

MINUTES

1. CONVENE CITY COUNCIL WORK SESSION MEETING

Mayor Labadie called the meeting to order at 5:47 P.M.

A. Roll Call

Present. Mayor Labadie; Councilmembers Labadie, Callies, Maddy, Sanschagrín, and Zerby; City Attorney Shepherd; City Administrator Nevinski; Parks and Recreation Director Crossfield; City Clerk/HR Director Thone; Finance Director Rigdon; Director of Public Works Morreim; and, City Engineer Budde

Absent: None

B. Review Agenda

Maddy moved, Zerby seconded, approving the agenda as presented. Motion passed 5/0.

2. MILL STREET WATERMAIN

City Engineer Budde explained that the County was the lead agency for the Mill Street trail project which is slated to extend from Chanhassen to Excelsior with construction in 2025. He stated that staff has been evaluating whether the City should include watermain as part of this project. He reviewed information related to inquiries from residents for connecting to municipal water due to the age of the existing wells; the area served by Chanhassen; the possible interconnect of the east-west systems; and possible design options. He gave a brief overview of the financial and budget considerations for Council review. He noted that staff had previously submitted a State bonding fund request for this project and explained that there may also be some other funding options that the City can pursue but staff would like feedback from the Council on whether or not they would like the City to pursue adding watermain in this area or not.

Councilmember Callies asked about the parameters for making a decision between an eight inch and a twelve inch pipe size.

City Engineer Budde stated that once the two systems are connected, which may be decades away, the twelve inch will be able to provide water back and forth through the systems and was also a factor in some of the fire flow for serving the City.

Councilmember Callies stated that she feels that the cost is a disincentive to get City water. She asked if the City had done the analysis on assessment and a possible property value increase. She stated that from what City Engineer Budde had presented, the City would be losing about forty-thousand dollars with each hook up and asked if the property value would increase by that much.

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City Engineer Budde stated that he did not have that information and explained that the City would need to talk to an appraiser but cautioned that even if they did that, he believes that this information is highly contested.

Councilmember Sanschagrín asked if the City knew how many of the twenty-nine homes in this area would hook up to City water.

City Engineer Budde stated that he did not and explained that he just knows that he had been called between about five and ten times about hook ups in this area. He admitted that it could have been the same handful of residents calling because he did not keep track of who had called. He reiterated that they had not conducted a formal survey.

Mayor Labadie noted that even if a formal survey was conducted, the resident would have the option to change their mind.

City Engineer Budde stated that was correct and clarified that the City's current policy is that they will not force someone to connect to City water.

Councilmember Callies stated that she thinks it will come down to how much it will actually cost.

Councilmember Zerby stated that to him, this seems like a very short amount of pipe for this amount of money. He asked where the primary costs were coming from for this project.

City Engineer Budde stated that when there is an open cut scenario, much of the cost is in the pavement and for directional drilling it is more the material and installation costs. He explained that there is a fair amount of risk with directional drilling. He stated that he believes this section is about one-half mile long or about two-thousand feet.

Councilmember Zerby stated that means that two-thousand feet costs \$1.5 million. He asked if they would go down the right-of-way in the State highway in order to connect the wells.

City Engineer Budde stated that they could do that but explained that the downfall would be that the run would not provide any service to residents which means there would be 'dead' infrastructure costs.

Councilmember Maddy asked if only a handful of people decided to connect if the City could guarantee water quality to those individuals.

City Engineer Budde stated that he would have to look into that a bit more but would assume that the City would just need to flush a hydrant more often in that scenario in order to force the water to turn over.

Councilmember Callies noted that one of the Council's jobs is to look toward the future, but expressed the opinion that this seemed like a lot of money even though she understands the thought process behind doing something when the road will already be torn up.

Councilmember Sanschagrín agreed that this does not seem to make sense from the City perspective, but also did not make sense from the consumer perspective.

