

**CITY OF SHOREWOOD
CITY COUNCIL REGULAR MEETING
MONDAY, SEPTEMBER 26, 2022**

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

For those wishing to listen live to the meeting, please go to ci.shorewood.mn.us/current_meeting for the meeting link. Contact the city at 952.960.7900 during regular business hours with questions.

AGENDA

1. CONVENE CITY COUNCIL MEETING

A. Pledge of Allegiance

B. Roll Call

Mayor Labadie____
Siakel____
Johnson____
Callies____
Gorham____

C. Review and Adopt Agenda

Attachments

2. CONSENT AGENDA The Consent Agenda is a series of actions which are being considered for adoption this evening under a single motion. These items have been reviewed by city council and city staff and there shall be no further discussion by the council tonight on the Consent Agenda items. Any council member or member of city staff may request that an item be removed from the Consent Agenda for separate consideration or discussion. If there are any brief concerns or questions by council, we can answer those now.

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

- | | |
|---|--|
| A. City Council Work Session Minutes of September 12, 2022 | Minutes |
| B. City Council Regular Meeting Minutes of September 12, 2022 | Minutes |
| C. Approval of the Verified Claims List | Claims List |
| D. Approve New Retail Tobacco License – Shorewood Tobacco Corp.at 19905 State Hwy 7 | City Clerk/HR Director Memo
Resolution 22-088 |
| E. Approve Temporary Liquor License for Oktoberfest | City Clerk/HR Director Memo
Resolution 22-089 |
| F. Approve SLMPD Joint Power Agreement | Interim City Administrator Memo
Resolution 22-090 |
| G. Approve Agreement for 6070 Strawberry Lane | City Engineer Memo
Resolution 22-091 |
| H. Accept Boba Tonka Bubble Tea Donation to Oktoberfest Event | Park & Rec Director
Resolution 22-092 |

3. MATTERS FROM THE FLOOR This is an opportunity for members of the public to bring an item, which is not on tonight's agenda, to the attention of the mayor and council. When you are recognized, please raise your hand or use the raise your hand feature. Please identify yourself by your first and last name and your address for the record. After this introduction, please limit your comments to three minutes. No action will be taken by the council on this matter. The mayor or council may request that staff place this matter on a future agenda or ask staff to address it during Item 10. Staff Reports. **(No Council Action will be taken)**

4. REPORTS AND PRESENTATIONS

A. Martin Scheerer and Dr. Nicholas Simpson, Hennepin County Emergency Management

5. PARKS

A. Report by Commissioner Hirner on 09-13-22 Park Commission Meeting Minutes

6. PLANNING

A. Report by Commissioner Eggenberger on 09-20-22 Planning Commission Meeting

7. ENGINEERING/PUBLIC WORKS

A. Approve Final Plans and Specifications and Authorize Advertisement City Engineer Memo
for Bids for Birch Bluff Street, City Project 21-01 Resolution 22-093

8. GENERAL/NEW BUSINESS

A. Approve Appointment of Park Commissioner City Clerk/HR Director Memo
Resolution 22-094

B. Utility Rates Review Finance Director Memo
Ordinance 593

9. STAFF AND COUNCIL REPORTS

A. Staff

1. Tree Sale Update Communications/Recycling Coordinator Memo

B. Mayor and City Council

10. ADJOURN

CITY OF SHOREWOOD
CITY COUNCIL SPECIAL WORK SESSION MEETING
MONDAY, SEPTEMBER 12, 2022

5755 COUNTRY CLUB ROAD
COUNCIL CHAMBERS
5:30 P.M.

MINUTES

1. CONVENE CITY COUNCIL WORK SESSION MEETING

Mayor Labadie called the meeting to order at 5:34 P.M.

A. Roll Call

Present. Mayor Labadie; Councilmembers: Johnson, Siakel, Gorham, and Callies; and Interim City Administrator Shukle.

Absent: None

B. Review Agenda

Johnson moved, Gorham seconded, to approve the agenda as presented. Motion passed 5/0.

Mayor Labadie explained the purpose of the work session which is to interview 1 finalist candidate, Jesse Dickson, for the position of City Administrator.

Mayor Labadie asked Mr. Dickson to tell the City Council about himself and his interest in the Shorewood City Administrator position. Interim City Administrator Shukle then asked questions from a list of agreed upon questions as developed by Baker/Tilly and the City Council. Upon completion of the interview with Mr. Dickson, the City Council discussed this interview and the direction the Council would like to take with regard to the search process. Consensus was to bring C. Blaine Wing, a finalist previously interviewed remotely and Mr. Dickson back for second interviews. The agreed upon dates for these second interviews were identified as September 27 or October 1, depending upon which one works for these 2 candidates.

2. ADJOURN

Siakel moved, Johnson seconded, Adjourning the City Council Work Session Meeting of September 12, 2022, at 7:00 P.M. Motion passed 5/0.

ATTEST:

Jennifer Labadie, Mayor

Sandie Thone, City Clerk

CITY OF SHOREWOOD
CITY COUNCIL REGULAR MEETING
MONDAY, SEPTEMBER 12, 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 7:10 P.M.

A. Pledge of Allegiance

B. Roll Call

Present. Mayor Labadie; Councilmembers Johnson, Siakel, 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: None

C. Review Agenda

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

2. CONSENT AGENDA

Mayor Labadie reviewed the items on the Consent Agenda.

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

A. City Council Work Session Minutes of August 22, 2022

B. City Council Regular Meeting Minutes of August 22, 2022

C. City Council Special Work Session Minutes of August 29, 2022

D. City Council Special Work Session Minutes of September 6, 2022

E. City Council Special Work Session Minutes of September 7, 2022

F. Approval of the Verified Claims List

G. Accept Quote and Award Contract for One Replacement 2,000 Gallon Tanker Truck

H. Set Truth-in-Taxation Meeting Date, Adopting RESOLUTION NO. 22-080, "Selection of the Truth-in-Taxation Public Meeting Date."

- I. Approving an Encroachment Agreement for 23100 Summit Avenue, Adopting RESOLUTION NO. 22-081, "A Resolution Approving an Encroachment Agreement for the Property at 23100 Summit Avenue."
- J. Accept Final Improvements for Shady Island Bridge Forcemain Replacement, City Project 21-02, Adopting RESOLUTION NO. 22-082, "A Resolution Accepting Final Improvements and Authorizing Final Payment for the Shady Island Forcemain Project, City Project 21-02."
- K. Accept Final Improvements for Christmas Lake Boat Landing, City Project 22-02, Adopting RESOLUTION NO. 22-083, "A Resolution Accepting Final Improvements for the Christmas Lake Boat Landing Project, City Project 22-05."
- L. Approving Hiring of Light Equipment Operator
- M. Approve 2023 Lake Minnetonka Cable Communications Budget, Adopting RESOLUTION NO. 22-084, "A Resolution Approving the Proposed 2023 Lake Minnetonka Communications Commission Budget."
- N. Accept Resignation of Chris Pounder, Light Equipment Operator, Public Works
- O. Approve Hiring of Light Equipment Operator
- P. Revised Interim Ordinance (Moratorium) on Sale of Cannabinoids, Adopting RESOLUTION NO. 22-085, "A Resolution Approving a Summary Publication of Interim Ordinance 590 Regarding Prohibition on the Sale, Testing, Manufacturing, and Distribution of THC Products."
- Q. Authorize Expenditure for Public Works Equipment, One Power Broom for Skid Steer
- R. Accept Regular Appointment of Bruce Stark to Light Equipment Operator – Utilities, Public Works

All in favor, motion passed.

3. MATTERS FROM THE FLOOR

Cindy Becker, 6165 Strawberry Lane, read aloud an e-mail that she had previously sent to the Council and City Engineer Budde that outlined the reasons that she does not support the City plans to widen Strawberry Lane. She stated that Strawberry Lane is safe as it is and it is frequently used by families for walking and riding bikes and people are happy with that. She stated that the City needs to retain its trees and it shade and she feels that preservation is actually progress. She stated that if the City was interested, she has data on how many kids walk down the road and how long during the day the roadway is busy.

4. PUBLIC HEARING

5. REPORTS AND PRESENTATIONS

6. PARKS

7. PLANNING

8. ENGINEERING/PUBLIC WORKS

A. Approve Plans and Specifications and Authorize Advertisement for Bids for Strawberry Lane Reconstruction

City Engineer Budde stated that over a year ago the Council authorized preparation of final plans and specifications. He stated that based on the most recent direction from the Council, staff has put together the final plans and specifications for a twenty-six foot wide roadway, sidewalk on the east side, and an alignment that shifts the roadway west on the southern portion. He stated that the next step would be to go out for bids in order to get a good idea of the pricing for the project and be able to bond for it this year. He stated that if everything goes according to plan and comes in on budget, there is potential for tree removal to occur this winter with the project substantially completed and the roadway back open by the beginning of school in 2023. He stated that this project also addresses a number of drainage concerns along the entire corridor and also adds municipal water service. He noted that staff is still working to acquire easements and right of entries for some of the properties. He stated that the expectation is that they will be looking for an actual final decision about this project in about six weeks and noted that tonight they were just looking for approval of the plans and direction to proceed with bidding the project.

Mayor Labadie asked if the plans presented tonight also include the reconstruction of Peach Circle and reclamation of Strawberry Court.

City Engineer Budde confirmed that it does include plans for Peach Circle and Strawberry Court. He explained that this project includes addition of watermain and fire hydrants.

Councilmember Gorham asked for details on tree removal.

City Engineer Budde stated that if the Council approves the project they will then go mark out the final tree removal plans and attempt to get the 'final blessing' from the adjacent property owners, to make sure there is agreement on the expectations. He stated that for the tree removal crews he is not sure if it would be multiple crews or just a single crew because they are basically giving them all winter to complete the work. He stated that the deadline is March 1, 2023, which would be prior to any road restrictions would come on. He stated that he would think they will be out in the area for a month or two working on the tree removal.

Councilmember Gorham asked about the utility crews that will need to come in to the area as well.

City Engineer Budde stated that there are some overhead power and communication lines that need to be relocated. He stated that the first tree removal crew that will come out will actually be part of Xcel Energy because they will remove the ten feet around their wires before the City contractor and tree removal crew can do the next portion. He stated that the expectation is that they remove anything they have cut at the end of the day, but noted that there may be some times

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SEPTEMBER 12, 2022
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when they store some logs or larger lumber in piles in order to remove them at one time with a truck. He explained that the trees will be removed down to their stumps which would remain until spring time when they would either be ground down or dug out.

Councilmember Gorham asked if work plans would be available on the City's website so residents can know what is coming up. He noted times when kids need to get to school and asked if there may be crews working on both sides of the roadway that may cause a problem.

City Engineer Budde stated that is a good point and noted that they would add some language to the bidding documents in order to clarify that during school days that they have to accommodate those children and perhaps work only on one side of the roadway.

Councilmember Callies asked if there had been any substantial change in the circumstances around this project that the Council should be aware of since their last discussion.

City Engineer Budde stated that there had not been substantial changes and explained that his understanding is that in the areas where the City has not yet acquired the easements or right of entry, he would anticipate the possibility for subtle changes happening in those areas.

Councilmember Johnson asked about tree replacement plans when construction is completed.

City Engineer Budde stated that if the City needed to acquire an easement that opens up the discussion with the property owners to add some more trees and anyone who they do not have a right of entry or easement agreement with, the City's practice has been to offer up the value of about three hundred dollars' worth of trees through the City's tree sale, which equates to about two trees. He stated that those trees would be delivered to the property owners and it would be their responsibility to plant and maintain those trees. He stated that the City just asks that they be planted on private property and not on City right-of-way.

Councilmember Johnson asked if tree issues have been a major point of concern during the conversations for easements and right of entry.

City Engineer Budde stated that it has been on certain properties.

Councilmember Johnson stated that he was in favor of having a sidewalk in order to get to school. He stated that he has received a lot of feedback that a sidewalk is a desired amenity and noted that he understands the concerns of residents, especially those that will lose some of their trees, but noted that he felt the safety for this corridor was paramount.

Mayor Labadie stated that she was also in favor of the addition of a sidewalk because it will be useful and will benefit the community for generations.

Councilmember Gorham stated that he has children that attend Minnewashta Elementary and they do bike along the trail to get to school. He stated that he has heard from a lot of parents about the sidewalk and the street width and their safety concerns about being able to get the kids to school. He stated that he is in support of this project.

Councilmember Callies stated that she would agree and feels this is an appropriate project. She stated that there is a lot of public support for the water, the trail, and the street width so she also supports it, as proposed.

Siakel moved, Gorham seconded, Adopting RESOLUTION NO. 22-086, “A Resolution Approving the Plans and Specifications for Strawberry Lane Reconstruction Project and Authorizing Advertisement for Bids, City Project 19-05.”

Councilmember Johnson stated that he felt the community had done a good job in discussing this project. He stated that he understands that not everyone would agree with it, but he respects the fact that everyone on the street has had good, professional, courteous conversations about it and he is proud to call them ‘neighbors’.

All in favor, motion passed.

9. GENERAL/NEW BUSINESS

A. Tobacco License Violations

Public Works Director Brown noted that apparently they are still having trouble with the audio portion of Zoom so people may not have been able to hear what was going on during the meeting. He explained that Clerk/HR Director Thone has asked if City Attorney Shepherd and Interim City Administrator Shukle could fill in and present the items that she scheduled to present.

Mayor Labadie stated that she would ask if people found out about someone who had trouble hearing the meeting via Zoom that they let them know that the meeting was being recorded and will be available on the City website following the meeting.

City Attorney Shepherd stated that the license holder for this violation is Bakr Alkarkhi who holds a license to sell at Cowboy Tobacco at 19905 State Highway 7. He explained that the City received notification that there were four citations for selling to people under the age of twenty-one. Mr. Alkarkhi was sent a letter from the City informing him of these violations, his right to a hearing, and a fine amount. He explained that Mr. Alkarkhi paid the fine and did not contest or appeal the violations and had informed staff that he was in the process of selling his business. He stated that according to City Code after the third offense, the license shall be suspended for not less than seven days, which is what is before the Council now.

Councilmember Callies stated that the letter did not advise the license holder of the potential of suspension of their operations and asked if that would be an issue.

City Attorney Shepherd stated that he did not think it was an issue and explained that it is sort of an automatic thing under the Code. He stated that the license holder was advised of his appeal rights which he did not do and had simply paid the fines.

Siakel moved, Johnson seconded, to Suspend Cowboy Tobacco License for the period of seven days as required by Shorewood City Code for violation of Shorewood’s Tobacco Code 302 Selling to a Person Under Twenty-One Years of Age. All in favor, motion passed.

B. Approve 2023 Preliminary Budget and Levy

Finance Director Rigdon gave an overview of the 2023 Preliminary Budget and Levy. He reminded the Council that this needs to be adopted before September 30, 2022 when it is due to

the County for certification. He stated that the City can change it anyway they like until September 30, 2022, however after it is certified through the County, it can only be decreased. He explained that the proposed General Fund budget is about a 2.4% increase from the 2022 budget. He reviewed the personnel related assumptions included in the budget. He explained that the City is budgeting to break even and not to have use of the reserve funds. He noted that the Council had discussed at the work session the option of paying off the 2017 EDA bonds which were used for the City Hall facility. He stated that there was a consensus during those earlier discussions to go ahead and pay off those bonds and eliminate about five or six years off the levy. He explained that it was an exceptionally unique year in relation to valuations of properties with about a 26% increase in market value for 2023 and the tax capacity increased 28% which he has never seen before. He stated that the proposal is for a property tax increase of 5.5% and noted that the previous number discussed at the work session was 8.9%. He reviewed examples of property taxes with no change in value as well as an increase in value and what they would mean to property tax bills. He explained that staff is asking for approval of the 2023 Preliminary Budget and Levy and reminded them that it needs to be certified by September 30, 2022.

Councilmember Gorham confirmed that the difference since the Council last discussed this information was the update to the police budget and to exercise the call option for the EDA bonds.

Finance Director Rigdon explained that they had increased the levy on the 2022 bonds that have to be issued to pay for the road projects.

Councilmember Callies stated that in looking at the resolution, the budget is set for more than the budgeted amount and asked why those were not exact.

Finance Director Rigdon explained that the levy for the General Fund is isolated from the other funds, so there are some debt services funds that they are levying directly for as well as some money for capital projects. He clarified that the General Fund is only one piece of the levy.

Mayor Labadie commended Finance Director Rigdon for doing a good job pulling this information together.

Gorham moved, Callies seconded, Adopting RESOLUTION NO. 22-087, "A Resolution Adopting the Preliminary 2023 General Fund Operating Budget and Property Tax Levy." All in favor, motion passed.

C. Accept Resignation of Director Public Works Larry Brown and Discuss Recruitment Process

Interim City Administrator Shukle explained that Public Works Director Brown had submitted a letter of resignation on September 6, 2022 with his last day to be December 28, 2022 after twenty-seven years with the City. He noted that Public Works Director Brown had been instrumental in many important projects in the City and noted that his knowledge and experience will be greatly missed. He gave an overview of the history of his employment and various positions he has filled at the City and explained that staff and the Council wish him well in his retirement. He noted that since Public Works Director Brown has given the City such lengthy notice of his retirement, he believes it may be a good idea for the Council to take a look at the job description for this position in order to determine if any revisions may be necessary or if they would like staff to compare the description and duties to similar cities before the position is filled. He stated that he felt staff could have information from other cities by the next Council meeting.

Mayor Labadie stated that she likes the suggestion of comparing the job description to other cities of similar size. She stated that Public Works Director Brown is a licensed engineer and many cities do not have a licensed engineer on staff as the head of their Public Works Departments. She stated that she did not necessarily see that as something that would hinder the City but thinks it would be worth taking a look to see what other cities are doing and will also give them a good idea of the pay rates.

Councilmember Callies agreed that this is a good time to take a look at these issues. She stated that she appreciated that Public Works Director Brown gave lengthy notice, but did not feel it was a 'ton' of time. She stated that from what the Council has heard, this may be a very difficult position to fill and doesn't feel action should be delayed. She stated that taking a look at what other cities are doing and their pay scales may be a good idea, but would assume that many of the essential functions are somewhat standard.

Councilmember Siakel stated that she feels this is a good opportunity to review this job description. She stated that she thinks that Public Works Director Brown and his crew have kind of been the 'face of Shorewood' and have just done a ton of work. She stated that there are technical aspects of his job related to roads and water, but also aspects related to park and recreation. She noted that someone new coming in may not be able to take on everything that he has done, so it may be an opportunity to take a look and see if there is another role or some other ways the department could be organized. She stated that she would like to make sure that the City starts out strong and noted that they are also looking for a City Administrator right now, so this may not all be as easy as it sounds. She reiterated that she agreed that filling this position will not be easy and thinks the sooner they can get started, the better. She stated that she believes that Public Works Director Brown has done an outstanding job for the City and showed up many times and made the City look good. She expressed appreciation for his leadership in the Public Works Department and believes that there have been many times where it would have been appropriate for residents to come in and say thank you for the work they have done and unfortunately that was rarely done. She stated that this resignation is a big deal and she thinks this is an example of the importance of the City Council thanking their staff. She stated that the Council needs to stand up for staff and do what is right for the entire City and not just for a handful of residents that are speaking up. She reiterated her thanks for Public Works Director Brown for his service that she felt had been under recognized throughout the years.

Public Works Director Brown thanked the Council for their kind words and noted that it has been an honor to serve under many City Councils, alongside City staff, and the residents.

Councilmember Johnson stated that he wanted to thank Public Works Director Brown specifically for his mentorship. He stated that he was the first staff member that he met when he came in and Public Works Director Brown's insights and conversations have been fantastic and will be missed.

Mayor Labadie noted that in private, she refers to Public Works Director Brown as "LLB" which stands for the 'Legendary Larry Brown'. She stated that she thinks the Council has given staff direction that they would like for them to look at job descriptions from other cities of similar size and would like that information by the next Council meeting.

Councilmember Johnson stated that the City was working with Baker Tilly to fill the City Administrator position and asked if that same type of thing would be done for a Public Works Director position or if there were other ways to to advertise the vacancy.

Interim City Administrator Shukle stated that BakerTilly would be able to handle the recruitment of a public works director. Other firms as well can do this type of work. , However, he believes that the typical posting for this would go through our League of Minnesota Cities website and engineering associations within the State as well as across the country. He noted that he believed that would draw enough interest from potential applicants. **STAFF AND COUNCIL REPORTS**

A. Administrator and Staff

Public Works Director Brown stated that staff has received a number of comments regarding the Badger Park lacrosse field football lights. He stated that there appear to be some intermittent 'gremlins' in the system so they have been working with the designer of the system to figure it out. He noted that the system is still under warranty but there will be an electrician out some time this week and have notified football and lacrosse organizations to let them know.

City Engineer Budde noted that the contractor for the mill and overlay project will be back this week and within the next few weeks should be finishing up Covington, Christmas Lake Road, and the rest of the project. He stated that the contractor will also be out this week completing the Otta Seal on Enchanted Point and Wiltsey Lane.

City Attorney Shepherd explained that on the next meeting agenda, the Public Hearing section will be removed and be put into the body of the agenda, so the public hearing and the conversations about those items will happen under the same agenda items. He reminded the Council that there will be a closed session later during the meeting and noted that there are two attorneys from his office that were in attendance tonight. He introduced Cole Birkeland, a new associate, and Alina Schwartz and asked her to give a prosecution update.

Alina Schwartz, Campbell Knutson, explained that they started prosecution duties for the City in October of 2021. She stated that the transition with the court system has been smooth and feels that they have developed a good relationship with the South Lake Minnetonka Police Department. She gave a brief overview of the training sessions that they offer to police officers. She stated that they have also stayed in close contact with victim advocate programs. She noted that all the court sessions are in-person, except for minor traffic violations and gave a brief overview of some of the recent cases and actions that they have been involved in.

Councilmember Callies stated that she would like more specific, practical information about things like how many trials is the City having per month and what kind of trials they are.

Ms. Schwartz stated that it ends up being very case specific and she would not have that information immediately. She stated that they did have a lot of court trails which are typically moving violations or something similar. She stated that it could also be a disorderly conduct where the defendant chooses to forego the jury trial and instead have a court trial which just involves a judge. She stated that the City has a lot of DWIs which tend to be resolved without going to trial.

Councilmember Callies noted that she is a former prosecutor and explained that she is interested in getting the information about the numbers of cases that City is involved in. She stated that the Council gets a report from the Police Department about the number of stops but does not really

get a sense for who is showing up in court and what the prosecution is actually doing in court. She explained that she would like to get a sense of specifics such as the type of cases.

Councilmember Siakel stated that she believed Councilmember Callies was asking for specific information related to prosecutions and noted that was one of the original reasons that the City selected this firm.

Councilmember Callies explained that she understood that not many cases go to trial in the County so she would like to know how many do go to trial.

Ms. Schwartz stated that information she is requesting is very data driven and is hard for any agency to pull together. She stated that the County pulls statistics for every City and used to do that yearly and explained that their data would be the most accurate but they would be at the mercy of when the County would pull this data and give it to them.

Councilmember Callies asked why Ms. Schwartz' office would not keep their own data because they know how many cases are going to trial and should not need the County to provide that information. She stated that she feels the City should be able to get a report from Campbell Knutson that outlines the number of trials they were involved in each month on behalf of the City.

Ms. Schwartz stated that they can certainly look into that.

Councilmember Siakel stated that she feels the information Councilmember Callies is asking for is simple, how many DWIs and of those, how many were pleaded out and how many went to court for the City. She stated that Campbell Knutson bills the City so they should have this information.

Ms. Schwartz clarified that they do know how many cases there are and the types of hearings they are. She noted that they have not had a single jury trial for the City since they began this work last year. She reiterated that they can look into the statistics and perhaps see if the new system that they are using can pull that information by specific data.

