

**CITY OF SHOREWOOD
CITY COUNCIL REGULAR MEETING
MONDAY, SEPTEMBER 27, 2021**

**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 are considered routine and non-controversial. However, a council member 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, those can be answered now.

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

- | | |
|---|--|
| A. City Council Work Session Minutes of September 13, 2021 | Minutes |
| B. City Council Regular Meeting Minutes of September 13, 2021 | Minutes |
| C. Approval of the Verified Claims List | Claims List |
| D. Approve Election Judge Compensation Rates | City Clerk/HR Director Memo
Resolution 21-108 |

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. Once you are recognized, 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. All comments will be respectful. No action will be taken by the council on this matter, but the mayor or council could request that staff place this matter on a future agenda. (No Council Action will be taken)

4. PUBLIC HEARING

5. REPORTS AND PRESENTATIONS

6. PARKS

7. PLANNING

- A. Report by Commissioner Maddy on 09-07-21 Planning Commission Meeting Minutes
- B. Urban Farm Animal Ordinance Amendments Planning Director Memo
Ordinance 582
Resolution 21-109
- C. Variance to side and rear yard setbacks Planning Technician Memo
Applicant: Wayne Hartmann Resolution 21-110
Location: 27460 Maple Ridge Lane
- D. Fence C.U.P. Planning Technician Memo
Applicant: Alec Walsh Resolution 21-111
Location: 5660 Minnetonka Drive

8. ENGINEERING/PUBLIC WORKS

9. GENERAL/NEW BUSINESS

- A. Approve AFSCME contract with PW City Administrator Memo
Resolution 21-112
- B. Utility Rates Review Finance Director Memo
Ordinance 583

10. STAFF AND COUNCIL REPORTS

- A. Administrator and Staff
- B. Mayor and City Council

11. ADJOURN

CITY OF SHOREWOOD
CITY COUNCIL WORK SESSION MEETING
MONDAY, SEPTEMBER 13, 2021

5755 COUNTRY CLUB ROAD
COUNCIL CHAMBERS
6:00 P.M.

MINUTES

1. CONVENE CITY COUNCIL WORK SESSION MEETING

Mayor Labadie called the meeting to order at 6:01 P.M.

A. Roll Call

Present: Mayor Labadie; Councilmembers Siakel, Callies, and Gorham; City Administrator Lerud

Absent: Councilmember Johnson

B. Review and Adopt Agenda

Gorham moved, Siakel seconded, approving the agenda as presented. Motion passed 4/0.

2. SOUTH LAKE MINNETONKA PD JOINT POWERS AGREEMENT

City Administrator Lerud gave a brief overview of the South Lake Minnetonka Police Department (SLMPD) Joint Powers Agreement (JPA), noting on June 14, 2021, the City Council reviewed and gave tentative approval to proposed changes. The SLMPD Coordinating Committee decided to bring the remaining issues back to the city councils of each city to get feedback and direction on those items. He explained the remaining items relate to the budget and funding formula. He asked the City Council to provide some direction on the remaining issues.

The Council discussed the main issues within the Joint Powers Agreement (JPA). Mayor Labadie stated in Section 7B it states exhibit 1 is attached but the exhibits attached to their copies are referred to by letter. City Administrator Lerud stated exhibit 1 is actually exhibit A in the Council packet; he noted that will be corrected in the final revision. Councilmember Gorham stated in Section 9, subdivision 1 it indicates there are "following conditions" and notes there are none listed. City Administrator Lerud responded stating that Subdivision 2 under that section will list the conditions, noting the conditions are part of what needs to be decided on by the City Council. Councilmember Siakel noted her frustration regarding voting rights not equating to percentage of contributions but stated the issue does not need to be included in the agreement.

There was consensus of the Council to have City Administrator Lerud add the definition of ICR into the definitions section and provide Council with more documentation relating to the arrests noted and continue discussion on this item at a later date.

3. ADJOURN

Gorham moved, Callies seconded, Adjourning the City Council Work Session Meeting of September 13, 2021 at 6:52 P.M. Motion passed 4/0.

CITY OF SHOREWOOD WORK SESSION COUNCIL MEETING MINUTES

September 13, 2021

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ATTEST:

Jennifer Labadie, Mayor

Sandie Thone, City Clerk

DRAFT

CITY OF SHOREWOOD
CITY COUNCIL REGULAR MEETING
MONDAY, SEPTEMBER 13, 2021

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

MINUTES

1. CONVENE CITY COUNCIL REGULAR MEETING

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

A. Roll Call

Present: Mayor Labadie; Councilmembers Siakel, Callies, and Gorham; City Attorney Keane; City Administrator Lerud; City Clerk/HR Director Thone; Planning Technician Notermann; Finance Director Rigdon; Director of Public Works Brown; and, City Engineer Budde

Absent: Councilmember Johnson.

B. Review Agenda

Gorham moved, Callies seconded, approving the agenda as presented.

Roll Call Vote: Siakel, Callies, Gorham, and Labadie voted Aye. Motion passed.

2. CONSENT AGENDA

Mayor Labadie reviewed the items on the Consent Agenda.

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

A. City Council Regular Meeting Minutes of August 23, 2021

B. Approval of the Verified Claims List

C. Adopting RESOLUTION NO. 21-099, "A Resolution Approving the Proposed 2022 Lake Minnetonka Communications Commission Budget."

D. Adopting RESOLUTION NO. 21-090, "A Resolution Approving Cooperative Construction Agreement with City of Chanhassen for the 2021 Mill & Overlay Project, City Project 20-08."

E. Adopting RESOLUTION NO. 21-100, "A Resolution Selection of the Truth-In-Taxation Public Meeting Date."

F. Adopting RESOLUTION NO. 21-101, "A Resolution Approving an Audit Engagement Letter with the Firm Abdo Eick and Meyers LLP to Provide Financial Audit Services to the City."

- G. Adopting RESOLUTION NO. 21-102, "A Resolution Approving Change Orders 1 and 2 and Accepting Easement Agreements for the Glen Road, Amlee Road, and Manitou Lane & Utility Improvements, City Project 18-08."
- H. Adopting RESOLUTION NO. 21-103, "A Resolution Accepting Improvements and Authorizing Final Payment for the 2020 Catch Basin and Culvert Repair Project, City Project 20-09."

Roll Call Vote: Siakel, Callies, Gorham, and Labadie voted Aye. **Motion passed.**

3. MATTERS FROM THE FLOOR

Mary Rotunno, 5525 Howard's Point Road, thanked Mayor Labadie, the City Council and the South Lake Police department for their service to the City. She read a letter from a group of residents, many in attendance, into the record of appreciation for all of the accomplishments and hard work of the Council and the other groups serving the residents.

The City Council thanked Rotunno for the words of support and appreciation.

4. PUBLIC HEARING

5. REPORTS AND PRESENTATIONS

A. Curt Mackey, Fire Chief, Excelsior Fire District

Fire Chief Mackey, Excelsior Fire District, provided an update on the 2022 EFD Budget for the council and answered questions from the council. The EFD Open House is scheduled for October 7th from 5:30 PM to 7:30 PM.

Councilmember Callies stated she appreciates Fire Chief Mackey's comments and the fact that they are preserving mental health.

Councilmember Siakel asked what the current staffing numbers look like. Fire Chief Mackey stated they have been staying flat as a result of people retiring as new hires start. He stated they have been lucky to have had such quality candidates.

Mayor Labadie thanked Fire Chief Mackey for the hard work on the budget.

Gorham moved, Siakel seconded, Approving the EFD 2022 Budget.

All in favor, motion passed.

B. Representative Kelly Morrison

Representative Morrison provided a Legislative update and a summary of the final budget agreement work being done on the \$52 billion budget for the Council.

Alan Yelsey of 26335 Peach Circle, thanked the City Council for offering the Zoom feature for joining the meeting remotely and posed a question for Rep. Morrison regarding working across the aisles in her work.

6. PARKS

A. Approve Quotes for Silverwood Park Improvements, City Project 21-05

City Engineer Budde described the improvements to the Silverwood Park playground equipment in addition to site improvements. He stated staff requested four quotes but only one quote was received. He presented the quote from Parkstone Contracting LLC in the amount of \$107,540, which is over the engineer's estimate of \$63,000 by \$45,000.

City Engineer Budde stated staff recommends approval of the award in the amount of \$15,400 to the low quote, Parkstone Contracting, LLC, and rebidding the remaining work this winter.

Councilmember Gorham asked why equipment was requested on such a short notice. City Engineer Budde stated it was due to delays in the project led by him mainly.

Councilmember Siakel asked if there is a reason this cannot be done next year. City Engineer Budde stated the purchase agreement has already been approved by the City Council and noted the playground will be functional sooner this way so kids will be able to use it in the spring of next year. He stated they will only need to shut down the playground at some point during the summer of next year to finish up the work on it.

Gorham moved, Callies seconded, Adopting RESOLUTION NO. 21-104, "A Resolution Awarding Contract for the Silverwood Park Improvements Project, City Project 21-05."

All in favor, motion passed.

7. PLANNING

A. Approve Extension for Code Compliance at 6185 Cardinal Drive

Planning Technician Notermann stated in May, the City received a complaint regarding a large accumulation of junk and discarded material on the rear yard of 6185 Cardinal Drive. She provided an overview of staff's inspection of the property in June, enforcement action taken in August, and recommendation for an extension of Code compliance as the property owners are actively working to clean up the property and have made significant progress. She noted on September 8th there was a check at the property and saw significant progress on the property.

Callies moved, Gorham seconded, Adopting RESOLUTION NO. 21-105, "A Resolution Approving a Request for Extension to a Correct Code Violation for Property Located at 6185 Cardinal Drive."

All in favor, motion passed.

8. ENGINEERING/PUBLIC WORKS

A. Designate No Parking on Glen Road, Amlee Road and Manitou Lane

City Engineer Budde provided an overview of the final plans and specifications for the Glen Road, Amlee Road, Manitou Lane project that includes narrower streets than the City standard. He explained the narrower streets will not allow for parking on both sides of the roadway, therefore the inbound lane will be signed as no parking along with the cul-de-sacs.

Siakel moved, Callies seconded, Adopting RESOLUTION NO. 21-106, "A Resolution to Prohibit Parking on Inbound Side of Glen Road, Amlee Road, and Manitou Lane; City Project 18-08."

All in favor, motion passed.

9. GENERAL/NEW BUSINESS

A. Approve 2022 Preliminary Budget and Levy

Finance Director Rigdon provided a presentation reviewing the 2022 preliminary budget and levy.

Mayor Labadie thanked Finance Director Rigdon for his well-prepared report and noted as always, she appreciates the use of colors and graphs.

Councilmember Gorham asked what the result would be if they choose to decrease the levy. Finance Director Rigdon stated the easiest way to put it into the system in that case would be to put it in the capital levy.

Councilmember Gorham stated they have already exceeded the budget and asked how they handle that going forward. Finance Director Rigdon stated the City uses conservative budgeting and noted they do have a reserve fund in the budget if needed for any significant event.

Siakel moved, Gorham seconded, Adopting RESOLUTION NO. 21-107, "A Resolution Adopting the Preliminary 2022 General Fund Operating Budget and Property Tax Levy."

All in favor, motion passed.

10. STAFF AND COUNCIL REPORTS

A. Administrator and Staff

1. Project Update for Strawberry Lane Street Reconstruction

City Engineer Budde provided an update on the Strawberry Lane Street Reconstruction and Trail project explaining that it is recommended they now shift the proposed construction to summer of 2023 instead of 2022. He stated the process would likely include an additional public meeting for the residents yet this year.

2. Other

City Engineer Budde provided an update on current City projects which includes wrapping up Glen, Amlee, Manitou project in the next 1-2 weeks' time.

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SEPTEMBER 13, 2021
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City Attorney Keane explained that the access to Timber Lane which was filed in District Court will go to trial on December 9, 2022. He stated The League of MN Cities will be defending Shorewood in the case.

City Administrator Lerud stated the City's Shred Event will be held on Saturday, October 23, 2021 from 9 AM to Noon at City Hall.

B. Mayor and City Council

Councilmember Callies stated that the Radisson Road project went well and that the contractor did a good job and quickly cleaned up the area. She noted it has been brought up a few times that the public has a hard time communicating or just don't know how to with the City Council so she suggests that they add a "How to Communicate with the City Council" article in the next newsletter and on the website. She also explained that the Strawberry Lane project timeline is a policy issue and therefore should be a Council decision, yet it was already communicated in the contacts blast as delayed and presented as a staff report. Staff and Council discussed the process and the project in some detail, and agreed with the recommendation to put it on a future agenda, along with Zoom interactive meetings, which she noted is also a policy issue and should come back to the City Council for review. She confirmed with City Administrator Lerud that the last attorney interview will be held at a work session on September 27.

Mayor Labadie explained she toured the new Minnetonka School District building that will house the SALE program which teaches independent life skills. She stated she has hosted her second Coffee with the Mayor at Pillars of Shorewood Landings with Sheriff Hutchinson of Hennepin County. She stated she attended the movie in the park, which had a great turnout and thanked staff, especially Twila Grout and Julie Moore for their work on the event. She noted tomorrow is the school district meeting for the local mayors, and ski club registration is tomorrow at 8 AM.

11. ADJOURN

Gorham moved, Callies seconded, Adjourning the City Council Regular Meeting of September 13, 2021, at 8:51 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 27, 2021

Prepared by: Michelle Nguyen, Senior Accountant
Greg Lerud, City Administrator
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.

67031-670476 & ACH	1,813,180.38
Total Claims	\$1,813,180.38

We have also included a payroll summary for the payroll period ending **September 13, 2021**.