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Mayor Labadie shared a story of when she had first joined the Council when there were discussion City water near Star Lane and noted that this entire neighborhood was on board with the desire for City water and she was not sure they had that same feeling from this neighborhood.

Councilmember Callies stated that even if they, theoretically, were on board it will still come down to the cost of putting in a well or hooking up with City water.

City Administrator Nevinski stated that if the Council was thinking that the watermain is not the path forward then they will need to modify their State bonding request information. He noted that they have looked at alternative funding options with the hope that they would be able to get the fifty percentage bonding money from the State.

Councilmember Callies asked if there was any benefit to the City to have City water in this location.

City Engineer Budde stated that it would expand the emergency response area, for example, to have hydrants in the area. He stated that it would also help fill the gap between the east and west system, but cautioned that the Council would have very tough decisions at each of these increments to get it. He noted that if the lot sizes were smaller, the cost would come down significantly.

Councilmember Zerby stated that it is expensive to expand water and did not believe it was exclusive to this portion of the City and asked how the City can justify expansion elsewhere in the City.

Councilmember Callies asked if individual wells ate up the groundwater more than a municipal system would.

City Engineer Budde stated that he would say that the usage really would not change whether it was a private well or municipal, but noted that they do tend to come from different aquifers. He stated that there is no current requirement for watermain like there has been for sanitary sewer mains and noted that there has been talk about this become a mandate at some point in the future, but would say that is in the far distant future.

Councilmember Maddy asked about Mill Street in this area and future plans for road work.

City Engineer Budde explained that the County has actually tweaked what they were planning and will narrow Mill Street and resurface it all as part of the trail project which will be built within the right-of-way. He stated that he would not imagine that they would end up having to do anything significant to the roadway for another thirty years or so.

Mayor Labadie asked where the water would be pulled from if here was need for fire mitigation in this area.

City Engineer Budde stated that the closest hydrants are located in Chanhassen and Excelsior has watermain extended down Mill Street.

Councilmember Sanschagrín asked how many hydrants would be installed if this moved forward.

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City Engineer Budde stated that he believed they would be installed about every block or so, which would be about six.

Councilmember Sanschagrín stated that he would like to have information on who would plan to hook up and asked if it would provide Shorewood City water.

City Engineer Budde noted that this project, as proposed, would serve Shorewood residents, but would be from water that is generated and provided by Chanhassen.

Public Works Director Morreim stated that he believes the City would pay Chanhassen for water and then charge the residents the fees in order to pay for the water and the maintenance of the watermain.

Councilmember Maddy asked about the life expectancy of the pipe.

City Engineer Budde stated that he would estimate it to be about fifty years.

Mayor Labadie asked if there would be a way to get an accurate accounting for who would hook up.

City Engineer Budde stated that he did not think so unless the City required them to pay the hook up fee when they expressed interest.

Councilmember Callies stated that the hook up fee of ten thousand dollars would not be enough money which means the City should be raising the amount for the hook up charge.

City Engineer Budde stated that was correct, however, it was not the issue that they were intended to solve during tonight's discussion.

Councilmember Callies stated that she feels asking staff to go out and see who would be interested in hooking up to water is dithering because it is a moving target.

City Engineer Budde noted that they have not asked these residents yet and noted that on some of the other projects, they have. He noted that when they asked this question for projects such as Strawberry Lane, the City still really did not get a firm answer from the residents.

City Administrator Nevinski suggested that the Council may want to look at this with the idea that if the City would be on the hook for the seven-hundred fifty thousand dollars what their opinion would be about the project and the idea of taking out a loan or finding a way to make up the differences. He asked if the idea was that if they get the fifty percent in bonding from the State if they were comfortable committing to move forward but if they do not receive that bonding, they would not. He asked if that would be a position the Council would be comfortable with.

Councilmember Callies asked about the timing of the bonding application and the project. She asked if they would wait until they found out the answer about the bonding in order to have something more definite to tell people about their actual cost.