Mayor Labadie explained that one reason the City is interested in this information is because the City shares the Police Department and there are some contract discussions coming up related to the Joint Powers Agreement. She stated that the City is interested in seeing how many cases from the Police Department belong to Shorewood and what the end result of those cases are.

Councilmember Callies stated that she is also interested, beyond just the budget information and picking out this is how much Shorewood is spending. She explained that she would just like to know what is occurring, in terms of prosecutions, for the City because that would be good information for the City to have.

Ms. Schwartz stated that the cases would average between two to nine cases on Tuesdays and about three to six on Thursdays. She noted that the type of case does not necessarily dictate the amount of time they spend on it.

Councilmember Callies explained that she was not trying to track time or cost per minute that is spent in court, but would really like to try to get an understanding of what the cases are that are going through the court system. She reiterated that the Council sees the stops that are made by the Police Department in their reports, but they do not see how many are actually being prosecuted.

Ms. Schwartz stated that she will speak to her managing partner and figure out how to pull the statistics Councilmember Callies is interested in seeing.

Mayor Labadie suggested that the things the City is looking for is information on charges filed and the disposition. She stated that they are not looking for a treatise and are just looking for the crime that was charged and the disposition.

Councilmember Callies noted that Ms. Schwartz legal assistant has to be sending her to court with a list of cases so they should already have the information that the City is looking for.

Ms. Schwartz stated that was true but was unsure how to go back to October of 2021 and pull that information.

Councilmember Callies suggested that they provide this information going forward, rather than going back to the beginning.

Ms. Schwartz confirmed that she will begin tracking the type of cases/charge and their disposition.

Councilmember Siakel noted that during the interview process she believes that Campbell Knutson had informed that City that they had the ability to provide this information.

Councilmember Callies stated that she would also like to see this information on a more regular basis, such as once a month.

Mayor Labadie agreed that this information would be helpful to receive once a month and noted that they were not asking for Ms. Schwartz to appear before the Council each month, but to submit the data to them for review.

Interim City Administrator Shukle noted that he has been working with Baker Tilly to facilitate filling the City Administrator position and explained that he would also be working with City Clerk/HR Director Thone on applicants for the Park and Recreation Director position which currently has thirteen applicants. He noted that the Personnel Committee, which consists of Councilmembers Callies and Gorham, will be assisting in the interview process..

B. Mayor and City Council

Councilmember Johnson stated that he wanted to call out the efforts of Councilmember Gorham, who was out last night in the dark when a tree fell across a neighbor's driveway. He explained that Councilmember Gorham rallied the neighborhood and made sure that this resident was able to get out and drive the school bus this morning.

Councilmember Gorham stated it was done thanks to some neighbors that had chain saws.

Mayor Labadie noted that she had spoken recently with First Student Transportation and was told that they can use any bus driver that they can get. She stated that right now they can hire up to twenty-two drivers for the local Minnetonka school district and will provide the necessary training. She explained that currently there is only busing for varsity and junior varsity sports. She expressed her appreciation to Communications Director Julie Moore and Park and Recreation Director Grout for organizing the Movie in the Park event which was unfortunately cancelled due

to weather. She noted that the event will not be rescheduled and will just resume next year. She stated that Oktoberfest will take place on October 1, 2022 from 5:30-7:30 p.m. at the Shorewood Community and Event Center. She noted that she attended the regional conference of mayors earlier today where there were about twenty-five other mayors in attendance.

10. CLOSED SESSION

- Alex and Elena Ugorets V. City of Shorewood, Civ. No. 21-1446 (D. Minn)
- Alan Yelsey V. City of Shorewood, OAH 5-0305-38230 (Office of Administrative Hearings)

Siakel moved, Johnson seconded, to move into Closed Session pursuant to Minn. State Stat. 13D.05, Subd 3.b for a confidential attorney-client privilege discussion of litigation matters. All in favor, motion passed. Closed session began at 8:41at p.m.

Mayor Labadie adjourned the Closed Session at 9:24 p.m. and reconvened the Regular Session meeting at 9:24 p.m..

Mayor Labadie explained that the Council had been in a closed session pursuant to Minn. State Stat. 13D.05, Subd. 3.b. for confidential attorney-client privilege discussions and was returning to their regular meeting at 9:24 p.m.

11. ADJOURN

Johnson moved, Callies seconded, Adjourning the City Council Regular Meeting of September 12, 2022, at 9:25 P.M. All in favor, motion passed.

ATTEST:

Jennifer Labadie, Mayor

Sandie Thone, City Clerk



#2 C

MEETING TYPE
Regular Meeting

City of Shorewood Council Meeting Item

Title / Subject: Verified Claims

Meeting Date: September 26, 2022

Prepared by: Michelle Nguyen, Senior Accountant
Joe Rigdon, Finance Director

Attachments: Claims lists

Policy Consideration:

Should the attached claims against the City of Shorewood be paid?

Background:

Claims for council authorization.

67614- 67639 & ACH	1,158,325.94
Total Claims	\$1,158,325.94

We have also included a payroll summary for the payroll period ending **September 11, 2022**.

Financial or Budget Considerations:

These expenditures are reasonable and necessary to provide services to our residents and funds are budgeted and available for these purposes.

Options:

The City Council may accept the staff recommendation to pay these claims or may reject any expenditure it deems not in the best interest of the city.

Recommendation / Action Requested:

Staff recommends approval of the claims list as presented.

Next Steps and Timelines:

Checks will be distributed following approval.

Payroll

G/L Distribution Report

User: mnguyen
Batch: 00001.09.2022 - PR-09-12-2022
CITY OF SHOREWOOD



Account Number	Debit Amount	Credit Amount	Description
FUND 101	General Fund		
101-00-1010-0000	0.00	68,516.53	CASH AND INVESTMENTS
101-13-4101-0000	8,567.11	0.00	FULL-TIME REGULAR
101-13-4103-0000	449.28	0.00	PART-TIME
101-13-4121-0000	676.24	0.00	PERA CONTRIB - CITY SHARE
101-13-4122-0000	675.96	0.00	FICA CONTRIB - CITY SHARE
101-13-4131-0000	1,684.87	0.00	EMPLOYEE INSURANCE - CITY
101-13-4151-0000	47.89	0.00	WORKERS COMPENSATION
101-15-4101-0000	5,617.91	0.00	FULL-TIME REGULAR
101-15-4121-0000	421.34	0.00	PERA CONTRIB - CITY SHARE
101-15-4122-0000	427.22	0.00	FICA CONTRIB - CITY SHARE
101-15-4131-0000	641.58	0.00	EMPLOYEE INSURANCE - CITY
101-15-4151-0000	20.69	0.00	WORKERS COMPENSATION
101-18-4101-0000	8,273.14	0.00	FULL-TIME REGULAR
101-18-4103-0000	65.47	0.00	PART-TIME
101-18-4121-0000	625.40	0.00	PERA CONTRIB - CITY SHARE
101-18-4122-0000	575.61	0.00	FICA CONTRIB - CITY SHARE
101-18-4131-0000	1,416.57	0.00	EMPLOYEE INSURANCE - CITY
101-18-4151-0000	34.27	0.00	WORKERS COMPENSATION
101-24-4101-0000	3,722.16	0.00	FULL-TIME REGULAR
101-24-4121-0000	279.16	0.00	PERA CONTRIB - CITY SHARE
101-24-4122-0000	281.98	0.00	FICA CONTRIB - CITY SHARE
101-24-4131-0000	748.24	0.00	EMPLOYEE INSURANCE - CITY
101-24-4151-0000	10.54	0.00	WORKERS COMPENSATION
101-32-4101-0000	14,432.54	0.00	FULL-TIME REGULAR
101-32-4102-0000	174.65	0.00	OVERTIME
101-32-4105-0000	912.86	0.00	STREET PAGER PAY
101-32-4121-0000	1,133.07	0.00	PERA CONTRIB - CITY SHARE
101-32-4122-0000	1,125.43	0.00	FICA CONTRIB - CITY SHARE
101-32-4131-0000	2,400.74	0.00	EMPLOYEE INSURANCE - CITY
101-32-4151-0000	790.81	0.00	WORKERS COMPENSATION
101-33-4101-0000	852.23	0.00	FULL-TIME REGULAR
101-33-4121-0000	43.28	0.00	PERA CONTRIB - CITY SHARE
101-33-4122-0000	72.38	0.00	FICA CONTRIB - CITY SHARE
101-33-4131-0000	307.68	0.00	EMPLOYEE INSURANCE - CITY

Account Number	Debit Amount	Credit Amount	Description
101-33-4151-0000	29.74	0.00	WORKERS COMPENSATION
101-52-4101-0000	7,171.75	0.00	FULL-TIME REGULAR
101-52-4121-0000	382.97	0.00	PERA CONTRIB - CITY SHARE
101-52-4122-0000	512.38	0.00	FICA CONTRIB - CITY SHARE
101-52-4131-0000	1,082.49	0.00	EMPLOYEE INSURANCE - CITY
101-52-4151-0000	209.75	0.00	WORKERS COMPENSATION
101-53-4101-0000	1,350.56	0.00	FULL-TIME REGULAR
101-53-4121-0000	101.29	0.00	PERA CONTRIB - CITY SHARE
101-53-4122-0000	101.79	0.00	FICA CONTRIB - CITY SHARE
101-53-4131-0000	17.50	0.00	EMPLOYEE INSURANCE - CITY
101-53-4151-0000	48.01	0.00	WORKERS COMPENSATION
FUND Total:	68,516.53	68,516.53	
FUND 201	Shorewood Comm. & Event Center		
201-00-1010-0000	0.00	2,930.64	CASH AND INVESTMENTS
201-00-4101-0000	1,775.59	0.00	FULL-TIME REGULAR
201-00-4103-0000	684.87	0.00	PART-TIME
201-00-4121-0000	179.81	0.00	PERA CONTRIB - CITY SHARE
201-00-4122-0000	186.43	0.00	FICA CONTRIB - CITY SHARE
201-00-4131-0000	26.24	0.00	EMPLOYEE INSURANCE - CITY
201-00-4151-0000	77.70	0.00	WORKERS COMPENSATION
FUND Total:	2,930.64	2,930.64	
FUND 601	Water Utility		
601-00-1010-0000	0.00	9,993.82	CASH AND INVESTMENTS
601-00-4101-0000	6,751.15	0.00	FULL-TIME REGULAR
601-00-4102-0000	342.25	0.00	OVERTIME
601-00-4105-0000	245.77	0.00	WATER PAGER PAY
601-00-4121-0000	550.42	0.00	PERA CONTRIB - CITY SHARE
601-00-4122-0000	549.52	0.00	FICA CONTRIB - CITY SHARE
601-00-4131-0000	1,338.03	0.00	EMPLOYEE INSURANCE - CITY
601-00-4151-0000	216.68	0.00	WORKERS COMPENSATION
FUND Total:	9,993.82	9,993.82	
FUND 611	Sanitary Sewer Utility		
611-00-1010-0000	0.00	9,434.18	CASH AND INVESTMENTS
611-00-4101-0000	6,712.19	0.00	FULL-TIME REGULAR
611-00-4102-0000	158.00	0.00	OVERTIME
611-00-4105-0000	245.77	0.00	SEWER PAGER PAY
611-00-4121-0000	533.64	0.00	PERA CONTRIB - CITY SHARE
611-00-4122-0000	520.28	0.00	FICA CONTRIB - CITY SHARE
611-00-4131-0000	1,089.36	0.00	EMPLOYEE INSURANCE - CITY

Account Number	Debit Amount	Credit Amount	Description
611-00-4151-0000	174.94	0.00	WORKERS COMPENSATION
FUND Total:	9,434.18	9,434.18	
FUND 621	Recycling Utility		
621-00-1010-0000	0.00	558.90	CASH AND INVESTMENTS
621-00-4101-0000	409.60	0.00	FULL-TIME REGULAR
621-00-4121-0000	30.72	0.00	PERA CONTRIB - CITY SHARE
621-00-4122-0000	30.85	0.00	FICA CONTRIB - CITY SHARE
621-00-4131-0000	85.12	0.00	EMPLOYEE INSURANCE - CITY
621-00-4151-0000	2.61	0.00	WORKERS COMPENSATION
FUND Total:	558.90	558.90	
FUND 631	Storm Water Utility		
631-00-1010-0000	0.00	2,627.37	CASH AND INVESTMENTS
631-00-4101-0000	2,003.99	0.00	FULL-TIME REGULAR
631-00-4121-0000	150.31	0.00	PERA CONTRIB - CITY SHARE
631-00-4122-0000	150.18	0.00	FICA CONTRIB - CITY SHARE
631-00-4131-0000	283.18	0.00	EMPLOYEE INSURANCE - CITY
631-00-4151-0000	39.71	0.00	WORKERS COMPENSATION
FUND Total:	2,627.37	2,627.37	
FUND 700	Payroll Clearing Fund		
700-00-1010-0000	94,061.44	0.00	CASH AND INVESTMENTS
700-00-2170-0000	0.00	44,262.47	GROSS PAYROLL CLEARING
700-00-2171-0000	0.00	10,562.30	HEALTH INSURANCE PAYABLE
700-00-2172-0000	0.00	6,703.09	FEDERAL WITHHOLDING PAYABLE
700-00-2173-0000	0.00	2,864.91	STATE WITHHOLDING PAYABLE
700-00-2174-0000	0.00	10,420.02	FICA/MEDICARE TAX PAYABLE
700-00-2175-0000	0.00	9,534.28	PERA WITHHOLDING PAYABLE
700-00-2176-0000	0.00	4,263.29	DEFERRED COMPENSATION
700-00-2177-0000	0.00	1,703.34	WORKERS COMPENSATION
700-00-2179-0000	0.00	183.33	SEC 125 DEP CARE REIMB PAYABLE
700-00-2180-0000	0.00	995.24	LIFE INSURANCE
700-00-2181-0000	0.00	1,413.88	DISABILITY INSURANCE
700-00-2182-0000	0.00	262.85	UNION DUES
700-00-2183-0000	0.00	638.00	HEALTH SAVINGS ACCOUNT
700-00-2185-0000	0.00	68.00	DENTAL - UNION
700-00-2186-0000	0.00	186.44	VOLUNTARY VISION
FUND Total:	94,061.44	94,061.44	

Account Number	Debit Amount	Credit Amount	Description
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	<hr/>	<hr/>	
	<hr/>	<hr/>	
Report Total:	188,122.88	188,122.88	

Accounts Payable

Computer Check Proof List by Vendor

User: mnguyen
Printed: 09/12/2022 - 1:12PM
Batch: 00002.09.2022 - PR-09-12-2022



Invoice No	Description	Amount	Payment Date	Acct Number	Reference
Vendor: 12	AFSCME MN COUNCIL 5 - UNION DUES			Check Sequence: 1	ACH Enabled: True
September-2022	PR Batch 00001.09.2022 Union Dues	262.85	09/12/2022	700-00-2182-0000	PR Batch 00001.09.2022 Union Dues
	Check Total:	262.85			
Vendor: 5	EFTPS - FEDERAL W/H			Check Sequence: 2	ACH Enabled: True
PR-09-12-2022	PR Batch 00001.09.2022 Federal Income Tax	6,703.09	09/12/2022	700-00-2172-0000	PR Batch 00001.09.2022 Federal Income T
PR-09-12-2022	PR Batch 00001.09.2022 FICA Employee Portio	4,222.52	09/12/2022	700-00-2174-0000	PR Batch 00001.09.2022 FICA Employee I
PR-09-12-2022	PR Batch 00001.09.2022 FICA Employer Portio	4,222.52	09/12/2022	700-00-2174-0000	PR Batch 00001.09.2022 FICA Employer I
PR-09-12-2022	PR Batch 00001.09.2022 Medicare Employee Pc	987.49	09/12/2022	700-00-2174-0000	PR Batch 00001.09.2022 Medicare Emplo
PR-09-12-2022	PR Batch 00001.09.2022 Medicare Employer Po	987.49	09/12/2022	700-00-2174-0000	PR Batch 00001.09.2022 Medicare Emplo
	Check Total:	17,123.11			
Vendor: 1165	FIDELITY SECURITY LIFE INSURANCE CO			Check Sequence: 3	ACH Enabled: False
September-2022	PR Batch 00001.09.2022 Vision-Avesis	186.44	09/12/2022	700-00-2186-0000	PR Batch 00001.09.2022 Vision-Avesis
	Check Total:	186.44			
Vendor: 2	ICMA RETIREMENT TRUST-302131-457			Check Sequence: 4	ACH Enabled: True
PR-09-12-2022	PR Batch 00001.09.2022 Deferred Comp-ICMA	2,955.13	09/12/2022	700-00-2176-0000	PR Batch 00001.09.2022 Deferred Comp-I
PR-09-12-2022	PR Batch 00001.09.2022 Deferred Comp-ICMA	83.16	09/12/2022	700-00-2176-0000	PR Batch 00001.09.2022 Deferred Comp-I
	Check Total:	3,038.29			
Vendor: 686	KANSAS CITY LIFE INSURANCE COMPAN			Check Sequence: 5	ACH Enabled: True
September-2022	PR Batch 00001.09.2022 Long Term Disability-I	664.80	09/12/2022	700-00-2181-0000	PR Batch 00001.09.2022 Long Term Disat
September-2022	PR Batch 00001.09.2022 Short Term Disability-I	749.08	09/12/2022	700-00-2181-0000	PR Batch 00001.09.2022 Short Term Disat
	Check Total:	1,413.88			
Vendor: 11	MINNESOTA DEPARTMENT OF REVENUE			Check Sequence: 6	ACH Enabled: True
PR-09-12-2022	PR Batch 00001.09.2022 State Income Tax	2,864.91	09/12/2022	700-00-2173-0000	PR Batch 00001.09.2022 State Income Tax

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
	Check Total:	2,864.91			
Vendor: 7 September-2022	MINNESOTA LIFE INSURANCE COMPANY PR Batch 00001.09.2022 Life Insurance-Include	883.24	09/12/2022	Check Sequence: 7 700-00-2180-0000	ACH Enabled: True PR Batch 00001.09.2022 Life Insurance
	Check Total:	883.24			
Vendor: 1091 PR-09-12-2022	MSRS-MN DEFERRED COMP PLAN 457 PR Batch 00001.09.2022 Deferred Comp-MSRS	1,225.00	09/12/2022	Check Sequence: 8 700-00-2176-0000	ACH Enabled: True PR Batch 00001.09.2022 Deferred Comp-MSRS
	Check Total:	1,225.00			
Vendor: 10 September-2022	NCPERS GROUP LIFE INSURANCE PR Batch 00001.09.2022 PERA Life-Included N	112.00	09/12/2022	Check Sequence: 9 700-00-2180-0000	ACH Enabled: True PR Batch 00001.09.2022 PERA Life
	Check Total:	112.00			
Vendor: 665 PR-09-12-2022	OPTUM BANK PR Batch 00001.09.2022 HSA-OPTUM BANK	638.00	09/12/2022	Check Sequence: 10 700-00-2183-0000	ACH Enabled: True PR Batch 00001.09.2022 HSA-OPTUM BANK
	Check Total:	638.00			
Vendor: 9 PR-09-12-2022 PR-09-12-2022	PERA PR Batch 00001.09.2022 MN-PERA Deduction PR Batch 00001.09.2022 MN PERA Benefit Em	4,426.63 5,107.65	09/12/2022 09/12/2022	Check Sequence: 11 700-00-2175-0000 700-00-2175-0000	ACH Enabled: True PR Batch 00001.09.2022 MN-PERA Deduction PR Batch 00001.09.2022 MN PERA Benefit Em
	Check Total:	9,534.28			
	Total for Check Run:	37,282.00			
	Total of Number of Checks:	11			

Accounts Payable

Computer Check Proof List by Vendor

User: mnguyen
Printed: 09/21/2022 - 3:24PM
Batch: 00003.09.2022 - AP-09-26-2022



Invoice No	Description	Amount	Payment Date	Acct Number	Reference
Vendor: 105	ADVANCED IMAGING SOLUTIONS			Check Sequence: 1	ACH Enabled: True
INV286839	Konica Minolta/C658 Copier	1,798.02	09/26/2022	101-19-4221-0000	
	Check Total:	1,798.02			
Vendor: 4	AFSCME CO 5 MEMBER HEALTH FUND-UN			Check Sequence: 2	ACH Enabled: True
September-2022	PR Batch 00001.09.2022 Dental - Union	68.00	09/12/2022	700-00-2185-0000	PR Batch 00001.09.2022 Dental - Union
	Check Total:	68.00			
Vendor: 112	AMERICAN LEGAL PUBLISHING CORPOR			Check Sequence: 3	ACH Enabled: False
19478	Internet Renewal-10/29/22-10/29/23	450.00	09/26/2022	101-13-4400-0000	
	Check Total:	450.00			
Vendor: 469	BAILEY NURSERIES, INC.			Check Sequence: 4	ACH Enabled: False
INV0658907	Tree Sales-Grant Street	196.95	09/26/2022	631-00-4245-0000	
INV0658907	Tree Sales-Glen Road	414.15	09/26/2022	407-00-4680-0000	
INV0658907	Tree Sales	9,469.40	09/26/2022	101-52-4247-0000	
INV0658908	Tree Sales - Park	330.20	09/26/2022	101-52-4247-0000	
INV0658908	Tree Sales	137.90	09/26/2022	101-52-4247-0000	
INV0658908	Tree Sales-Grant Street	888.85	09/26/2022	631-00-4245-0000	
	Check Total:	11,437.45			
Vendor: 868	BANK OF MONTREAL			Check Sequence: 5	ACH Enabled: True
Aug-2022-Andrew	Fuel	126.02	09/26/2022	101-32-4212-0000	
Aug-2022-Brenda	Joey Novas - Election	113.74	09/26/2022	101-14-4245-0000	
Aug-2022-Brenda	Caribou Coffee - Election	39.55	09/26/2022	101-14-4245-0000	
Aug-2022-Brenda	The Webstaurant Store-PWs	29.07	09/26/2022	101-32-4245-0000	
Aug-2022-BruceS	Shorewood True Value-Chainsaw	369.99	09/26/2022	101-32-4240-0000	
Aug-2022-BruceS	Menards-Gloves	55.55	09/26/2022	101-32-4245-0000	
Aug-2022-ChrisH	Fuel	168.87	09/26/2022	101-32-4212-0000	
Aug-2022-ChrisH	Amazon	33.32	09/26/2022	101-32-4245-0000	

