

CITY OF SHOREWOOD  
CITY COUNCIL REGULAR MEETING  
MONDAY, AUGUST 22, 2022

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

## MINUTES

### **1. CONVENE CITY COUNCIL REGULAR MEETING**

Mayor Labadie called the meeting to order at 7:00 P.M.

#### **A. Roll Call**

Present. Mayor Labadie; Councilmembers Johnson, Gorham, and Callies; City Attorney Shepherd; 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: Councilmember Siakel

#### **B. Review Agenda**

Mayor Labadie stated that she would like to remove agenda item 2.i and place it on a future meeting agenda.

**Johnson moved, Gorham seconded, approving the agenda as amended. All in favor, motion passed.**

### **2. CONSENT AGENDA**

Mayor Labadie reviewed the items on the Consent Agenda.

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

**A. City Council Regular Meeting Minutes of August 8, 2022**

**B. Approval of the Verified Claims List**

**C. Accept Quote for 2022 Catch Basin and Culvert Project, City Project 22-04, Adopting RESOLUTION NO. 22-073, "A Resolution Awarding the 2022 Catch Basin and Culvert Repair Contract, City Project 22-04."**

**D. Accept Final Improvements for Beverly Drive and Cajed Lane Drainage Improvements, City Project 20-03, Adopting RESOLUTION NO. 22-074, "A Resolution Accepting Final Improvements for the Beverly Drive and Cajed Lane Drainage Improvements Project; City Project 20-03."**

**E. Accept Final Improvements for Glen Road/Amlee Road/Manitou Lane Street Reconstruction and Utility Project, City Project 18-08, Adopting RESOLUTION NO. 22-075, "A Resolution for Acceptance of Final**

**Improvements for the Glen Road, Manitou Lane, and Amlee Road Street Improvements, City Project 18-08.”**

- F. Approve Vacation of a Portion of Fire Lane 1 to Set Property Line, Location: 4580 Enchanted Point at Fire Lane 1, Adopting RESOLUTION NO. 22-068, “A Resolution Vacating a Portion of Fire Lane 1 to Identify the South Property Line of 4580 Enchanted Point.”**
- G. Approve Agreement with Christmas Lake Association for Improvements to the Christmas Lake Public Access, Adopting RESOLUTION NO. 22-076, “A Resolution Approving Agreement Between the Christmas Lake Association and City of Shorewood for Improvements to the Christmas Lake Boat Access.”**
- H. Accept Quote for Security Upgrades to the Christmas Lake Public Access, Adopting RESOLUTION NO. 22-077, “A Resolution Awarding the Quote for Security Improvements to the Christmas Lake Public Boat Access.”**
- I. ~~Accept Quote and Award Contract for One Replacement 2000 Gallon Tanker Truck—~~ (removed from the agenda)**

All in favor, motion passed.

**3. MATTERS FROM THE FLOOR**

Guy Sanschagrín, 27725 Island View Road, noted that he wanted to address the Council regarding the Birch Bluff project and the hiring of a new City Administrator. He noted that he has spent the last two weekends walking the Birch Bluff area with Rick Mann, who lives in the neighborhood, and the feedback they have gotten from people was overwhelmingly against the project as planned. He noted that nobody they had spoken to understood what was driving the project. He shared some of the comments they received from the area residents and showed pictures of the condition of Birch Bluff that had an overlay done a few years ago. He expressed confusion that money was spent on an overlay if the plans were to rip up the road a few years later because an overlay should last seven to ten years. He stated that a frequent sentiment from residents was that they wanted the City to do much more with preserving healthy/mature trees, they wanted their voices to be heard, and wanted the City to stop wasting the taxpayers money. He stated that with regard to the hiring of a new City Administrator, he felt that residents should be viewed as both shareholders and recipients of City services and that this position is critical to the City's success. He explained that he felt residents should have a strong voice in the hiring process and outlined what he felt what qualities were needed in this position. He stated that he was proposing that an at large, citizens advisory group be formed to guide this process and noted that he would volunteer to serve on this group.

