council rank them on their own individually and then discuss their choices at a Council meeting. He stated that the thought was that hopefully the Council would be able to come to a consensus on which five candidates

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should be interviewed. He stated that they could schedule a special Council meeting or work session to discuss this but noted that the agenda for the Council Work Session on August 22, 2022 is already full.

Temporary Acting Mayor Siakel stated that she would support a special meeting for this discussion because she does not want it to be a rushed decision.

There was a Consensus of the Council to hold a special meeting in order to discussion the City Administrator candidates.

Interim City Administrator Shukle stated that he wanted to make sure that not too much time is wasted in this process because the candidates may be considering other positions. He will share this information with Mayor Labadie and Councilmember Johnson and try to get a meeting scheduled as soon as possible.

City Engineer Budde stated that the Grant Steet project will be paved today. He stated that over the last week the contractor made the connection on the Shorewood Oaks project which had the sump pumps running over into the pipe. He stated that is pretty much functioning and the drainage streams are separate but will ultimately be fully working once Smithtown Ponds is excavated. He stated that for the Smithtown Ponds project they have had both the Minnesota Pollution Control Agency and the Minnehaha Creek Watershed out to do site inspections which have passed, and no concerns were raised. He stated that he is not concerned about any of the silt fencing or erosion control on this project. He stated that in relation to the headstone that was encountered, as soon as they knew about it, their archeologist was on site and did some additional research and also had contact with the State archeologist. He stated that they received approval to keep moving ahead within a few days of identifying it. He stated that this was purely on the piece north of the trail where no excavation has yet happened. He stated that the City has met all the requirements and done their due diligence on that issue. He stated that it ended up being a redundant gravestone that had been re-engraved and placed in St. Cloud. He stated that essentially the gravestone was obsolete and was given back to the property owner. He noted that Mr. Yelsey had received an e-mail shortly after this incident happened, so he was aware that the City was looking into this issue.

Planning Director Darling stated that the Pesticide Management Auditing Plan will be sent to the Parks Commission with their next meeting packet. She explained that they will have a full month to review the information and will be able to discuss details with the consultant at the September 13, 2022 meeting. She noted that the public would be welcomed at that meeting.

B. Mayor and City Council

Councilmember Gorham stated that he would second the sentiment shared by Temporary Acting Mayor Siakel regarding Parks and Recreation Director Grout because she will definitely be missed.

11. ADJOURN

Gorham moved, Callies seconded, Adjourning the City Council Regular Meeting of August 8, 2022, at 7:36 P.M. All in favor, motion passed.

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ATTEST:



Sandie Thone, City Clerk



Debbie Siakel, Acting Mayor