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
Aug-2022-ChrisH	Amazon - mutt Mitts	861.48	09/26/2022	101-52-4245-0000	
Aug-2022-ChrisH	Amazon - Ear Plugs	81.62	09/26/2022	101-32-4245-0000	
Aug-2022-ChrisH	Amazon - Safety Vests	118.17	09/26/2022	101-32-4245-0000	
Aug-2022-ChrisH	Carquest	194.51	09/26/2022	101-32-4221-0000	
Aug-2022-ChrisH	Full Source Rain/Traffic Suits	569.82	09/26/2022	101-32-4245-0000	
Aug-2022-ChrisH	PSN MN RWA - Water CEU for Rob Hanson	175.00	09/26/2022	601-00-4331-0000	
Aug-2022-ChrisH	PSN MN RWA - Water CEU for Tim Kosek	175.00	09/26/2022	601-00-4331-0000	
Aug-2022-ChrisH	Sq MN Fall Mai - Training CEUs PWs	150.00	09/26/2022	101-32-4331-0000	
Aug-2022-ChrisP	Shorewood True Value	15.98	09/26/2022	101-32-4245-0000	
Aug-2022-CityCard	Culligan Bottled Water - C.H.	33.00	09/26/2022	101-19-4245-0000	
Aug-2022-CityCard	Republic Services	10,296.00	09/26/2022	621-00-4400-0000	
Aug-2022-CityCard	Waste Mgmt-Public Works	1,249.23	09/26/2022	101-32-4400-0000	
Aug-2022-CityCard	Chanhassen-18505-001	24.80	09/26/2022	601-00-4263-0000	
Aug-2022-CityCard	Waste Mgmt-SSCC	362.98	09/26/2022	201-00-4400-0000	
Aug-2022-CityCard	Chanhassen-18505-000	4,992.46	09/26/2022	601-00-4263-0000	
Aug-2022-CityCard	Verizon-Lift Station	14.25	09/26/2022	611-00-4321-0000	
Aug-2022-CityCard	Mangold Horticulture-SCEC	176.00	09/26/2022	201-00-4400-0000	
Aug-2022-CityCard	Mangold Horticulture-City Hall	339.00	09/26/2022	101-19-4400-0000	
Aug-2022-CityCard	Mangold Horticulture-Utility Bldg	113.00	09/26/2022	101-32-4400-0000	
Aug-2022-CityCard	Organic Recycling	250.00	09/26/2022	621-00-4400-0026	
Aug-2022-CityCard	Mangold Horticulture-Badger Park	612.00	09/26/2022	101-52-4400-0000	
Aug-2022-CityCard	AT&T - Wade's Ipad	23.49	09/26/2022	101-24-4321-0000	
Aug-2022-CityCard	Office Depot-Office Supplies - Nelia purchased	137.51	09/26/2022	101-13-4200-0000	
Aug-2022-JoeR	Assn Order - AICPA Membership	315.00	09/26/2022	101-15-4433-0000	
Aug-2022-JulieM	Caribou Coffee - Election	51.58	09/26/2022	101-14-4245-0000	
Aug-2022-JulieM	Heartsmart - C.H. Defibulator	168.37	09/26/2022	101-19-4245-0000	
Aug-2022-LarryB	Fuel	71.25	09/26/2022	101-32-4212-0000	
Aug-2022-LarryB	In Enabling Elements-Water System Comm	17.00	09/26/2022	601-00-4321-0000	
Aug-2022-LukeW	Fuel	319.51	09/26/2022	101-32-4212-0000	
Aug-2022-LukeW	At Your Pace Online - Water License - CEUs	45.00	09/26/2022	601-00-4331-0000	
Aug-2022-LukeW	Orange Research - Flow Meter SE Filter	444.50	09/26/2022	601-00-4221-0000	
Aug-2022-MarieD	Best Buy-Camera (Refunded-Credit in Sept)	529.99	09/26/2022	101-18-4200-0000	
Aug-2022-MarieD	Amazon-Camera	482.13	09/26/2022	101-18-4200-0000	
Aug-2022-Matthe	Fuel	512.11	09/26/2022	101-32-4212-0000	
Aug-2022-Matthe	Cub Foods	41.90	09/26/2022	101-32-4245-0000	
Aug-2022-Matthe	OfficeMax-Supplies	450.81	09/26/2022	101-32-4245-0000	
Aug-2022-Matthe	Shorewood True	129.96	09/26/2022	101-32-4245-0000	
Aug-2022-Matthe	Siteone Landscape-Seed	33.21	09/26/2022	101-32-4250-0000	
Aug-2022-Matthe	Top Notch Eqmpt - Backpack Blower	172.14	09/26/2022	101-52-4221-0000	
Aug-2022-NeliaC	Catering by Kowalskis - Election	638.44	09/26/2022	101-14-4245-0000	
Aug-2022-NeliaC	Joey Novas - Election	285.59	09/26/2022	101-14-4245-0000	
Aug-2022-NeliaC	Office Depot	47.47	09/26/2022	101-13-4200-0000	
Aug-2022-Robert	Fuel	150.00	09/26/2022	101-32-4212-0000	

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
Aug-2022-Sandie	Caribou-Election	17.19	09/26/2022	101-14-4245-0000	
Aug-2022-Sandie	Cub Foods-Election	45.93	09/26/2022	101-14-4245-0000	
Aug-2022-Sandie	Cub Foods-Election	31.18	09/26/2022	101-14-4245-0000	
Aug-2022-Sandie	Jerrys-Election	64.37	09/26/2022	101-14-4245-0000	
Aug-2022-Sandie	Joey Novas-Election	51.65	09/26/2022	101-14-4245-0000	
Aug-2022-Sandie	MN State College-Advanced Clerk's Academy	240.00	09/26/2022	101-13-4331-0000	
Aug-2022-Sandie	Target-Election	294.92	09/26/2022	101-14-4245-0000	
Aug-2022-Sandie	USPS-Stamps & Certified Letter for Violation	22.40	09/26/2022	101-13-4208-0000	
Aug-2022-Sandie	Warners Stelian Wb-Diswasher	349.90	09/26/2022	101-19-4245-0000	
Aug-2022-Sandie	Warners Stelian Wb-Dishwasher Installation	281.97	09/26/2022	101-19-4400-0000	
Aug-2022-TimK	Fuel	1,108.84	09/26/2022	101-32-4212-0000	
Aug-2022-TimK	IR Industrial - Svc Air Comp SE Well	547.76	09/26/2022	601-00-4400-0000	
Aug-2022-TimK	Running of Hutchinson-Pole Pruner	194.16	09/26/2022	101-32-4240-0000	
Aug-2022-TimK	Shorewood True Value-Small Tools	252.93	09/26/2022	601-00-4240-0000	
Aug-2022-TimK	Shorewood True Value-Chainsaw	92.97	09/26/2022	101-32-4245-0000	
Aug-2022-TimK	Shorewood True Value-bulbs	69.96	09/26/2022	101-32-4245-0000	
Aug-2022-TimK	Shorewood True Value - Piping	25.16	09/26/2022	601-00-4221-0000	
Aug-2022-TwilaG	Amazon-Safety Camp	14.00	09/26/2022	101-53-3478-0000	
Aug-2022-TwilaG	Amazon-Safety Camp	9.91	09/26/2022	101-53-3478-0000	
Aug-2022-TwilaG	Joey Nova's-Safety Camp	257.92	09/26/2022	101-53-3478-0000	
Aug-2022-TwilaG	Cub Foods-Safety Camp	58.88	09/26/2022	101-53-3478-0000	
Aug-2022-TwilaG	Lunds & Byerlys - Shining Stars	9.87	09/26/2022	201-00-4245-0000	
Aug-2022-TwilaG	Hometown Laundry - Tablecloths	360.00	09/26/2022	201-00-4245-0000	
Aug-2022-WadeW	Wade's Fuel	99.01	09/26/2022	101-24-4212-0000	
	Check Total:	31,308.25			
Vendor: 950	BARR ENGINEERING COMPANY			Check Sequence: 6	ACH Enabled: True
23271735.00-25	Grant Street Pond	610.50	09/26/2022	631-00-4303-0000	
	Check Total:	610.50			
Vendor: 1282	SCOTT BIXBY			Check Sequence: 7	ACH Enabled: False
1000	2022 Music for Oktoberfest	300.00	09/26/2022	101-53-4438-0000	
	Check Total:	300.00			
Vendor: 677	BOLTON & MENK, INC.			Check Sequence: 8	ACH Enabled: True
296848	Mill & Overlay-2021	172.00	09/26/2022	413-00-4680-0000	
296849	Catchbasin & Culvert Repairs-2022	5,694.50	09/26/2022	631-00-4303-0000	
296851	General Engineering	2,772.00	09/26/2022	101-31-4303-0000	
296851	General Engineering -Water System	2,870.00	09/26/2022	601-00-4303-0000	
296851	General Engineering -Stormwater System	756.00	09/26/2022	631-00-4303-0000	

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
296851	General Engineering -Enchanted/Shady Island Ph	16,964.00	09/26/2022	410-00-4303-0000	
296852	Mill & Overlay-2022	13,373.00	09/26/2022	416-00-4303-0000	
296853	Sanitary Sewer Cleaning	5,913.00	09/26/2022	631-00-4303-0000	
296854	5815 Club Lane	3,517.50	09/26/2022	101-00-3414-0000	
296855	Beverly Drive Wetland	148.00	09/26/2022	631-00-4303-0000	
296856	Birch Bluff St-Utility Imprvmt	43,711.00	09/26/2022	414-00-4303-0000	
296857	Christmas Lake Boat Landing	546.00	09/26/2022	402-00-4400-0000	
296859	Freeman Park Trail Improvement	1,557.00	09/26/2022	402-00-4680-0000	
296860	GIS-Utilities-Stormwater	234.50	09/26/2022	631-00-4303-0000	
296860	GIS-Utilities-Sewer	798.00	09/26/2022	611-00-4303-0000	
296860	GIS-Utilities-Street	172.00	09/26/2022	404-00-4303-0000	
296861	Glen Rd-Manitou Ln-Amlee Rd St	3,781.00	09/26/2022	407-00-4303-0000	
296863	Lifestyle Communities	172.00	09/26/2022	101-18-4400-0000	
296864	Lift Station 10 Rehabilitation	6,963.00	09/26/2022	611-00-4303-0000	
296865	Lift Station 7 Rehabilitation	1,464.00	09/26/2022	611-00-4303-0000	
296866	Lift Station 9 Rehabilitation	1,499.00	09/26/2022	611-00-4303-0000	
296867	Maple Shores	1,260.00	09/26/2022	101-00-3414-0000	
296868	Mary Lake Outlet	706.00	09/26/2022	631-00-4303-0000	
296869	MS4 Administration	1,781.00	09/26/2022	631-00-4302-0009	
296870	Shorewood Ln Ravine Restore	5,031.00	09/26/2022	631-00-4303-0000	
296871	Silverwood Park Improvements	1,674.00	09/26/2022	402-00-4400-0000	
296872	Smithtown Pond-26115 Smithtown Ln-Bob Koh	150.00	09/26/2022	631-00-4303-0000	
296872	Smithtown Pond	23,889.00	09/26/2022	412-00-4303-0000	
296873	Strawberry Ln St Reconst & Trl	55,463.00	09/26/2022	409-00-4303-0000	
296874	Stream Restoration	6,233.50	09/26/2022	631-00-4303-0000	
296875	Walnut Grove Villas	1,947.00	09/26/2022	101-00-3414-0000	
Check Total:		211,212.00			
Vendor: 1221	CAMPBELL KNOTSON P.A.			Check Sequence: 9	ACH Enabled: True
3526-0000G-8	General Matters/Administration	4,078.64	09/26/2022	101-16-4304-0000	
3526-0000G-8	General Matters/Administration-Maple Shores	132.00	09/26/2022	101-00-3414-0000	
3526-0000G-8	General Matters/Administration-Maple Shores C	66.00	09/26/2022	101-00-3414-0000	
3526-0000G-8	General Matters/Administration-5815 Club Lane	940.50	09/26/2022	101-00-3414-0000	
3526-0001G-8	Planning & Zoning	437.25	09/26/2022	101-16-4304-0000	
3526-0001G-8	Planning & Zoning-Lecy Bros Homes (High Pt I	82.50	09/26/2022	101-00-3414-0000	
3526-0001G-8	Planning & Zoning-Maple Shores Chamberlin C	82.50	09/26/2022	101-00-3414-0000	
3526-0001G-8	Planning & Zoning-Maple Shores Chamberlin C	33.00	09/26/2022	101-00-3414-0000	
3526-0001G-8	Planning & Zoning-5815 Club Lane	57.75	09/26/2022	101-00-3414-0000	
3526-0002G-8	Public Works	198.00	09/26/2022	101-16-4304-0000	
3526-0004G-7	Ugerots Litigation	82.50	09/26/2022	101-16-4304-0000	
3526-0006G-3	T-mobile - 5500 Old Market Road	66.00	09/26/2022	101-16-4304-0000	
3526-0996G-5	Code Enforcement-License	360.00	09/26/2022	101-16-4304-0000	

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
3526-0999G-11	Prosecution	4,306.94	09/26/2022	101-16-4304-0000	
	Check Total:	10,923.58			
Vendor: 142	CITIES DIGITAL INC.			Check Sequence: 10	ACH Enabled: False
55384	Annual Laserfiche Support	4,680.00	09/26/2022	101-19-4221-0000	
	Check Total:	4,680.00			
Vendor: 1283	CREME DE LA CREME PROVISIONS			Check Sequence: 11	ACH Enabled: False
41	2022 Oktoberfest	885.00	09/26/2022	101-53-4438-0000	
	Check Total:	885.00			
Vendor: 1096	DAVEY RESOURCE GROUP, INC.			Check Sequence: 12	ACH Enabled: True
143580	Tree Services	10,071.75	09/26/2022	101-32-4400-0000	
	Check Total:	10,071.75			
Vendor: 166	EARL F. ANDERSEN			Check Sequence: 13	ACH Enabled: False
0130811-IN	Signs Christmas Lake Boat Access	363.35	09/26/2022	101-52-4245-0000	
	Check Total:	363.35			
Vendor: 167	ECM PUBLISHERS INC			Check Sequence: 14	ACH Enabled: True
910467	P.H. - Jeidy / Ball CUP	69.20	09/26/2022	101-18-4351-0000	
910468	P.H. - Lecy	69.20	09/26/2022	101-18-4351-0000	
	Check Total:	138.40			
Vendor: 186	FERGUSON WATERWORKS, LLC. No.2518			Check Sequence: 15	ACH Enabled: False
501254	Water Meters Purchased	3,599.92	09/26/2022	601-00-4265-0000	
	Check Total:	3,599.92			
Vendor: 211	HAWKINS, INC.			Check Sequence: 16	ACH Enabled: True
6289299	Chemicals Water Treatment	140.00	09/26/2022	601-00-4245-0000	
	Check Total:	140.00			
Vendor: 6	HEALTH PARTNERS-MEDICAL			Check Sequence: 17	ACH Enabled: True
September-2022	PR Batch 00001.09.2022 Health Insurance-HSA	5,200.00	09/12/2022	700-00-2171-0000	PR Batch 00001.09.2022 Health Insurance
September-2022	PR Batch 00001.09.2022 Health Ins - CoPay-1	5,362.30	09/12/2022	700-00-2171-0000	PR Batch 00001.09.2022 Health Ins - CoPay
	Check Total:	10,562.30			

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
Vendor: 861 August-2022	CHRISTOPHER HEITZ Cell Phone Reimbursement	40.57	09/26/2022	Check Sequence: 18 101-32-4321-0000	ACH Enabled: True
	Check Total:	40.57			
Vendor: 215 1000191266	HENNEPIN COUNTY INFORMATION TECH Monthly Radio Fleet & MESB	205.92	09/26/2022	Check Sequence: 19 101-32-4321-0000	ACH Enabled: True
	Check Total:	205.92			
Vendor: 1263 11305869	IPM INSTITUTE OF NORTH AMERICA, INC. Integrated Pest Management Plan Phase II	3,263.75	09/26/2022	Check Sequence: 20 101-52-4400-0000	ACH Enabled: False
	Check Total:	3,263.75			
Vendor: 1280 27115	PATTI JOHNSON Repaired Damage Irrigation System @ 19725 Sv	552.23	09/26/2022	Check Sequence: 21 416-00-4680-0000	ACH Enabled: False
	Check Total:	552.23			
Vendor: 1284 5770CovingtonRd	THOMAS KELLY Damaged Irrigation System - 5770 Covington Rd	224.88	09/26/2022	Check Sequence: 22 413-00-4680-0000	ACH Enabled: False
	Check Total:	224.88			
Vendor: UB*00496	Brian & Lindsay Lang Refund Check 008333-001, 28200 Boulder Cir	235.24	09/21/2022	Check Sequence: 23 601-00-2010-0000	ACH Enabled: False
	Check Total:	235.24			
Vendor: 13 400003065-09132022	LEAGUE OF MINNESOTA CITIES INSURAN Property/Casualty-Act#40003065 - Oktoberfest	250.00	09/26/2022	Check Sequence: 24 101-53-4438-0000	ACH Enabled: False Acct#40003065
	Check Total:	250.00			
Vendor: UB*00495	Andre & Leana Less Refund Check 008863-000, 5900 Club Valley R Refund Check 008863-000, 5900 Club Valley R Refund Check 008863-000, 5900 Club Valley R Refund Check 008863-000, 5900 Club Valley R	150.03 175.03 75.02 75.01	09/21/2022 09/21/2022 09/21/2022 09/21/2022	Check Sequence: 25 601-00-2010-0000 611-00-2010-0000 631-00-2010-0000 621-00-2010-0000	ACH Enabled: False
	Check Total:	475.09			
Vendor: 972 1038	LON THARALDSON PLUMBING & HEATING Freeman Park North Entrance-Restroom Svc	605.33	09/26/2022	Check Sequence: 26 101-52-4400-0000	ACH Enabled: False

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
	Check Total:	605.33			
Vendor: 279 1145183	METROPOLITAN COUNCIL (WASTEWATER Monthly Waste Water Svc	89,237.49	09/26/2022	Check Sequence: 27 611-00-4385-0000	ACH Enabled: True
	Check Total:	89,237.49			
Vendor: 1281 PV#1-StwnPd-ShwdO	MEYER CONTRACTING, INC PV#1-Smithtown Pond-Shorewood Oaks Draina	285,826.70	09/26/2022	Check Sequence: 28 412-00-4680-0000	ACH Enabled: False
	Check Total:	285,826.70			
Vendor: 1039 55350 55351	MID-COUNTY COOP Fuel Fuel	1,076.54 751.31	09/26/2022 09/26/2022	Check Sequence: 29 101-32-4212-0000 101-32-4212-0000	ACH Enabled: False
	Check Total:	1,827.85			
Vendor: 289 PV#2-ShadyIsland	MINGER CONSTRUCTION CO., INC. PV#2-Shady Island Bridge Forcemain Replacem	8,661.92	09/26/2022	Check Sequence: 30 611-00-4680-0000	ACH Enabled: False
	Check Total:	8,661.92			
Vendor: UB*00497	Jeffrey & Verla Ring Refund Check 006057-000, 19625 Sweetwater C Refund Check 006057-000, 19625 Sweetwater C Refund Check 006057-000, 19625 Sweetwater C Refund Check 006057-000, 19625 Sweetwater C	21.21 24.74 10.61 10.60	09/21/2022 09/21/2022 09/21/2022 09/21/2022	Check Sequence: 31 601-00-2010-0000 611-00-2010-0000 631-00-2010-0000 621-00-2010-0000	ACH Enabled: False
	Check Total:	67.16			
Vendor: 1176 PV#1GrantStreet	SCHNEIDER EXCAVATING & GRADING, IN PV#1-Grant Street Drainage	224,837.17	09/26/2022	Check Sequence: 32 631-00-4680-0000	ACH Enabled: False
	Check Total:	224,837.17			
Vendor: 1248 Sept-21-2022	EDWARD J. SHUKLE, Jr. Interim City Administrator Svc : 09/07/22 thru C	4,635.00	09/26/2022	Check Sequence: 33 101-13-4400-0000	ACH Enabled: True
	Check Total:	4,635.00			
Vendor: 360 July-2022-HCPF October-2022-OB	SOUTH LAKE MINNETONKA POLICE DEPA Monthly-Henn Cty Process Fee Monthly-Operating Budget Exp	357.93 117,010.25	09/26/2022 09/26/2022	Check Sequence: 34 101-21-4400-0000 101-21-4400-0000	ACH Enabled: False

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
	Check Total:	117,368.18			
Vendor: 1181	SPLIT ROCK MANAGEMENT, INC.			Check Sequence: 35	ACH Enabled: True
84803	Wash Windows Inside/Outside	500.00	09/26/2022	101-19-4400-0000	
84803	Wash Windows Inside/Outside	475.00	09/26/2022	201-00-4400-0000	
	Check Total:	975.00			
Vendor: 1101	SPRINGBROOK HOLDING COMPANY LLC			Check Sequence: 36	ACH Enabled: True
INV-010202	Springbrook-CivicPay Fees	2,548.93	09/26/2022	621-00-4221-0000	
INV-010202	Springbrook-CivicPay Fees	2,548.93	09/26/2022	631-00-4221-0000	
INV-010202	Springbrook-CivicPay Fees	2,548.93	09/26/2022	611-00-4221-0000	
INV-010202	Springbrook-CivicPay Fees	2,548.93	09/26/2022	601-00-4221-0000	
INV-010202	Springbrook-CivicPay Fees	19,029.39	09/26/2022	101-15-4221-0000	
	Check Total:	29,225.11			
Vendor: UB*00499	Steady Properties LLC			Check Sequence: 37	ACH Enabled: False
	Refund Check 009519-000, 25455 Nelsine Dr	63.00	09/21/2022	611-00-2010-0000	
	Refund Check 009519-000, 25455 Nelsine Dr	27.00	09/21/2022	631-00-2010-0000	
	Refund Check 009519-000, 25455 Nelsine Dr	27.00	09/21/2022	621-00-2010-0000	
	Check Total:	117.00			
Vendor: 821	SANDRA LEE THONE			Check Sequence: 38	ACH Enabled: True
May-Aug-2022	Wellness Reimbursement - May thru Aug	80.00	09/26/2022	101-13-4101-0000	
	Check Total:	80.00			
Vendor: UB*00498	Robert & Ardelle Torkelson			Check Sequence: 39	ACH Enabled: False
	Refund Check 005045-000, 4725 Bayswater Rd	34.85	09/21/2022	601-00-2010-0000	
	Refund Check 005045-000, 4725 Bayswater Rd	40.67	09/21/2022	611-00-2010-0000	
	Refund Check 005045-000, 4725 Bayswater Rd	17.42	09/21/2022	631-00-2010-0000	
	Refund Check 005045-000, 4725 Bayswater Rd	17.43	09/21/2022	621-00-2010-0000	
	Check Total:	110.37			
Vendor: 386	TWIN CITY WATER CLINIC			Check Sequence: 40	ACH Enabled: True
18080	Monthly Bacteria Svc	150.00	09/26/2022	601-00-4400-0000	
	Check Total:	150.00			
Vendor: 421	VERIZON WIRELESS			Check Sequence: 41	ACH Enabled: False
9914802848	Sewer & Water - Acct842017386	81.00	09/26/2022	601-00-4321-0000	Acct #842017386-00001

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
9914802848	Sewer & Water - Acct842017386	81.03	09/26/2022	611-00-4321-0000	Acct #842017386-00001
9914802848	Sewer & Water - Acct842017386	81.00	09/26/2022	631-00-4321-0000	Acct #842017386-00001
	Check Total:	243.03			
Vendor: 415	WARNER CONNECT			Check Sequence: 42	ACH Enabled: True
29940987	Network Maint Services	4,654.52	09/26/2022	101-19-4321-0000	
29941010	Network Maint Services	236.25	09/26/2022	101-19-4321-0000	
	Check Total:	4,890.77			
Vendor: 327	WINDSTREAM			Check Sequence: 43	ACH Enabled: True
75060871	City of Shwd- Badger Well	70.06	09/26/2022	601-00-4395-0000	
75060871	Public Works	80.02	09/26/2022	101-32-4321-0000	
75060871	City Hall	164.10	09/26/2022	101-19-4321-0000	
75060871	Badger-Manor-Catheart Parks	245.28	09/26/2022	101-52-4321-0000	
75060871	City of Shwd-West Tower	153.13	09/26/2022	601-00-4321-0000	
	Check Total:	712.59			
Vendor: 1055	WL HALL CO INTERIOR SERVICE			Check Sequence: 44	ACH Enabled: False
10927	Wall Repairs	2,650.00	09/26/2022	201-00-4620-0000	
	Check Total:	2,650.00			
Vendor: 408	WM MUELLER & SONS INC			Check Sequence: 45	ACH Enabled: True
280669	Road Maint	701.22	09/26/2022	101-32-4250-0000	
280838	Road Maint	101.37	09/26/2022	101-32-4250-0000	
280909	Road Maint	122.45	09/26/2022	101-32-4250-0000	
281141	Road Maint	556.14	09/26/2022	101-32-4250-0000	
	Check Total:	1,481.18			
Vendor: 411	XCEL ENERGY, INC.			Check Sequence: 46	ACH Enabled: True
795496500	5655 Merry Lane	32.61	09/26/2022	101-52-4380-0000	5655 Merry Lane
795645758	5500 Old Market Rd	62.31	09/26/2022	601-00-4398-0000	5500 Old Market Rd
796936764	C.H. Svcs	879.73	09/26/2022	101-19-4380-0000	C.H. Svcs
796936764	P.W. Bldg Svc	399.71	09/26/2022	101-32-4380-0000	P.W. Bldg Svc
796936764	P.W. Street Lights Svc	4,044.09	09/26/2022	101-32-4399-0000	P.W. Street Lights Svc
796936764	Parks	437.07	09/26/2022	101-52-4380-0000	Parks
796936764	Amesbury	2,038.25	09/26/2022	601-00-4394-0000	Amesbury
796936764	Boulder Bridge	54.45	09/26/2022	601-00-4396-0000	Boulder Bridge
796936764	S.E. Area Svc	2,491.12	09/26/2022	601-00-4398-0000	S.E. Area Svc
796936764	Lift Station Street Lights	673.21	09/26/2022	611-00-4380-0000	L.S. Street Lights

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
Vendor: 899 83453	Check Total:	11,112.55			
	Z SYSTEMS, INC.			Check Sequence: 47	ACH Enabled: False
	Council Chamber Audio System Repair	412.50	09/26/2022	101-19-4400-0000	
	Check Total:	412.50			
	Total for Check Run:	1,089,023.10			
	Total of Number of Checks:	47			



City of Shorewood Council Meeting Item

Title/Subject: Retail Tobacco License for Shorewood Tobacco Corp.
Meeting Date: Monday, September 26, 2022
Prepared by: Sandie Thone, City Clerk
Reviewed by: Brenda Pricco, Deputy Clerk
Attachments: Resolution 22-088

2D

MEETING TYPE
Regular Meeting

Background: Pursuant to Section 302 (Sale of Tobacco) and 1301 (Municipal Fees) of Shorewood City Code retailers within the city limits who wish to sell tobacco products are required to obtain a license from the city. The Shorewood City Code provides that an applicant complete an application and pay a licensing fee.