City Engineer Budde stated that the project is being constructed in 2025 and the bonding information should be available from the State by May of 2024. He stated that there is still time

and noted that they have already communicated with the County that they were still evaluating this.

Councilmember Sanschagrin stated that he thinks the City would want to have some commitment from the local residents, in advance, including a deposit.

Councilmember Callies stated that she feels the City should submit for the bonding and get more information at that point. She stated that she did not think it was just a matter of charging the citizens. She stated that it is the Council's job to look toward the future and determine if this water is something that would benefit additional residents in the future.

Councilmember Zerby referenced other nearby watermain projects and the additional costs for that as well.

Mayor Labadie stated that she believed the entire Council had expressed concern about the potential cost, the question of who would actually hook up, and the possibility that they would not receive State bonding funds.

Councilmember Callies noted that she felt the middle ground would be to apply for the State bonding and then evaluate the actual costs once they had that information.

There was consensus of the Council to apply for the State bonding and re-evaluate this in May.

City Administrator Nevinski noted that the Council will also need to have a larger conversation about financing, policies, and land use.

3. AGENDA STRUCTURE DISCUSSION

City Administrator Nevinski noted that staff was looking for a bit of direction on the agenda structure. He gave an overview of the specific areas that they would like input, including: Consent Agenda; Items being added to the agenda; Commissioner presentations; possible creation of Council policies/bylaws; and interactive technology, such as Zoom.

Mayor Labadie noted that that they were running a bit short on time tonight, but noted that none of these items are pressing or effect the City's budget. She stated that she did not think they would be able to get through everything prior to the regular City Council meeting and asked if they wanted to reconvene following that meeting or bring it back to a future meeting.

Councilmember Callies suggested that they see how far they can get in their discussions and make the decision then.

Councilmember Zerby stated that he agreed and would like to see how much they can hammer out.

Mayor Labadie suggested that they start their discussion with the 'easy' items such as whether or not the Council feels the Commissioner presentations are beneficial. She noted that personally she felt that they were beneficial for a variety of reasons.

Councilmember Zerby stated that he also feels the Commissioner presentations are worthwhile and were a good way for the Commissions to stay in touch with the Council and vice versa. He stated that he also likes the human factor rather than just reading through the minutes to see what was said.

Councilmember Sanschagrín suggested that they add more purpose to it and perhaps they could also use that time to pose questions to the Council in order to give more guidance.

Councilmember Callies stated that she thinks that would be something that would be better put on the agenda for discussion rather than having a back and forth discussion during their presentation.

Councilmember Zerby noted that the Council already has the option to add or pull things from the agenda prior to their making a motion and voting on its acceptance.

Councilmember Callies stated that she agreed and did not feel the public should be able to pull items from the Consent Agenda. She suggested that rather than labeling it 'Reports and Presentations' there should be room for a Councilmember to say that they think something should be placed on the agenda in the future.

Mayor Labadie stated that she believes that there should be a majority of Councilmembers in agreement that the topic should be brought forward onto a future agenda. She expressed concern that a time limit may be appropriate for this because she did not want it to turn into a grandstand type of situation where there are twenty angry people in the audience with the expectation that they will be able to speak.

Councilmember Zerby stated that he believes that was what Matters from the Floor was designed for and noted that a Councilmember could decide to take these things forward during their report time and bring it back for a future agenda item.

Councilmember Maddy noted that the Council has every liberty to put whatever they like onto the agenda at the beginning of the meeting if there is a majority who vote in favor of it. He stated that this would just not give staff prep time and explained that he was comfortable with either approach.

Mayor Labadie explained that the past practice has been that the Council cannot bring up items on the spot, but can approach the City Administrator with a concern and it is discussed with staff at their weekly meeting.