Kathy Bongard, 2626 Birch Bluff Road, stated that she is one of the residents who love the area as it is right now with the canopy of trees. She explained that her understanding is that the City wants to widen the road and stripe it.

Mayor Labadie noted that the City was still in discussion about the project and had not yet finalized the plans.

Ms. Bongard stated that a few years ago, the neighborhood had asked for a sign to be put up on the fire lane access stating the rules of the access. She stated that they have spent a great deal of time with the Council trying to get that done and it still has not happened. She stated that her understanding is that work to settle the fire lane issue has been going on for over twenty years and yet it seems as though the Council has taken almost no time at all to make plans, with the people who live there, regarding what will happen on Birch Bluff Road. She stated that the people who bought there liked how it looked, the small town feel, and how easy it is to walk there without being disturbed. She reiterated that it is lovely, as it is, but she gets the feeling that the Council does not seem to care.

#### **4. REPORTS AND PRESENTATIONS**

##### **A. Highway 7 Safety Audit Presentation, MnDOT**

Andrew Lutaya, Area Engineer, MnDOT Metro District, introduced himself and Derek Leuer, State Traffic Safety Engineer at MnDOT. He noted that this presentation will be more focused on how the road safety audit was carried out and will review their recommendations. He noted that there are much broader discussions on how projects are selected and funded at MnDOT which will continue beyond the road safety audit and explained that there are a lot of needs throughout the State and not enough funding for everyone. He stated that the goal of the safety audit was, at minimum, to try to identify if there was any location that could rise in priority to be included in an already published State plan. He noted that they looked at seventy intersections in the entire corridor and explained that as public stewards they need to work on prioritizing which projects are able to be worked on and when they can be worked on. He explained that during a Road Safety Audit (RSA) the team looks for potential safety hazards that may affect the road users and then suggests measures to mitigate those issues. He reviewed the goal of the RSA that looks into education, enforcement, engineering, and emergency/trauma services. He gave an overview of how the Highway 7 corridor was segmented as part of the study. He reviewed data from the RSA with regarding to traffic volumes, posted speeds, previous plans, previous studies, public engagement and comments from the general public. He noted that there was quite a bit of interest in this study and they received over one-thousand responses from their on-line open house. He gave a brief overview of the general themes expressed in the responses related to nighttime visibility and a desire to add more traffic control measures.

Mr. Leuer explained that he was the traffic manager for this project and shared details from what they found in the RSA and their recommendations. He noted that his presentation would focus on the middle segment of the corridor in the City. He explained that they used statistical criteria to find whether the number of crashes were above average or critically above average, which means there appears to be something going on here that should be investigated. He reviewed the data related to crashes, crash severity, manner of collision, and causes of fatal and serious injury crashes. He stated that one recommendation they have would be to install enforcement confirmation lights to safely observe and pursue red light violators as well as creation of a Highway 7 Corridor Coalition. He gave a brief overview of some of the recommended short-term, medium-term, and long-term improvements from Minnetrista to Minnetonka along Highway 7. He reviewed the input they got from the public regarding Highway 7, near Eureka Road and what their team settled on after talking through some various solutions. He explained that they landed on the idea of a divided two-lane roadway that has a "suburban feel" to it with pedestrian sidewalks on both sides with the major intersection controls being roundabouts. He clarified that this idea has not been fully vetted or designed, but is an idea for a starting point.

Councilmember Johnson asked if the thought was to have a concrete median.

Mr. Leuer explained that the idea would be to have a raised, flat median that would divide the two ways of traffic.

Councilmember Johnson asked what this would mean for pedestrians who want to cross over Highway 7.

Mr. Leuer stated that it would allow pedestrians to cross to the median to the point of safety, and then cross the second half. He noted that their report contains dozens of recommendations that range from removal of vegetation that may be in sight lines to things like installing cable barriers, or finding a way to reduce the left hand turn maneuvers onto Highway 7.

Mr. Lutaya reiterated that the RSA is really just the beginning of the process and the next steps involve collaboration between various agencies to working to get the funding for making the recommended improvements.