The following applicant has successfully submitted a complete application, successfully passed a background investigation through South Lake Minnetonka Police Department (SLMPD), paid the current annual tobacco license fee of \$250 and signed and is compliant with all requirements for obtaining a license and has agreed to abide by the city code tobacco licensing requirements. This section of code includes providing access to the police department during regular business hours and an annual compliance check. In addition, since the applicant is coming up on the annual renewal period effective November 1, 2022, the license period is extended and a prorated fee calculated for the period of September 27, 2022 through October 31, 2022 equating to an additional fee of \$25.00. The period of this license to sell tobacco in the City of Shorewood is effective September 27, 2022 through October 31, 2023.

Azhar Al-Abboodi: Shorewood Tobacco Corp. located at 19905 Highway 7, Shorewood, MN 55331.

Financial or Budget Considerations: The licensing fees collected as revenue offset the expense of issuing the permits pursuant to the Shorewood City Fee Schedule and City Code Section 1301 (Municipal Fees).

Recommendation/Action Requested:

Motion: Staff respectfully requests the city council approve Resolution 22-088 License to Azhar Al-Abboodi: Shorewood Tobacco Corp. located at 19905 Highway 7, Shorewood, MN 55331 to Sell Tobacco Products for the period of September 27, 2022 through October 31, 2023.

Motion, Second, and Simple Majority required.

Connection to Vision/Mission: Consistency in providing the community with quality public services, a variety of attractive amenities, a sustainable tax base and sound financial management through effective, efficient, and visionary leadership.

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

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

RESOLUTION 22-088

**A RESOLUTION APPROVING A LICENSE TO
TO SELL TOBACCO PRODUCTS
IN THE CITY OF SHOREWOOD TO SHOREWOOD TOBACCO CORP.**

WHEREAS, Sections 302 of the Shorewood City Code provide for the licensing of the sale of tobacco products in the city and requires all licensees comply with the code; and

WHEREAS, the Shorewood City Code provides that an applicant shall complete an application, pay a licensing fee, and successfully pass a background investigation; and

WHEREAS, the following applicant has satisfactorily completed an application, paid the appropriate fee, and passed a background investigation.

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

That a License for the sale of tobacco products be issued for a term from September 27, 2022 to October 31, 2023, consistent with the requirements and provisions of Chapter 302 of the Shorewood City Code to the following applicant:

<u>Applicant</u>	<u>Address</u>
Azhar Al-Abboodi Shorewood Tobacco Corp.	19905 Highway 7 Shorewood, MN 55331

ADOPTED by the City Council of the City of Shorewood this 26th day of September 2022

ATTEST:

Jennifer Labadie, Mayor

Sandie Thone, City Clerk



City of Shorewood Council Meeting Item

2E

Title/Subject: Temporary On-Sale Liquor License for Oktoberfest
Meeting Date: Monday, September 26, 2022
Prepared by: Sandie Thone, City Clerk/HR Director
Reviewed by: Twila Grout, Park/Rec & Community Center Director
Miechelle Norman, Administrative Assistant
Attachments: Resolution 22-089

MEETING TYPE
Regular Meeting

Policy Consideration: Shorewood City Code, Chapter 401 provides that no person may directly or indirectly, on any pretense or by any device, sell, barter, keep for sale, charge for possession, or otherwise dispose of alcoholic beverages as part of a commercial transaction without having obtained the required license or permit.

Temporary On-Sale Liquor License for Oktoberfest Community Event for Excelsior Brewing:

The MN Department of Public Safety, Alcohol and Gambling Division (AGE) allows for the Permit of a 1-4 day Temporary On-Sale Liquor License for specific organizations including small brewers in conjunction with a community festival pursuant to MN Statute §340A.404, Subd.4.

Background:

The following establishment is requesting council consideration in issuing a temporary liquor license for the City's Oktoberfest event being held on October 1, 2022 from 5:30 p.m. to 7:30 p.m. at the Shorewood Community and Event Center located at 5735 Country Club Road, Shorewood, MN 55331:

<u>Applicant</u>	<u>Address</u>	<u>License</u>
Excelsior Brewing	421 Third Street	Temporary On-Sale Liquor License
Randy Howe, Vice President	Excelsior, MN 55331	

Excelsior Brewing is donating the beer for sampling at the community festival; Oktoberfest, pursuant to the EBC donation qualifications. Wine is being purchased through MGM Liquor located at 5660 County Road 19 in Shorewood, which is covered under the contract service portion of the permit application. The beer and wine samples will be provided at no charge to the public. Temporary Liquor License fees pursuant to the City's Master Fee Schedule are \$25 per license although the council has the authority to waive this fee for non-profits and community events as they see appropriate. Staff is asking that council waive the fee of \$25 and approve the permit at no-charge to the applicants as this is a free community event put on by the City of Shorewood.

In addition, it is required to have liquor liability insurance for the event when alcohol will be served, which the City has obtained from the League of MN Cities Insurance Trust (LMCIT).

Financial or Budget Considerations:

Cost of the Liquor Liability Insurance with LMCIT is \$250.00 for this event only.

Recommendation/Action Requested:

Staff respectfully recommends the city council approve **Resolution 22-089 Approving a Temporary On-Sale Liquor License effective upon the State of Minnesota, Department of Public Safety, Alcohol and Gambling Enforcement approval for Excelsior Brewing located at 1421 Third Street in Excelsior for the Oktoberfest event at Shorewood Community and Event Center on October 1, 2022 and waive the permit fee.** Motion, second, and simple majority vote required.

Connection to Vision /Mission:

Consistency in providing the community with quality public services and a variety of attractive amenities.

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

CITY OF SHOREWOOD
COUNTY OF HENNEPIN
STATE OF MINNESOTA

RESOLUTION 22-089

**A RESOLUTION APPROVING A TEMPORARY ON-SALE LIQUOR LICENSE FOR
EXCELSIOR BREWING IN CONJUNCTION WITH OKTOBERFEST**

WHEREAS, Shorewood City Code, Chapter 401 provides that no person may directly or indirectly, on any pretense or by any device, sell, barter, keep for sale, charge for possession, or otherwise dispose of alcoholic beverages as part of a commercial transaction without having obtained the required license or permit; and

WHEREAS, in addition to the requirements set forth by the Minnesota Department of Public Safety, Alcohol and Gambling Enforcement Division, Shorewood City Code provides that the applicant shall complete an application for a temporary on-sale liquor license in conjunction with a community festival and fulfill insurance coverage requirements; and

WHEREAS, the following applicant successfully completed the application process, satisfying the requirements as delineated above for the issuance of a temporary on-sale liquor license issued for the period of October 1, 2022 to October 2, 2022.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Shorewood, the following license issued to the applicant as follows is approved:

<u>Applicant</u>	<u>Address</u>	<u>License</u>
Excelsior Brewing Randy Howe, Vice President	421 Third Street Excelsior, MN 55331	Temporary On-Sale

ADOPTED BY THE CITY COUNCIL of the City of Shorewood this 26th day of September 2022.

Jennifer Labadie, Mayor

Sandie Thone, City Clerk



City of Shorewood Council Meeting Item

Title/Subject: Resolution Approving Revisions to SLMPD JPA
Meeting Date: Monday, September 26, 2022
Prepared by: Ed Shukle, Interim City Administrator
Reviewed by:
Attachments: Resolution 22-090

2F

MEETING
TYPE
Regular
Meeting

Policy Consideration: Pursuant to Minnesota State Statutes ...

Background: The City of Shorewood is part of a Joint Powers Agreement (JPA) for police services under the South Lake Minnetonka Public Safety Department (SLMPD). The JPA establishes the police department and the JPA document has been undergoing some recent review by the City Administrators/Managers of Shorewood, Excelsior, Greenwood and Tonka Bay, cities that form the SLMPD.

Attached is a “redlined” version of the JPA as well as a “clean” version of the document. Each City Council must approve the revisions for them to go into effect beginning on January 1, 2023.

Financial Considerations: None

Action Requested: Staff respectfully recommends the city council approve the JPA as recommended.
Motion, Second and Approve.

Connection to Vision/Mission: Consistency in providing residents quality public services, a healthy environment, a variety of attractive amenities, a sustainable tax base, and sound financial management through effective, efficient, and visionary leadership.

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

Page 1

South Lake Minnetonka Police Department Joint Powers Agreement

TO PROVIDE FULL-TIME POLICE PROTECTION AND SERVICE FOR THE
CITIES OF EXCELSIOR, GREENWOOD, SHOREWOOD, AND TONKA BAY

DRAFT ~~07.14.21~~08.30.22 FOR 01.01.~~24~~23 EFFECTIVE DATE



The parties to this Joint Powers Agreement ("JPA" or "Agreement") are the municipalities of Excelsior, Greenwood, Shorewood, and Tonka Bay of the State of Minnesota which have the responsibility for providing for law enforcement within their respective cities so as to enforce the ordinances of these cities and the laws of the State of Minnesota. The original police department JPA for the parties was executed in 1973. This updated Agreement is made pursuant to Minnesota Statutes, Section 471.59.

Section 1: General Purpose

The general purposes of this Agreement are to continue employment of a full-time Chief of Police to act on behalf of the parties to this Agreement and to provide assistance to the Chief of Police in the form of police officers, community service officers, administrative staff, police facility, equipment, and supplies as may be necessary so as to provide the parties with law enforcement services in the discharge of the duties imposed upon said municipalities to protect and serve the health and welfare of their citizens and property located within their cities. It is the opinion of the parties to this Agreement that continued joint action to operate a joint police department to serve the four communities will continue to result in a higher standard of police service, closer control of the police force by the municipalities it serves, and more efficiency and financial savings to the communities.

Section 2: Definition of Terms

For the purpose of this Agreement, the terms in this section shall have the following meanings:

- A. "Committee" means the organization created under this Agreement, the full name of which is the "Coordinating Committee for the South Lake Minnetonka Police Department."
- B. "Committee member" means a member of the Committee.
- C. "Council" means the governing body of the governmental unit which is a party to this Agreement.
- D. "Governmental unit" means a city or municipality.
- E. "Operating Committee" means the chief administrative officer of each of the parties.
- F. "Original party" means a governmental unit which elects to become one of the original parties to this Agreement.
- G. "Later party" means a governmental unit which enters into this Agreement at some time after the Coordinating Committee is originally constituted.
- H. "Party" means governmental unit which enters into this Agreement.
- I. "SLMPD" means the "South Lake Minnetonka Police Department," which shall be the name of the police force created hereunder.
- J. "Unanimous agreement of the parties" means that the measure is approved by a majority vote of council members present at the council meetings of each of the parties. If one or more of the councils does not approve the measure on a majority vote, there is no unanimous agreement.
- K. "ICR" means Incident Call Reports as compiled for each of the parties by the SLMPD. The ICR numbers used for the funding formula do not include citations.
- J-L. "Supplemental Services" means any additional police services requested and paid by any of the parties separate from the operating budget.

Section 3: Governing Body

Subdivision 1. The Committee, consisting of one Committee member from each party, shall be the governing body. Each Committee member shall have an equal voice in the affairs of the Committee.

Subdivision 2. The person holding the office of mayor of a party to this Agreement shall be a Committee member and serve on the Committee as representative of said party. An alternate Committee member may be appointed by the council of each party from the members of said council to serve for a term of one calendar year and represent said party on the

Committee in the absence of the mayor. The Committee member and alternate shall serve without compensation from the Committee.

Subdivision 3. A majority of the Committee members shall constitute a quorum at meetings of the Committee.

Subdivision 4. A vacancy on the Committee shall be filled by the council of the parties whose position on the Committee is vacant. No Committee member shall be eligible to vote on behalf of his / her party during the time that such party is in default on any financial payment required to be paid under the terms of the Agreement nor shall the vote of such party be counted for the purposes of determining a quorum.

Section 4: Officers & Meetings

Subdivision 1. The chair and vice chair shall be determined on a rotating basis at the first meeting of each year. The chair shall facilitate meetings and execute all financial and legal instruments of the Committee. The vice chair shall assume all duties of the chair in the event the chair is unable to fulfill the duties of the position.

Subdivision 2. Regular meetings of the Committee shall be held once each quarter as follows: The second Wednesday of January, the second Wednesday of April, the second Wednesday of July, and the second Wednesday of October. Any regular meeting date may be rescheduled by unanimous agreement of Committee members. The purpose of the regular meetings shall be to set budgets, review expenditures, and discuss / take action on other operating matters. Special meetings shall be at the call of any Committee member. Notice of such a meeting shall be posted and provided by the SLMPD in accordance with state statutes.

Subdivision 3. Business of the Committee shall be conducted according to Roberts Rules of Order.

Section 5: Powers & Duties of the Committee

Subdivision 1. The powers and duties of the Committee shall include the powers set forth in this section.

Subdivision 2. It shall establish qualifications and duties for the position of Chief of Police of the SLMPD.

Subdivision 3. It shall hire said person to act as Chief of Police for the SLMPD at such salary and in accordance with such terms and conditions of employment as it shall determine. It also has the authority to discipline and terminate the Chief of Police.

Subdivision 4. It shall approve new positions (e.g. Deputy Chief, Drug Task Force Officer, etc).

Subdivision 5. It shall approve union contracts by unanimous vote of the Committee.

Subdivision 46. It shall provide office space, equipment, and supplies as necessary to accomplish the duties and responsibilities of law enforcement within the boundaries of the parties.

Subdivision 57. It shall select a qualified accounting / auditing firm to prepare financial statements and conduct an annual financial audit. All of its books, reports, and records shall be available for and open to examination by the parties at reasonable times.

Subdivision 66. It may accumulate reasonable reserve funds for the purposes as here in provided and it may invest funds of the Committee not currently needed for its operations in a manner and subject to the laws of Minnesota applicable to cities.

Subdivision 79. It may collect monies from parties subject to this Agreement. It may recommend changes in this Agreement to the parties which shall be effective, however, only upon unanimous agreement of the governing bodies of all parties.

Subdivision 810. It shall exercise general supervision over the law enforcement and standards of law enforcement for the parties.

Section 6: Operating Committee

The powers and duties of the eOperating Committee shall include the following:

- A. Advising the Coordinating Committee.
- B. Meeting with the Chief of Police once per month.
- C. Participating in labor negotiations on a rotating basis.
- D. Other duties and projects as assigned by the Coordinating Committee.

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Section 7: Financial Matters

Subdivision 1. Except as otherwise provided herein, the Committee funds may be expended by the Committee in accordance with procedures established by law for the expenditure of funds by Minnesota cities. Orders, checks, and drafts shall be signed by two persons. Authorized signers shall be the Committee chair, Committee vice chair, Chief of Police, 2nd in command officer, and the SLMPD office manager/administrator.

Subdivision 2.

- A. The allocation for funding the SLMPD operations, other than for any party's separately contracted services, shall be set taking into consideration the Member Cities' tax capacity, demand/CR statistics, and population using the formula shown on the attached Exhibit 1.
- B. The operations funding percentages were last revised in July 2021 for 2022-26 budgets and shall continue to be reviewed and adjusted in five-year increments (in 2026 for 2027-31 budgets, etc.), that began June 1, 2006. The comparison of the tax capacity, ICRs, and population will be made for each subsequent five-year period with the data as shown in Exhibit 1. These adjustments do not result in a shift to a formula based purely on tax capacity, population, and ICR statistics but are only used to adjust the funding percentages for each party incrementally to the extent the three factors differ from the previously established data.
- C. Each Member City shall fund the SLMPD the full amount of the allocation pursuant to the terms of the JPA.
- D. The Approved Annual Operating Budget for each year shall be determined in advance by unanimous agreement of the parties. If the parties do not unanimously agree on the Approved Annual Operating Budget by September 1st of each year, the amount of the previous year's Approved Annual Operating Budget will be increased by the lesser of the following to arrive at the Approved Annual Operating Budget:
- The increase in the region's Consumer Price Index for All Urban Customers (CPI-U) based on the previous June-to-June information available in July of each year; or
 - The percentage increase in the most restrictive statutory levy limit applicable to the budget year placed on any of the parties over the levy limit for that party for the prior year.
 - In the event that (a) or (b) decreases, the operating budget shall remain the same.

The above (a), (b), and (c) paragraphs apply only to operating expenses not governed by wage or benefit increases required by any union contracts. All parties must pay wage or benefit increases as required by union contracts; other expenses can have ceilings applied per (a), (b), and (c) above. Adoption of an Approved Annual Operating Budget pursuant to this subdivision shall entitle each party to full and complete SLMPD services funded by the SLMPD annual operating budget and preclude delivery of multiple tiers or levels of services to parties.

- E. Parties may contract with the SLMPD for supplemental services delivered by separately dedicated personnel outside of the approved budget by unanimous agreement of the parties. The amount charged for supplemental services shall be capped at 115% of the actual hourly cost of pay, insurance, uniforms, gear, and training for an officer with 1 year of service. Agreement to provide such supplemental services shall not be unreasonably withheld.

- EE. CREATE LANGUAGE ABOUT ESTABLISHING A CAPITAL IMPROVEMENT FUND? By unanimous agreement, the parties may establish a Capital Improvement Fund (CIF) for capital improvements for police facilities. The CIF funding formula shall be calculated annually in May based on the most current Net Tax Capacity plus Increment for each of the parties posted on the Hennepin County website. CIF budgets must be approved by a unanimous agreement of the parties. The CIF shall only be used for new buildings / facilities or the expansion of existing buildings / facilities and not for the replacement of carpet, roofs, HVAC systems, etc. in the existing buildings or for maintenance of existing buildings.

Section 8: Duration

This Agreement shall take effect January 1, 2024-2023 and continue unless amended by unanimous agreement of the parties. Any party may request review of this agreement at any time.

Section 9: Adding Parties

Subdivision 1. Any other governmental unit may become a later party to this Agreement upon unanimous agreement of the parties to this Agreement. under the following conditions:

Subdivision 2. Details regarding process, funding, additional personnel, etc. will be recommended by the Committee and must be approved by unanimous agreement of the parties to this agreement. ADD LANGUAGE that describes the process

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of another entity joining the JPA. Does each city council get a say in adding a city or just the Committee? What about the immediate increase in expenses (additional personnel, equipment, etc.) experienced by the JPA if a new city were to come on board but the revenue will not immediately pay for those new expenses? If another city who has a police department wants to join the JPA, would we require all of them to go through a hiring process? Etc....

Section 10: Withdrawal

Subdivision 1. Any party may withdraw from this Agreement subject to the provisions below:

- A. Written notice of withdrawal must be made by filing notice with the Committee by May 1 for withdrawal commencing January 1 ~~twenty-eight~~ months after May 1.
 - (1) Notice after May 1 will require the withdrawing party to wait an additional year.
 - (2) Notice before May 1 will not advance the commencement of the withdrawal; withdrawal will commence on January 1 ~~twenty-eight~~ months after May 1.
- B. All capital equipment remains the property of the SLMPD.
- ~~C. All officers and staff remain employees of the SLMPD. Budget approval moves to a majority of the parties.~~
- D. A withdrawing party shall continue to have an ownership interest in the building, ~~commensurate with the percentage of its debt retirement payments (both before and after withdrawal) are of the total debt retirement payments made by the SLMPD.~~ The ownership interest shall not include a right of use or occupation but shall entitle the party to its pro rata share of any revenue generated through the lease, sale, or other conveyance of the building. ~~The pro rata share shall be commensurate with the percentage based on the most current Adjusted Net Tax Capacity for each of the parties posted on the Hennepin County website.~~

Subdivision 2. In the event the corporate existence of a party is terminated, or a party is consolidated with another municipality not a party to this Agreement, then the obligations of such party hereunder shall cease as of the effective date of such termination or consolidation. If said effective date shall occur at a time other than the end of a budget year, the withdrawing party's financial obligation for the budget year in progress at the time of said effective date shall be pro-rated for such budget year as of said effective date. The withdrawal of a party under this subdivision shall not automatically terminate this Agreement or the obligations of the remaining parties. Following such a withdrawal, the percentage of the approved budget payable for each remaining party shall be calculated by dividing a party's percentage, as set forth in Section 7, by the sum of the percentages of all remaining parties.

~~Subdivision 3. In the event that a party is added to this Agreement, such party shall have no ownership interest in the building.~~

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Section 11: Dissolution

Cash assets and proceeds from non-cash assets held by the Committee at the time of dissolution to this Agreement shall be divided and distributed to the parties in proportion to the contributions made by the parties to the total cost of law enforcement during the period of this Agreement. If the cities cannot agree with respect to the value of non-cash assets, two appraisers will be selected by the Committee to appraise the non-cash assets. The two appraisers so selected will select a third appraiser. The values as determined by a majority of the appraisers shall be attributed to the non-cash assets in question. ~~Cost of appraisers shall be paid by the parties using the funding formula at the time of the dissolution.~~

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Section 12: Officers & Employees

Subdivision 1. The Chief of Police employed by the Committee shall serve as Chief of the SLMPD and shall have the following duties and be invested with the following authority:

- A. Shall be in full and complete charge of all personnel matters and employees of the department including sworn and non-sworn.
- B. Shall set standards of performance of police officers and non-sworn employees.
- C. Shall be in complete charge of all matters relating to law enforcement and to its administration, including assignment of duty and responsibilities to all employees.
- D. Shall interview and consider applications for employment of all employees and shall make all hiring and termination decisions.
- E. Shall discipline all employees, sworn, and non-sworn.
- F. Shall be responsible for all labor grievance matters. Such actions shall be in accordance with the laws of the State of Minnesota and outstanding contractual agreements governing the same.