City Attorney Shepherd noted that he feels the question is whether or not the Council wants to have something on the agenda that is more communicative than there may be a bit of a discussion under the Council reports versus what they currently have. He stated that they could just truly label it 'Council Reports and Discussion' which will give the community a heads up that there may be some chatter.

Mayor Labadie noted that the Council still needs to discuss Council policies/bylaws and interactive technology and suggested that they recess this meeting and reconvene following the regular City Council meeting.

Zerby moved, Maddy seconded, recessing the City Council Work Session at 6:55 p.m. and reconvene following the Regular City Council meeting. Motion passed 5/0.

Zerby moved, Sanschagrín seconded, reconvening the City Council Work Session at 9:30 p.m. Motion passed 5/0.

Mayor Labadie suggested that they begin with discussion on Council Policies or Bylaws.

City Administrator Nevinski stated that this may be a good place for them to put their practices down on paper, for example, how they handle Matters from the Floor, getting items on the agenda, and perhaps a modified version of Robert's Rules of Order. He offered to do a bit more research and see what may be included, but it is was not something the Council was interested he did not need to spend any time looking into it.

Councilmember Sanschagrín asked if Excelsior has this.

City Administrator Nevinski explained that Excelsior has, in their ordinance, Bylaws, for how the Council functions. He stated that some cities have bylaws, some have policies, and some do not have anything. He stated that currently the City is in the third bucket where they do not really seem to have anything.

Mayor Labadie stated that she did not think it was a bad idea and shared the example of when she first took office and made a few changes that mirrored what other cities were doing. She explained that some of those decisions led to her essentially being crucified by residents who felt those changes were not democratic. She stated that she feels having written policies would have helped in that situation and noted that she felt the Council should continue to use Robert's Rules of Order as a loose guide.

City Attorney Shepherd noted that he believes that City Administrator Nevinski was making reference to the League of Minnesota Cities Mayor's handbook that has a modified Robert's Rules of Order that could be incorporated into the Council policies/bylaws.

Mayor Labadie stated that she feels using the League of Minnesota Cities guidance was an excellent idea.

Councilmember Callies stated that she felt it was a good idea to have some policies, but expressed concern that they can end up being taken as a literal 'law' and used as a criticism. She stated that she was concerned about it being over regulated and questioned what actual things would be included in the policies.

Councilmember Zerby agreed that a good place to start would be the League of Minnesota Cities. He noted that in looking over the bylaws from Excelsior, they have to have training within the first fifteen days of being elected, which he feels may be a bit too much in the weeds. He stated that he would like to just see it be something at a bit of a higher level and provide some framework without reinventing the wheel.

Councilmember Maddy suggested calling it a framework rather than a policy so it is seen as more of a guideline.

There was consensus of the Council to create guidelines that outlined the general Council policies.

There was discussion about the Council and all Commissions following the same type of way to run a meeting/making motions.

Mayor Labadie moved the discussion onto the topic of interactive technology. She expressed the stressful feelings that happen when the technology was not working correctly and expressed sympathy for the stress it places on City staff who are not trained IT professionals. She stated that she feels this is an unfair burden to place on Planning Director Darling or City Clerk/HR Director Thone or other staff members.

City Clerk/HR Director Thone explained that there are four interactives that staff are trying to work out when they are running a Zoom meeting and gave an overview of the things she has to manage as part of that process. She shared examples of what had happened at the earlier Regular City Council meeting and gave an overview of the limitations. She stated that there is a lot of multi-tasking required and agreed that it is very stressful. She stated that it is not necessarily Zoom that creates the stress and is more the idea of one person being able to do all these things and also be able to be an active participant in the meeting, which she stated is nearly impossible to do well.

Councilmember Zerby stated that he feels technology has always been a challenge for the City. He noted that he was not sure that the City could ditch Zoom without facing the 'Wrath of Khan'.

Councilmember Callies noted that most Council meetings also have some type of professional person that shows up to participate in the meeting via Zoom.