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: 00001.09.2021 - PR-09-13-2021
CITY OF SHOREWOOD



Account Number	Debit Amount	Credit Amount	Description
FUND 101	General Fund		
101-00-1010-0000	0.00	69,272.54	CASH AND INVESTMENTS
101-13-4101-0000	13,091.27	0.00	FULL-TIME REGULAR
101-13-4103-0000	678.80	0.00	PART-TIME
101-13-4121-0000	1,032.75	0.00	PERA CONTRIB - CITY SHARE
101-13-4122-0000	1,042.16	0.00	FICA CONTRIB - CITY SHARE
101-13-4131-0000	2,055.74	0.00	EMPLOYEE INSURANCE - CITY
101-13-4151-0000	66.31	0.00	WORKERS COMPENSATION
101-15-4101-0000	5,456.02	0.00	FULL-TIME REGULAR
101-15-4121-0000	409.21	0.00	PERA CONTRIB - CITY SHARE
101-15-4122-0000	418.12	0.00	FICA CONTRIB - CITY SHARE
101-15-4131-0000	607.47	0.00	EMPLOYEE INSURANCE - CITY
101-15-4151-0000	19.16	0.00	WORKERS COMPENSATION
101-18-4101-0000	7,988.08	0.00	FULL-TIME REGULAR
101-18-4121-0000	599.12	0.00	PERA CONTRIB - CITY SHARE
101-18-4122-0000	581.44	0.00	FICA CONTRIB - CITY SHARE
101-18-4131-0000	1,014.86	0.00	EMPLOYEE INSURANCE - CITY
101-18-4151-0000	34.28	0.00	WORKERS COMPENSATION
101-24-4101-0000	3,510.39	0.00	FULL-TIME REGULAR
101-24-4121-0000	263.27	0.00	PERA CONTRIB - CITY SHARE
101-24-4122-0000	266.74	0.00	FICA CONTRIB - CITY SHARE
101-24-4131-0000	671.93	0.00	EMPLOYEE INSURANCE - CITY
101-24-4151-0000	17.06	0.00	WORKERS COMPENSATION
101-32-4101-0000	15,326.45	0.00	FULL-TIME REGULAR
101-32-4102-0000	98.61	0.00	OVERTIME
101-32-4121-0000	1,156.90	0.00	PERA CONTRIB - CITY SHARE
101-32-4122-0000	1,100.66	0.00	FICA CONTRIB - CITY SHARE
101-32-4131-0000	2,708.98	0.00	EMPLOYEE INSURANCE - CITY
101-32-4151-0000	687.44	0.00	WORKERS COMPENSATION
101-33-4101-0000	508.42	0.00	FULL-TIME REGULAR
101-33-4121-0000	38.14	0.00	PERA CONTRIB - CITY SHARE
101-33-4122-0000	46.08	0.00	FICA CONTRIB - CITY SHARE
101-33-4131-0000	280.85	0.00	EMPLOYEE INSURANCE - CITY
101-33-4151-0000	24.38	0.00	WORKERS COMPENSATION
101-52-4101-0000	3,431.95	0.00	FULL-TIME REGULAR

Account Number	Debit Amount	Credit Amount	Description
101-52-4103-0000	376.00	0.00	PART-TIME
101-52-4121-0000	257.37	0.00	PERA CONTRIB - CITY SHARE
101-52-4122-0000	292.41	0.00	FICA CONTRIB - CITY SHARE
101-52-4131-0000	825.34	0.00	EMPLOYEE INSURANCE - CITY
101-52-4151-0000	204.40	0.00	WORKERS COMPENSATION
101-53-4101-0000	1,774.44	0.00	FULL-TIME REGULAR
101-53-4121-0000	133.08	0.00	PERA CONTRIB - CITY SHARE
101-53-4122-0000	127.52	0.00	FICA CONTRIB - CITY SHARE
101-53-4131-0000	16.61	0.00	EMPLOYEE INSURANCE - CITY
101-53-4151-0000	32.33	0.00	WORKERS COMPENSATION
FUND Total:	69,272.54	69,272.54	
FUND 201	Shorewood Comm. & Event Center		
201-00-1010-0000	0.00	2,571.89	CASH AND INVESTMENTS
201-00-4101-0000	1,873.32	0.00	FULL-TIME REGULAR
201-00-4103-0000	294.00	0.00	PART-TIME
201-00-4121-0000	162.55	0.00	PERA CONTRIB - CITY SHARE
201-00-4122-0000	162.98	0.00	FICA CONTRIB - CITY SHARE
201-00-4131-0000	24.91	0.00	EMPLOYEE INSURANCE - CITY
201-00-4151-0000	54.13	0.00	WORKERS COMPENSATION
FUND Total:	2,571.89	2,571.89	
FUND 601	Water Utility		
601-00-1010-0000	0.00	9,852.27	CASH AND INVESTMENTS
601-00-4101-0000	7,077.84	0.00	FULL-TIME REGULAR
601-00-4102-0000	204.54	0.00	OVERTIME
601-00-4121-0000	546.20	0.00	PERA CONTRIB - CITY SHARE
601-00-4122-0000	530.48	0.00	FICA CONTRIB - CITY SHARE
601-00-4131-0000	1,336.71	0.00	EMPLOYEE INSURANCE - CITY
601-00-4151-0000	156.50	0.00	WORKERS COMPENSATION
FUND Total:	9,852.27	9,852.27	
FUND 611	Sanitary Sewer Utility		
611-00-1010-0000	0.00	10,173.21	CASH AND INVESTMENTS
611-00-4101-0000	7,679.86	0.00	FULL-TIME REGULAR
611-00-4102-0000	102.31	0.00	OVERTIME
611-00-4121-0000	583.62	0.00	PERA CONTRIB - CITY SHARE
611-00-4122-0000	543.41	0.00	FICA CONTRIB - CITY SHARE
611-00-4131-0000	1,091.73	0.00	EMPLOYEE INSURANCE - CITY
611-00-4151-0000	172.28	0.00	WORKERS COMPENSATION

Account Number	Debit Amount	Credit Amount	Description
FUND Total:	10,173.21	10,173.21	
FUND 621	Recycling Utility		
621-00-1010-0000	0.00	699.10	CASH AND INVESTMENTS
621-00-4101-0000	533.72	0.00	FULL-TIME REGULAR
621-00-4121-0000	40.03	0.00	PERA CONTRIB - CITY SHARE
621-00-4122-0000	40.25	0.00	FICA CONTRIB - CITY SHARE
621-00-4131-0000	81.79	0.00	EMPLOYEE INSURANCE - CITY
621-00-4151-0000	3.31	0.00	WORKERS COMPENSATION
FUND Total:	699.10	699.10	
FUND 631	Storm Water Utility		
631-00-1010-0000	0.00	2,996.14	CASH AND INVESTMENTS
631-00-4101-0000	2,291.96	0.00	FULL-TIME REGULAR
631-00-4121-0000	171.91	0.00	PERA CONTRIB - CITY SHARE
631-00-4122-0000	167.99	0.00	FICA CONTRIB - CITY SHARE
631-00-4131-0000	299.66	0.00	EMPLOYEE INSURANCE - CITY
631-00-4151-0000	64.62	0.00	WORKERS COMPENSATION
FUND Total:	2,996.14	2,996.14	
FUND 700	Payroll Clearing Fund		
700-00-1010-0000	95,565.15	0.00	CASH AND INVESTMENTS
700-00-2170-0000	0.00	44,045.09	GROSS PAYROLL CLEARING
700-00-2171-0000	0.00	10,000.00	HEALTH INSURANCE PAYABLE
700-00-2172-0000	0.00	6,378.53	FEDERAL WITHHOLDING PAYABLE
700-00-2173-0000	0.00	3,000.70	STATE WITHHOLDING PAYABLE
700-00-2174-0000	0.00	10,640.48	FICA/MEDICARE TAX PAYABLE
700-00-2175-0000	0.00	10,069.09	PERA WITHHOLDING PAYABLE
700-00-2176-0000	0.00	5,700.00	DEFERRED COMPENSATION
700-00-2177-0000	0.00	1,536.20	WORKERS COMPENSATION
700-00-2180-0000	0.00	897.38	LIFE INSURANCE
700-00-2181-0000	0.00	1,528.01	DISABILITY INSURANCE
700-00-2182-0000	0.00	410.48	UNION DUES
700-00-2183-0000	0.00	1,208.92	HEALTH SAVINGS ACCOUNT
700-00-2186-0000	0.00	150.27	VOLUNTARY VISION
FUND Total:	95,565.15	95,565.15	
Report Total:	191,130.30	191,130.30	

Accounts Payable

Computer Check Proof List by Vendor

User: nmnguyen
 Printed: 09/13/2021 - 12:48PM
 Batch: 00002.09.2021 - PR-09-13-2021



Invoice No	Description	Amount	Payment Date	Acct Number	Reference
Vendor: 12	AFSCME MN COUNCIL 5 - UNION DUES			Check Sequence: 1	ACH Enabled: True
September-2021	PR Batch 00001.09.2021 Union Dues	410.48	09/13/2021	700-00-2182-0000	PR Batch 00001.09.2021 Union Dues
	Check Total:	410.48			
Vendor: 1084	BANK VISTA			Check Sequence: 2	ACH Enabled: True
PR-09-13-2021	PR Batch 00001.09.2021 HSA-BANK VISTA	276.92	09/13/2021	700-00-2183-0000	PR Batch 00001.09.2021 HSA-BANK VIS
	Check Total:	276.92			
Vendor: 5	EFTPS - FEDERAL W/H			Check Sequence: 3	ACH Enabled: True
PR-09-13-2021	PR Batch 00001.09.2021 FICA Employee Portio	4,311.83	09/13/2021	700-00-2174-0000	PR Batch 00001.09.2021 FICA Employee I
PR-09-13-2021	PR Batch 00001.09.2021 FICA Employer Portio	4,311.83	09/13/2021	700-00-2174-0000	PR Batch 00001.09.2021 FICA Employer I
PR-09-13-2021	PR Batch 00001.09.2021 Medicare Employee Pc	1,008.41	09/13/2021	700-00-2174-0000	PR Batch 00001.09.2021 Medicare Emplo
PR-09-13-2021	PR Batch 00001.09.2021 Medicare Employer Po	1,008.41	09/13/2021	700-00-2174-0000	PR Batch 00001.09.2021 Medicare Emplo
PR-09-13-2021	PR Batch 00001.09.2021 Federal Income Tax	6,378.53	09/13/2021	700-00-2172-0000	PR Batch 00001.09.2021 Federal Income T
	Check Total:	17,019.01			
Vendor: 1165	FIDELITY SECURITY LIFE INSURANCE CO			Check Sequence: 4	ACH Enabled: False
September-2021	PR Batch 00001.09.2021 Vision-Avesis	150.27	09/13/2021	700-00-2186-0000	PR Batch 00001.09.2021 Vision-Avesis
	Check Total:	150.27			
Vendor: 2	ICMA RETIREMENT TRUST-302131-457			Check Sequence: 5	ACH Enabled: True
PR-09-13-2021	PR Batch 00001.09.2021 Deferred Comp-ICMA	3,075.00	09/13/2021	700-00-2176-0000	PR Batch 00001.09.2021 Deferred Comp-I
	Check Total:	3,075.00			
Vendor: 686	KANSAS CITY LIFE INSURANCE COMPAN'			Check Sequence: 6	ACH Enabled: True
September-2021	PR Batch 00001.09.2021 Long Term Disability	720.64	09/13/2021	700-00-2181-0000	PR Batch 00001.09.2021 Long Term Disat
September-2021	PR Batch 00001.09.2021 Short Term Disability	807.37	09/13/2021	700-00-2181-0000	PR Batch 00001.09.2021 Short Term Disat
	Check Total:	1,528.01			

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
Vendor: 11	MINNESOTA DEPARTMENT OF REVENUE			Check Sequence: 7	ACH Enabled: True
PR-09-13-2021	PR Batch 00001.09.2021 State Income Tax	3,000.70	09/13/2021	700-00-2173-0000	PR Batch 00001.09.2021 State Income Tax
	Check Total:	3,000.70			
Vendor: 7	MINNESOTA LIFE			Check Sequence: 8	ACH Enabled: True
September-2021	PR Batch 00001.09.2021 Life Insurance	881.38	09/13/2021	700-00-2180-0000	PR Batch 00001.09.2021 Life Insurance
	Check Total:	881.38			
Vendor: 1091	MSRS-MN DEFERRED COMP PLAN 457			Check Sequence: 9	ACH Enabled: True
PR-09-13-2021	PR Batch 00001.09.2021 Deferred Comp-MSRS	2,475.00	09/13/2021	700-00-2176-0000	PR Batch 00001.09.2021 Deferred Comp-MSRS
PR-09-13-2021	PR Batch 00001.09.2021 Deferred Comp-MSRS	150.00	09/13/2021	700-00-2176-0000	PR Batch 00001.09.2021 Deferred Comp-MSRS
	Check Total:	2,625.00			
Vendor: 10	NCPERS GROUP LIFE INSURANCE			Check Sequence: 10	ACH Enabled: True
September-2021	PR Batch 00001.09.2021 PERA Life	16.00	09/13/2021	700-00-2180-0000	PR Batch 00001.09.2021 PERA Life
	Check Total:	16.00			
Vendor: 665	OPTUM BANK			Check Sequence: 11	ACH Enabled: True
PR-09-13-2021	PR Batch 00001.09.2021 HSA-OPTUM BANK	932.00	09/13/2021	700-00-2183-0000	PR Batch 00001.09.2021 HSA-OPTUM BANK
	Check Total:	932.00			
Vendor: 9	PERA			Check Sequence: 12	ACH Enabled: True
PR-09-13-2021	PR Batch 00001.09.2021 MN-PERA Deduction	4,674.94	09/13/2021	700-00-2175-0000	PR Batch 00001.09.2021 MN-PERA Deduction
PR-09-13-2021	PR Batch 00001.09.2021 MN PERA Benefit Em	5,394.15	09/13/2021	700-00-2175-0000	PR Batch 00001.09.2021 MN PERA Benefit Em
	Check Total:	10,069.09			
	Total for Check Run:	39,983.86			
	Total of Number of Checks:	12			