Subdivision 2. The Chief of Police shall be responsible for developing new job descriptions for various positions within the department deemed necessary for the efficient operation of the department.

Subdivision 3. It shall be the duty and responsibility of the Chief of Police to communicate directly with the respective councils of the member cities in the event the Chief of Police deems it necessary to receive direction on any matter arising out of or involving the jurisdiction of any particular council.

Subdivision 4. All police officers Committee, including the Chief of Police, shall enforce and be provided authority to enforce the laws of the parties to this Agreement through proper action of the council of said parties. The Committee shall assume all obligations with regard to Worker's Compensation, PERA, withholding tax, insurance, union negotiations, fringe benefits, Social Security, and the like for all employees including the Chief of Police, all police officers, community service officers, and administrative staff.

Section 13: Prosecution – Violation of Ordinances & Laws

The respective parties to this Agreement shall be responsible for and pay the cost of all prosecutions for violations occurring within their respective boundaries which are subject to prosecution by a party's municipal attorney, including expenses incurred by reason of police officers making their services available for court appearances in such prosecutions. All returns of fines from district court shall be the sole property of the party in whose jurisdiction the offense occurred.

Section 14: Dispute Resolution

When any party has a dispute regarding the Agreement, that party may initiate a dispute resolution process by submitting a written statement outlining the dispute to the Committee at one of its regularly scheduled meetings. The members of the Committee will then bring that dispute to their respective councils at their normally scheduled council meetings. The Committee will meet to discuss the dispute at its next regularly scheduled meeting after the councils of all parties have reviewed the statement of dispute at their regularly scheduled council meetings; the Committee has a 90-day period to resolve the dispute commencing with this meeting.

If the dispute is not resolved within the 90-day period, the aggrieved party has the right to demand that the Committee forward the dispute to an appropriate mediation service. The costs of the mediator will be paid for by the aggrieved party unless decided otherwise by majority consent of the Committee.

If the mediation process does not bring consensus regarding resolution of the disputed issue, the aggrieved party may submit the issue to binding arbitration 90 days following the commencement of mediation. This date may be extended with unanimous consent of the Committee. The aggrieved party's right to submit the dispute to arbitration expires 150 days after the commencement of mediation. This expiration deadline can be extended with unanimous consent of the Committee. The parties shall share the cost of the arbitration process in the same proportion as they are sharing the operating budget at the time the dispute resolution process is initiated. Each party shall bear the costs of its own representation in the mediation and arbitration processes. The arbitrator or arbitration panel shall be selected by mutual agreement of the parties and shall have the authority to order that any party bringing a frivolous or unfounded dispute be required to pay the costs of the arbitration process. The provisions of Minn. Stat. § 549 .211 shall be used to determine whether a dispute is frivolous or unfounded. In the event that the parties cannot agree on an arbitrator or arbitration panel within 30 days of the date on which the aggrieved party initiates arbitration, the aggrieved party shall select one arbitrator, the other parties shall select another, and the two selected arbitrators shall select a third.

Repeal of Memorandum of Understanding

The Memorandum of Understanding dated February 13, 2002 is hereby repealed.

BY THE CITY OF EXCELSIOR

BY THE CITY OF GREENWOOD

BY THE CITY OF SHOREWOOD

BY THE CITY OF TONKA BAY

Exhibit A

Referenced in Section 7

ARBITRATION REALLOCATION FORMULA FOR SLMPD OPERATING FUND | 2017-2021

Revised 02-05-16

POPULATION BASELINE

	2005	2006	2007	2008	2009	Average	% of Avg. Total
Excelsior	2,380	2,395	2,437	2,362	2,360	2,381	19.4271%
Greenwood	759	814	818	804	808	800	6.5056%
Shorewood	7,551	7,499	7,911	7,582	7,618	7,572	61.5816%
Tonka Bay	1,545	1,525	1,534	1,532	1,549	1,537	12.4967%
	12,235	12,233	12,400	12,200	12,333	12,300	100.0000%

TAX CAPACITY BASELINE

	2006	2007	2008	2009	2010	Average	% of Avg. Total
Excelsior	3,334,778	3,917,784	4,245,911	4,387,510	4,235,792	4,026,356	13.3040%
Greenwood	2,447,073	2,894,806	3,377,856	3,688,315	3,713,570	3,224,334	10.6536%
Shorewood	14,477,835	16,319,066	17,798,714	18,513,585	18,269,931	17,075,826	56.4224%
Tonka Bay	4,809,014	5,358,772	6,148,162	6,748,501	6,824,277	5,927,745	19.6197%
	24,899,699	28,490,428	31,570,643	33,347,911	33,043,570	30,264,290	100.0000%

ICR BASELINE

	2006	2007	2008	2009	2010	Average	% of Avg. Total
Excelsior	2169	2044	2316	2080	2150	2,151	35.3597%
Greenwood	341	352	362	352	385	362	5.9374%
Shorewood	3142	3923	3190	2929	2831	2,880	49.9334%
Tonka Bay	598	537	695	598	509	587	9.6495%
	6,238	5,556	6,563	5,964	5,875	6,083	100.0000%

	1/3 Pop	1/3 Tax Cap	1/3 ICRs	Total for Column A
2005-2009	2006-2010	2006-2010	5-Year Avg	
Excelsior	6.4700%	4.4347%	11.7868%	22.7003%
Greenwood	2.1685%	3.5513%	1.9850%	7.7048%
Shorewood	20.5205%	18.8075%	16.3445%	55.6725%
Tonka Bay	4.1652%	6.5399%	3.2953%	13.9218%
TOTAL	33.3332%	33.3334%	33.3334%	100.0000%

In 2021 the formula will be adjusted for 2022-2026 using Column B percentages as the new baseline numbers for Column A. The numbers for the new averages will be from 2015 to 2019 for population and from 2016 to 2020 for tax capacity and ICRs.

Going forward the same reallocation formula is used every 5 years.

Tax Capacity Source: Hennepin County Adjusted Net Tax Capacity

ICR Source: SLMPD - does not include debt

Population Source: MTC Council

REALLOCATION FORMULA FOR SLMPD OPERATING FUND | 2022-2026

Revised 07-07-21 - CORRECTION MADE TO FOOTER YEARS ON 05.09.22

POPULATION BASELINE

	2010	2011	2012	2013	2014	Average	% of Avg. Total
Excelsior	2,188	2,203	2,234	2,284	2,273	2,237	18.9299%
Greenwood	688	688	698	693	689	691	5.8501%
Shorewood	7,307	7,312	7,438	7,524	7,425	7,401	62.6413%
Tonka Bay	1,475	1,477	1,499	1,492	1,488	1,486	12.4767%
	11,658	11,680	11,870	11,993	11,875	11,815	100.0000%

TAX CAPACITY BASELINE

	2011	2012	2013	2014	2015	Average	% of Avg. Total
Excelsior	3,779,156	3,716,579	3,579,833	3,649,970	4,226,789	3,790,465	13.3031%
Greenwood	3,379,736	3,171,651	3,085,462	2,895,345	3,241,439	3,154,727	11.0719%
Shorewood	16,775,778	15,908,723	15,114,127	14,865,833	16,027,049	15,738,302	55.2353%
Tonka Bay	6,353,445	5,988,563	5,554,383	5,356,095	5,796,033	5,809,704	20.3898%
	30,288,115	28,785,516	27,333,805	26,767,246	29,291,310	28,493,198	100.0000%

ICR BASELINE

	2011	2012	2013	2014	2015	Average	% of Avg. Total
Excelsior	1951	2116	2192	2093	2354	2,261	35.3597%
Greenwood	280	270	332	360	401	330	5.2066%
Shorewood	2680	2610	3284	3373	3175	3,024	47.7099%
Tonka Bay	659	606	677	822	861	725	11.4346%
	5,576	5,602	6,485	7,248	6,791	6,340	100.0000%

	1/3 Pop	1/3 Tax Cap	1/3 ICRs	Total for Column A
2010-2014	2011-2015	2011-2015	5-Year Avg	
Excelsior	6.3100%	4.4344%	11.8878%	22.6322%
Greenwood	1.9500%	3.6906%	1.7339%	7.3745%
Shorewood	20.8804%	18.4118%	15.9002%	55.1924%
Tonka Bay	4.1929%	6.7996%	3.8116%	14.8019%
TOTAL	33.3333%	33.3334%	33.3334%	100.0000%

In 2026 the formula will be adjusted for 2027-2031 using Column B percentages as the new baseline numbers for Column A, and the numbers for the new averages will be from 2020-2024 for population, and from 2021-2025 for tax capacity and ICRs.

Going forward the same reallocation formula is used every 5 years.

Tax Capacity Source: Hennepin County Adjusted Net Tax Capacity

ICR Source: SLMPD - does not include debt

Population Source: MTC Council

POPULATION 2010-2014

	2010	2011	2012	2013	2014	Average	% of Avg. Total
Excelsior	2,188	2,203	2,235	2,284	2,273	2,237	18.9299%
Greenwood	688	688	698	693	689	691	5.8501%
Shorewood	7,307	7,312	7,438	7,524	7,425	7,401	62.6413%
Tonka Bay	1,475	1,477	1,499	1,492	1,488	1,486	12.5787%
	11,658	11,680	11,870	11,993	11,875	11,815	100.0000%

TAX CAPACITY 2011-2015

	2011	2012	2013	2014	2015	Average	% of Avg. Total
Excelsior	3,779,156	3,716,579	3,579,833	3,649,970	4,226,789	3,790,465	13.3031%
Greenwood	3,379,736	3,171,651	3,085,462	2,895,345	3,241,439	3,154,727	11.0719%
Shorewood	16,775,778	15,908,723	15,114,127	14,865,833	16,027,049	15,738,302	55.2353%
Tonka Bay	6,353,445	5,988,563	5,554,383	5,356,095	5,796,033	5,809,704	20.3898%
	30,288,115	28,785,516	27,333,805	26,767,246	29,291,310	28,493,198	100.0000%

ICRs 2011-2015

	2011	2012	2013	2014	2015	Average	% of Avg. Total
Excelsior	1951	2116	2192	2093	2354	2,261	35.3597%
Greenwood	280	270	332	360	401	330	5.2066%
Shorewood	2680	2610	3284	3373	3175	3,024	47.7099%
Tonka Bay	659	606	677	822	861	725	11.4346%
	5,576	5,602	6,485	7,248	6,791	6,340	100.0000%

	1/3 Pop	1/3 Tax Cap	1/3 ICRs	Total for Column B	Column C	Column D	C+D+New Allocation
2010-2014	2011-2015	2011-2015	5-Year Avg	Difference Col. A & B	Allocation		
Excelsior	6.3100%	4.4344%	11.8878%	22.6322%	-0.0681%	27.0000%	26.9319%
Greenwood	1.9500%	3.6906%	1.7339%	7.3745%	-0.3311%	8.0000%	7.0434%
Shorewood	20.8804%	18.4118%	15.9002%	55.1924%	-0.4801%	50.0000%	49.7123%
Tonka Bay	4.1929%	6.7996%	3.8116%	14.8019%	0.8754%	15.0000%	15.8774%
TOTAL	33.3333%	33.3334%	33.3334%	100.0000%		100.0000%	100.0000%

POPULATION 2015-2019

	2015	2016	2017	2018	2019	Average	% of Avg. Total
Excelsior	2,262	2,224	2,352	2,321	2,566	2,345	19.1470%
Greenwood	702	703	724	706	708	709	5.7852%
Shorewood	7,458	7,496	7,708	7,693	7,934	7,658	62.5208%
Tonka Bay	1,509	1,558	1,526	1,550	1,541	1,537	12.5469%
	11,931	11,982	12,310	12,270	12,749	12,248	99.9999%

TAX CAPACITY 2016-2020

	2016	2017	2018	2019	2020	Average	% of Avg. Total
Excelsior	4,618,729	4,973,275	5,416,784	5,774,617	6,235,205	5,416,967	15.9172%
Greenwood	3,874,711	3,749,653	3,960,542	4,090,777	4,444,257	3,915,864	11.4640%
Shorewood	16,798,414	17,582,141	18,738,484	19,376,580	20,198,532	18,498,473	54.1558%
Tonka Bay	5,882,972	6,190,423	6,490,064	6,681,790	6,730,124	6,306,548	18.4630%
	29,855,742	31,344,715	33,186,305	35,474,934	36,899,981	34,157,852	100.0000%

ICRs 2016-2020

	2016	2017	2018	2019	2020	Average	% of Avg. Total
Excelsior	2398	2129	1819	1872	1700	1,984	34.7071%
Greenwood	378	452	319	383	387	363	5.5469%
Shorewood	2796	2697	2714	2621	2516	2,669	48.0419%
Tonka Bay	477	477	524	551	467	539	9.7098%
	6,147	5,748	5,377	5,427	5,070	5,554	100.0000%

	1/3 Pop	1/3 Tax Cap	1/3 ICRs	Total for Column B	Column C	Column D	C+D+New Allocation
2015-2019	2016-2021	2016-2021	5-Year Avg	Difference Col. A & B	Allocation		
Excelsior	6.3823%	5.3057%	11.9024%	23.5904%	0.9582%	27.0000%	27.9582%
Greenwood	1.9284%	3.8213%	2.1809%	7.9302%	0.5557%	8.0000%	8.5557%
Shorewood	20.8403%	18.0519%	16.0138%	54.9069%	-0.2864%	50.0000%	49.7136%
Tonka Bay	4.1823%	6.1543%	3.2366%	13.5732%	1.2278%	15.0000%	13.7722%
TOTAL	33.3333%	33.3332%	33.3333%	99.9998%		100.0000%	99.9997%

South Lake Minnetonka Police Department Joint Powers Agreement

TO PROVIDE FULL-TIME POLICE PROTECTION AND SERVICE FOR THE
CITIES OF EXCELSIOR, GREENWOOD, SHOREWOOD, AND TONKA BAY

DRAFT 08.30.22 FOR 01.01.23 EFFECTIVE DATE



The parties to this Joint Powers Agreement ("JPA" or "Agreement") are the municipalities of Excelsior, Greenwood, Shorewood, and Tonka Bay of the State of Minnesota which have the responsibility for providing for law enforcement within their respective cities so as to enforce the ordinances of these cities and the laws of the State of Minnesota. The original police department JPA for the parties was executed in 1973. This updated Agreement is made pursuant to Minnesota Statutes, Section 471.59.

Section 1: General Purpose

The general purposes of this Agreement are to continue employment of a full-time Chief of Police to act on behalf of the parties to this Agreement and to provide assistance to the Chief of Police in the form of police officers, community service officers, administrative staff, police facility, equipment, and supplies as may be necessary so as to provide the parties with law enforcement services in the discharge of the duties imposed upon said municipalities to protect and serve the health and welfare of their citizens and property located within their cities. It is the opinion of the parties to this Agreement that continued joint action to operate a joint police department to serve the four communities will continue to result in a higher standard of police service, closer control of the police force by the municipalities it serves, and more efficiency and financial savings to the communities.

Section 2: Definition of Terms

For the purpose of this Agreement, the terms in this section shall have the following meanings:

- A. "Committee" means the organization created under this Agreement, the full name of which is the "Coordinating Committee for the South Lake Minnetonka Police Department."
- B. "Committee member" means a member of the Committee.
- C. "Council" means the governing body of the governmental unit which is a party to this Agreement.
- D. "Governmental unit" means a city or municipality.
- E. "Operating Committee" means the chief administrative officer of each of the parties.
- F. "Original party" means a governmental unit which elects to become one of the original parties to this Agreement.
- G. "Later party" means a governmental unit which enters into this Agreement at some time after the Coordinating Committee is originally constituted.
- H. "Party" means governmental unit which enters into this Agreement.
- I. "SLMPD" means the "South Lake Minnetonka Police Department," which shall be the name of the police force created hereunder.
- J. "Unanimous agreement of the parties" means that the measure is approved by a majority vote of council members present at the council meetings of each of the parties. If one or more of the councils does not approve the measure on a majority vote, there is no unanimous agreement.
- K. "ICR" means Incident Call Reports as compiled for each of the parties by the SLMPD. The ICR numbers used for the funding formula do not include citations.
- L. "Supplemental Services" means any additional police services requested and paid by any of the parties separate from the operating budget.

Section 3: Governing Body

Subdivision 1. The Committee, consisting of one Committee member from each party, shall be the governing body. Each Committee member shall have an equal voice in the affairs of the Committee.

Subdivision 2. The person holding the office of mayor of a party to this Agreement shall be a Committee member and serve on the Committee as representative of said party. An alternate Committee member may be appointed by the council of each party from the members of said council to serve for a term of one calendar year and represent said party on the

Committee in the absence of the mayor. The Committee member and alternate shall serve without compensation from the Committee.

Subdivision 3. A majority of the Committee members shall constitute a quorum at meetings of the Committee.

Subdivision 4. A vacancy on the Committee shall be filled by the council of the parties whose position on the Committee is vacant. No Committee member shall be eligible to vote on behalf of his / her party during the time that such party is in default on any financial payment required to be paid under the terms of the Agreement nor shall the vote of such party be counted for the purposes of determining a quorum.

Section 4: Officers & Meetings

Subdivision 1. The chair and vice chair shall be determined on a rotating basis at the first meeting of each year. The chair shall facilitate meetings and execute all financial and legal instruments of the Committee. The vice chair shall assume all duties of the chair in the event the chair is unable to fulfill the duties of the position.

Subdivision 2. Regular meetings of the Committee shall be held once each quarter as follows: The second Wednesday of January, the second Wednesday of April, the second Wednesday of July, and the second Wednesday of October. Any regular meeting date may be rescheduled by unanimous agreement of Committee members. The purpose of the regular meetings shall be to set budgets, review expenditures, and discuss / take action on other operating matters. Special meetings shall be at the call of any Committee member. Notice of such a meeting shall be posted and provided by the SLMPD in accordance with state statutes.

Subdivision 3. Business of the Committee shall be conducted according to Roberts Rules of Order.

Section 5: Powers & Duties of the Committee

Subdivision 1. The powers and duties of the Committee shall include the powers set forth in this section.

Subdivision 2. It shall establish qualifications and duties for the position of Chief of Police of the SLMPD.

Subdivision 3. It shall hire said person to act as Chief of Police for the SLMPD at such salary and in accordance with such terms and conditions of employment as it shall determine. It also has the authority to discipline and terminate the Chief of Police.

Subdivision 4. It shall approve new positions (e.g. Deputy Chief, Drug Task Force Officer, etc).

Subdivision 5. It shall approve union contracts by unanimous vote of the Committee.

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Subdivision 6. It shall provide office space, equipment, and supplies as necessary to accomplish the duties and responsibilities of law enforcement within the boundaries of the parties.

Subdivision 7. It shall select a qualified accounting / auditing firm to prepare financial statements and conduct an annual financial audit. All of its books, reports, and records shall be available for and open to examination by the parties at reasonable times.

Subdivision 8. It may accumulate reasonable reserve funds for the purposes as here in provided and it may invest funds of the Committee not currently needed for its operations in a manner and subject to the laws of Minnesota applicable to cities.

Subdivision 9. It may collect monies from parties subject to this Agreement. It may recommend changes in this Agreement to the parties which shall be effective, however, only upon unanimous agreement of the governing bodies of all parties.

Subdivision 10. It shall exercise general supervision over the law enforcement and standards of law enforcement for the parties.

Section 6: Operating Committee

The powers and duties of the Operating Committee shall include the following:

- A. Advising the Coordinating Committee.
- B. Meeting with the Chief of Police once per month.
- C. Participating in labor negotiations on a rotating basis.
- D. Other duties and projects as assigned by the Coordinating Committee.

Section 7: Financial Matters

Subdivision 1. Except as otherwise provided herein, the Committee funds may be expended by the Committee in accordance with procedures established by law for the expenditure of funds by Minnesota cities. Orders, checks, and drafts shall be signed by two persons. Authorized signers shall be the Committee chair, Committee vice chair, Chief of Police, 2nd in command officer, and the SLMPD administrator.

Subdivision 2.

- A. The allocation for funding the SLMPD operations, other than for any party's separately contracted services, shall be set taking into consideration the Member Cities' tax capacity, ICR statistics, and population using the formula shown on the attached Exhibit 1.
- B. The operations funding percentages were last revised in July 2021 for 2022-26 budgets and shall continue to be reviewed and adjusted in five-year increments (in 2026 for 2027-31 budgets, etc). The comparison of the tax capacity, ICRs, and population will be made for each subsequent five-year period with the data as shown in Exhibit 1.
- C. Each Member City shall fund the SLMPD the full amount of the allocation pursuant to the terms of the JPA.
- D. The Approved Annual Operating Budget for each year shall be determined in advance by unanimous agreement of the parties. If the parties do not unanimously agree on the Approved Annual Operating Budget by September 1st of each year, the amount of the previous year's Approved Annual Operating Budget will be increased by the lesser of the following to arrive at the Approved Annual Operating Budget:
 - a) The increase in the region's Consumer Price Index for All Urban Customers (CPI-U) based on the previous June-to-June information available in July of each year; or
 - b) The percentage increase in the most restrictive statutory levy limit applicable to the budget year placed on any of the parties over the levy limit for that party for the prior year.
 - c) In the event that (a) or (b) decreases, the operating budget shall remain the same.

The above (a), (b), and (c) paragraphs apply only to operating expenses not governed by wage or benefit increases required by any union contracts. All parties must pay wage or benefit increases as required by union contracts; other expenses can have ceilings applied per (a), (b), and (c) above Adoption of an Approved Annual Operating Budget pursuant to this subdivision shall entitle each party to full and complete SLMPD services funded by the SLMPD annual operating budget and preclude delivery of multiple tiers or levels of services to parties.

- E. Parties may contract with the SLMPD for supplemental services delivered by separately dedicated personnel outside of the approved budget by unanimous agreement of the parties. The amount charged for supplemental services shall be capped at 115% of the actual hourly cost of pay, insurance, uniforms, gear, and training for an officer with 1 year of service. Agreement to provide such supplemental services shall not be unreasonably withheld.
- F. By unanimous agreement, the parties may establish a Capital Improvement Fund (CIF) for capital improvements for police facilities. The CIF funding formula shall be calculated annually in May based on the most current Net Tax Capacity plus Increment for each of the parties posted on the Hennepin County website. CIF budgets must be approved by a unanimous agreement of the parties. The CIF shall only be used for new buildings / facilities or the expansion of existing buildings / facilities and not for the replacement of carpet, roofs, HVAC systems, etc. in the existing buildings or for maintenance of existing buildings.

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Section 8: Duration

This Agreement shall take effect January 1, 2023 and continue unless amended by unanimous agreement of the parties. Any party may request review of this agreement at any time.

Section 9: Adding Parties

Subdivision 1. Any other governmental unit may become a later party to this Agreement upon unanimous agreement of the parties to this Agreement.

Subdivision 2. Details regarding process, funding, additional personnel, etc. will be recommended by the Committee and must be approved by unanimous agreement of the parties to this agreement.

Section 10: Withdrawal

Subdivision 1. Any party may withdraw from this Agreement subject to the provisions below:

- A. Written notice of withdrawal must be made by filing notice with the Committee by May 1 for withdrawal commencing January 1 eight months after May 1.
 - (1) Notice after May 1 will require the withdrawing party to wait an additional year.
 - (2) Notice before May 1 will not advance the commencement of the withdrawal; withdrawal will commence on January 1 eight months after May 1.
- B. All capital equipment remains the property of the SLMPD.
- C. Budget approval moves to a majority of the parties.
- D. A withdrawing party shall continue to have an ownership interest in the building. The ownership interest shall not include a right of use or occupation but shall entitle the party to its pro rata share of any revenue generated through the lease, sale, or other conveyance of the building. The pro rata share shall be commensurate with the percentage based on the most current Adjusted Net Tax Capacity for each of the parties posted on the Hennepin County website.