Mayor Labadie asked if there was an estimated time frame for some of the improvements and asked when the soonest action could be taken.

Mr. Lutaya stated that depending on the amount of funding needed, some of the short-term recommendations could be done next spring, for example clearing brush and trees along the corridor sight lines. He explained that the medium-term and long-term recommendations will require a broader budget which can take a longer time.

Councilmember Callies clarified that a Highway 7 Coalition did not already exist and they were simply recommending that one be put together.

Mr. Lutaya stated that this was correct and noted that a coalition typically begins with a group such as this Council, that invites partners from other cities and counties to work together on solutions.

Mayor Labadie encouraged residents to utilize the contact information for Mr. Lutaya and Mr. Leuer if they had specific questions on the RSA. She extended her thanks for MnDOT and Mr. Lutaya and Mr. Leuer for coming to give this report and for taking this traffic study seriously. She stated that she hopes that when Mr. Lutaya stated that this was not the end and only the beginning that he was speaking the truth because Shorewood needs help with the Highway 7 corridor and explained that the community feels it is an inherently dangerous piece of highway. She explained that she was fearful because of MnDOT's lack of urgency and would like there to be a quicker remedy. She noted that before she was elected as mayor, she served on the City Council for six years and during that time, former Mayor Zerby repeatedly asked MnDOT representatives and legislators for help with the unsafe nature of Highway 7. She asked what the City can do to get help from MnDOT now, because they do not want to just wait until there is another fatal collision. She noted that MnDOT had received over one-thousand responses to their online survey and asked that they hear the message from the residents that they feel unsafe on Highway 7 at high traffic times. She reiterated that the City wants help from MnDOT and does not want to wait. She noted that she understands that they are hearing the same concerns from other communities along the Highway 7 corridor, but this Council is the stewards of its residents and would ask that MnDOT change their decision and make Shorewood and its citizens a priority. She reiterated that contact information for the MnDOT representatives was being shown on the screen and

encouraged residents to contact them with their questions and feedback. She assured Mr. Lutaya that she sincerely appreciated MNDOT staff for coming to present this information to the City and noted that she was not trying to work against them, but wanted to make it clear that the people of Shorewood do not just want to be statistics and want their concerns to be heard.

**B. Chief of Police, Brian Tholen – 2023 Budget Presentation**

Chief of Police Brian Tholen gave a brief overview of the 2023 proposed budget. He noted that since October of 2020, there were 5 overdose deaths due to Fentanyl of individuals between the ages of eighteen to fifty-four and compared that to there being only two overdose deaths in the South Lake Minnetonka community between 2013 -2019. He stated that the overdose medical calls have increased by twenty-five percent over the last five years and explained that they now carry Narcan which can reverse the effects of a narcotic on a system. He noted that since 2017, they have had fourteen Narcan deployments that he considers 'saves'. He stated that it is his responsibility to inform the Council and cities where they need extra funding and personnel. He explained that one of these personnel needs was to add a drug task force officer to directly and proactively take a look at the drug problem and go to the dealers, not necessarily the users. He stated that the second part of this need is related to the Capital Improvement Plan (CIP). He noted that they have never had one before because they have simply taken from other accounts. He stated that he has also included in his budget proposal a building maintenance schedule because they cannot simply just defer maintenance on things like the roof or HVAC system. He explained that another component of his proposed budget relates to officer wellness and noted that they already have a very robust officer wellness program. He stated that currently they need to see a therapist every year because they deal with a lot, but noted that he would like to expand the officer wellness program that was started under former Chief Meehan to include debriefs and critical incidents. He explained that also included in his proposed budget is the uncontrollable increases that everyone has seen and gave examples of increased fuel and supply costs and worker's compensation insurance premiums. He explained that the debt service of the amount due to the Shorewood Economic Development Authority to pay off the police side of the building will have its last payment in October of 2022 which means there will be unallocated funds which is why he thinks this is a good year to add the drug task force position that he is suggesting. He explained that as a comparison, as of July 31, 2021, there were two-thousand nine-hundred thirty-eight calls for service for Shorewood and as of July 31, 2022, there were three-thousand, three-hundred fifty-two calls for service, which is an increase of fourteen percent.