Accounts Payable

Computer Check Proof List by Vendor

User: nnguyen
 Printed: 09/22/2021 - 2:15PM
 Batch: 00003.09.2021 - CC-09-27-2021



Invoice No	Description	Amount	Payment Date	Acct Number	Reference
Vendor: 104	ADAM'S PEST CONTROL INC			Check Sequence: 1	ACH Enabled: True
3350701	Building Inspection-Shorewood	80.60	09/27/2021	101-19-4400-0000	
3353059	Building Inspection-Southshore	67.80	09/27/2021	201-00-4400-0000	
	Check Total:	148.40			
Vendor: 105	ADVANCED IMAGING SOLUTIONS			Check Sequence: 2	ACH Enabled: True
INV258206	Konica Minolta/C658 Copier	723.90	09/27/2021	101-19-4221-0000	
	Check Total:	723.90			
Vendor: 112	AMERICAN LEGAL PUBLISHING CORPOR			Check Sequence: 3	ACH Enabled: False
10837	Internet Renewal	450.00	09/27/2021	101-13-4400-0000	
	Check Total:	450.00			
Vendor: 469	BAILEY NURSERIES, INC.			Check Sequence: 4	ACH Enabled: False
INV0634967	Tree Sales	13,298.40	09/27/2021	101-52-4247-0000	
	Check Total:	13,298.40			
Vendor: 868	BANK OF MONTREAL			Check Sequence: 5	ACH Enabled: True
Aug-2021-AndyE	Fuels	165.78	09/27/2021	101-32-4212-0000	
Aug-2021-BradM	Fuels	134.00	09/27/2021	101-32-4212-0000	
Aug-2021-BradM	CarQuest-Oil Filters	89.69	09/27/2021	101-32-4212-0000	
Aug-2021-BradM	CarQuest	23.46	09/27/2021	101-32-4221-0000	
Aug-2021-BradM	CarQuest-Grease Gun	33.11	09/27/2021	101-32-4245-0000	
Aug-2021-BradM	Shorewood True	21.45	09/27/2021	101-32-4245-0000	
Aug-2021-BradM	Boyer Trucks	28.58	09/27/2021	101-32-4221-0000	
Aug-2021-BradM	Cub Foods	74.86	09/27/2021	101-32-4245-0000	
Aug-2021-BradM	Pnt Jr Complete-Radiator	174.95	09/27/2021	101-32-4221-0000	
Aug-2021-BradM	MTI	96.63	09/27/2021	101-32-4221-0000	
Aug-2021-BradM	Northern Tool-Adaprot/Lights	39.76	09/27/2021	101-32-4221-0000	
Aug-2021-Brenda	Amazon	58.91	09/27/2021	101-13-4200-0000	

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
Aug-2021-BrettB	Amazon-Furnace Filter	155.88	09/27/2021	101-32-4245-0000	
Aug-2021-BrettB	Amazon-Tank Sprayer	67.97	09/27/2021	101-32-4245-0000	
Aug-2021-BrettB	Amazon-Gloves	157.99	09/27/2021	101-32-4245-0000	
Aug-2021-BrettB	Shorewood True-Plexi	25.00	09/27/2021	101-52-4223-0000	
Aug-2021-ChrisH	Fuels	521.90	09/27/2021	101-32-4212-0000	
Aug-2021-ChrisH	Shorewood True	65.46	09/27/2021	101-32-4245-0000	
Aug-2021-ChrisP	Fuels	224.20	09/27/2021	101-32-4212-0000	
Aug-2021-ChrisP	Shorewood True	48.97	09/27/2021	101-52-4245-0000	
Aug-2021-CityCard	Culligan Bottled Water - Drink	48.00	09/27/2021	101-19-4245-0000	
Aug-2021-CityCard	Republic Services	14,282.54	09/27/2021	621-00-4400-0000	
Aug-2021-CityCard	Waste Mgmt-Public Works	762.36	09/27/2021	101-32-4400-0000	
Aug-2021-CityCard	Chanhassen-18505-001	4,620.01	09/27/2021	601-00-4263-0000	
Aug-2021-CityCard	Waste Mgmt-SSCC	295.50	09/27/2021	201-00-4400-0000	
Aug-2021-CityCard	Chanhassen-18505-000	58.97	09/27/2021	601-00-4263-0000	
Aug-2021-CityCard	Verizon-Lift Station	14.45	09/27/2021	611-00-4321-0000	
Aug-2021-CityCard	Mangold Horticulture-SCEC	249.00	09/27/2021	201-00-4400-0000	
Aug-2021-CityCard	Mangold Horticulture-City Hall	321.00	09/27/2021	101-19-4400-0000	
Aug-2021-CityCard	Temaca Irrigation-Damage Repair-Peter Ruliffso	120.29	09/27/2021	408-00-4303-0000	
Aug-2021-CityCard	Mangold Horticulture-Utility Building	106.00	09/27/2021	101-32-4400-0000	
Aug-2021-CityCard	Mangold Horticulture-Badger Park	591.00	09/27/2021	101-52-4400-0000	
Aug-2021-GregF	Fuels	128.61	09/27/2021	101-32-4212-0000	
Aug-2021-GregF	Shorewood True	19.96	09/27/2021	601-00-4245-0000	
Aug-2021-GregF	Shorewood True	26.33	09/27/2021	611-00-4245-0000	
Aug-2021-GregF	Shorewood True	3.22	09/27/2021	601-00-4223-0000	
Aug-2021-GregF	USPS	4.80	09/27/2021	601-00-4208-0000	
Aug-2021-GregL	Sam's	89.12	09/27/2021	101-19-4245-0000	
Aug-2021-GregL	Al & Almas - Appreciation Event	3,348.55	09/27/2021	101-11-4245-0000	
Aug-2021-Hanson	Fuels	153.20	09/27/2021	101-32-4212-0000	
Aug-2021-JulieM	OfficeMax	45.09	09/27/2021	101-13-4200-0000	
Aug-2021-JulieM	Facebook - Park	8.00	09/27/2021	101-53-4433-0000	
Aug-2021-JulieM	MicroCenter	29.01	09/27/2021	101-13-4200-0000	
Aug-2021-JulieM	Amazon	38.38	09/27/2021	101-53-4248-0000	
Aug-2021-JulieM	Amazon	20.00	09/27/2021	621-00-4245-0000	
Aug-2021-LarryB	Fuels	116.14	09/27/2021	101-32-4212-0000	
Aug-2021-LarryB	In Enabling Element	17.00	09/27/2021	601-00-4321-0000	
Aug-2021-LukeW	Fuels	308.57	09/27/2021	101-32-4212-0000	
Aug-2021-LukeW	Walgreens - Covd Test	25.80	09/27/2021	101-32-4488-0000	
Aug-2021-MarieD	American Planning-Conf	100.00	09/27/2021	101-18-4331-0000	
Aug-2021-MarieD	Shorewood True	22.99	09/27/2021	101-18-4245-0000	
Aug-2021-MarieD	Shorewood True	24.72	09/27/2021	101-18-4245-0000	
Aug-2021-MarieD	Shorewood True	-24.72	09/27/2021	101-18-4245-0000	
Aug-2021-NeliaC	Office Depot	392.80	09/27/2021	101-13-4200-0000	
Aug-2021-Sandie	Amazon	324.90	09/27/2021	101-19-4245-0000	

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
Aug-2021-Sandie	League of MN- De-Escalation Traing	200.00	09/27/2021	101-13-4331-0000	
Aug-2021-Sandie	League of MN- De-Escalation Traing	50.00	09/27/2021	101-18-4331-0000	
Aug-2021-Sandie	League of MN- De-Escalation Traing	50.00	09/27/2021	101-15-4331-0000	
Aug-2021-Sandie	League of MN- De-Escalation Traing-Labadie	50.00	09/27/2021	101-11-4331-0000	
Aug-2021-Sandie	League of MN- Traing-Paula Callies	30.00	09/27/2021	101-11-4331-0000	
Aug-2021-Sandie	League of MN-De-Escalation	50.00	09/27/2021	101-32-4331-0000	
Aug-2021-Sandie	GPS Municipal - Membership Dues	46.00	09/27/2021	101-13-4433-0000	
Aug-2021-Sandie	Michaels Stores	185.89	09/27/2021	201-00-4245-0000	
Aug-2021-Sandie	Michaels Stores	158.02	09/27/2021	201-00-4245-0000	
Aug-2021-Sandie	City of Excelsior - Parking	12.00	09/27/2021	101-13-4331-0000	
Aug-2021-TimK	Fuels	175.45	09/27/2021	101-32-4212-0000	
Aug-2021-TimK	Cub Foods	28.00	09/27/2021	101-32-4245-0000	
Aug-2021-TimK	Cub Foods	26.90	09/27/2021	101-32-4245-0000	
Aug-2021-TimK	Northern Tool	20.42	09/27/2021	601-00-4245-0000	
Aug-2021-TimK	Shorewood True	138.73	09/27/2021	611-00-4240-0000	
Aug-2021-TwilaG	Walgreens	34.91	09/27/2021	101-53-4248-0000	
Aug-2021-TwilaG	Cuf Foods-Safety Camp	95.11	09/27/2021	101-53-4248-0000	
Aug-2021-TwilaG	Webstaurant-Glass Goblets	83.59	09/27/2021	201-00-4245-0000	
Aug-2021-TwilaG	Amazon	62.55	09/27/2021	101-53-4248-0000	
Aug-2021-TwilaG	Bed Bath - Dishes	154.79	09/27/2021	201-00-4245-0000	
Aug-2021-TwilaG	Macy's - Dishes	175.44	09/27/2021	201-00-4245-0000	
Aug-2021-TwilaG	Macy's - Dishes	-175.44	09/27/2021	201-00-4245-0000	
Aug-2021-TwilaG	Sq Sound Sister- Microphone Set up	150.00	09/27/2021	201-00-4321-0000	
Aug-2021-WadeW	Amazon-Ipad	162.88	09/27/2021	101-24-4200-0000	
Check Total:		30,865.38			
Vendor: 677	BOLTON & MENK, INC.			Check Sequence: 6	ACH Enabled: True
0275542	Catchbasin & Culvert Repairs	12,345.50	09/27/2021	631-00-4303-0000	
0275543	General Engineering	14,252.00	09/27/2021	101-31-4303-0000	
0275544	Mill & Overlay	78,052.50	09/27/2021	413-00-4303-0000	
0275545	Pavement Striping	86.00	09/27/2021	404-00-4620-0007	
0275546	Badger Park	204.00	09/27/2021	402-00-4680-0000	
0275547	Beverly Drive Wetland	748.00	09/27/2021	631-00-4303-0000	
0275548	Birch Bluff St-Utility Imprvmt	23,661.30	09/27/2021	414-00-4303-0000	
0275549	Christmas Lake Boat Landing	5,991.00	09/27/2021	402-00-4680-0000	
0275550	Covington Road Watermain	16,465.50	09/27/2021	601-00-4303-0000	
0275551	Freeman Park Baseball Field	748.00	09/27/2021	402-00-4680-0000	
0275552	GIS-Utilities	3,951.67	09/27/2021	601-00-4303-0000	
0275552	GIS-Utilities	3,951.67	09/27/2021	611-00-4303-0000	
0275552	GIS-Utilities	3,951.66	09/27/2021	631-00-4303-0000	
0275553	Glen Rd-Manitou Ln-Amlee Rd St	66,521.00	09/27/2021	407-00-4303-0000	
0275554	Grant Street Drainage	430.00	09/27/2021	631-00-4303-0000	

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
0275555	Howards Point Road Utility	2,960.00	09/27/2021	631-00-4303-0000	
0275556	Lift Station 10 Rehabilitation	148.00	09/27/2021	611-00-4303-0000	
0275557	Lift Station 7 Rehabilitation	1,356.50	09/27/2021	611-00-4303-0000	
0275559	Mary Lake Outlet	28,677.50	09/27/2021	631-00-4303-0000	
0275560	MS4 Administration	1,005.00	09/27/2021	631-00-4303-0000	
0275561	Shady Island Bridge Forcemain	12,407.00	09/27/2021	611-00-4303-0000	
0275562	Silverwood Park Improvements	2,304.00	09/27/2021	402-00-4680-0000	
0275563	Smithtown Pond	26,178.00	09/27/2021	631-00-4303-0000	
0275564	South Lake Minnetonka Improve	59.00	09/27/2021	101-00-3414-0000	
0275565	Strawberry Ln St Reconst & Trl	49,939.00	09/27/2021	409-00-4303-0000	
0275566	Wiltsey Lane	6,687.50	09/27/2021	404-00-4303-0000	
0725558	Lift Station 9 Rehabilitation	335.00	09/27/2021	611-00-4303-0000	
	Check Total:	363,416.30			
Vendor: 1209	CITIES MANAGEMENT-AN ASSOCIA COMI			Check Sequence: 7	ACH Enabled: False
ClearScape56681	Waterford Townhomes-Irrigation Repair Reimbu	282.56	09/27/2021	413-00-4680-0000	
ClearScape57417	Waterford Townhomes-Irrigation Repair Reimbu	1,147.05	09/27/2021	413-00-4680-0000	
	Check Total:	1,429.61			
Vendor: 147	CITY OF MOUND			Check Sequence: 8	ACH Enabled: True
4th Qtr-2021	Fire Svc & Protection Payment	6,140.00	09/27/2021	101-22-4400-0000	Quarterly
	Check Total:	6,140.00			
Vendor: 1096	DAVEY RESOURCE GROUP, INC.			Check Sequence: 9	ACH Enabled: True
121895	Badger Park -Open House	210.00	09/27/2021	402-00-4400-0000	
121895	SCEC	210.00	09/27/2021	101-53-4400-0000	
121895	Tree Service	63.75	09/27/2021	101-32-4400-0000	
121895	Tree Service	-110.00	09/27/2021	101-53-4400-0000	
121895	Tree Service	-110.00	09/27/2021	402-00-4400-0000	
	Check Total:	263.75			
Vendor: 1159	DONOVAN CREATIVE GROUP			Check Sequence: 10	ACH Enabled: False
1058	Employees Svc Awards-Tumbler w/ Magslider L	135.00	09/27/2021	101-11-4245-0000	
	Check Total:	135.00			
Vendor: 167	ECM PUBLISHERS INC			Check Sequence: 11	ACH Enabled: True
853053	Ord. No. 581	59.50	09/27/2021	101-13-4351-0000	
853160	Ord. No. 581	38.55	09/27/2021	101-13-4351-0000	