Subdivision 2. In the event the corporate existence of a party is terminated, or a party is consolidated with another municipality not a party to this Agreement, then the obligations of such party hereunder shall cease as of the effective date of such termination or consolidation. If said effective date shall occur at a time other than the end of a budget year, the withdrawing party's financial obligation for the budget year in progress at the time of said effective date shall be pro-rated for such budget year as of said effective date. The withdrawal of a party under this subdivision shall not automatically terminate this Agreement or the obligations of the remaining parties. Following such a withdrawal, the percentage of the approved budget payable for each remaining party shall be calculated by dividing a party's percentage, as set forth in Section 7, by the sum of the percentages of all remaining parties.

Subdivision 3. In the event that a party is added to this Agreement, such party shall have no ownership interest in the building.

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Section 11: Dissolution

Cash assets and proceeds from non-cash assets held by the Committee at the time of dissolution to this Agreement shall be divided and distributed to the parties in proportion to the contributions made by the parties to the total cost of law enforcement during the period of this Agreement. If the cities cannot agree with respect to the value of non-cash assets, two appraisers will be selected by the Committee to appraise the non-cash assets. The two appraisers so selected will select a third appraiser. The values as determined by a majority of the appraisers shall be attributed to the non-cash assets in question. Cost of appraisers shall be paid by the parties using the funding formula at the time of the dissolution.

Section 12: Officers & Employees

Subdivision 1. The Chief of Police employed by the Committee shall serve as Chief of the SLMPD and shall have the following duties and be invested with the following authority:

- A. Shall be in full and complete charge of all personnel matters and employees of the department including sworn and non-sworn.
- B. Shall set standards of performance of police officers and non-sworn employees.
- C. Shall be in complete charge of all matters relating to law enforcement and to its administration, including assignment of duty and responsibilities to all employees.
- D. Shall interview and consider applications for employment of all employees and shall make all hiring and termination decisions.
- E. Shall discipline all employees, sworn, and non-sworn.
- F. Shall be responsible for all labor grievance matters. Such actions shall be in accordance with the laws of the State of Minnesota and outstanding contractual agreements governing the same.

Subdivision 2. The Chief of Police shall be responsible for developing new job descriptions for various positions within the department deemed necessary for the efficient operation of the department.

Subdivision 3. It shall be the duty and responsibility of the Chief of Police to communicate directly with the respective councils of the member cities in the event the Chief of Police deems it necessary to receive direction on any matter arising out of or involving the jurisdiction of any particular council.

Subdivision 4. All police officers Committee, including the Chief of Police, shall enforce and be provided authority to enforce the laws of the parties to this Agreement through proper action of the council of said parties. The Committee shall assume all obligations with regard to Worker's Compensation, PERA, withholding tax, insurance, union negotiations, fringe benefits, Social Security, and the like for all employees including the Chief of Police, all police officers, community service officers, and administrative staff.

Section 13: Prosecution – Violation of Ordinances & Laws

The respective parties to this Agreement shall be responsible for and pay the cost of all prosecutions for violations occurring within their respective boundaries which are subject to prosecution by a party's municipal attorney, including expenses incurred by reason of police officers making their services available for court appearances in such prosecutions. All returns of fines from district court shall be the sole property of the party in whose jurisdiction the offense occurred.

Section 14: Dispute Resolution

When any party has a dispute regarding the Agreement, that party may initiate a dispute resolution process by submitting a written statement outlining the dispute to the Committee at one of its regularly scheduled meetings. The members of the Committee will then bring that dispute to their respective councils at their normally scheduled council meetings. The Committee will meet to discuss the dispute at its next regularly scheduled meeting after the councils of all parties have reviewed the statement of dispute at their regularly scheduled council meetings; the Committee has a 90-day period to resolve the dispute commencing with this meeting.

If the dispute is not resolved within the 90-day period, the aggrieved party has the right to demand that the Committee forward the dispute to an appropriate mediation service. The costs of the mediator will be paid for by the aggrieved party unless decided otherwise by majority consent of the Committee.

If the mediation process does not bring consensus regarding resolution of the disputed issue, the aggrieved party may submit the issue to binding arbitration 90 days following the commencement of mediation. This date may be extended with unanimous consent of the Committee. The aggrieved party's right to submit the dispute to arbitration expires 150 days after the commencement of mediation. This expiration deadline can be extended with unanimous consent of the Committee. The parties shall share the cost of the arbitration process in the same proportion as they are sharing the operating budget at the time the dispute resolution process is initiated. Each party shall bear the costs of its own representation in the mediation and arbitration processes. The arbitrator or arbitration panel shall be selected by mutual agreement of the parties and shall have the authority to order that any party bringing a frivolous or unfounded dispute be required to pay the costs of the arbitration process. The provisions of Minn. Stat. § 549.211 shall be used to determine whether a dispute is frivolous or unfounded. In the event that the parties cannot agree on an arbitrator or arbitration panel within 30 days of the date on which the aggrieved party initiates arbitration, the aggrieved party shall select one arbitrator, the other parties shall select another, and the two selected arbitrators shall select a third.

Repeal of Memorandum of Understanding

The Memorandum of Understanding dated February 13, 2002 is hereby repealed.

BY THE CITY OF EXCELSIOR

BY THE CITY OF GREENWOOD

BY THE CITY OF SHOREWOOD

BY THE CITY OF TONKA BAY

South Lake Minnetonka Joint Powers Agreement | DRAFT 08.30.22 FOR 01.01.23 EFF DATE | Page 6 of 7

Exhibit A
Referenced in Section 7

ARBITRATION REALLOCATION FORMULA FOR SLMPD OPERATING FUND | 2017-2021
Revised 02-05-16

POPULATION BASELINE							
	2006	2006	2007	2008	2009	Average	% of Avg. Total
Excelsior	2,380	2,395	2,437	2,392	2,360	2,391	19.4371%
Greenwood	753	814	819	804	808	800	6.5159%
Shorewood	7,551	7,490	7,611	7,582	7,618	7,572	61.5616%
Tonka Bay	1,545	1,525	1,534	1,532	1,549	1,537	12.4857%
	12,235	12,233	12,400	12,300	12,333	12,300	100.0000%

TAX CAPACITY BASELINE							
	2006	2007	2008	2009	2010	Average	% of Avg. Total
Excelsior	3,334,776	3,917,784	4,245,911	4,397,510	4,235,792	4,026,355	13.3040%
Greenwood	2,447,073	2,894,806	3,377,859	3,888,315	3,713,570	3,224,334	10.6539%
Shorewood	14,477,835	16,319,066	17,798,714	18,513,585	18,289,931	17,075,826	58.4224%
Tonka Bay	4,809,014	5,358,772	5,148,162	5,748,501	5,824,277	5,937,745	19.6197%
	24,889,598	28,490,428	31,570,643	33,347,911	33,043,570	30,284,290	100.0000%

ICR BASELINE							
	2006	2007	2008	2009	2010	Average	% of Avg. Total
Excelsior	2150	2044	2316	2086	2150	2,151	35.3597%
Greenwood	341	352	387	352	385	382	5.9574%
Shorewood	3142	2923	3106	2928	2931	2,983	49.0334%
Tonka Bay	598	537	695	598	509	587	9.5480%
	6,233	5,756	6,583	5,964	5,875	6,083	100.0000%

Column A					
	1/3 Pop 2005-2009	1/3 Tax Cap 2006-2010	1/3 ICRs 2006-2010	Totals for 5-Year Avg	
Excelsior	6.4790%	4.4347%	11.7868%	22.7003%	
Greenwood	2.1885%	3.5513%	1.9855%	7.7266%	
Shorewood	20.5205%	18.8073%	16.3445%	55.6726%	
Tonka Bay	4.1652%	5.5399%	3.2163%	13.9218%	
TOTAL	33.3333%	33.3334%	33.3334%	100.0000%	

In 2021 the formula will be adjusted for 2022-2026 using Column B percentages as the new baseline numbers for Column A. The numbers for the new averages will be from 2015 to 2019 for population and from 2016 to 2020 for tax capacity and ICRs.

Going forward the same reallocation formula is used every 5 years.

Tax Capacity Source: Hennepin County Adjusted Net Tax Capacity

ICR Source: SLMPD - does not include debts

Population Source: Mkt Count

REALLOCATION FORMULA FOR SLMPD OPERATING FUND | 2022-2026

Revised 07.07.21 - CORRECTION MADE TO FOOTER YEARS ON 05.06.22

POPULATION BASELINE							
	2010	2011	2012	2013	2014	Average	% of Avg. Total
Excelsior	2,188	2,203	2,252	2,284	2,273	2,227	18.9299%
Greenwood	688	688	698	693	689	691	5.8501%
Shorewood	7,307	7,312	7,438	7,524	7,425	7,401	62.6413%
Tonka Bay	1,475	1,477	1,499	1,492	1,488	1,486	12.4787%
	11,658	11,680	11,870	11,993	11,875	11,815	100.0000%

TAX CAPACITY BASELINE							
	2011	2012	2013	2014	2015	Average	% of Avg. Total
Excelsior	3,779,156	3,716,579	3,579,833	3,649,970	4,226,789	3,790,465	13.3031%
Greenwood	3,379,736	3,171,651	3,085,462	2,895,345	3,241,439	3,154,727	11.0719%
Shorewood	16,775,778	15,908,723	15,114,127	14,895,833	16,027,049	15,738,302	55.2353%
Tonka Bay	6,353,445	5,988,563	5,554,383	5,356,098	5,796,033	5,809,704	20.3898%
	30,288,115	28,785,516	27,333,805	26,767,249	29,291,310	28,493,198	100.0000%

ICR BASELINE							
	2011	2012	2013	2014	2015	Average	% of Avg. Total
Excelsior	1951	2116	2192	2693	2354	2,251	35.3597%
Greenwood	286	270	332	360	401	330	5.2016%
Shorewood	2680	2610	3284	3373	3125	3,024	47.7002%
Tonka Bay	659	606	677	822	861	725	11.4346%
	5,576	5,602	6,485	7,248	6,791	6,340	100.0000%

Column A					
	1/3 Pop 2010-2014	1/3 Tax Cap 2011-2015	1/3 ICRs 2011-2015	Totals for 5-Year Avg	
Excelsior	6.3100%	4.4344%	11.8878%	22.6322%	
Greenwood	1.9500%	3.6906%	1.7339%	7.3745%	
Shorewood	20.8804%	18.4118%	15.9002%	55.1924%	
Tonka Bay	4.1929%	6.7966%	3.8115%	14.8019%	
TOTAL	33.3333%	33.3334%	33.3334%	100.0001%	

In 2026 the formula will be adjusted for 2027-2031 using Column B percentages as the new baseline numbers for Column A, and the numbers for the new averages will be from 2020-2024 for population, and from 2021-2025 for tax capacity and ICRs.

Going forward the same reallocation formula is used every 5 years.

Tax Capacity Source: Hennepin County Adjusted Net Tax Capacity

ICR Source: SLMPD - does not include debts

Population Source: Mkt Count

POPULATION 2010-2014							
	2010	2011	2012	2013	2014	Average	% of Avg. Total
Excelsior	2,188	2,203	2,235	2,284	2,273	2,237	18.9299%
Greenwood	688	688	699	693	699	691	5.8501%
Shorewood	7,307	7,312	7,438	7,524	7,425	7,401	62.6413%
Tonka Bay	1,475	1,477	1,499	1,492	1,488	1,486	12.5787%
	11,658	11,680	11,870	11,993	11,875	11,815	100.0000%

TAX CAPACITY 2011-2015							
	2011	2012	2013	2014	2015	Average	% of Avg. Total
Excelsior	3,779,156	3,716,579	3,579,833	3,649,970	4,226,789	3,790,465	13.3031%
Greenwood	3,379,736	3,171,651	3,085,462	2,895,345	3,241,439	3,154,727	11.0719%
Shorewood	16,775,778	15,908,723	15,114,127	14,895,833	16,027,049	15,738,302	55.2353%
Tonka Bay	6,353,445	5,988,563	5,554,383	5,356,098	5,796,033	5,809,704	20.3898%
	30,288,115	28,785,516	27,333,805	26,767,249	29,291,307	28,493,198	100.0001%

ICRs 2011-2015							
	2011	2012	2013	2014	2015	Average	% of Avg. Total
Excelsior	1951	2116	2192	2693	2354	2,251	35.3597%
Greenwood	286	270	332	360	401	330	5.2016%
Shorewood	2680	2610	3284	3373	3175	3,024	47.7002%
Tonka Bay	659	606	677	822	861	725	11.4346%
	5,576	5,602	6,485	7,248	6,791	6,340	100.0001%

Column B					
	1/3 Pop 2010-2014	1/3 Tax Cap 2011-2015	1/3 ICRs 2011-2015	Totals for 5-Year Avg	Difference Col A & B
Excelsior	6.3100%	4.4344%	11.8878%	22.6322%	-0.0681%
Greenwood	1.9500%	3.6906%	1.7339%	7.3745%	-0.3311%
Shorewood	20.8804%	18.4118%	15.9002%	55.1924%	-0.4801%
Tonka Bay	4.1929%	6.7966%	3.8115%	14.8019%	0.8794%
TOTAL	33.3333%	33.3334%	33.3334%	100.0001%	100.0000%

Column C

Column D

C+D=New Allocation

26.9319%

11.4640%

54.1558%

15.4690%

100.0000%

POPULATION 2015-2019							
	2015	2016	2017	2018	2019	Average	% of Avg. Total
Excelsior	2,262	2,225	2,352	2,321	2,566	2,345	19.1470%
Greenwood	702	703	724	706	708	709	5.7852%
Shorewood	7,458	7,496	7,708	7,693	7,934	7,658	62.5208%
Tonka Bay	1,509	1,558	1,536	1,550	1,541	1,537	12.5469%
	11,931	11,982	12,310	12,270	12,749	12,248	99.9999%

TAX CAPACITY 2016-2020							
	2016	2017	2018	2019	2020	Average	% of Avg. Total
Excelsior	4,638,729	4,973,275	5,436,784	5,774,617	6,235,205	5,436,967	15.9172%
Greenwood	3,387,471	3,749,653	3,960,542	4,090,777	4,444,257	3,915,864	11.4640%
Shorewood	16,798,414	17,582,141	18,738,484	19,376,580	20,198,532	18,498,473	54.1558%
Tonka Bay	5,882,972	6,190,423	6,590,064	6,681,790	6,730,124	6,306,548	18.4630%
	29,855,742	31,344,715	33,186,305	35,474,994	36,891,981	34,157,852	100.0000%

ICRs 2016-2020							
	2016	2017	2018	2019	2020	Average	% of Avg. Total
Excelsior	2398	2129	1819	1872	1700	1,984	35.7071%
Greenwood	376	352	319	383	387	363	5.5418%
Shorewood	2796	2697	2714	2621	2516	2,660	48.0415%
Tonka Bay	577	577	525	551	467	539	9.7068%
	6,147	5,755	5,377	5,427	5,070	5,555	100.0000%

Column B					
	1/3 Pop 2015-2020	1/3 Tax Cap 2016-2021	1/3 ICRs 2016-2021	Totals for 5-Year Avg	Difference Col A & B
Excelsior	6.3823%	5.3057%	11.9024%	23.5904%	0.9582%
Greenwood	1.9284%	3.8213%	2.1805%	7.9302%	0.5557%
Shorewood	20.8403%	18.0519%	16.0138%	54.9060%	-0.2864%
Tonka Bay	4.1823%	6.1543%	3.2560%	13.5732%	-1.2278%
TOTAL	33.3333%	33.3332%	33.3333%	99.9998%	100.0000%

**RESOLUTION NO. 22-090
CITY OF SHOREWOOD
HENNEPIN COUNTY
STATE OF MINNESOTA**

**A RESOLUTION APPROVING THE SOUTH LAKE MINNETONKA POLICE
DEPARTMENT JOINT POWERS AGREEMENT**

WHEREAS, the parties to the Joint Powers Agreement (“JPA” or “Agreement”) are the municipalities of Shorewood, Excelsior, Greenwood, and Tonka Bay of the State of Minnesota which have the responsibility for providing for law enforcement within their respective cities so as to enforce the ordinances of these cities and the laws of the State of Minnesota;

WHEREAS, the original police department JPA for the parties was executed in 1973;

WHEREAS, the updated Agreement is made pursuant to Minnesota Statutes, Section 471.59;

WHEREAS, the general purposes of the Agreement are to continue employment of a full-time Chief of Police to act on behalf of the parties to the Agreement and to provide assistance to the Chief of Police in the form of police officers, community service officers, administrative staff, police facility, equipment, and supplies as may be necessary so as to provide the parties with law enforcement services in the discharge of the duties imposed upon said municipalities to protect and serve the health and welfare of their citizens and property located within their cities; and

WHEREAS, it is the opinion of the parties to this Agreement that continued joint action to operate a joint police department to serve the four communities will continue to result in a higher standard of police service, closer control of the police force by the municipalities it serves, and more efficiency and financial savings to the communities.

NOW, THEREFORE, IT IS RESOLVED that the City Council of the City of Shorewood, Minnesota approves the updated South Lake Minnetonka Police Department Joint Powers Agreement draft dated 08-30-22 with an effective date of 01.01.23 and authorizes the mayor to sign the Agreement on behalf of the city.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF SHOREWOOD this 26th day of September, 2022.

Jennifer Labadie, Mayor

ATTEST:

Sandie Thone, City Clerk



City of Shorewood Council Meeting Item

Title/Subject: Approve Agreement for 6070 Strawberry Lane; City Project 19-05
Meeting Date: Monday, September 26, 2022
Prepared By: Andrew Budde, City Engineer
Reviewed By: Larry Brown, Director of Public Works
Attachments: Resolution, MOU Agreement, Roadway Easement

Background: The Shorewood City Council authorized the preparation of the Final Plans and Specifications for the Strawberry Lane Improvements project which includes Peach Circle, Strawberry Court, drainage improvements, watermain, and a sidewalk on the east side of Strawberry Lane. The City Council has approved the plan at the September 12, 2022, meeting and authorized bidding the project. The project requires acquisition of roadway easements and drainage & utility easements to complete the project. Staff has secured one of the permanent easements with the property owner of 6070 Strawberry Lane and is seeking approval from the City Council on the agreement, to be able to record the easement documents and process payment to the property owner.

Staff is continuing to meet with residents throughout the project to acquire the remaining right of entries and easements necessary for construction.

Financial Considerations: Costs for this work have been budgeted for in the Capital Improvement Plan and would utilize a combination of Street & Utility Bonds, Water Fund, Sanitary Fund, and Storm Sewer Fund. The City has budgeted \$5,466,000 for this project. The current engineers estimate for the project is \$5,264,000 and included all construction, engineering, administrative, right of way acquisition, and tree removals for the project.

Recommendation/Action Requested: Staff recommends the City Council adopt the Resolution as submitted that approves the agreement with 6070 Strawberry Lane.

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

RESOLUTION 22-091

**A RESOLUTION APPROVING AGREEMENT WITH THE
PROPERTY OWNERS OF 6070 STRAWBERRY LANE,
CITY PROJECT 19-05**

WHEREAS, on April 26, 2021 the City of Shorewood ("City") authorized the preparation of Plans & Specifications for the Strawberry Lane Street Improvements Project, City Project 19-05; and

WHEREAS, on September 12, 2022, the City of Shorewood ("City") approved the Plans & Specifications for the Strawberry Lane Street Improvements Project and authorized advertisement for bids; and

WHEREAS, said Improvement Project requires easement acquisition from various property owners along said project; and

WHEREAS, the City has reached agreement with the property owners of 6070 Strawberry Lane with a Memo of Understanding (MOU) for the City to acquire a roadway easement for said project; and

WHEREAS, the City will continue to acquire right of entry and easement agreements with property owners to accommodate drainage, grading, staging, tree removal, landscaping, and other misc. impacts that are in mutual benefit of the resident and the city; and

WHEREAS, the project is included in the 2023 Capital Improvements Plan and will fund the project through a combination of Street & Utility Bonds, Water Fund, Sanitary Fund, and the Stormwater Fund; and

NOW THEREFORE, IT RESOLVED: that the City Council of the City of Shorewood hereby approves the agreement with the property owners of 6070 Strawberry Lane, attached hereto as "Exhibit A" for the Strawberry Lane Improvements Project and authorizes recording and payment.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF SHOREWOOD this 26th day of September 2022.

Jennifer Labadie, Mayor

Attest:

Sandie Thone, City Clerk

August 16, 2022

Ryan A. Johannsen and Kirsten C. Pardun-Johannsen
6070 Strawberry Lane
Shorewood, MN 55331

RE: Strawberry Lane Project: City of Shorewood Easement Agreement

Dear Mr. & Mrs. Johannsen:

As you are aware, the City of Shorewood ("Shorewood") is undertaking street, utility, and drainage improvements to Strawberry Lane (the "Project"). The Project will require the voluntary dedication of easements.

The purpose of this letter is to set forth the terms of understanding for the voluntary easement agreement to serve the Project.

The City to provide:

1. Construct roadway, drainage, and utility improvements within the proposed easement as part of the Project.
2. Construct storm water surface inlet near the northeast property corner.
3. Remove & replace the bituminous driveway from Strawberry Lane to the existing cut in driveway near the new easement line.
4. Restore all disturbed areas within easement with seed and appropriate erosion control measures.
5. Protect existing fence, landscaping, trees, bushes, outside of new easement.
6. Remove all trees, bushes, and landscaping remaining within proposed easement including tree #499 (Catalpa).
7. Provide monetary compensation in the amount of \$11,000 for the Roadway Easement. (779 SQ FT at \$13.30/SQ FT for Roadway Easement. Per 2022 Hennepin County Tax Evaluation land is valued at \$13.30/SQ FT)
8. Provide monetary compensation in the amount of \$5,000 for the loss of tree #499.
9. Provide monetary compensation in the amount of \$1,000 for the property owner to remove and relocate any bushes and landscaping within the new easement prior to construction.
10. Provide monetary compensation in the amount of \$1,000 for the property owner to crack seal and fog seal the entire driveway from the new curb to the garage after the construction of the project.
11. Provide monetary compensation in the amount of \$2,000 to avoid having the city going through the formal appraisal process.
12. Provide monetary compensation in the amount of \$250 for lien holder consent.

EXHIBIT A

August 16, 2022

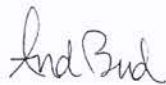
13. Provide a total compensation of all items above in the amount of \$20,250 due to owner by September 15, 2022, or within 2 weeks after the Consent of Mortgage is received at the city, whichever is later.

The Property Owner to provide:

1. 10' wide permanent roadway easement along east property line totaling 779 sq ft.
2. Relocate desired bushes and landscaping within the easement area prior to construction.
3. Crack seal and fog seal the entire driveway after the construction of the project to provide for a uniform surface from the curb to the garage.
4. Provide Right of Entry to the city, its consultants, and contractors in areas outside of Roadway Easement for incidental construction items such as clearing & grinding of tree stumps, minor grading, erosion control, turf establishment, survey staking, and other items as verbally agreed to during construction.
5. Coordinate with Bayview Loan Servicing, LLC on acquiring Consent of Mortgage signature.

Please indicate your acceptance of these terms with your signature below and the City will prepare for execution the recordable easement documents in the form attached to this letter. Thank you in advance and you may contact me with any questions at 612.756.2486.