Councilmember Callies asked for an explanation of his comments related to unallocated funds.

Chief Tholen explained that in 2016, former Chief Meehan refinanced the bonds that were paid to build the building. He stated that every year the City provided a certain amount for the department to pay off those bonds. He stated that many people weren't aware of this, so he was not sure if they had worked that into their 2023 budget or not and reiterated that the last payment will be in October of 2022.

Councilmember Callies stated that she supports the idea of a drug task force and felt that would bring a good benefit to the community.

Chief Tholen stated that by adding a drug task force officer it is essentially a force multiplier because it will allow them access to six other agencies. He thanked the City for their continued support of SLMPD and noted that they are currently fully staffed.

**C. Fire Chief, Curt Mackey – 2023 Budget Presentation**

Mayor Labadie noted that Fire Chief Mackey had been called out on a mutual aid call.

Councilmember Johnson asked that everyone stop and pause and take a moment to think about the safety of those involved in this call. He noted that before Chief Mackey had to leave he had sent him a message asking him to summarize the proposed 2023 budget. He explained that he was the liaison to the Excelsior Fire District Board and noted that Interim City Administrator Shukle attends the Operating Committee meetings for the Excelsior Fire District Board. He gave a brief overview of the budget and noted that the proposed budget increase to Shorewood is proposed to be \$25,393, which is around a five percent increase from previous years. He gave an overview of some of the pressures within the District, such as keeping their wages competitive and explained that this budget brings those more in line with other wages in the area. He gave an overview of some of the CIP expenses including the new fire boat. He noted that as Police Chief Tholen briefly mentioned, the fire portion of the building will be full paid off a year after the police portion of the building in 2023.

Mayor Labadie explained the City has a Joint Powers Agreement and shares the fire department with five other cities and a police department with four other cities. She explained that each city had a councilmember that serves on the Fire District Board and each mayor serves on the police board.

Councilmember Johnson explained that the difference is that Deephaven has their own police department, but not their own fire department.

**5. PUBLIC HEARING**

**A. Request for Rezoning, PUD concept/development stage and Preliminary Plat for Maple Shores**

**Location: 20430 Radisson Road and Adjacent Vacant Lots**

**Applicant: Chamberlain Capital, LLC**

Planning Director Darling stated that this is an application by Chamberlain Capital, LLC for the property at 20430 Radisson Road where they propose to develop seven homes in a planned community with shared maintenance to be called Maple Shores. She explained that the Planning Commission had held a public hearing on August 2, 2022 where six people spoke and the Commission voted unanimously to recommend approval. She noted that one additional letter was submitted by Scott Smith on behalf of his clients, who are residents of Radisson Road. She explained that letter had been distributed to the City Council prior to the meeting and at the Council dais and can be seen on the front table for public review. She stated that the Parks Commission had also reviewed the application and had also unanimously recommended approval of accepting fees in lieu of land dedication and keeping the open space under private ownership. She noted that representatives of the Planning and Parks Commission would present more detailed information about their discussion later in tonight's meeting. She stated that this was a public hearing for the Council to consider additional public testimony and noted that action would be taken under item 7B.

Mayor Labadie opened the public hearing for comment at 8:07 p.m.

Michael Cohen, 20640 Radisson Road, stated that his property touches the subject property. He noted that he would like to know the actual acreage, per home, for the residences they are proposing. He stated that he had asked this at the Planning Commission but did not receive an answer. He stated that they are proposing seven beautiful homes, but would like to know what the acreage plot is and have it on the record. He stated that he would also like to know about the eighteen-foot wall with the fence on top and, on the overlay of the aerial photograph, how close to his property that huge wall will be.

Mayor Labadie suggested that the applicant answer those questions for Mr. Cohen.

Scott Smith, stated that he had authored the letter referenced by Planning Director Darling. He stated that he stands by the comments included in the letter and just wanted the Council to know that he was here tonight if they had any questions from the letter.