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
	Check Total:	98.05			
Vendor: 179	EXCELSIOR FIRE DISTRICT			Check Sequence: 12	ACH Enabled: False
4th Qtr-2021	Building	67,330.90	09/27/2021	101-22-4620-0000	
4th Qtr-2021	Operations	103,271.35	09/27/2021	101-22-4400-0000	
	Check Total:	170,602.25			
Vendor: 199	GMH ASPHALT COPORATION			Check Sequence: 13	ACH Enabled: False
PV#3-Mill&Over	PV#3 - 2021Mill & Overlay	522,954.09	09/27/2021	404-00-4620-0005	
	Check Total:	522,954.09			
Vendor: 985	HENNEPIN COUNTY ACCOUNTS RECEIVA			Check Sequence: 14	ACH Enabled: False
1000164096	REC0001086-MonthlySubscription	15.00	09/27/2021	101-31-4303-0000	RecordEase Payment
1000165585	REC0001086-MonthlySubscription	20.00	09/27/2021	101-31-4303-0000	RecordEase Payment
1000167142	REC0001086-MonthlySubscription	5.00	09/27/2021	101-31-4303-0000	RecordEase Payment
1000168003	REC0001086-MonthlySubscription	17.50	09/27/2021	101-31-4303-0000	RecordEase Payment
	Check Total:	57.50			
Vendor: 944	HIDDEN FENCE OF MINNESOTA, INC.			Check Sequence: 15	ACH Enabled: False
11871	Service at 5100 Shady Island Trail	99.00	09/27/2021	410-00-4680-0000	
	Check Total:	99.00			
Vendor: 531	LEAGUE OF MINNESOTA CITIES			Check Sequence: 16	ACH Enabled: False
347033	Fundamentals of Realistic De-Escale-Register fo	50.00	09/27/2021	101-31-4331-0000	
	Check Total:	50.00			
Vendor: 841	GREGORY LERUD			Check Sequence: 17	ACH Enabled: False
Jun-Sept2021	Jun to Sept Mileage	243.04	09/27/2021	101-13-4331-0000	
Sept 15-17-2021	Sept 15-17/2021 Loding for MEMA Conf.	524.96	09/27/2021	101-13-4331-0000	
	Check Total:	768.00			
Vendor: 283	METRO SALES, INC.			Check Sequence: 18	ACH Enabled: True
INV1886474	Ricoh/MP-C3002 Color Copier	500.00	09/27/2021	101-19-4221-0000	Ricoh/MP-C3002 Color Copier
	Check Total:	500.00			
Vendor: 279	METROPOLITAN COUNCIL (WASTEWATE			Check Sequence: 19	ACH Enabled: True
1129401	Monthly Waste Water Svc	82,991.61	09/27/2021	611-00-4385-0000	

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
	Check Total:	82,991.61			
Vendor: 286	MIDWEST MAILING SYSTEMS INC			Check Sequence: 20	ACH Enabled: True
October-2021-Newslet	Newsletter Postages	516.00	09/27/2021	101-13-4208-0000	
October-2021-Newslet	Newsletter Svc	453.60	09/27/2021	101-13-4400-0000	
	Check Total:	969.60			
Vendor: 303	MINNESOTA SECRETARY OF STATE-NOTAJ			Check Sequence: 21	ACH Enabled: False
Norman-2021	New Application-Miechelle Norman	120.00	09/27/2021	101-13-4433-0000	
	Check Total:	120.00			
Vendor: 1183	NORLING'S LAKE MINNETONKA LANDSCAPE			Check Sequence: 22	ACH Enabled: False
39024	Landscape Service-4455 Enchanted Drive-Reiml	2,165.84	09/27/2021	101-32-4245-0000	
	Check Total:	2,165.84			
Vendor: 240	KENNETH POTTS, PA			Check Sequence: 23	ACH Enabled: True
August-2021	Prosecution Monthly Services	2,500.00	09/27/2021	101-16-4304-0000	
	Check Total:	2,500.00			
Vendor: 336	PURCHASE POWER			Check Sequence: 24	ACH Enabled: True
1018921172-09/03	Supplies	104.48	09/27/2021	101-13-4245-0000	
1018921172-09/03	Acct #8000-9000-0743-8223-Annual Account A	49.99	09/27/2021	101-13-4433-0000	
	Check Total:	154.47			
Vendor: 360	SOUTH LAKE MINNETONKA POLICE DEPA			Check Sequence: 25	ACH Enabled: False
4th Qtr-2021-DS	Quarterly- Debt Service	51,309.00	09/27/2021	101-21-4620-0000	
August-2021-HCP	Monthly-Henn Cty Process Fee	318.50	09/27/2021	101-21-4400-0000	
October-2021-OB	Monthly-Operating Budget Exp	112,276.06	09/27/2021	101-21-4400-0000	
	Check Total:	163,903.56			
Vendor: 1101	SPRINGBROOK HOLDING COMPANY LLC			Check Sequence: 26	ACH Enabled: True
INV-007073	Springbrook-CivicPay Fees	2,680.41	09/27/2021	601-00-4221-0000	
INV-007073	Springbrook-CivicPay Fees	2,680.41	09/27/2021	611-00-4221-0000	
INV-007073	Springbrook-CivicPay Fees	2,680.41	09/27/2021	621-00-4221-0000	
INV-007073	Springbrook-CivicPay Fees	2,680.41	09/27/2021	631-00-4221-0000	
INV-007073	Springbrook-CivicPay Fees	17,784.46	09/27/2021	101-15-4221-0000	
TM-INV-004484	Springbrook-CivicPay Fees	900.00	09/27/2021	101-15-4221-0000	

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
	Check Total:	29,406.10			
Vendor: 694	TIMESAVER OFF SITE SECRETARIAL, INC.			Check Sequence: 27	ACH Enabled: True
M26732	Planning Meeting	187.00	09/27/2021	101-18-4400-0000	
	Check Total:	187.00			
Vendor: 391	US BANK - CORPORATE TRUST SERVICES			Check Sequence: 28	ACH Enabled: True
6242624	Act#0103911NS-Obligation St Reconst/Utility-20	500.00	09/27/2021	320-00-4720-0000	
	Check Total:	500.00			
Vendor: 421	VERIZON WIRELESS			Check Sequence: 29	ACH Enabled: False
9887501598	Sewer & Water - Acct842017386	81.25	09/27/2021	601-00-4321-0000	Acct #842017386-00001
9887501598	Sewer & Water - Acct842017386	81.27	09/27/2021	611-00-4321-0000	Acct #842017386-00001
9887501598	Sewer & Water - Acct842017386	81.25	09/27/2021	631-00-4321-0000	Acct #842017386-00001
	Check Total:	243.77			
Vendor: 415	WARNER CONNECT			Check Sequence: 30	ACH Enabled: True
29940244	Network Maint. Svc	4,431.96	09/27/2021	101-19-4321-0000	
29940283	Network Maint. Svc	1,248.75	09/27/2021	101-19-4321-0000	
29940292	Network Maint. Svc	39.00	09/27/2021	101-19-4321-0000	
	Check Total:	5,719.71			
Vendor: 327	WINDSTREAM			Check Sequence: 31	ACH Enabled: True
74079064	City of Shwd- Badger Well	70.23	09/27/2021	601-00-4395-0000	
74079064	Public Works	67.61	09/27/2021	101-32-4321-0000	
74079064	City Hall	139.31	09/27/2021	101-19-4321-0000	
74079064	Badger-Manor-Cathcart Parks	208.07	09/27/2021	101-52-4321-0000	
74079064	City of Shwd-West Tower	140.27	09/27/2021	601-00-4321-0000	
	Check Total:	625.49			
Vendor: 408	WM MUELLER & SONS INC			Check Sequence: 32	ACH Enabled: True
269858	Road Maint	87.87	09/27/2021	101-32-4250-0000	
PV#5-Glen/Manitou/A	PV#5 - Glen Rd-Manitou-Amlee Street	351,037.14	09/27/2021	407-00-4680-0000	
	Check Total:	351,125.01			
Vendor: 411	XCEL ENERGY, INC.			Check Sequence: 33	ACH Enabled: True
747308366	5655 Merry Lane	22.07	09/27/2021	101-52-4380-0000	5655 Merry Lane
748710654	C.H. Svcs	819.81	09/27/2021	101-19-4380-0000	C.H. Svcs

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
748710654	P.W. Bldg Svc	637.73	09/27/2021	101-32-4380-0000	P.W. Bldg Svc
748710654	P.W. Street Lights Svc	3,451.08	09/27/2021	101-32-4399-0000	P.W. Street Lights Svc
748710654	Parks	391.55	09/27/2021	101-52-4380-0000	Parks
748710654	Amesbury	409.20	09/27/2021	601-00-4394-0000	Amesbury
748710654	Boulder Bridge	77.41	09/27/2021	601-00-4396-0000	Boulder Bridge
748710654	S.E. Area Svc	3,245.29	09/27/2021	601-00-4398-0000	S.E. Area Svc
748710654	Lift Station Street Lights	631.24	09/27/2021	611-00-4380-0000	L.S. Street Lights
	Check Total:	9,685.38			
	Total for Check Run:	1,762,297.17			
	Total of Number of Checks:	33			

Accounts Payable
Computer Check Proof List by Vendor

User: nnguyen
Printed: 09/23/2021 - 9:01AM
Batch: 00004.09.2021 - CC-09-27-2021-GFJ



Invoice No	Description	Amount	Payment Date	Acct Number	Reference
Vendor: 198	G.F. JEDLICKI, INC.			Check Sequence: 1	ACH Enabled: False
PV#3-BD&CL	PV#3 - Beverly Drive & Cajen Lane Drainage Ir	10,899.35	09/23/2021	631-00-4680-0000	
	Check Total:	10,899.35			
	Total for Check Run:	10,899.35			
	Total of Number of Checks:	1			



City of Shorewood Council Meeting Item

Title/Subject: Election Judge Compensation Rates
Meeting Date: Monday, September 27, 2021
Prepared by: Sandie Thone, City Clerk/HR Director
Reviewed by: Greg Lerud, City Administrator
Brenda Pricco, Deputy Clerk
Attachments: Resolution

2D

MEETING
TYPE
Regular
Meeting

Policy Consideration: Pursuant to MN State Statutes election judges are entitled to be paid at least the prevailing minimum wage for their work, but may choose to serve on a volunteer basis if desired. On January 1, 2022, Minnesota's minimum wage rate will be adjusted to \$10.33 per hour. The rate of pay is established by the municipality, county or school district in which the judge is serving.

Background: The city has a need for citizens to serve as election judges, in the Primary and General elections in 2022, as well as absentee/early voting during the direct balloting period one week before the General Election. The position titles were updated and compensation rates were increased in 2019 but a recent audit of election judge pay of Minnesota cities and counties shows many are paying at or close to the \$15/hour rate. We are proposing an increase of \$2.00 per hour per position.

Staff is respectfully recommending Shorewood Election Judge compensation rates be increased as follows:

Judge Position	Current Rate	Proposed Rate
Head Judge	\$13.00 / hour	\$15.00 / hour
Election Judge	\$12.00 / hour	\$14.00 / hour
Student Judge	\$10.00 / hour	\$12.00 / hour

Financial or Budget Considerations: The 2022 Proposed Election Budget has taken this proposed increase into consideration and will cover the additional election judge costs.

Action Requested:

Motion, second and simple majority vote required.

Connection to Vision/Mission: Consistency in providing residents quality public services, a healthy environment, 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 21-108

**A RESOLUTION APPROVING
ELECTION JUDGE COMPENSATION RATES**

WHEREAS, the City has a need for citizens to serve as election judges in the primary and general elections; and

WHEREAS, the compensation rates for election judges have not been reviewed or updated since 2019; and

WHEREAS, staff has reviewed current Shorewood compensation rates in comparison to other metro area city election judge compensation rates and reviewed MN Secretary of State guidelines and recommendations to ensure appropriateness; and

WHEREAS, pursuant to MN Statutes election judges are entitled to be paid at least the prevailing Minnesota minimum wage for their work, but may choose to serve on a volunteer basis if desired and the rate of pay is established by the municipality.

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

That the City of Shorewood will establish the following election judge hourly compensation rates, beginning with the year 2022 elections, for those individuals who serve as judges for the primary and general elections:

Head Judge	\$15.00 / hour
Election Judge	\$14.00 / hour
Student Judge	\$12.00 / hour

ADOPTED by the City Council of the City of Shorewood this 27th day of September 2021.

ATTEST:

Jennifer Labadie, Mayor

Sandie Thone, City Clerk

CITY OF SHOREWOOD
PLANNING COMMISSION MEETING
TUESDAY, SEPTEMBER 7, 2021

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

DRAFT MINUTES

CALL TO ORDER

Chair Maddy called the meeting to order at 7:01 P.M.

ROLL CALL

Present: Chair Maddy; Commissioners Gault, Huskins, and Riedel; Planning Director Darling; Planning Technician Notermann; and, Council Liaison Johnson

Absent: Commissioner Eggenberger

1. APPROVAL OF AGENDA

Riedel moved, Huskins seconded, approving the agenda for September 7, 2021, as presented. Motion passed 4/0.

2. APPROVAL OF MINUTES

- August 3, 2021

Gault moved, Huskins seconded, approving the Planning Commission Meeting Minutes of August 3, 2021, as presented. Motion passed 3/0/1 (Riedel).