Sincerely,



Andrew Budde P.E.
City Engineer

ACCEPTED BY:

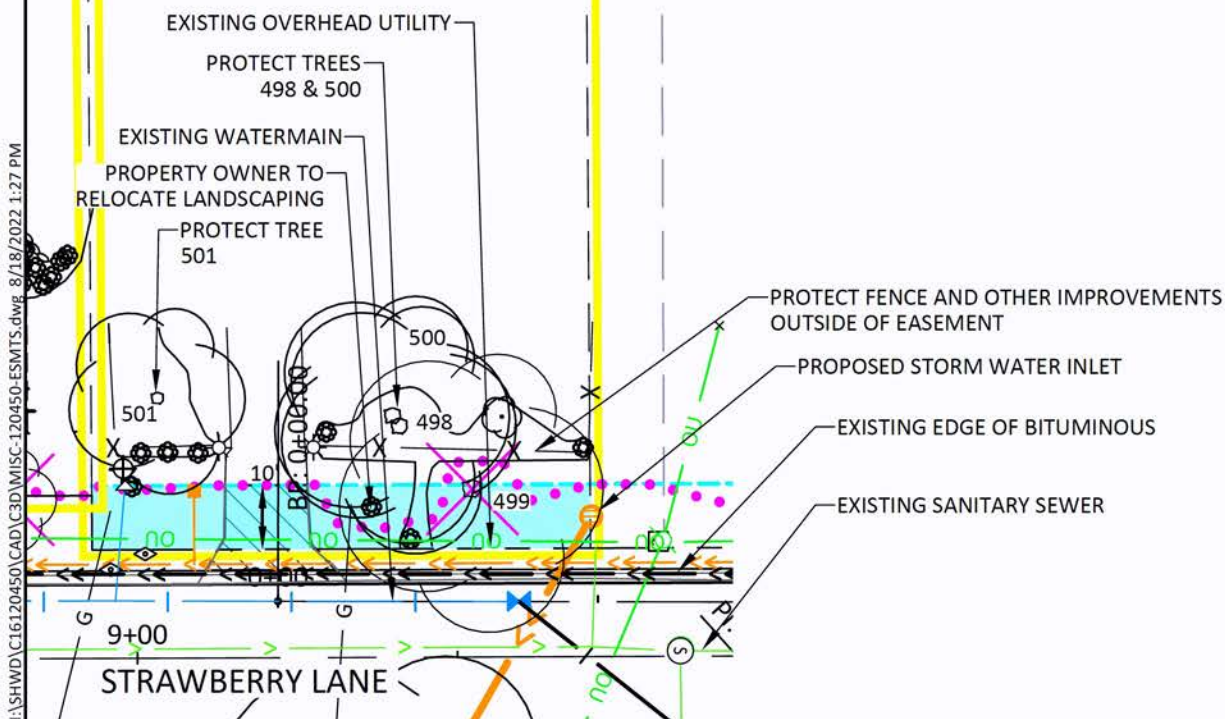
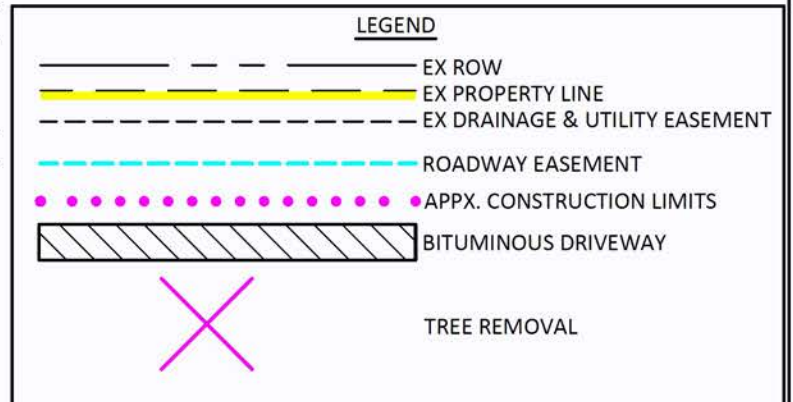


Dated: Sept. 19, 2022



TREE TAG	SIZE IN INCHES	BOTANICAL NAME	COMMON NAME	CONDITION	HEALTH ISSUES	DEFECT
498	1	unknown shrub	unknown shrub	Good	None	
499	24	Catalpa speciosa	catalpa, northern	Fair	Missing Or Decayed Wood	
500	28	Populus tremuloides	aspen, quaking	Fair	Tree Architecture	
501	18	Acer x freemanii	maple, Freeman	Good	None	

Owner of Record PID 3211723340061	Gross Parcel (SF)	Roadway Easement (SF) [REDACTED]
R A & K P Johannsen 6070 Strawberry Lane	17,197 SF	779 SF



GRANT OF PERMANENT ROADWAY EASEMENT

THIS PERMANENT ROADWAY EASEMENT (the "Easement") made as of Sept. 14, 2022, by and between RYAN A. & KIRSTEN C. PARDUN-JOHANNSEN, husband and wife, residing at 6070 Strawberry Lane, Shorewood, Minnesota 55331 ("Grantor") and the CITY OF SHOREWOOD, Minnesota, a Minnesota municipal corporation (the "City").

RECITALS

Grantor is the owner in fee simple of land located within the City of Shorewood, Minnesota, which land is legally described as **That part of the south 257.55 feet of Lot 39, "Minnewashta" laying north of the south 178 feet thereof; that part of the south 257.55 feet of Lot 40, "Minnewashta" lying north of the south 178 feet thereof and west of the east 16.5 feet thereof, Hennepin County, Minnesota** (the "Property") and the City desires to use a portion of the Property for a roadway easement for the construction and maintenance of roadway, drainage, and utility improvements.

AGREEMENT

NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, and the covenants and agreements hereinafter set forth, the parties hereto agree as follows:

1. Grant of Easement; Uses and Purposes. Grantor hereby grants and conveys to the City a perpetual roadway easement over, under and across that portion of the Property legally described and depicted on **Exhibit A** attached hereto and incorporated herein (the "Easement Area") for the purpose of allowing the City, its employees and contractors, to install, maintain, repair and replace as necessary for the construction and maintenance of roadway, drainage, and utility improvements.

2. Conditions of Easement Grant. The Easement Area granted hereby shall be subject to the following:

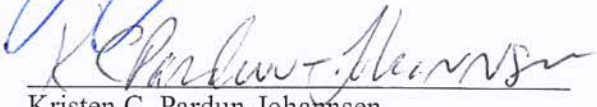
(a) The City shall repair and restore any damage to the Easement Area caused by any act or neglect of the City, its agents, employees or contractors.

3. Miscellaneous. This Easement shall be governed by the laws of Minnesota, shall run with the land and be binding upon all successors and assigns.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first above written.



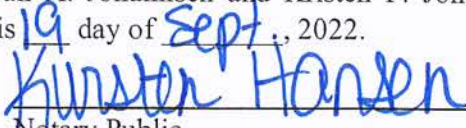
Ryan A. Johannsen



Kristen C. Pardun-Johannsen

STATE OF MINNESOTA)
)ss.
COUNTY OF HENNEPIN)

The foregoing instrument executed by Ryan A. Johannsen and Kristen P. Johannsen, husband and wife, was acknowledged before me this 19 day of Sept, 2022.



Notary Public



THIS INSTRUMENT DRAFTED BY:
City of Shorewood (ALB)
5755 Country Club Road
Shorewood, MN 55331

EXHIBIT A

LEGAL DESCRIPTION AND DEPICTION OF THE EASEMENT AREA

A permanent easement for roadway purposes over, under, and across the east 10.00 feet of part of the south 257.55 feet of Lot 40, "Minnewashta" lying north of the south 178 feet thereof and west of the east 16.5 feet thereof, Hennepin County, Minnesota.



0 40



SCALE IN FEET

FOR: CITY OF SHOREWOOD



City of Shorewood Council Meeting Item

Title / Subject: Resolution Accepting Boba Tonka Bubble Tea
Donation to Oktoberfest Event
Meeting Date: Monday, September 26, 2022
Prepared by: Twila Grout, Park and Recreation Director
Reviewed by: Miechelle Norman, Admin. Asst.
Attachments: Resolution

2H

MEETING TYPE
Regular Meeting

Policy Consideration: Pursuant to Minnesota State Statutes sections §465.03 and §471.17 all donations or gifts of real and personal property, including donations for the benefit of public recreational services, must be accepted by the city council.

Background: The following persons or entities have offered to contribute two(2) gift cards set forth below, for the purpose of the 2022 Oktoberfest Event that will be held on October 1, 2022:

<u>Name of Donor</u>	<u>Amount</u>
Boba Tonka Bubble Tea	2 - \$20.00 gift cards
19905 State Hwy 7, Suite E	

Action Requested: Staff respectfully recommends the city council approve the Resolution Accepting Donations as Delineated in the Resolution to the 2022 Oktoberfest Event and direct staff to send a thank you note to all donors.
Motion, second and two-thirds majority vote required.

Connection to Vision/Mission: Consistency in providing residents quality public services, a healthy environment, a variety of attractive amenities, a sustainable tax base, and sound financial management through effective, efficient, and visionary leadership.

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

RESOLUTION 22-092

**A RESOLUTION ACCEPTING DONATIONS TO THE
CITY OF SHOREWOOD 2022 OKTOBERFEST**

WHEREAS, the City of Shorewood is generally authorized to accept donations of real and personal property pursuant to Minnesota Statutes Section 465.03 for the benefit of its citizens, and is specifically authorized to accept gifts and is authorized to accept gifts for the benefit of their public recreational services pursuant to Minnesota Statutes section 471.17; and

WHEREAS, the following persons and entities have offered to contribute two(2) gift cards set forth below to the city:

<u>Name of Donor</u>	<u>Amount</u>
Boba Tonka Bubble Tea	\$20.00 each gift card

WHEREAS, the terms or conditions of the donations are to be used for the 2022 Oktoberfest Event; and

WHEREAS, all such donations have been contributed to the city for the benefit of its citizens, as allowed by law; and

WHEREAS, the City Council finds that it is appropriate to accept the donations offered.

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

1. The donations described above are accepted and shall be used to establish and/or operate services either alone or in cooperation with others, as allowed by law.
2. The city clerk is hereby directed to issue receipts to each donor acknowledging the city's receipt of the donor's donation.

Passed by the City Council of Shorewood, Minnesota this 26th day of September 2022.

Jennifer Labadie, Mayor

Attest:

Sandie Thone, City Clerk

**CITY OF SHOREWOOD
PARK COMMISSION MEETING
TUESDAY, SEPTEMBER 13, 2022**

**5755 COUNTRY CLUB RD
SHOREWOOD CITY HALL
7:00 P.M.**

MINUTES

1. CONVENE PARK COMMISSION MEETING

Chair Hirner convened the meeting at 7:02 p.m.

A. Roll Call

Present: Chair Hirner, Commissioners Schmid, Gallivan, and Heinz; City Council Liaison Johnson; Public Works Director Brown, and Parks and Recreation Director Grout;

Absent: None

B. Review Agenda

Gallivan moved to approve the agenda as presented. Heinz seconded the motion. Motion carried 4-0.

2. APPROVAL OF MINUTES

A. Park Commission Meeting Minutes of August 23, 2022

Heinz moved to approve the minutes of the August 23, 2022 meeting, as written. Gallivan seconded the motion. Motion carried 4-0.

3. MATTERS FROM THE FLOOR

Jeff Dinsmore, 5805 Minnetonka Drive, passed along his appreciation for the fact that the City has involved expertise with Integrated Pest Management in dealing with pest management throughout the City.

4. NEW BUSINESS

A. Pest Management Report – Public Works Director, Larry Brown

Public Works Director Brown explained that this was the first phase of the Integrated Pest Management report and plan. He noted that the City had contracted with the IPM Institute of North America to prepare a guiding document for the City regarding alternatives to chemicals and pesticides. He noted that there are three phases to this document and tonight is just intended to cover the first phase. He introduced Ryan Anderson of IPM to go over the first phase of the Pest Management Report.

Ryan Anderson, IPM Institute of North America, gave an overview of Phase 1 of the Pest Management Report that they have completed for the City. He noted that much of the work has happened through Midwest Grows Green (MGG) whose mission is to educate and empower citizens to take sustainable landscaping action that reduces harmful water run-off into the waterways, protects the health of the most vulnerable citizens, and reduces negative impacts of

pesticides on non-targeted species such as pollinators. He explained that Phase 1 is a sustainable landscaping audit; Phase 2 is the three year sustainable landscape management plan; and Phase 3 is implementation of all the recommendations from the earlier phases. He noted that IPM was brought in to evaluate the City and their adherence to the Bee-Safe policy. He reviewed the clauses from the Bee-Safe policy along with their audit findings. He stated that one thing the City does well is, that they mow no lower than three inches; hired goats to remove buckthorn; have prescribed burns every few years in some areas; and have no recorded use of glyphosate for invasive or noxious weed management. He noted that there are areas where there is room for improvement, such as turf grass being dependent on annual applications of systemic pesticides and annual emerald ash borer control applications. He reviewed the definition of 'systemic pesticides' and noted that the City has been using two products that they consider 'systemic' that are in the red or danger classification from MGG. He reviewed the best practices in the City related to planting flowers that are favorable to bees and other pollinators and gave examples of native plant buffers around Manor Park Pond; rain gardens at Freeman and Badger Parks; restored prairie at Gideon Glen; redevelopment of Minnetonka Country Club in 2016 into walking trails, stormwater ponds, and wetlands. He stated that areas that have room for improvement in this area include, clover patch at Cathcart Park in 2014; a number of areas that MGG would classify as 'Category C' areas which means low priority areas that could be turned into pollinator friendly vegetation. He stated that communication with residents will be important regarding the importance of creating and maintaining pollinator friendly habitats. He noted that the City does have web pages for yard and tree care as well as information on a Bee-Safe city, however, they are very hard to find. He stated that their recommendation is for the City to make them a bit more prominent and increase the resources that the City has for native planting, natural lawn care, and sustainable landscaping. He noted that the City has not conducted an annual Bee-Safe City progress report but there are plans to do that in the future.

Mr. Anderson reviewed the specific recommendations for how the City can adhere to and work on the areas that still have room for improvement. He stated that their first recommendation is to prioritize the City parks and set management schedules based on a park or fields prioritization. He stated that they also want to increase cultural controls and practices and also use data for any fertility needs or weed and pest control. He gave an overview of how the prioritization can occur for the different areas within the parks and reviewed the different category classifications. Class A Fields: Freeman and Badger Parks; Class B Fields: Manor and Cathcart Parks; Class C Fields: Silverwood, Southshore and Gideon Glen Parks. He stated that their recommendation includes increasing cultural practices on all fields, but at the very least, on the Class A fields. He explained that this includes mowing at least once a week at 3 inches, but also the possibility of increasing the frequency in the spring and the fall in order to not take off over 1/3 of the grass blade at a time. He reviewed irrigation, aeration, and overseeding recommendations. He explained the use of data points for product purchasing for fertilization, such as soil testing and for weed control the use of tolerance thresholds. He explained that their overall recommendations were geared towards turf grass management because the City's most used areas for systemic pesticides has been on turf grass. He stated that they have also included recommendations for developing more pollinator friendly landscaping. He stated that for the Bee-Safe zones, they are recommending consideration of native plantings at Silverwood, Southshore, and Gideon Glen. He explained that they took a look at the City's emerald ash borer treatments and noted that their concern is the annual use of the product the City is using can get into the trees and the bark and can harm the 150 species of native moth and butterfly larvae. He stated that the City wants to preserve the ash trees from the emerald ash borer, but the question becomes whether they are effecting the lives of other pollinators by these applications, but noted that this will need further evaluation. He noted that IPM just came out of the Phase 2 report yesterday, however, he cannot share too much

information from it yet, but a few quick take-aways are that the City should invest in the cultural practices, specifically overseeding and fertilization efforts. He explained that when this gets to Phase 3 they will be holding quarterly meetings with staff and will develop some kind of community engagement support.

Commissioner Heinz thanked Mr. Anderson for his presentation and noted that he felt that there was a lot of thought that went into the recommendations.

Chair Hirner asked about the classification of Silverwood Park as a Class C and noted that the large field area is used by many families with smaller children and also has a new playground. He asked if there may be a way to split the recommendations that would apply some Class B principles to the field area and everything else around it as Class C.

Mr. Anderson reviewed some information from Phase 2 of the report related to Cathcart Park and explained that they have split the ballfield area as Class A and the ice rink and tennis courts as Class B and the tree line area as Class C so they can categorize within the parks within different classifications. He explained that most of their assessment is based on the various uses of the areas within the parks which sometimes needs communicate engagement to see how they are really being used.

Chair Hirner asked how they determine the usage of the different areas from a community perspective.

Mr. Anderson stated that they discovered the most effective way to collect this data was found when they worked with a community near Madison, WI where they actually walked through the fields with the community members and through that input came up with the classifications into the various categories. He noted that they found this approach to be very effective but noted that the City could also try to gather the same information through a survey.

Chair Hirner asked Public Works Director Brown what the City's mowing height was on the sports fields compared to the rest of the parks.

Public Works Director Brown stated that all are at 3 inches.

Chair Hirner asked about the emerald ash borer, the City's thoughts on the ash trees, and the danger at this point.

Public Works Director Brown explained that the City had completed a tree inventory of significant trees on the public land. He stated that they are not planning on injecting all the ash trees, but are counting on significant removal over time. He stated that following conversations with Davey Resource Group, they have decided that if there are specific ash trees that are really significant whose loss would create a void for the community, they have decided to try to protect those. He stated that the practice has been injecting 30 trees per year every other year. He noted that as Mr. Anderson mentioned there appears to be new data that shows that injecting every three years may also be effective.

Patricia Houser, 5805 Minnetonka Drive, asked if there has ever been any consideration for not doing any injections of the ash trees. She stated that the report mentioned the potential toxicity to humans, unborn children, bees and ground water. She gave a brief overview of what she has found about the eating needs and habits of baby birds and the decreasing bird population. She

reiterated whether the City has ever considered just letting the trees go. She stated that she feels that if the public knew about the toxicity and potential danger of the pesticides, they would be more willing to let the trees go.

Chair Hirner asked Park and Recreation Director Grout to add this feedback to things for the Park Commission to consider as this moves forward.

Ms. Houser asked about soil half-life of products and what Mr. Anderson meant when he said they want it below 31 days.

Mr. Anderson explained that soil half life is in aerobic conditions with access to oxygen. He stated that all products eventually break down and at 31 days half of the product potency has decreased. He noted that he believes glyphosate has a half-life of above 80 days.

Paula Callies, 20465 Radisson Road, stated that she serves on the City Council and explained that she felt that this was a very good report. She stated that she felt the information was presented very clearly and likes the recommendations for the City related to soil testing and communication with residents. She noted that she agreed with Chair Hirner's questions about Silverwood Park because it is a very heavily used park for its size and she thinks there are areas which could be categorized in a higher classification. She stated that it is a very complex topic and just putting labels that are red, yellow, or green may be a bit too basic. She noted that the word 'danger' may be used on a chemical but it may just be telling you not to drink it. She stated that she thinks the City needs to understand how the chemicals are used and what the warning labels mean because everything isn't 'dangerous' in the same way. She stated that she also did not think the International Standards were the same as the United States standards but noted that she was looking forward to further information on other alternatives because this needs to be realistic and there has to be a balance or it won't work.

Mr. Anderson explained that many people do not understand how pesticide products are approved by the United States EPA. He explained that the EPA does a different study than what the International Association for the Research on Cancer or the World Health Organization would do. He gave the example of glyphosate which is labeled as a probable carcinogen by the International Association for the Research on Cancer, and noted that EPA conducted different studies but noted that their studies do not include inert ingredients.

Ms. Callies stated that she was not saying that there wasn't something to be concerned about, but when you are talking about agricultural applications versus somebody putting it in their yard or in the parks without a huge broadcast agricultural sprayer, she feels that is a significant factor that should be considered.

Mr. Anderson noted that he was not intending to argue for either way but wanted to clarify that the EPA handles their assessments in a different manner than the other organizations.

Commissioner Gallivan stated that when it comes to Class A, he asked if their approach was for the entire park or just the athletic fields.

Mr. Anderson stated that Phase 1 is for the entire park and Phase 2 will be individual fields.

Commissioner Gallivan asked if for Class B if they envision treating the fields the same as they would in Class A parks, but not the grounds.

Mr. Anderson stated that would be correct but explained that what they are really focusing on for the Class A, B, and C is the cultural practices which means they want to avoid, when possible, pesticide application and replace them with cultural practices.

Commissioner Gallivan confirmed that the cultural practices was the mowing, aeration, overseeding, and fertilization.

Chair Hirner asked how much usage there was for the fields during the fall months.

Park and Recreation Director Grout stated that they are used every single day.

Chair Hirner stated that there are discussions now about overseeding and aerating and with the fields being heavily used, he questioned when the City could find the 'sweet spot' to be able to do some of these things without impacting the usage.

Mr. Anderson stated that he feels there are a few options and explained that with the overseeding program, players wear cleats, so they will just cleat it into the soil and it will start germinating. He noted that their assessment saw a lot of Kentucky Blue Grass which spreads laterally. He stated that if the City cannot do the core aeration frequently, they can consider slicing equipment that would basically make the Kentucky Blue Grass tell itself to grow outwards.

Commissioner Gallivan explained that he was having trouble reading the spreadsheet for the different options and pricing.

Mr. Anderson stated that the spreadsheet information is probably best not in a visual form on paper and is better used on-line. He explained that it is also for the Phase 2 report, so he did not develop it and would be better explained by their turf scientist, Alec McClennan.

Commissioner Gallivan stated that he is curious, moving forward, on how the numbers change if just the playing fields were treated as Class A but the others were treated in a different fashion.

Mr. Anderson stated that he thinks it will work out and noted that Alec McClennan has done two different types of estimates with fully organic and also organic based. He reiterated that their main focus is eliminating pesticides.

Chair Hirner asked if the overall goal is to be able to define Shorewood as a 'Bee Friendly' City and if so, whether there was a potential timeline for that accomplishment.

Public Works Director Brown stated that the Phase 1 report has been very comprehensive, but there is a lot of information still forthcoming. He stated that everything he has observed, thus far, is that this takes time to establish. He stated that he would estimate the City would see these efforts start to pay off in about three years.

Mr. Anderson stated that he would agree with the three-year time period and explained that was why they term it a three year sustainable landscape management plan. He stated that it will not be perfect and it will not be weed free which is why there is community engagement for education purposes. He stated that if the City follows all those cultural management practices they will be able to manage very healthy grass and vegetation.

Public Works Director Brown stated that it will ultimately be a cultural shift because having people have a higher tolerance for weeds will take a lot of education, which will take time. He stated that it needs to be made clear that if the City is going to be a pollinator-friendly City, then this will be the trade-off. He stated that it will also come with a higher cost, which will equate to taxes. He stated that overall, he would say the City is on a 3-5 year spectrum for the timeline.

Ms. Houser asked what would happen if the City included the public in getting this information and be able to really see what has been happening and what is being proposed. She stated that she thinks a huge part of this will be education and it is important for people to learn this information.

Chair Hirner noted that this report and this conversation will be available to the public through the meeting minutes.

Public Works Director Brown noted that the report will be available on the City website.

Commissioner Gallivan asked if Mr. Anderson had seen, with other clients, a phased approach in terms of trying it in one area first and overtime transitioning the complete area. He stated that he believes the City should definitely get away from the use of pesticides, but the parks serve a purpose with the ballfields and the City doesn't want people showing up and having to deal with weeds when they are playing the game.

Mr. Anderson stated that he encouraged the Commission to take a look at Elgin, IL and gave a brief overview of what was done in that situation initially with one area and noted that they have just recently put out a press release that they have added another 10 pesticide free zones. He noted that there is another community in Illinois called River Forest Park district where they have done work and are now being brought back to hold a sustainable landscaping workshop to explain what was done.