Mayor Labadie stated that she agrees with everything that has been stated and noted that even the discussion of removing Zoom was weaponized against the Council as being undemocratic. She stated that there are very few cities that are similar in size to Shorewood that have maintained the interactive Zoom component and those that do have a staff member that is dedicated to that. She stated that she believes it is unfair to put this stress on staff when it is not something in their title or job duties. She noted that it has provided a very useful tool for things like off-site presenters and she is at a loss for how to proceed because she feels that the way it was currently being done was not working and at the very least, needs to be modified. She shared her feelings of frustration from the regular meeting, when parties on Zoom were holding up signs and waving their hands in an attempt to communicate with the Council that the audio was not working.

Councilmember Sanschagrín stated that he would agree that it is not working the way it is being implemented right now but felt it was an important tool and did not want the City to turn their backs on it as an option. He stated that the best approach may be to have someone come in that is technology oriented.

Mayor Labadie noted that these duty would not currently be included in any of the job titles.

City Clerk/HR Director Thone noted that she understands the technology enough to perform it, but cannot set it up to be successful in five minutes time, Zoom does not interact with the presenter tool, which renders you incapable of running the Zoom meeting for that period of time, and when performing all of those tasks, as a participating staff member, it is highly distracting and difficult to pay attention to the actual meeting. She suggested that it may be possible if they split up the duties.

Councilmember Maddy stated that the LMCC is currently going through somewhat of an identity crisis due to their funding mechanism and suggested that they ask if they can work towards some

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type of media services function. He suggested that perhaps they could send one person to record and another to manage the Zoom technology.

Councilmember Zerby agreed that may be a good talent pool to ask to fill that need.

City Administrator Nevinski stated that he thinks the City learned a valuable lesson tonight in trying to put everything on City Clerk/HR Director Thone and that there would be value in having another individual involved. He stated that he agrees with the sentiment that there is a lot of value in Zoom and believes the City can take a look at some other options with staff members or LMCC.

Councilmember Callies suggested that they may also want to look into creating some Zoom etiquette policies. She stated any approach they use whether it is with staff or LMCC will become a budgetary issue.

Councilmember Sanschagrin stated that he feels the City needs to have one person dedicated to handling the Zoom aspect of the meetings and nothing else.

Mayor Labadie suggested that they explore the option, if people want to use Zoom, that their cameras are turned on. She referenced past instances where she felt Zoom was used as a way for people to say things that she did not feel they would have said if they were standing in front of the Council. She apologized to City Clerk/HR Director Thone for not having the earlier Work Session meeting have a hard stop at 6:45 p.m., as requested, in order to give her time to adequately set up the Zoom features.

Councilmember Zerby noted that he was not sure that they would be able to enforce the requirement to have their camera turned on.

Mayor Labadie clarified that she meant that their camera would have to be turned on while they were speaking similar to how people have to come to the podium and state their name and address.

Councilmember Zerby shared examples where people could say that they did not have enough money for a web camera or had a medical condition.

Mayor Labadie stated that it appears as though the Council was in agreement that if they can make this work efficiently that they do not mind the concept of interactive technology and that an outside person, beyond a staff member, should handle these duties. She asked staff to check into the suggestion of utilizing LMCC and their talent pool and report back on the associated costs including possible staff options.

Councilmember Maddy asked if staff was asked to stay late if they were paid overtime.

City Administrator Nevinski explained that much of staff is salaried so there would not be overtime but noted that there are some staff members who are hourly so there could end up being an overtime or comp time issues. He suggested that they take a look in more depth and lay out some options for Council consideration.

The Council discussed Council participation via Zoom with a medical condition.

4. ADJOURN

Maddy moved, Zerby seconded, Adjourning the City Council Work Session Meeting of May 8, 2023, at 10:09 P.M. Motion passed 5/0.

ATTEST:



Sandie Thone, City Clerk


Jennifer Labadie, Mayor