3. MATTERS FROM THE FLOOR - NONE

Chair Maddy explained the Planning Commission is comprised of residents of the City of Shorewood who are serving as volunteers on the Commission. The Commissioners are appointed by the City Council. The Commission's role is to help the City Council in determining zoning and planning issues. One of the Commission's responsibilities is to hold public hearings and to help develop the factual record for an application and to make a non-binding recommendation to the City Council. The recommendation is advisory only.

4. PUBLIC HEARINGS

A. Urban Farm Animal Ordinance Amendments

Planning Technician Notermann explained that in June, a resident asked the City Council to amend the City's regulations regarding required consent from a portion of the neighbors in order to have chickens or to add a variance process. She referenced a recent Minnesota Supreme Court decision that appears to require cities to follow the same process for ordinance amendments on codes related or dependent on zoning regulations as actual zoning amendments. As a result, the City Council forwarded the proposed ordinance amendments to the Planning Commission for public hearing and recommendation.

Planning Technician Notermann provided an overview of the proposed amendments based on Planning Commission direction from their August 3, 2021, as well as housekeeping corrections as recommended by staff.

Commissioner Riedel asked if residents were allowed to have two dogs, but to go beyond two dogs the consent of neighbors was required.

Planning Technician Notermann stated she would have to investigate this matter further.

Commissioner Riedel suggested if this was the case that the language regarding neighbor consent for dogs be removed from this portion of City Code given the fact residents would be able to have chickens without needing to receive neighbor consent.

Commissioner Huskins questioned if a resident wishes to do something different (twice as many chickens, etc.) than is in the code, what will that trigger.

Planning Technician Notermann reported this resident would have to make a request to the City Council and staff would have to be directed to look into the request. She noted there was no variance process in place for the urban farm animals code language. Depending on the request, the City may have to consider another ordinance amendment. She explained the urban farm animal section of the code was not within the zoning code so no variance or conditional use permit would apply to these requests.

Chair Maddy opened the Public Hearing at 7:13 P.M. noting the procedures used in a Public Hearing. There being no public comment, Chair Maddy closed the Public Hearing at 7:13 P.M.

Commissioner Riedel commended the Commission for their work on this matter at the last meeting. He stated he supported removal of the neighbor consent language as he anticipated this would be an area of contention. He noted he liked the language that required the coop to be closer to the applicants house than the neighbor's house.

Commissioner Huskins recommended the fees be listed within the Ordinance. Planning Technician Notermann reported this information was within the fee schedule that was adopted by the City Council on an annual basis.

Huskins moved, Riedel seconded, to recommend approval of ordinance approving an amendment to Shorewood City Code Chapter 705 (Farm and Other Animals) as presented by staff. Motion passed 4/0.

B. CUP for a fence

Applicant: Alec Walsh

Location: 5660 Minnetonka Drive

Planning Technician Notermann gave an overview of the request by Alec Walsh for a CUP to construct a six-foot fence at 5660 Minnetonka Drive. She explained a six-foot fence in a front yard abutting an arterial road, County Road 19/Smithtown Road, is allowed with the approval of a CUP. She reviewed the R-2A Single and Two-Family Residential zoning of the subject property, applicable Code sections, staff's analysis, and findings. Staff recommended approval of the CUP subject to the applicant obtaining all necessary permits prior to constructing the fence.

Commissioner Huskins asked if the fence would be on the property line along Minnetonka Drive.

Planning Technician Notermann reported the fence along Minnetonka Drive would be four feet in height and this was allowed per City Code. She noted the portion along County Road 19 would be six feet in height, which would require a CUP.

Commissioner Riedel questioned if neighbor permission was required in order to locate the fence directly on the property line.

Planning Technician Notermann explained this would be completed when the applicant applied for a zoning permit.

Alec Walsh, 5660 Minnetonka Drive, reported the fence along the west property line would be four feet from the property line. He noted there was a sewer easement along this property line and he did not want to be required to remove the fence if the City had to access the sewer line.

Commissioner Huskins questioned if the fence would be treated, painted or stained.

Mr. Walsh reported the fence would be weathered and then stained a natural tone.

Chair Maddy opened the Public Testimony portion of the Public Hearing at 7:24 P.M.

John Leebens, 23825 Smithtown Rd., stated he lived directly across the street and has done so for the past 25 years. He discussed how much traffic went by his property on a daily basis noting he fully supported the requested fence.

Chair Maddy closed the Public Testimony portion of the Public Hearing at 7:26 P.M.

Huskins moved, Gault seconded, to recommend approval of the CUP for a six-foot fence in the front yard abutting an arterial road at 5660 Minnetonka Drive, subject to the applicant obtaining all necessary permits prior to constructing the fence. Motion passed 4/0.

Planning Technician Notermann stated this item should appear before the Council on September 27, 2021.

5. NEW BUSINESS
A. Variance to side and rear yard setback
Applicant: Wayne Hartmann
Location: 27460 Maple Ridge Lane

Planning Technician Notermann gave an overview of the request by Wayne Hartmann for a variance to side and rear yard setbacks to construct a shed and carport on a 24-foot by 24-foot concrete pad at 27460 Maple Ridge Lane. She noted the accessory structure is already constructed and located approximately 4 feet from the side property line where ten feet is required and 16 feet from the rear property line where 50 feet is required. This variance application was submitted after City staff was made aware that the shed was under construction without permits.

Planning Technician Notermann referenced public comments received that are included in the meeting packet. She then provided an overview of the background of this request, applicable Code sections, staff analysis, variance criteria, and findings. Staff is recommending approval subject to applicant obtaining all necessary permits prior to constructing the fence. Should the Planning Commission consider recommending approval of this variance, staff recommends the applicant be required to acquire all necessary permits and enter into an encroachment agreement.

Commissioner Riedel questioned when the original shed was built without a permit.

Planning Technician Notermann commented it was built prior to the applicant being on the property.

Commissioner Riedel inquired if the new driveway was installed without a permit.

Planning Technician Notermann stated this was the case and noted the City would require this to be rolled into zoning permit with the new structure.

Commissioner Riedel asked if a building straddles a property line, it cannot be legally non-conforming. He questioned what the process was for these buildings.

Planning Technician Notermann commented that in this instance an encroachment agreement could be pursued with the neighbor to allow the shed to remain in place, across the property line.

Commissioner Gault explained he was the neighbor and noted this shed has been in place since before 2003. He noted he moved to the property in 2005. He anticipated the encroachment occurred because there were offsetting easements on his property and on the Hartmann property. He indicated the encroachment was very minor, one foot or so.

Wayne Hartmann, 27460 Maple Ridge Lane, applicant, thanked staff for the detailed presentation. He reported his original intent was to use the original carport and lift it up. He explained it had become unusable because it was not built well and did not have a foundation. He stated his efforts failed and the building came crashing down. At that point, the building was twisted and broken, so he found it would be easier to rebuild. He reported his existing driveway runs down the property line and services the garage with an extension to the carport. He indicated this was currently non-conforming and has been non-conforming the entire time he owned the property. He explained he was looking to keep a driveway in place to the carport.

Commissioner Riedel asked if the applicant had considered applying for a permit for the process. He stated it appeared the applicant had built a shed and driveway without speaking to the City. He requested further information regarding this process.

Mr. Hartmann explained the driveway was not rebuilt, but rather remained as is. He noted with the shed he was working to make repairs and then went into an automatic replacement mode after the shed fell. He had the understanding a shed under 200 square feet did not require a building permit.

Commissioner Riedel clarified an accessory structure under 200 square feet did not require a building permit, but did require a zoning permit.

Commissioner Huskins requested further information regarding the decision for the structure to have a drain and then not to have a drain.

Mr. Hartmann commented he spoke to a landscaper regarding the use of pavers because this would assist in absorbing the water runoff from the driveway. However, after speaking with staff, he learned the City of Shorewood does not recognize this. At that point, he decided to move in another direction given the expense to install pavers. He reiterated that he was just trying to get his property back to normal.

Commissioner Huskins questioned if there was a history of water concerns on the property.

CITY OF SHOREWOOD PLANNING COMMISSION MEETING

SEPTEMBER 7, 2021

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Mr. Hartmann stated there was a slope on the property from the flat driveway down to the shed and water flows downhill. He commented when the old building was in place there was asphalt down the hill. He indicated the new shed would push the water to either side. He explained he was not aware that he had a drainage easement on his property, but rather was only a utility easement.

Chair Maddy explained the applicant received a variance for a bedroom expansion in the past and as part of this a ten foot drainage and utility easement may have been required. He asked if staff could check the records for that.

Planning Technician Notermann indicated staff could check the records, but noted staff does refer to these types of easements at drainage and utility easements. She explained Mr. Hartmann's easement was only referred to as a utility easement.

Mr. Hartmann stated the addition to his home was on the opposite end of the house. He noted there was supposed to be a 50 foot setback for his house, but this went right through the middle of his home. He discussed how difficult it was for a homeowner that purchases a home and has a home not within the setbacks. He commented further on how odd his lot was and explained the proposed shed location was the right place for the shed.

Gayle King, 6110 Lake Virginia Drive, stated she has lived at her property since 2003. She noted there has been a common courtesy trail that runs between down from Michelle and Wayne's driveway onto her property in order for the kids to get to the school bus. She indicated this was a loose trail and over the years the trail has washed out more and more. This was brought to her attention in May after a large rain event. She provided the Commission with a photograph of this trail. She commented further on how the base of the shed had eroded due to the rain running down the property. She explained she then began to question if there was another area the shed could be located given the topography of the property and brought these concerns to the City.

Stan King, 6110 Lake Virginia Drive, explained he was concerned with how his property will be impacted by water runoff from Mr. Hartmann's property. He indicated asphalt and cement cause a great deal of water runoff and he wanted to be assured drainage and mitigation measures were in place. He noted erosion was occurring this year, which was a drought year.

Ms. King stated the building looked nice, but she was concerned about the erosion and runoff.

Commissioner Riedel asked what could be done to solve the problem in terms of drainage.

Mr. King indicated he was not an engineer. He noted the City had engineers that had expertise to address this concern.

Ms. King explained she had pictures of the erosion area and stated she would email these to the City.

Mr. Hartmann clarified he did not intend it was no big deal the water was running downhill, rather this was a statement of fact. He reported his work on the property had not changed the fact that the water still ran downhill. He explained the new shed was not changing the fact that there would be water running off his property down the hill. He indicated the boards were put in place to protect the floating slab. He commented he did not suggest to Peggy that a drain be installed, rather the neighbors were installing a drain on their driveway. He noted he has lost six maple trees on his property due to water runoff from Peggy's property and he was not complaining, rather he knew that water ran downhill and he would have to accommodate this water.

Chair Maddy encouraged the residents in attendance to just agree to disagree on this matter and to respect both sides of the issue.

Chair Maddy commented the applicant had constructed a shed that was just shy of 600 square feet when only a 200 square foot structure was allowed without a building permit.

Planning Technician Notermann explained the applicant would be required to secure a building permit.

Commissioner Huskins questioned if staff has directed the City Engineer to look at the drainage issues south of the property given the topography on this lot. He stated he did not recall if there was a storm sewer drain on this street.

Planning Technician Notermann commented she was not sure if there was a storm sewer drain on this street but noted the City Engineer's would review the building permit application which would also address drainage and runoff concerns.

Commissioner Gault did not believe there was anywhere for the water to go, other than down the Hartmann's driveway.

Commissioner Riedel stated if the shed had not been straddling the property line, it would have been legally non-conforming. In that case the owner would have been able to rebuild the shed with the same footprint without any variance requests needed. With respect to the owner rebuilding the shed without a permit, he can be faulted for doing that but it would be reasonable to consider the request given the fact an existing structure can be rebuilt and the variance was needed because the structure straddled the line. However, the drainage concerns change the matter and a permit was needed to redo the driveway. He discussed how the matter was complicated because the work was done and there were drainage concerns. His instinct would be to have a study done on the drainage prior to approving a building permit. He stated if improvements could be made to the drainage, this should be done prior to granting a building permit.

Chair Maddy commented on the building permit process and noted the applicant could not increase the amount of impervious surface or the runoff rate.

Commissioner Riedel asked how this will work with a retroactive permit, given the fact a variance was being requested for a shed that was already in place.

Planning Technician Notermann stated it was her understanding since the shed was already built, the engineer's would be able to suggest sufficient mitigation to address the drainage concerns on the property prior to issuing a building permit.

Chair Maddy indicated he has seen this before on new construction and noted a rain garden may have to be installed.

Commissioner Riedel reported the building permit would not be issued until the drainage requirements were satisfied.

Planning Technician Notermann stated this was her impression and noted this could be made a condition for approval.

CITY OF SHOREWOOD PLANNING COMMISSION MEETING

SEPTEMBER 7, 2021

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Commissioner Gault commented Mr. Hartmann's intent was to move the shed away from his property. He understood the intent was good, but there were some problems with the execution. He anticipated the new concrete was forcing the water around the structure where before it had gone through the structure. He believed it was appropriate to approve the variance and appreciated the fact the building permit process would look at the plans in further detail.

Chair Maddy asked if it would make sense to add a condition for approval that looked at the rate or flow of water on the property.

Planning Technician Notermann recommended this be made a condition for approval.

Commissioner Huskins discussed how it was the City's responsibility to address the water that was flowing down Mr. Hartmann's driveway.

Commissioner Riedel indicated this was the purpose of a drainage and utility easement, which was located underneath this property.

Commissioner Huskins explained the survey notes this area is a utility easement only. He commented that this roadway does not have any storm sewer drains, curb or gutter.

Commissioner Gault questioned how much more water is being diverted to the property from a fairness standpoint. He believed it should be returned to status quo. He indicated he did not support approving the variance at this time in the absence of having some way to return to status quo. He did not hear the neighbors suggest the applicant was willing to mitigate the issue. He asked what would happen when a building permit and water mitigation measures were put in place.

Planning Technician Notermann commented in a normal case when a building permit is requested without needing a variance, staff would ensure that the water running off the property wasn't increasing. She indicated there was not really a status quo, but rather the impact would not be increased on the neighboring properties.