Public Works Director Brown explained that one of the issues that the City is coming up against is that there is a very active weed inspection program which must meet the statutory requirements for removal and control of, for example, garlic mustard. He asked what approaches IPM has had outside of park land, such as along roadsides.

Mr. Anderson referenced the flywheel from his presentation that was developed by Natural Communities, LLC that outlines how they can limit their glyphosate use in natural areas. He stated that he cannot use the word 'eliminate' because there are strategies to maintain these weeds without glyphosate but if it is used at a very targeted level with a licensed applicator, the risk of exposure is very low. He reviewed information from the flywheel and how to have continual management. He reiterated that they do not want to see the use of glyphosate because it is a probable carcinogen, but if it is the only effective means for some of the harder to get invasive weeds, then they want to make sure that they don't ever establish themselves again, so they do not ever need to use the application of glyphosate again.

Ms. Houser stated that when she and her husband walk through the park they have noticed a lot of volcano-ing. She stated that she has read information from the University of Minnesota that if there is too much mulch around the base of a tree it can kind of end up suffocating it.

Mr. Anderson admitted that trees were not his area of expertise but explained that they do have Green Shield Certified standards for landscaping and volcano mulching is not allowed because it isn't healthy for the trees.

Chair Hirner stated that this Phase 1 report was just the beginning of this process and was for informational purposes so the Commission was not being asked to make a recommendation to the Council yet.

Public Works Director Brown explained that the Phase 2 report will lay out the 'meat and potatoes' of how the City can begin to put these practices to use. He stated that it will also define the costs and will also let them begin to formulate a communication plan. He stated that because there are budget pressures right now, from an implementation standpoint, the City's focus will probably be on the ballfields so they can ease into the costs. He stated that this endeavor will be an extended adventure and the goal is to get it out in bite sized pieces.

Chair Hirner thanked Mr. Anderson for his presentation and noted that he looks forward to seeing him again to discuss the additional phases.

5. OLD BUSINESS

6. STAFF AND LIAISON REPORTS / UPDATES

A. City Council

Council Liaison Johnson reported on the most recent City Council discussion and actions.

B. Staff

1. Reminder that October Park Commission meeting date is October 25, 2022

Park and Recreation Director Grout noted that Movie in the Park ended up getting cancelled due to weather and will just be held again next year.

Public Works Director Brown noted that this is Park and Recreation Director Grout's last Park Commission meeting prior to her retirement.

The Commission expressed their appreciation for everything Park and Recreation Director Grout has done for the Park Commission and the City and noted that she would be greatly missed.

Chair Hirner noted that he has noticed that the Silverwood Park playground has had more cars and people than he has seen in his fifteen years living in the City.

Commissioner Gallivan stated that Silverwood Park looks great but when he was there a few weeks ago there were a few cinder blocks around the swing that were a little bit loose.

7. ADJOURN

Heinz moved to adjourn the Park Commission Meeting of September 13, 2022 at 8:34 p.m. Gallivan seconded the motion. Motion carried 4-0.



City of Shorewood Council Meeting Item

Title/Subject: Approve Plans & Specifications and Authorize Advertisement for Bidding for Birch Bluff Road Street & Utility Reconstruction City Project 21-01

Meeting Date: Monday, September 26, 2022

Prepared By: Andrew Budde, City Engineer

Reviewed By: Larry Brown, Director of Public Works

Attachments: Resolution (Final plans available on project website.)

Background: On June 13, 2021, the Shorewood City Council authorized the preparation of the Final Plans and Specifications for the Birch Bluff Road Street and Utility Improvement project, which included watermain and storm sewer improvements.

Final Plan Approval and Authorization for Bidding: The final plans and specifications were developed to be consistent with City Council direction that considered community and staff input throughout 2021 and 2022 open houses and public engagement processes. The project includes the following:

Roadway:

1. Street width 26 feet face to face of curb w/ B618 concrete C&G (City Standard).
2. On Street parking allowed on south side of Birch Bluff Rd.
3. Speed limit to remain 25 MPH on Birch Bluff Rd.
4. Birch Bluff Rd/Grant Lorenz Rd radius to be designed for 15 MPH.
5. Lee Circle cul-de-sac increased to standard of 90-foot diameter. This was adjusted during final design to be 80-foot diameter to better accommodate drainage, reduce impacts to trees, and eliminate required right of entries from the four properties on the cul-de-sac.
6. All stop signs to remain:
 1. 3-way at Birch Bluff Rd/Eureka Rd
 2. 3-way at Birch Bluff Rd/Pleasant Ave
 3. 1-way at Lee Cir/Birch Bluff Rd

Sidewalk/Trail:

7. Sidewalk or trail not constructed with this project.
8. Planning for future sidewalk/trail with Eureka Road project in 2025.

Utilities:

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

9. Construct 8-inch watermain
10. 4 parcels (25480 Birch Bluff Rd, 25480 Birch Bluff Rd, 25370 Birch Bluff Rd, 25360 Birch Bluff Rd) to remain on Tonka Bay municipal water.
11. Utilize existing fire lanes for storm sewer discharges to Lake Minnetonka.
12. Pursue ponding & associated drainage and utility easement at 26045 Birch Bluff Rd.

Easements and Right of Entry agreements are still in the process of being acquired as needed for construction. An appraisal is being completed for property at 26045 Birch Bluff and staff continues to meet with residents throughout the project to discuss various impacts related to drainage, grading, staging, trees, and other misc. items. If the project proceeds forward, tree removal for the project is anticipated to be completed in the winter of 2022/2023. Approval of the easements and right of entries will likely occur at the November 14, 2022, City Council meeting, which is the same meeting that the city would tentatively award a low bid for the project. A draft of the final plans are available for viewing on the on the project website at the following link: [Welcome to Shorewood, MN](#)

Financial Considerations: Costs for this work have been budgeted for in the Capital Improvement Plan and would utilize a combination of Street & Utility Bonds, Water Fund, Sanitary Fund, and Storm Sewer Fund. The City has budgeted \$5,668,000 for this project. The current engineers estimate for the project is \$5,800,000 and included all construction, engineering, administrative, right of way acquisition, and tree removals for the project.

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

1. Approve the Resolution that approves the Plans and Specifications for the Birch Bluff Road Street & Utility Reconstruction Project and authorizes advertisement for bidding for City Project 21-01.
2. Provide Staff with alternate direction.

Recommendation/Action Requested: Staff recommends the City Council adopt the Resolution as submitted that approves the plans & specifications for the Birch Bluff Road Street & Utility Reconstruction Project and authorizes advertisement of bidding for the project.

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

RESOLUTION 22-093

**A RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE
BIRCH BLUFF ROAD RECONSTRUCTION PROJECT AND AUTHORIZING
ADVERTISEMENT FOR BIDDING,
CITY PROJECT 21-01**

WHEREAS, on June 13, 2021, the City of Shorewood ("City") authorized the preparation of Plans & Specifications for the Birch Bluff Road Street and Utility Improvements project, City Project 21-01; and

WHEREAS, the City will continue to acquire easements and right of entry agreements with property owners to accommodate drainage, grading, staging, tree removal, landscaping, and other miscellaneous impacts as needed for the project; and

WHEREAS, the project is included in the 2022 Capital Improvements Plan and will fund the project through a combination of Street & Utility Bonds, Water Fund, Sanitary Fund, and the Stormwater Fund; and

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

1. The City Council of the City of Shorewood hereby approves the Final Plans & Specifications for the Birch Bluff Road and Utility Improvements project and authorizes advertisement for bidding.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF SHOREWOOD this 26th day of September, 2022.

Jennifer Labadie, Mayor

Attest:

Sandie Thone, City Clerk



City of Shorewood Council Meeting Item

Title/Subject: Park Commission Appointment
Meeting Date: Monday, September 26, 2022
Prepared by: Sandie Thone, City Clerk/HR Director
Reviewed by: Ed Shukle, Interim City Administrator
Marie Darling, Planning Director
Attachments: Resolution 22-094

8A

MEETING
TYPE

Policy Consideration: Pursuant to Shorewood City Code Chapter 202, the Shorewood Park Commission was established and shall be advisory to the City Council. The Commission shall consist of five members who are current residents of Shorewood. Terms of appointment commence on March 1, run for three years and terminate on the last day of February. Duly appointed Park Commission members shall be required to attend no less than half the official meetings held in one year. The purpose of the Park Commission shall be to aid the City Council in the expenditure of monies so that the greatest benefit may be obtained from the use and maintenance of the parks.

Background: Park Commissioner Samantha Tauer submitted her resignation as Park Commissioner. City staff recruited applicants to fill the vacancy. The City Council conducted an interview with applicant Patricia Levy at its Work Session on September 26, 2022. The Council shall discuss and consider the recommendation for the vacant Park Commission seat with the Term beginning in October of 2022 and ending February, 2024:

Financial or Budget Considerations: None

Action Requested:

For passage of this appointment, a resolution has been prepared and is attached. Council shall discuss the appointment, and if the appointment is recommended, confirm by passing the resolution, which will include the name of the final appointment as confirmed. Motion, second and simple majority vote required.

Connection to Vision/Mission: Consistency in providing residents quality public services, a healthy environment, a variety of attractive amenities, a sustainable tax base, and sound financial management through effective, efficient, and visionary leadership.

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

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**RESOLUTION 22-094
CITY OF SHOREWOOD
COUNTY OF HENNEPIN
STATE OF MINNESOTA**

**A RESOLUTION MAKING AN APPOINTMENT TO
THE SHOREWOOD PARK COMMISSION**

WHEREAS, the resignation of Samantha Tauer left a vacancy on the Shorewood Park Commission ending in February of 2024; and,

WHEREAS, the City advertised for applicants for the vacancy and received an application from Patricia Levy; and,

WHEREAS, Patricia Levy was interviewed by the City Council on September 26, 2022.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SHOREWOOD, MINNESOTA that the Council makes the following appointment:

Park Commission

Patricia Levy, for a term to commence October 1, 2022 and expire February 29, 2024.

Adopted by the City Council of Shorewood, Minnesota this 26th day of September 2022.

Jennifer Labadie, Mayor

Attest:

Sandie Thone, City Clerk



City of Shorewood Council Meeting Item

Title / Subject: Utility Rates review
Meeting Date: September 26, 2022
Prepared by: Joe Rigdon, Finance Director
Reviewed by: Ed Shukle, Interim City Administrator
Attachments: Proposed Ordinance 593

Policy Consideration: Utility rates review

Background:

In 2019, the City reported that its water, sewer and storm water rates would experience annual increases. In May 2020, the City Council approved an overall ten-year capital improvement plan and a five-year street reconstruction plan. The street reconstruction plan provides for the implementation of infrastructure projects, many of which include utility improvements to be financed by general obligation bonds.

The capital improvement plan, including the street reconstruction plan, will require the City to increase utility rates to cover utility fund expenses, including increasing operating costs, capital outlays, and debt service payments on bonds. Without rate increases, the utility fund balances will be insufficient to cover utility fund costs. The utility rate analysis has planned annual increases over a ten-year period.

For the past two years, the City has considered changes in utility rates in the fourth quarter. For 2022, that would include the effective usage dates of October 2022 through December 2022, billable approximately January 1, 2023.

For a property using an average of 15,000 gallons of water per quarter, the projected utility fees for the next several years are calculated as follows (the highlighted rows are the proposed rates for the 4th quarter of 2022, and the 1st, 2nd and 3rd quarters of 2023):

	Quarterly Utilities				
	15,000 Average Gallons per Quarter				
	Water	Sewer	Storm Water **	Increase Per Quarter	
2020-2021	\$ 59.70	\$ 94.57	\$ 31.97	\$ 15.60	
2021-2022 *	\$ 65.72	\$ 103.08	\$ 34.53	\$ 17.09	
2022-2023	\$ 72.26	\$ 112.36	\$ 37.29	\$ 18.58	
2023-2024	\$ 79.49	\$ 122.47	\$ 40.27	\$ 20.32	
2024-2025	\$ 87.43	\$ 133.49	\$ 43.49	\$ 22.19	
* Fees based on current rates					
** Lots 10,000 to 50,000 sq. ft.					

	Annual Utilities				
	15,000 Average Gallons per Quarter				
	Water	Sewer	Storm Water **	Increase Per Year	
2020-2021	\$ 238.80	\$ 378.27	\$ 127.87	\$ 62.39	
2021-2022 *	\$ 262.88	\$ 412.32	\$ 138.10	\$ 68.35	
2022-2023	\$ 289.04	\$ 449.43	\$ 149.15	\$ 74.32	
2023-2024	\$ 317.94	\$ 489.88	\$ 161.08	\$ 81.28	
2024-2025	\$ 349.74	\$ 533.96	\$ 173.97	\$ 88.77	
* Fees based on current rates					
** Lots 10,000 to 50,000 sq. ft.					

The Water, Sewer, and Storm Water funds include 10%, 9%, and 8% annual increases, respectively. The utility rates are subject to analysis and review at least on an annual basis.

Water Fund:

As indicated in the chart below, Water fund operating revenues have increased over the past two years, resulting from rate increases and higher overall water usage. Prior to 2018, the Water fund did not have a rate increase since 2010. Expenses also increased in 2021, due to increased repair and maintenance and several water main breaks. It is noted that in 2022, numerous additional water main breaks have occurred in the City, resulting in significant repair costs.

<u>WATER</u>	2017	2018	2019	2020	2021
Operating Revenues	\$ 408,875	\$ 453,358	\$ 453,252	\$ 573,630	\$ 766,069
Operating Expenses *	\$ (420,100)	\$ (432,068)	\$ (443,200)	\$ (485,450)	\$ (618,161)
Operating Income (Loss) *	\$ (11,225)	\$ 21,290	\$ 10,052	\$ 88,180	\$ 147,908

* Excluding depreciation and pension expense (non-cash)

Meanwhile, the City's operating cash in the Water fund has been in a deficit position over the past several years, as follows:

12/31/	Water Total Cash	Unspent Bond Proceeds	Cash For Operations
2017	\$ 943,703	\$ -	\$ 943,703
2018	\$ (18,026)	\$ -	\$ (18,026)
2019	\$ (415,413)	\$ -	\$ (415,413)
2020	\$ 96,743	\$ 117,949	\$ (21,206)
2021	\$ 209,320	\$ 317,269	\$ (107,949)

This decrease is partly attributable to principal and interest payments paid each year for debt service on the general obligation water revenue bonds of 2013 (approximately \$282,000 per year through 2022). Also, in 2018 the Water fund contributed \$864,547 for its share of the Riviera Lane/Shorewood Lane/Mann Lane improvements.

It should be noted that the following receivables are recorded in the Water Fund at 12/31/21:

- \$1,015,044 advance to the City's tax increment financing (TIF) fund in 2016 for the Shorewood Landings water main extension; payments began in 2019
- \$161,133 of an original fire truck lease amount of \$774,683, to be repaid by the Excelsior Fire District with annual payments in 2018 through 2022

All of these factors have caused the Water fund cash to decrease to a deficit position at 12/31/21. In order to fund future Water fund infrastructure improvements, the City will consider financing through the issuance of bonded indebtedness. In 2020 and 2021 (and projected for late 2022) the City did issue G.O. bonds for projects including water capital improvements.

Water utility rates are projected to increase in order to provide a repayment mechanism for the debt service on the bonds.

Sewer Fund:

Sewer fund operations have resulted in operating losses since 2017. Metropolitan Council wastewater service costs have been increasing at a faster rate than the City's sewer utility charge revenues. The Metropolitan Council charges will increase 8.5% from \$1,070,850 in 2022 to \$1,162,113 in 2023.

<u>SEWER</u>	2017	2018	2019	2020	2021
Operating Revenues	\$ 909,965	\$ 924,503	\$ 987,487	\$ 1,050,712	\$ 1,171,092
Operating Expenses *	\$ (936,952)	\$ (992,976)	\$ (1,154,749)	\$ (1,127,474)	\$ (1,354,032)
Operating Income (Loss) *	\$ (26,987)	\$ (68,473)	\$ (167,262)	\$ (76,762)	\$ (182,940)

* Excluding depreciation and pension expense (non-cash)

Sewer fund cash for operations was \$1.35 million at 12/31/21. However, without additional revenue, the Sewer fund cash is forecasted to become a deficit in the next few years. The decline is projected based on significant capital outlays programmed into the City's capital improvement plan, including sewer portions of street improvement projects, inflow and infiltration projects, lift station rehab, etc. The City issued G.O. bonds including sewer costs in 2020 and 2021 and is planning the issuance of additional bonded debt in 2022 and forward to finance various sewer projects. The Sewer fund will need increased revenue to repay future debt service payments.

	Sewer Total Cash	Unspent Bond Proceeds	Cash For Operations
12/31/			
2017	\$ 2,626,386	\$ -	\$ 2,626,386
2018	\$ 2,502,007	\$ -	\$ 2,502,007
2019	\$ 2,155,965	\$ -	\$ 2,155,965
2020	\$ 2,480,427	\$ 110,897	\$ 2,369,530
2021	\$ 1,651,805	\$ 297,914	\$ 1,353,891

Storm Water Management Fund:

Storm Water fund operations have resulted in operating income in each of the past 5 years:

<u>STORM WATER</u>	2017	2018	2019	2020	2021
Operating Revenues	\$ 341,180	\$ 381,997	\$ 404,877	\$ 411,374	\$ 447,514
Operating Expenses *	\$ (62,659)	\$ (92,424)	\$ (230,279)	\$ (149,745)	\$ (139,628)
Operating Income (Loss) *	\$ 278,521	\$ 289,573	\$ 174,598	\$ 261,629	\$ 307,886

* Excluding depreciation and pension expense (non-cash)

Cash in the Storm Water fund declined in 2018 due to nearly \$600,000 in costs associated with land acquisition at 26245 Smithtown Road. Also, in 2018 the Storm Water fund contributed \$168,325 for its share of the Riviera Lane/Shorewood Lane/Mann Lane improvements.

	Storm Water	Unspent	Cash
12/31/	Total	Bond	For
	Cash	Proceeds	Operations
2017	\$ 804,294	\$ -	\$ 804,294
2018	\$ 280,496	\$ -	\$ 280,496
2019	\$ 450,800	\$ -	\$ 450,800
2020	\$ 3,210,093	\$ 2,214,915	\$ 995,178
2021	\$ 2,193,800	\$ 1,686,616	\$ 507,184

Similar to the Water and Sewer fund cash balances, without rate increases, the Storm Water fund cash balance is projected to decrease over the next several years. The City financed substantial storm water improvements with the issuance of bonded debt in 2020 and 2021 and is planning for additional G.O. bonds in 2022 and forward.

Options: For each utility fund, the Council can reject the proposed rates, accept the proposed rates, change the implementation date, or give staff other direction.

Recommendation / Action Requested: Staff recommends that the following rates be adopted and that the rates be effective with the October 2022 usage and upon publication. If that is what the council decides, the motion would be to adopt Ordinance No. 593.

Water fund:

CATEGORIES	CURRENT RATES	PROPOSED RATES
First 5,000 gallons	\$24.42	\$ 26.86
Per/1,000 gal from 5,001 to 50,000	\$ 4.13	\$ 4.54
Per/1,000 gal above 50,000	\$ 5.93	\$ 6.52
Water Service – low income	\$20.96	\$ 23.06

Sewer Fund:

CATEGORY	CURRENT RATES	PROPOSED RATES
Residential	\$103.08/qtr. \$68.72/qtr. low income	\$112.36/qtr. \$74.90/qtr. low income
Commercial	\$11.65 base, \$103.08/qtr. fee for 1-28,500 gallons, \$2.68/1,000 gallons in excess of 28,500 gallons per qtr.	\$12.70 base, \$112.36/qtr fee for 1-28,500 gallons, \$2.92/1,000 gallons in excess of 28,500 gallons per qtr.

Storm Water Management Fund:

Current Basic System Rate: \$34.53	\$24.18/qtr: lots less than 10,000 sq. ft.
	\$34.53/qtr: lots 10,000 – 50,000 sq. ft.
	\$44.94/qtr: lots 50,000 plus sq. ft.
Proposed Basic System Rate: \$37.29	\$26.11/qtr: lots less than 10,000 sq. ft.
	\$37.29/qtr: lots 10,000 – 50,000 sq. ft.
	\$48.54/qtr: lots 50,000 plus sq. ft.

Next Steps and Timeline:

If adopted, Staff will implement the new utility rates, effective with fourth quarter 2022 usage, billable on approximately January 1, 2023.

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

**ORDINANCE 593
AN ORDINANCE TITLED
“UTILITY SERVICE CHARGES”**

THE CITY COUNCIL OF THE CITY OF SHOREWOOD, MINNESOTA, ORDAINS AS FOLLOWS:

Section 1. Section 1301.02 of the Shorewood Code of Ordinances is hereby amended as follows:

**CITY OF SHOREWOOD
UTILITY SERVICE CHARGES**

Section 1. Change the Water, Sanitary Sewer and Stormwater Management Utility Rates as follows:

Water

CATEGORIES	CURRENT RATES	PROPOSED RATES
First 5,000 gallons	\$ 24.42	\$ 26.86
Per/1,000 gal from 5,001 to 50,000	\$ 4.13	\$ 4.54
Per/1,000 gal above 50,000	\$ 5.93	\$ 6.52
Water Service – low income	\$ 20.96	\$ 23.06

Sanitary Sewer

CATEGORY	CURRENT RATES	PROPOSED RATES
Residential	\$103.08/qtr. \$68.72/qtr. low income	\$112.36/qtr. \$74.90/qtr. low income
Commercial	\$11.65 base, \$103.08/qtr. fee for 1-28,500 gallons, \$2.68/1,000 gallons in excess of 28,500 gallons per qtr.	\$12.70 base, \$112.36/qtr. fee for 1-28,500 gallons, \$2.92/1,000 gallons in excess of 28,500 gallons per qtr.

Stormwater Management

Current Basic System Rate: \$34.53	\$24.18/qtr: lots less than 10,000 sq. ft.
	\$34.53/qtr: lots 10,000 – 50,000 sq. ft.
	\$44.94/qtr: lots 50,000 plus sq. ft.
Proposed Basic System Rate: \$37.29	\$26.11/qtr: lots less than 10,000 sq. ft.
	\$37.29/qtr: lots 10,000 – 50,000 sq. ft.
	\$48.54/qtr: lots 50,000 plus sq. ft.

Section 2. This ordinance is in effect with the January 2023 billing and upon publication.

ADOPTED BY THE CITY COUNCIL of the City of Shorewood, Minnesota this 26th day of September, 2022.

Jennifer Labadie, Mayor

Sandie Thone, City Clerk



City of Shorewood Council Meeting Item

Title / Subject: Annual Tree Sale
Meeting Date: September 26, 2022
Prepared by: Julie Moore, Communications and Recycling Coordinator
Reviewed by: Sandie Thone, HR Director and City Clerk

Item # 9(A)1
Regular
Meeting

Background: The city tree sale was a great success. This year we ordered 154 trees. Forty trees were for construction projects or parks; the remainder were sold at cost to residents. Residents have expressed how much they appreciate the sale and are already eager to see the offerings for the next sale.

Wade Woodward assisted with the delivery of 40 trees that went to residents affected by the Glen Road, Grant Street and Mary Lake projects. Much appreciation to Wade for taking the time to help deliver. His instruction to residents including the reminder to keep trees out of the right-of-way was especially insightful.

The diversity of trees we are adding to Shorewood's urban forest will hopefully help the impact of the Emerald Ash Borer on the city forestry. We continue to encourage the planting of native trees through our tree sale.

Action Requested: For informational purpose only; no action is required.

Connection to Vision/Mission: Consistency in providing residents quality public services, a healthy environment, a variety of attractive amenities, a sustainable tax base, and sound financial management through effective, efficient, and visionary leadership.

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