Paul Cameron, explained that he and his wife are owners of Chamberlain Capital, LLC, and noted that if this is approved, they will become residents of the City because they plan to live in this development. He stated that for the acreage per house question raised by Mr. Cohen .5 acres per house excluding wetlands and the lake. He noted that he was not sure about the distance from Mr. Cohen's property to the retaining wall and fencing because that wasn't something that the City had required, but he can find this information and pass it along.

Mayor Labadie noted that Mr. Cohen had asked if Mr. Cameron could point out on the map the planned location of the retaining wall and fence.

Mr. Cameron explained that it is hard to see on the aerial photos because there are no references to the high-water mark and the setback required by the Minnehaha Watershed District. He stated that he can have their engineer do a CAD measurement for Mr. Cohen and e-mail this information to him. He noted that the highest point of the retaining wall is eighteen feet but noted that it tapers down on the sides to zero in an attempt to blend the grades.

There being no additional public comments, Mayor Labadie closed the public hearing at 8:16 p.m.

Mayor Labadie noted that further Council discussion would happen later on the agenda.

## **6. PARKS**

### **A. Report by Commissioner Heinz on August 16, 2022 Park Commission Meeting**

Parks Commissioner Heinz gave an overview of the summer parks tours by the Parks Commission.

Mayor Labadie noted that if anyone sees vandalism occurring at any of the parks she would encourage them to call 911..

## **7. PLANNING**

### **A. Report by Commissioner Riedel on August 2, 2022 Meeting**

Planning Commissioner Riedel gave an overview on the discussion and actions taken at the August 2, 2022 meeting and gave a brief summary of their recommendations.

**B. Request for Rezoning, PUD concept/development stage and Preliminary Plat for Maple Shores**

**Location: 20430 Radisson Road and Adjacent Vacant Lots**

**Applicant: Chamberlain Capital, LLC**

Mayor Labadie noted that a public hearing was held regarding this development on August 2, 2002 at the Planning Commission meeting and earlier this evening at the Council meeting.

Councilmember Callies noted that she lives across the street from this development and has no financial interest in this project. She explained that she has an easement on Lot #11, however there is different language on the easement than what the proposed development easement is. She stated that she would like to have City Attorney Shepherd address the issue of what the Council is looking at in terms of the PUD approval and rezoning, the factors that are taken into consideration, and whether or not the easement is an issue that comes into play within the City Code.

City Attorney Shepherd stated that the easement is not a factor in this situation. He stated that he understands that there is a dispute about the easement, but that is a private easement and is something that is for the courts and not for this Council to decide.

Councilmember Callies stated that she thinks that everyone in the neighborhood would prefer that there only be one house on this lot, but thinks they also understand that is probably not a realistic expectation. She stated that she feels that staff has thoroughly reviewed and addressed some of the potential issues with the proposal. She noted that currently this property is a nuisance property and has been vacant for the last three years, so she is looking forward to something nice going in there that could potentially be an asset to the neighborhood. She admitted that it will be a big change and having additional traffic on a narrow road is a concern but explained that she was in support of what has been proposed, with the staff recommendations as presented that should mitigate some of the concerns.

Councilmember Gorham stated that he also feels like this is a nice project and he felt, even before City Attorney Shepherd had weighed in, that the Lot #11 dispute was not for the Council to decide. He stated that he sees this proposal has a benefit to the City with a PUD rather than just having five lots with houses squeezed in. He noted that he felt the way it has been designed with some buffers to the north and west will help mitigate some of the environmental impacts.

Councilmember Callies noted that this plan is for a total of seven homes, with six townhomes and one individual family home. She stated that she believes one of the earlier proposals was for a total of nine homes so this is a slight reduction from those plans.

Mayor Labadie stated that she likens the Lot #11 dispute as a similar discussion to that of Highway 7 that was held earlier tonight. She stated that the City has no jurisdiction of that road and likewise they have no jurisdiction over the Lot #11 issue. She stated that it does appear to be a decent development on a parcel that is currently almost an eyesore.