Chair Maddy stated this would occur with this property, even though the shed was already built.

Commissioner Riedel explained he was concerned with the fact the building permit review process would not have the same force as the conditions placed on the variance, or perhaps the building permit review process could be just as strict. He recommended the variance not be granted or that a condition be placed on the variance to require a drainage study to be done.

Commissioner Gault questioned if action on this item should be tabled for a month to allow staff to further study the property.

Commissioner Riedel stated this would be another option.

Commissioner Huskins asked if the study could be completed prior to the next Planning Commission meeting.

Planning Technician Notermann commented she was uncertain if this could be completed in the next month, but anticipated this work could be done.

Chair Maddy reported the Commission could approve the variance and the study could be completed through the building permit process and prior to this matter being considered by the City Council.

Riedel moved, Huskins seconded, to recommend approval of the side and rear yard setback variance request for the a 16x 12-foot shed with an additional 16 x 10-foot carport on a 24-foot by 24-foot concrete pad constructed approximately four feet from the side property line and 16 feet from the rear property line at 27460 Maple Ridge Lane, subject to the applicant obtaining all necessary permits and entering into an encroachment agreement, directing staff to perform a drainage study prior to this item going before the City Council to ensure there is no increase in water runoff. Motion passed 3/0/1 (Gault).

6. OTHER BUSINESS – NONE

7. REPORTS

A. COUNCIL MEETING REPORT

Planning Technician Notermann reported on matters considered and actions taken during Council's August 23, 2021, meeting (as detailed in the minutes for that meeting).

B. Draft Next Meeting Agenda

Planning Technician Notermann stated that for the next Planning Commission meeting there will be a Comprehensive Plan Amendment to consider, along with a Preliminary Plat. In addition, the City is requesting a variance at the Christmas Lake boat landing for and expansion of the ramp. The Commission will also be considering a variance on Birch Bluff for an attached garage.

8. ADJOURNMENT

Huskins moved, Riedel seconded, adjourning the Planning Commission Meeting of September 7, 2021, at 8:34 P.M. Motion passed 4/0.



City of Shorewood Council Meeting Item

Title/Subject: Urban Farm Animal Ordinance Amendments

Applicant: City of Shorewood

Meeting Date: September 27, 2021

Prepared By: Marie Darling, Planning Director

Attachments: Correspondence Received
Previous staff reports regarding this item.
Chapter 705 of City Code (Farm And other Animals)
Redlined Version of Amendments
Ordinance 582
Resolution for Summary Publication

Background: The City Council directed staff and the Planning Commission to review potential amendments to the City Code related to regulations for urban farm animals (chickens and other fowl, rabbits and bees) after a citizen requested that the city remove neighbor approval from the requirements to keep chickens and review some of the other requirements as well. Through the summer (reports attached) staff and the Planning Commission reviewed potential amendments resulting in the attached. The regulations follow the initial City Council direction to:

1. Remove the requirement that a 75 percent of neighbors within 150 feet must consent to the request.
2. Add a regulation that the animal shelter must be located closer to the animal owner's home than to a home on an abutting property.
3. Limit the ownership of urban farm animals to properties with single-family dwellings.
4. Require a renewal of the permit.
5. Prohibit slaughtering.

Item number 5 was slightly altered as someone who raises chickens may cull them for their own family's table by state statute, but the City does have some ability to prohibit culling and selling chickens to others.

Originally, staff also increased screening from adjacent properties, however, the Planning Commission found that the increased screening requirements were not necessary beyond the language proposed for item 2 (above).

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.*

The Planning Commission held a public hearing on September 7, 2021 to accept public testimony on the amendments but no one from the public requested to speak.

Financial or Budget Considerations: Outside of publication to draft the ordinance amendment, there is no additional impact to the budget related to this ordinance amendment. The fees collected would cover the cost of inspections.

Recommended Action: Staff and the Planning Commission recommends approval of the ordinance amendment.

Proposed Motions: **Motion** to approve ordinance 582 amending Chapter 705 (Farm and Other Animals) related to Urban Farm Animals.

Motion to approve a resolution for summary publication of the ordinance.

Action on the ordinance requires a simple majority vote and action on the summary publication requires a super majority vote (4/5).

Next Steps and Timeline: If the ordinance is adopted, staff would publish the ordinance. Staff would also begin tracking the approval dates for permits for urban farm animals and include requirements to renew the licenses in each approval.

Marie Darling

From: Sandie Thone
Sent: Tuesday, September 21, 2021 10:49 AM
To: Debbie Siakel; Jennifer Labadie; Nathaniel Gorham; Patrick Johnson; Paula Callies
Cc: Brenda Pricco; Greg Lerud; Marie Darling; Emma Notermann
Subject: FW: ORDINANCE 582

City Council:

I received the email below on Friday and am forwarding it for your review as requested by the sender; Michelle Rock. She has also requested that it be included in the council packet regarding proposed Ordinance 582: Urban Farm Animal Amendments.

Thank you,
Sandie

Sandie Thone MHRM, MCMC
City Clerk/Human Resources Director
City of Shorewood
5755 Country Club Road
Shorewood, MN 55331
952.960.7911
sthone@ci.shorewood.mn.us

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-----Original Message-----

From: Michelle Rock <mlrock316@gmail.com>
Sent: Friday, September 17, 2021 12:46 PM
To: Sandie Thone <SThone@ci.shorewood.mn.us>
Subject: ORDINANCE 582

Hello

The urban animal ordinance has changed a number of things, no longer requires neighbor buy in, no need for animal owner to provide screening, etc.

My husband and I have repeatedly asked for MORE stringent rules around this ordinance. And now we are going in the opposite direction. We now have two different chicken coops on two sides of our lots, and about to have a third neighbor install another. And there is NOTHING WE CAN SAY ABOUT IT?!?!

Seems ridiculous.

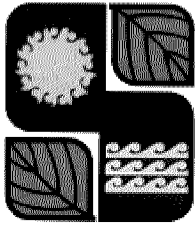
The neighbor behind us has placed a chicken coop about 40 feet from our deck. This has all been communicated to the city, the Mayor, with pictures, etc. we were told that the structure will be examined and approved/disapproved. To my knowledge, this hasn't occurred. I would argue it is closer to our house than to the owners home. This needs to be

looked at. Not to mention that we are the one neighbor that declined their request to install the coop, and it lands just off of OUR lot line??

Tell me what steps I need to take in order to get heard.

Thank you

- Michelle Rock



CITY OF
SHOREWOOD

5755 COUNTRY CLUB ROAD, SHOREWOOD, MINNESOTA 55331-8927 • 952.960.7900
www.ci.shorewood.mn.us • cityhall@ci.shorewood.mn.us

MEMORANDUM

TO: Planning Commission

FROM: Marie Darling, Planning Director

MEETING DATE: September 7, 2021

RE: Text Amendments for Urban Farm Animals

Attached are several amendments to the current ordinance related to keeping urban farm animals.

Notice of these amendments were published in the official newspaper at least 10 in advance of the public hearing. Mailed notice of the amendments to the regulations were sent to all permit holders and those who have indicated interest in the regulations at least 10 days in advance of the public hearing.

Background

In June, a resident came to Matters from the Floor at the City Council and asked that the City review and amend the City's regulations regarding the required consent of a portion of the neighbors in order to have chickens or to add a variance process.

The Council asked staff to provide a review the city's regulations and background on what other cities allow.

When the information was presented, Council asked staff to draft ordinance amendments for their review. They reviewed the proposed amendments at a meeting on July 26, 2021.

The Minnesota Supreme Court recently made a decision on an unrelated case that appears to require cities to follow the same process for ordinance amendments on codes that are related or dependent on zoning regulations as actual zoning amendments. As a result, the City Council forwarded the potential amendments to the Planning Commission to ask for their review and to hold a public hearing.

At their August 3, 2021 meeting, the Planning Commission reviewed the draft ordinance referred to them by the City Council and made the following suggestions:

- to remove the screening that staff had previously proposed and
- to review statutory language for farm animals regarding keeping them for commercial purposes

Proposed Ordinance Amendments

The proposed ordinance amendments:

1. Remove the requirement that 75 percent of neighbors within 150 feet must consent to the request and remove the requirement requiring screening to the neighbors' satisfaction.
2. Add a requirement that the animal shelter must be located closer to the animal owner's home than to a home on an abutting property.
3. Limit the ownership of urban farm animals to properties with single-family dwellings.
4. Require a renewal of the permit after five years.
5. Prohibit culling (slaughtering), except for the owner's own use (as allowed by Minnesota Statute 28A.15).
6. Remove regulations that prohibit keeping urban farm animals for commercial purposes. Any urban farm animal owner may sell the eggs or live animals, as permitted by the Minnesota Constitution.

Staff also propose several housekeeping issues to correct code references, clarify regulations, improve grammar, and the like.

Timeframe for permit renewal:

Staff recommends five years for the renewal period for a few reasons:

1. Five years allows the animals to mature and for most fowl to stop laying eggs.
2. The cost of an urban farm animal permit is \$50 and dog licenses are \$10 for each dog, with multiple animal licenses at \$25 initially and \$10 for renewals plus individual dog licenses. Dog tags and multiple dog licenses must be renewed every year, but no inspections are required.
3. The five-year timeframe would not be a burden on either staff or the permit holder.

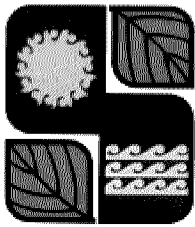
ATTACHMENTS:

Council memos for June 28 and July 26, 2021

PC Memo for August 3, 2021

Current Section 705 of City Code (Farm and Other Animals)

Proposed Ordinance



CITY OF
SHOREWOOD

5755 COUNTRY CLUB ROAD, SHOREWOOD, MINNESOTA 55331-8927 • 952.960.7900
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MEMORANDUM

TO: Planning Commission

FROM: Marie Darling, Planning Director

MEETING DATE: August 3, 2021

RE: **Discussion of Text Amendments for Urban Farm Animals**

Background

In June, a resident came to Matters from the Floor and asked that the City review and amend the City's regulations regarding the required consent of a portion of the neighbors in order to have chickens or to add a variance process.

The Council asked staff to provide a review the city's regulations and background on what other cities allow.

When the information was presented, Council asked staff to draft ordinance amendments for their review. They reviewed the proposed amendments at a meeting on July 26, 2021.

The Minnesota Supreme Court recently made a decision on an unrelated case that appears to require cities to follow the same process for ordinance amendments on codes that are related or dependent on zoning regulations as actual zoning amendments. As a result, the City Council forwarded the potential amendments to the Planning Commission to ask for their review and to hold a public hearing.

In advance of the public hearing, staff included the amendments on this agenda for discussion purposes.

Proposed Ordinance Amendments

1. Remove the requirement that 75 percent of neighbors within 150 feet must consent to the request.
2. Add a regulation that the animal shelter must be located closer to the animal owner's home than to a home on an abutting property.
3. Limit the ownership of urban farm animals to properties with single-family dwellings.
4. Require a renewal of the permit after five years.
5. Prohibit slaughtering.

The attached ordinance amendment reflects all the above items. Staff also added a requirement for screening because the neighbors will no longer be consulted on the appropriate fencing. Staff proposed requiring screening when the enclosure is located within 25 feet of a property line. Staff recommended privacy fencing, but the Planning Commission may recommend otherwise.

Staff also propose several housekeeping issues to correct code references, incomplete regulations and similar.

Timeframe for permit renewal:

Staff recommends five years for the renewal period for a few reasons:

1. Five years allows the animals to mature and for most fowl to stop laying eggs.
2. The cost of an urban farm animal permit is \$50 and dog licenses are \$10 for each dog, with multiple animal licenses at \$25 initially and \$10 for renewals plus individual dog licenses. Dog tags and multiple dog licenses must be renewed every year, but no inspections are required.

ATTACHMENTS:

Council memos for June 28 and July 26, 2021

Current Section 705 of City Code (Farm and Other Animals)

Proposed Ordinance



City of Shorewood Council Meeting Item

Title/Subject: Discussion Regarding Amendments for Urban Farm Animals

Applicant: City of Shorewood

Meeting Date: July 26, 2021

Prepared By: Marie Darling, Planning Director

Attachments: Potential Ordinance Amendments for Urban Farm Animals
Chapter 705.09 (Farm Animals) of City Code

Background: On June 28, 2021, the City Council reviewed general information on how other cities and Shorewood regulate farm animals and directed staff to draft amendments to the ordinance to allow the following changes to the regulations:

1. Remove the requirement that a 75 percent of neighbors within 150 feet must consent to the request.
2. Add a regulation that the animal shelter must be located closer to the animal owner's home than to a home on an abutting property.
3. Limit the ownership of urban farm animals to properties with single-family dwellings.
4. Require a renewal of the permit, but not require a fee.
5. Prohibit slaughtering.

The attached ordinance amendment reflects all the above items. Staff also added a requirement for screening because the neighbors will no longer be consulted on the appropriate fencing. Staff proposed requiring screening when the enclosure is located within 25 feet of a property line.

Financial or Budget Considerations: Without a renewal fee, the City would be subsidizing the cost of processing the renewals and conducting the inspections for animal owners.

Next Steps: At the June 28, 2021 meeting, staff mentioned that due to a recent Supreme Court Decision, the adoption of an ordinance amendment that relies on zoning ordinance regulations may also have to follow the same process as zoning amendments. Because the case was only recently decided, the League has not yet had time to put together guidance on this topic. To avoid any legal ambiguity with this ordinance amendment, staff recommends that the City follow the same public hearing process for this amendment as a zoning ordinance amendment. The next available meeting to hold a public hearing on this topic would be September 7, 2021.

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 Council Meeting Item

Title/Subject: Farm Animal Regulations (Chickens)

Applicant: City of Shorewood

Meeting Date: June 28, 2021

Prepared By: Marie Darling, Planning Director

Attachments: Chapter 705 of City Code (Farm And other Animals)

Background: The City Council directed staff to explore the following options and to provide information on how other cities regulate farm animals:

1. Do other cities require neighbors to approve requests for chickens and other farm animals?
2. Do other cities allow variances within their animal ordinances for the keeping of animals?