Councilmember Johnson asked about the mention in the staff report of an HOA. He stated that the site plan has a stormwater pond, but nowhere in the function of the HOA does it discuss maintenance of the stormwater pond.



Planning Director Darling explained that it would be the intent of the City that the HOA take on the responsibility for the stormwater pond. She noted that a separate maintenance agreement will be required and asked that the HOA documents, when they are submitted with the final plat include language for all of the common items, including maintenance of the stormwater pond.

Councilmember Callies asked about the sequence of approvals in this process.

Planning Director Darling stated that if the Council approves this item tonight, it would be for the rezoning and the concept PUD, plus the development stage PUD and a Preliminary Plat. She explained that this combines both a policy decision of looking at the rezoning plus the beginning detail of the development itself. She stated that the next stage would be the PUD Final Stage plan and Final Plat which would include the final details of the development based on their design of the project and the conditions that were put into the resolution. She noted that if the Council approves the Final PUD Plan and the Final Plat, then the applicant will be required to assemble all of the permits from the other permitting jurisdictions which would include things like the watershed, DNR, and the Department of Health.

**Callies moved, Johnson seconded Approving Ordinance No. 591, “An Ordinance Amending Section 1201.09 Subd. 2 of the Shorewood Zoning Code – The Shorewood Zoning Map (Maples Shores PUD).” All in favor, motion passed.**

**Johnson moved, Gorham seconded, Adopting RESOLUTION NO. 22-079, “A Resolution Approving a Preliminary Plat for Maple Shores for Property Located at 20430 Radisson Road and Four Adjacent Vacant Properties.” All in favor, motion passed.**

**C. Cooperative Housing Development**  
**Applicant: Lifestyle Communities**  
**Location: 24250 and 24320 Smithtown Road**

Planning Director Darling explained that both Shorewood and Tonka Bay have been approached by a company to develop a cooperative apartment building on properties that straddle the city boundaries. She noted that both cities will need to be involved in the development, but the level of involvement is a policy decision to be made by each council. She clarified that the applicant has not yet submitted an application for development, but in the event that they do, staff would like more information and direction on how the Council would like to approach this development with Tonka Bay. She stated that staff has put together three options for consideration by the Council and noted that Tonka Bay staff will bring these same options to their council as well. She reviewed the three options and explained their advantages and disadvantages: Option 1 – Boundary Alteration; Option 2 – Delegation Authority; and Option 3 – Separate Decision-Making. She stated that staff is recommending that the Council adopt either Option 1 or Option 2.

Tim Nichols, CEO, Lifestyle Communities, stated that they have about forty cooperative developments in the area which have been tremendously successful. He stated that they have accomplished this by picking great communities where people want to be able to age and remain in the community in this type of development. He explained that they have found that about eighty-five percent of their residents are from a very close geographic range and not from outside the community. He stated that this project is designed for ownership for active adults to give them the opportunity to stay in their community. He stated that he understands that because this straddles the two communities it will be a challenge, but assured the Council that Lifestyle Communities was up to the challenge.

Mayor Labadie asked if they were still proposing to use the Public Works driveway for one of their access points.

Mr. Nichols stated that garage access would be to the Public Works right-of-way. He noted that he had briefly discussed this issue with Police Chief Tholen earlier this evening and he felt certain that they can reach an outcome that allows preservation of traffic flow for emergencies to go out while dictating exactly where the cooperative owners access their parking garage. He stated that all the rest of the community parking and visitors will be through the current access that exists to the chocolate shop. He explained that their concept is to have a separate median that separates the two access points and noted that when he mentioned that to the Police Chief Tholen, he seemed optimistic that this approach could work.

Mayor Labadie stated that she is also worried about the one access point onto the road even if there is parallel access because they would still be exiting onto Smithtown Road.

Mr. Nichols introduced David Williams from Lifestyle Community Development and asked him to address that topic.

David Williams, Lifestyle Communities, stated that these concerns have been brought up before and have been discussed with the Planning Commission and the City Council. He explained that recently they have engaged with a traffic engineer to work through these issues and knows that they have begun working with Planning Director Darling to get more clarity on this situation. He stated that his understanding is that they will begin the traffic study in the next week or so in order to figure out the best way to provide access without limiting access for anyone.

Councilmember Johnson asked Public Works Director Brown to weigh in with his thoughts or concerns about this project.

City Attorney Shepherd reiterated that the question in front of the Council tonight is the process by which these questions will get answered and discussed. He stated that if it is the Council's prerogative, they can discuss these things, but really what they are being asked for tonight is whether or not this project will go through two different planning review processes or one.

Councilmember Johnson stated that he would strongly prefer Option 1 and sees the other two options as quagmires.

Councilmember Callies stated that she agreed and would support Option 1.

Mayor Labadie stated that she agreed as well.

Councilmember Gorham stated that for Option 2, he would want Shorewood's Planning Commission to be the zoning and permitting authority, but noted that Option 1 is something that the City has done before and seems like it would be a good option.

Mayor Labadie noted that she would have a really hard time with the driveway and the entrance and exit on Smithtown.

City Attorney Shepherd stated that there is consensus from the Council to support Option 1 and explained that staff will go back and talk to Tonka Bay and the applicants about the situation and plan to bring back a potential way forward for a proposed development.

**8. ENGINEERING/PUBLIC WORKS**

**9. GENERAL/NEW BUSINESS**

**A. Approve Proposed 2023 SLMPD Budget**

The Council discussed the budget presentation and proposed increase.

**Labadie moved, Johnson seconded, Approving the 2023 SLMPD Operating Budget, as proposed. All in favor, motion passed.**

**B. Approve Proposed 2023 Excelsior Fire District Budget**

**Labadie moved, Gorham seconded, Approving the 2023 Excelsior Fire District Budget, as proposed. All in favor, motion passed.**

**10. STAFF AND COUNCIL REPORTS**

**A. Administrator and Staff**

Mayor Labadie noted that the Council was starting a new procedure and that if any of the Council or staff wanted to address issues that were raised during Matters from the Floor, that those comments be made at this portion of the meeting.

- 1. Primary Election and Candidate Filing Update**
- 2. Fall Shred Event**

Mayor Labadie noted that the Fall Shred Event will take place on October 22, 2022 from 9:00 a.m. to 12:00 p.m. at Badger Park.

Councilmember Johnson stated that he has enjoyed participating in this event in the past and encouraged other Councilmembers to volunteer to help serve but noted that the shred event will fall on Minnesota Educators Association (MEA) weekend

**Other**

Public Works Director Brown stated that he was pleased to report that the new shop technician started today.

City Engineer Budde noted that it has been a quiet few weeks with relation to construction.

Councilmember Johnson noted that the quickness of the construction at Smithtown Ponds with removal of the trail and putting the trail back in place, was impressive. He noted that there is one section that he is very curious to see how it eventually settles. He stated that the comments he has heard in the neighborhood have been extremely positive thus far.

Planning Director Darling stated that Silverwood Park is down to punch list items and encouraged the Council to stop by the park and take a look at the work that has been done. She stated that regarding the items brought up during Matters from the Floor, there was a request that there be a sign installed displaying some of the fire lane rules. She stated staff can move forward with that, if that is Council's direction.

Councilmember Johnson stated that specific to that fire lane discussion, he thought there had been some kind of compromise as to vehicle use on the fire lane and asked if that had stalled out.

Planning Director Darling explained that the item was continued indefinitely, so unless the Council brings it back for review, there would be no staff activity.

Mayor Labadie asked if the City had signage at any of the other fire lanes.

Planning Director Darling stated that there were no other fire lane signs. She stated that if the Council gives direction for signage at this specific fire lane, her question would be whether they want signs at all the fire lanes.

Mayor Labadie stated that she doesn't think that issue is ready for a Council decision tonight. She suggested that the Council give it some thought and perhaps place it on a future agenda for more detailed discussion or for possible inclusion on a Planning Commission agenda.