Staff and the city attorney recommend against inserting a variance process within the animal section of the code because 1) the process is costly and time-consuming for both the applicant and the city and 2) variances should be used for a dimensional relief. Other cities' farm animal regulations only include the variance process if they are included in the zoning regulations.

Staff researched the ordinances of several other cities, including Bloomington, Chanhassen, Chaska, Deephaven, Eden Prairie, Excelsior, Minneapolis, Minnetonka, Minnetrista, Mound, Plymouth, Shakopee, St. Paul and Tonka Bay.

The following cities do not allow chickens: Excelsior, Mound, and Tonka Bay. For purposes of comparing ordinances, Deephaven and Minnetrista only allow chickens on 10 acre parcels or within the agricultural district. As a result, their regulations are not compatible.

The following cities require neighbor approval: St. Paul (7-15 chickens), Shorewood

The following cities require neighbor notice: Chanhassen, St. Paul (1-6 chickens)

The following cities do not notice or approval: Bloomington, Chaska, Eden Prairie, Minneapolis, Minnetonka, Plymouth, Shakopee

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.*

Staff and the city attorney recommend removing the neighbor approval requirement from the City Code because the basis for the neighbor approval could be subjective and capricious. Objective standards are more appropriate when reviewing permits.

Staff requests Council direction on whether notification of neighbors should be required.

The City Council may want to consider when and where is it appropriate for chickens to be allowed. Should they only be allowed on properties over a certain size? Should there be a distance requirement between the coop/hive/hutch and adjacent dwellings?

Staff also recommends the Council direct a code amendment that requires farm animal shelters be situated closer to the animal owner's dwelling than to any of the neighboring dwellings, similar to standard found in Bloomington's Code.

Financial or Budget Considerations: Outside of publication and staff time to draft the ordinance amendment, there is no additional impact to the budget related to this ordinance amendment.

705.09 FARM ANIMALS.

Subd. 1. *Rural farm animals.* Unless otherwise provided for, a person shall not keep, own, harbor or otherwise possess a rural farm animal within the city.

Subd. 2. *Urban farm animals.* A person may own, keep, harbor or otherwise possess urban farm animals within the city in accordance with the provisions of this section.

- a. An urban farm animal may only be kept in the buildable area of the rear yard of the property, as defined by the Zoning Code.
- b. An urban farm animal that is kept outside must be provided a shelter structure of appropriate size, that is accessible to the animal at all times as provided in § 704.06, Subd. 1. of this chapter. The shelter structure and confinement areas shall be adequately screened to the satisfaction of neighboring property owners, as provided in § 705.09, Subd. 2.j.(2). Screening may be achieved by fencing or landscaping, or a combination of both.
- c. The urban farm animal must be contained on the property by the use of a fence or other appropriate containment device or structure.
- d. Roosters are not allowed.
- e. An urban farm animal must not be kept on residentially-zoned property if it is being used as part of a commercial purpose, whether or not the commercial use occurs on the residentially-zoned property.
- f. The ground or floor of the area where an urban farm animal is kept must be covered with vegetation, concrete or other surface approved by the Planning Department, so that it can be, and is, sufficiently maintained to adequately dissipate offensive odors, in compliance with § 704.06, Subd. 2.a. and c. of this chapter.
- g. The number of chickens, ducks, geese, turkeys, guinea hens, or rabbits shall not exceed six.
- h. The number of bee hives shall not exceed four.
- i. Any person having more than the allowable number of animals set forth in paragraphs g. and h. above, at the time of the adoption of this chapter, shall not replace animals in excess of those limitations.
- j. *Permit issuance; fees.*

- (1) No urban farm animal may be kept in the city until a permit to do so has been approved by the Zoning Administrator and issued by the office of the Building

Official. No permit shall be granted until the necessary fee has been paid, and until the Building Official or staff representative has made an inspection of the property, and has ascertained that the premises comply with all requirements of this chapter. Detailed plans and specifications, accurate and drawn to scale, must be submitted with the application, including, but not limited to, the following:

- (a) Site plan showing the location and setbacks of existing and proposed buildings, fences and structures on the subject property.
 - (b) Architectural plans showing floor plans, building elevations and dimensions.
 - (c) Landscaping plan showing how the shelter structure and confinement areas will be screened from adjoining properties.
- (2) The applicant for any permit required under the provisions of this chapter shall provide with the application, the written consent of 75% of the owners or occupants of privately or publicly owned real estate within 150 feet of the outer boundaries of the premises for which the permit is being requested, or, in the alternative, proof that the applicant's property lines are 150 feet or more from any structure. Where a street separates the premises for which the permit is being requested from other neighboring property, no consent is required from the owners or occupants of property located on the opposite side of the street. Where a property within 150 feet consists of a multiple dwelling, the applicant need only obtain the written consent of the owner or manager, or other person in charge of the building.
- (3) *Fees.*
- (a) The permit fee and other fees and charges set forth in this chapter shall be collected by the city before the issuance of any permits, and the Building Official, or other persons duly authorized to issue the permit for which the payment of a fee is required under the provisions of this chapter, may not issue a permit until the fees shall have been paid.
 - (b) The City Council shall, from time to time, establish a fee schedule by ordinance.

(Ord. 493, passed 3-12-2012) Penalty, see § 104.01

ORDINANCE 582

CITY OF SHOREWOOD COUNTY OF HENNEPIN STATE OF MINNESOTA

AN ORDINANCE APPROVING AN AMENDMENT TO SHOREWOOD CITY CODE CHAPTER 705 (FARM AND OTHER ANIMALS)

Section 1: City Code Chapter 705.09 (Farm Animals) Subd. 2 is hereby amended as follows: Language underlined is proposed for insertion and ~~language stricken is proposed for deletion~~

705.09 FARM ANIMALS Subd. 2 (Urban Farm Animals):.

Subd. 2. *Urban farm animals.* A person may own, keep, harbor or otherwise possess urban farm animals within the city in accordance with the provisions of this section.

- a. An urban farm animal may only be kept on properties zoned and used for single-family homes. The owner of the urban farm animals shall live in the dwelling on the property.
- b. An urban farm animal ~~including any enclosure and shelter~~ may only be kept in the buildable area of the rear yard of the property, as defined by the Zoning Code.
- c. ~~An urban farm animal that is kept outside must be provided a shelter structure of appropriate size, that is accessible to the animal at all times as provided in § 7045.06, Subd. 1. of this chapter. In addition to being located in the buildable area of the lot as required by paragraph b above, the shelter and any enclosure must be situated closer to the animal owner's home than to any dwelling on an adjacent property.~~
 - a. ~~(The shelter structure and confinement areas shall be adequately screened to the satisfaction of neighboring property owners, as provided in § 705.09, Subd. 2.j.(2). Screening may be achieved by fencing or landscaping, or a combination of both.~~
- d. ~~e.~~ The urban farm animal must be contained on the property by the use of a fence or other appropriate containment device or structure.
- f. ~~e.~~ Roosters are not allowed.
- g. ~~f.~~ An urban farm animal must not be kept on residentially-zoned property if it is being used as part of a commercial purpose, whether or not the commercial use occurs on the residentially-zoned property. Culling urban farm animals for commercial purposes is prohibited.

~~h.g.~~ The ground or floor of the area where an urban farm animal is kept must be covered with vegetation, concrete or other surface approved by the Planning Department, so that it can be, and is, sufficiently maintained to adequately dissipate offensive odors, in compliance with § 70~~4~~⁵.06, Subd. 2.a. and c. of this chapter.

~~i.h.~~ The ~~combined~~ number of chickens, ducks, geese, turkeys, guinea hens, or rabbits shall not exceed six.

~~j.i.~~ The number of bee hives shall not exceed four.

~~j.~~ Any person having more than the allowable number of animals set forth in paragraphs ~~gh.~~ and ~~hi.~~ above, at the time of the adoption of this chapter, shall not replace animals in excess of those limitations.

k. *Permit issuance; ~~fees; expiration.~~*

(1) No urban farm animal may be kept in the city until a permit to do so has been approved by the Zoning Administrator and issued by the office of the Building Official ~~and the . No permit shall be granted until the necessary fee has been paid, and until the~~ Building Official or staff representative has made an inspection of the ~~property, and property -to has-~~ascertained that the premises comply with all requirements of this chapter. Detailed plans and specifications, accurate and drawn to scale, must be submitted with the application, including, but not limited to, the following:

(a) Site plan showing the location and setbacks of existing and proposed buildings, fences and structures on the subject property, ~~with dimensions to the property lines.~~

(b) Architectural plans showing floor plans, building elevations and dimensions.

~~(c) Landscaping plan showing how the shelter structure and confinement areas will be screened from adjoining properties.~~

~~(2) The applicant for any permit required under the provisions of this chapter shall provide with the application, the written consent of 75% of the owners or occupants of privately or publicly owned real estate within 150 feet of the outer boundaries of the premises for which the permit is being requested, or, in the alternative, proof that the applicant's property lines are 150 feet or more from any structure. Where a street separates the premises for which the permit is being requested from other neighboring property, no consent is required from the owners or occupants of property located on the opposite side of the street. Where a property within 150 feet consists of a multiple dwelling, the applicant need only obtain the~~

~~written consent of the owner or manager, or other person in charge of the building.~~

~~(3)~~(2) *Fees.*

- (a) The permit fee and other fees and charges set forth in this chapter shall be collected by the city before the issuance of any permits, and the Building Official, or other persons duly authorized to issue the permit for which the payment of a fee is required under the provisions of this chapter, may not issue a permit until the fees shall have been paid.

- (b) The City Council shall, from time to time, establish a master fee schedule ~~by ordinance~~.

(3) Expiration of Permits.

- (a) The permit shall expire five years from the date the permit is issued.
- (b) A permit may be renewed according to the application process identified in subsection (1) above.

NOW THEREFORE the City Council of the City of Shorewood, Minnesota, ordains:

Section 2. That Ordinance 582 Amending Shorewood City Code, Chapter 705, Farm and Other Animals has been hereby approved and adopted.

Section 3. This Ordinance 582 adopting the Amendment to City Code, Chapter 705, Farm and Other Animals shall take effect upon publication in the City's official newspaper.

ORDINANCE 582

CITY OF SHOREWOOD COUNTY OF HENNEPIN STATE OF MINNESOTA

AN ORDINANCE APPROVING AN AMENDMENT TO SHOREWOOD CITY CODE CHAPTER 705 (FARM AND OTHER ANIMALS)

Section 1: City Code Chapter 705.09 (Farm Animals) Subd. 2 is hereby amended as follows:

705.09 FARM ANIMALS Subd. 2 (Urban Farm Animals):.

Subd. 2. *Urban farm animals.* A person may own, keep, harbor or otherwise possess urban farm animals within the city in accordance with the provisions of this section.

- a. An urban farm animal may only be kept on properties zoned and used for single-family homes. The owner of the urban farm animals shall live in the dwelling on the property.
- b. An urban farm animal including any enclosure and shelter, may only be kept in the buildable area of the rear yard of the property, as defined by the Zoning Code.
- c. An urban farm animal that is kept outside must be provided a shelter structure of appropriate size, that is accessible to the animal at all times as provided in § 705.06, Subd. 1. of this chapter. In addition to being located in the buildable area of the lot as required by paragraph b above, the shelter and any enclosure must be situated closer to the animal owner's home than to any dwelling on an adjacent property.
- d. The urban farm animal must be contained on the property by the use of a fence or other appropriate containment device or structure.
- e. Roosters are not allowed.
- f. Culling urban farm animals for commercial purposes is prohibited.
- g. The ground or floor of the area where an urban farm animal is kept must be covered with vegetation, concrete or other surface approved by the Planning Department, so that it can be, and is, sufficiently maintained to adequately dissipate offensive odors, in compliance with § 705.06, Subd. 2.a. and c. of this chapter.
- h. The combined number of chickens, ducks, geese, turkeys, guinea hens, or rabbits shall not exceed six.

- i. The number of bee hives shall not exceed four.
- j. Any person having more than the allowable number of animals set forth in paragraphs h. and i. above, at the time of the adoption of this chapter, shall not replace animals in excess of those limitations.
- k. *Permit issuance; fees; expiration.*
 - (1) No urban farm animal may be kept in the city until a permit to do so has been approved by the Zoning Administrator and issued by the office of the Building Official and the Building Official or staff representative has made an inspection of the property to ascertain that the premises comply with all requirements of this chapter. Detailed plans and specifications, accurate and drawn to scale, must be submitted with the application, including, but not limited to, the following:
 - (a) Site plan showing the location and setbacks of existing and proposed buildings, fences and structures on the subject property, with dimensions to the property lines.
 - (b) Architectural plans showing floor plans, building elevations and dimensions.
 - (2) *Fees.*
 - (a) The permit fee and other fees and charges set forth in this chapter shall be collected by the city before the issuance of any permits, and the Building Official, or other persons duly authorized to issue the permit for which the payment of a fee is required under the provisions of this chapter, may not issue a permit until the fees shall have been paid.
 - (b) The City Council shall, from time to time, establish a master fee schedule.
 - (3) *Expiration of Permits.*
 - (a) The permit shall expire five years from the date the permit is issued.
 - (b) A permit may be renewed according to the application process identified in subsection (1) above.

NOW THEREFORE the City Council of the City of Shorewood, Minnesota, ordains:

Section 2. That Ordinance 582 Amending Shorewood City Code, Chapter 705, Farm

and Other Animals has been hereby approved and adopted.

Section 3. This Ordinance 582 adopting the Amendment to City Code, Chapter 705, Farm and Other Animals shall take effect upon publication in the City's official newspaper.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF SHOREWOOD, MINNESOTA
this 27th day of September, 2021.