Councilmember Callies suggested that this may be a good topic of discussion for the Council retreat.

Councilmember Johnson noted that they have done that before and the problem they keep running into is that everything works for every other fire lane in the City, except this one.

Interim City Administrator Shukle explained that they will begin interviewing candidates for the Light Equipment Operator position this week. He stated he would like to comment on the comment made during Matters from the Floor regarding the search for the city administrator position. He stated that the search is typically handled by the City Council and when candidates are brought in prior to the final interviews, some cities have had public open houses where they can meet the candidates and get to know them. He stated that this has become a typical practice and thinks Baker Tilly may also be recommending that approach.

## **B. Mayor and City Council**

Councilmember Callies asked for details related to the City's prosecutions. She stated that she would like to know how many cases, trials, and pleas there are. She stated that she would be interested in receiving that information in order to understand what is happening with prosecutions. She noted that this may not even be anything that has been asked for in the past, but explained that she thought it would be useful information for the Council to have.

City Attorney Shepherd stated that he will talk to his office and see if they can get some kind of report delivered to the Council.

Councilmember Johnson stated that his recollection was that part of the selection process was that the new prosecutor has proposed coming and presenting to the Council on a quarterly basis.

Mayor Labadie stated that she wasn't sure the plans had been to present quarterly, but believes that the intent was for it to be done more often than it had been in the past.

Councilmember Callies stated that the Parks Commission will be considering the pest management program soon. She stressed that she did not want the City to rush into a decision and suggested that it be brought before the Council towards the end of the year or in early 2023 in order to give them time to review the materials.

Planning Director Darling noted that the notifications have gone out about the upcoming public testimony process for this item. She noted that it is really intended just to explain the process and thinks people could ask the consultants some questions if they have them.

Councilmember Johnson asked Public Works Director Brown if there was a way to adequately treat athletic fields using materials that cause no pesticide harm.

Public Works Director Brown stated that the use of pesticides clearly violated the Bee Friendly resolution but noted that his experience is very limited with regard to the compounds that the Integrated Pest Management organization have proposed. He stated the feedback he has received is that they will work, but are more labor intensive. He explained that it will also take special equipment to keep the fields in working order and the City's tolerance for weeds will have to increase.

Councilmember Callies reiterated that she feels this whole issue needs to have a closer look, including taking a look at the policy before the City just goes down the path of implementing this pest management plan.

Councilmember Johnson stated that he would also be interested in discussing which areas of the City fit into which area of the policy, so it is not simply a 'one size fits all' approach.

Councilmember Callies stated that she would also like an update on the litigation case.

City Attorney Shepherd stated that it is moving along through discovery and have recently had expert disclosures. He stated that he will get an update from litigation counsel and bring that information back to a Closed Session meeting for an update.

Councilmember Callies suggested that he could also just send a memorandum with that update rather than have a Closed Session meeting.

Councilmember Gorham stated that he and Councilmember Callies attended an event called Fishing with Friends at Howards Point Marina. He stated that this organization does fishing trips and education for veterans, seniors, youth, and people with disabilities. He stated that it was a really lovely event for a great cause.

Councilmember Callies stated that Planning Director Darling and Communications and Recycling Coordinator Moore were there helping out for the whole event.

Mayor Labadie stated that she attended the Shining Stars luncheon event where anyone in the community that is eighty or older gets a free lunch which was very well attended. She stated that she also had breakfast last week with Representative Dean Phillips who meets quarterly with the

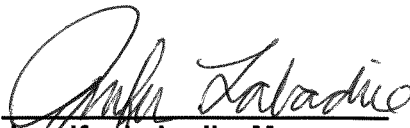
mayors in his district. She stated that he simply gave the mayors an update as he is about to head back to Washington D.C.

**11. ADJOURN**

**Johnson moved, Callies seconded, Adjourning the City Council Regular Meeting of August 22, 2022, at 9:28 P.M. All in favor, motion passed.**

**ATTEST:**

  
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**Sandie Thone, City Clerk**

  
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**Jennifer Labadie, Mayor**