JENNIFER LABADIE, MAYOR

ATTEST:

SANDIE THONE, CITY CLERK

RESOLUTION 21-109

**CITY OF SHREWOOD
COUNTY OF HENNEPIN
STATE OF MINNESOTA**

**A RESOLUTION APPROVING THE PUBLICATION OF
ORDINANCE 582 REGARDING CITY CODE ORDINANCE AMENDMENTS RELATED
TO URBAN FARM ANIMALS**

WHEREAS, at a duly called meeting on September 27, 2021, the City Council of the City of Shorewood adopted Ordinance No. 582 entitled "AN ORDINANCE APROVING AN AMENDMENT TO SHOREWOOD CITY CODE CHAPTER 705 (FARM AND OTHER ANIMALS)"; and

WHEREAS, The City Council adopted a lengthy ordinance amending City Code Chapter 705.09 to amend regulations related to urban farm animals (chickens and other fowl, rabbits and bees); and

WHEREAS, The purpose of this summary is to inform the public of the intent and effect of the ordinance but to publish only a summary of the ordinance with the full ordinance being on file in the office of the City Clerk during regular office hours and available on the city's website;

NOW THEREFORE, IT IS HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF SHREWOOD:

1. The City Council finds that the above title and summary of Ordinance No. 582 clearly informs the public of the intent and effect of the Ordinance.
2. The City Clerk is directed to publish Ordinance No. 582 by title and summary, pursuant to Minnesota Statutes, Section 412.191, Subdivision 4. Such summary is to be substantially the same as the attached form.
3. A full copy of the Ordinance is available at Shorewood City Hall and on the city's website.

ADOPTED by the Shorewood City Council on this 27th day of September, 2021.

Jennifer Labadie, Mayor

Attest:

Sandie Thone, City Clerk



City of Shorewood Council Meeting Item

7C

MEETING TYPE
Regular Meeting

Title / Subject: **Variance to side and rear yard setbacks**

Location: 27460 Maple Ridge Lane
Applicant: Wayne Hartmann

Meeting Date: September 27, 2021
Prepared by: Emma Notermann, Planning Technician

Review Deadline: November 26, 2021

Attachments: Planning Memorandum from the September 7, 2021 Meeting
 Applicants Narrative and Plan
 Correspondence Received
 Engineer Memo dated September 22, 2021
 Resolution

Background: See attached planning memorandum for detailed background on this request.

At the September 7, 2021, the Planning Commission voted unanimously to recommend approval of the variance for the 16-foot x 12-foot shed with an additional 16 x 10-foot carport on a 24-foot by 24-foot concrete pad to be located approximately 4 feet from the side property line where 10 feet is required and 16 feet from the rear property line where 50 feet is required.

They included to following conditions in the recommendation:

1. The applicant be required to acquire all necessary permits
2. The applicant execute and record an encroachment agreement
3. Staff review the drainage situation prior to the request being heard at the City Council meeting.

The applicant was present at the meeting and two people requested to speak. Several letters were submitted and are attached to the staff report. The speakers also submitted photos (attached).

Drainage

The Planning Commission's discussion centered around concerns about drainage and stormwater runoff. They wanted to ensure that the location of the accessory structure was not diverting more water to the neighboring properties than the previous did.

The City Engineers have reviewed the materials that were submitted and have found the changes to the shed would have minimal impact to the drainage situation. The engineers recommend that storm water be directed to the west (toward the lake) from the shed and driveway. The applicant will need to provide more detail on the plans they submit with the building permit. The engineer's memo is attached.

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.*

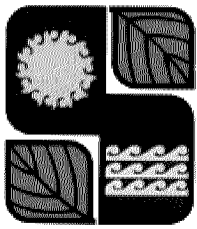
Staff also included a condition that the applicant update the plans they have submitted for permit to reflect the revisions to the project since it was originally submitted (ie the drain and pervious pavers shown on the plans are no longer included) and to provide the necessary detail on the driveway and shed design.

Financial or Budget Considerations: The application fees are adequate to cover the cost of processing the request.

Recommendation / Action Requested: Staff and the Planning Commission recommend approval of the request for a variance for an accessory structure to be located approximately 4 feet from the side property line where 10 feet is required and 16 feet from the rear property line where 50 feet is required, subject to the conditions in the attached resolution.

Proposed motion: Move to adopt the attached resolution approving a variance for a 16x 12-foot shed with an additional 16 x 10-foot carport on a 24-foot by 24-foot concrete pad to be located approximately 4 feet from the side property line where 10 feet is required and 16 feet from the rear property line where 50 feet is required, subject to the conditions in the attached resolution.

Action on this request would require a simple majority.



CITY OF
SHOREWOOD

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MEMORANDUM

TO: Planning Commission, Mayor and City Council

FROM: Emma Notermann, Planning Technician

MEETING DATE: September 7, 2021

REQUEST: Variance to side and rear
yard setbacks

APPLICANT: Wayne Hartmann

LOCATION: 27460 Maple Ridge Lane

REVIEW DEADLINE: November 26, 2021

LAND USE CLASSIFICATION: Low Density Residential

ZONING: R-1A/S

FILE NUMBER: 21.22

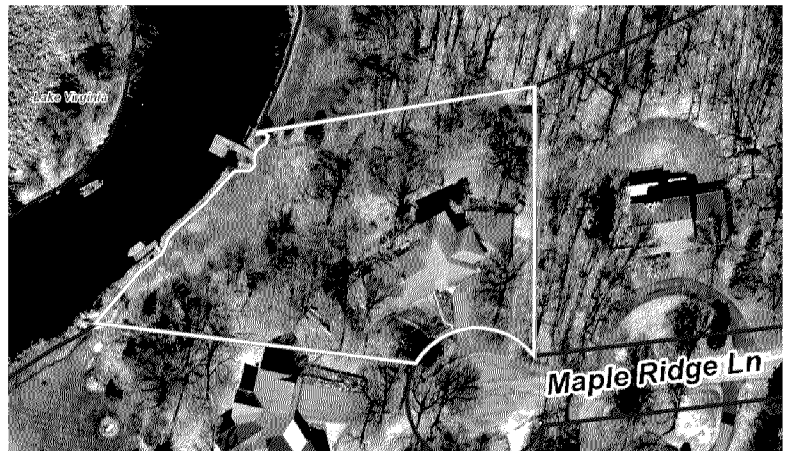
REQUEST:

The applicant requests a variance to the setback from the side and rear property lines for an accessory structure that includes a 16x 12-foot shed with an additional 16 x 10-foot carport on a 24-foot by 24-foot concrete pad.

The accessory structure is already constructed and is located approximately 4 feet from the side property line where 10 feet is required and 16 feet from the rear property line where 50 feet is required. The variance application was submitted after City staff was made aware that the shed under construction without permits.

Notice of this application and the public meeting was mailed to all property owners within 500 feet of the property at least 10 days prior to the meeting.

Staff has received several public comments that are attached to the memo.



BACKGROUND

Context: The existing home was constructed in 1974. The lot was created in 1959 as part of the Virginia Highlands subdivision. The property is zoned R-1A and is in the Shoreland District of Lake Virginia.

Most of the adjacent properties are all developed with single-family homes and zoned R-1A and are in the Shoreland District.

Applicable Code Sections:

Section 1201.26 subd. 5. a. of the zoning regulations requires a side setback of 30 feet total and a minimum of 10 feet.

Section 1201.10 subd. 5. d. (2) of the zoning regulations requires a rear yard setback of not less than 50 feet.

Section 1201.03 subd. 2. d. of the zoning regulations require that accessory buildings and structures shall be constructed within the buildable area of the lots as defined in § 1201.02 of this chapter except as provided in subdivision 3c of this section.

Section 1201.03 subd. 1. f. of the zoning regulations states that a lawful nonconforming use of a structure or parcel of land may be changed to lessen the nonconformity of use. Once a nonconforming structure or parcel of land has been changed, it shall not thereafter be so altered to increase the nonconformity.

ANALYSIS

The accessory structure in question requires a variance because the previous accessory structure was not legally non-conforming, as it was constructed across a property line and was not issued a building permit. If the previous accessory structure had been legally non-conforming, staff would have been able to administratively approve the new accessory structure of similar or smaller size under Section 1201.03 subd. 1. f. of the zoning regulations.

The applicant's narrative is attached and indicates that the accessory structure has been reconstructed to address a couple of issues that the old accessory structure presented. The new accessory structure pad location is 4 feet from the side yard line, although this doesn't meet the 10-foot setback, the new location resolves the issue of the previous shed encroaching over the lot line on the neighbor's property and reduces the amount of the encroachment into the drainage and utility easement. The applicant also states that the new improvements to the property will include the installation of a drain/drywell to help with drainage issues in the northeast corner of the property. These improvements would occur in the easement and must also be reviewed by the City Engineer prior to installation. The applicant did subsequently state that they would not be moving forward with the drain installation.

The applicant's property is situated along Lake Virginia in a way that imposes both a 75-foot setback to the Ordinary High Water Level (OHWL) of Lake Virginia and a 50-foot rear yard setback.

The accessory structure has been constructed inside the drainage and utility easement that runs along the east and north property line. Because construction in drainage and utility easements is not permitted, the City will require an encroachment agreement with the property owner. This agreement

would protect the City against cost or liability for the structure and driveway should any work need to be completed in the easement.

Variance Criteria:

Section 1201.05 subd.3.a. of the zoning regulations sets forth criteria for the consideration of variance requests. These criteria are open to interpretation. Staff reviewed the request according to these criteria as follows:

1. *Intent of comprehensive plan and zoning ordinance:* The property owner would continue to use the property for residential purposes. They propose no uses on the site that would be inconsistent with either the intent of the residential land use classification or the district's allowed uses.
2. *Practical difficulties:* Practical difficulties include three factors, all three of which must be met. Staff finds that the practical difficulties for the property are related to the lot configuration and setbacks for both side yards, a rear yard and the OHWL of Lake Virginia.
 - a. *Reasonable:* The applicant has proposed a reasonable residential use on the property.
 - b. *Unique Situation vs. Self-Created:* The situation is unique because the unique shape of the property means that the buildable area of the lot is subject to two side yard setbacks, a rear yard setback and a setback to the OHWL of Lake Virginia.
 - c. *Essential Character:* The proposed addition would not be out of character for the neighborhood. The new shed no longer encroaches over the lot line but is in the same general location as the previous shed was. The location is shielded by heavy tree cover.
3. *Economic Considerations:* The applicant has not proposed the variance solely based on economic considerations, but to enhance the functionality and usage of the shed space and to move the shed back over the applicant's property line.
4. *Impact on Area:* The property owner is not proposing anything that would impair an adequate supply of light and air to an adjacent property, increase the risk of fire, or increase the impact on adjacent streets. The shed is located towards the rear of the lot where three properties intersect. Both neighboring houses are approximately 100 feet away with heavy tree cover in the area.
5. *Impact to Public Welfare, Other Lands or Improvements:* Staff finds that the shed would not be detrimental to the public welfare as an accessory structure is a typical residential use in the area and is subject to the approval of the encroachment agreement to protect the public utility easement. The accessory structure is visible from the street, but is constructed in a manner to match the house and does not stand out.
6. *Minimum to Alleviate Practical Difficulty:* Staff finds the variance request is the minimum necessary to alleviate the practical difficulties on the property.

FINDINGS/RECOMMENDATION

Staff finds the variance proposal meets the criteria above and recommends approval of the variance while acknowledging that the variance criteria are open to interpretation. Consequently, the Planning Commission could reasonably find otherwise.

Should the Planning Commission recommend approval of the variance, staff recommends that the applicant be required to acquire all necessary permits and enter into an encroachment agreement.

ATTACHMENTS

Location map

Applicants' narrative and plans

Previous survey and updated survey with approximate location

Photographs of accessory structure

Correspondence Received

27460 Maple Ridge Lane Location Map



Request for Variance for Shed located at 27460 Maple Ridge Lane, Shorewood MN 55331

Purpose:

This variance request seeks to gain approval for a replacement shed/carport located on the property. (For the remainder of this document, the term "Shed" will be taken to mean a Shed and Carport). The shed was constructed in 2021. It replaced an existing shed which was built without a foundation and was becoming unusable as it was sinking into the ground. The goals of the replacement were to: 1) Replace the shed with an exact functionality; 2) To adjust the placement slightly to remove the encroachment on my neighbor's property while maintaining access to the shed via the existing driveway (Note: the prior shed had been built 1' over the property line).

Background:

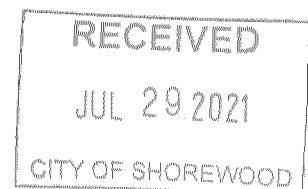
My initial intent was to lift the existing shed and place a foundation under it. When that effort failed, I began the process of rebuilding while moving the new shed off the property line as noted above. The submitted drawings show that the new shed is 6 feet off of the East Lot line – a 7' improvement over the previous placement.

Justification:

- My intent was to replace -- but not exceed -- the functionality that I had with the previous unit.
- The current location of the shed is the best place for the shed (for ourselves and our neighbors):
 - My two adjacent neighbors have their sheds in this same area.
 - My shed is largely shielded from their sight by their own sheds and/or tree cover.
 - The placement of my home on the lot necessitated the driveway that leads to the garage being in the same easement area. This driveway also services the car port attached to the shed.
- Easements: No underground utilities currently exist in the easement area.
- Rebuilt shed is in the same vicinity as old one. There is no detrimental effect and in fact there is improvement (relocated off of neighbor's property)
- Practical Difficulties:
 - Setback requirements make it difficult to place the shed anywhere else on the property.
 - The unique shape of the lot forced concessions at the time the house was built. The house does not conform to setback requirements (it does not meet the 50' front setback) and as noted above, the driveway was constructed in the easement area.
 - The shed does not alter the look and feel of the neighborhood.
 - It is constructed with the same siding as the house.
 - The shingles match the house.
 - It is painted to match the house.
 - It is quality constructed and blends well with the area.
 - It is set within a natural mature Maple Woods area and is difficult to see unless you are in my driveway.
- Net Result: If approved the shed when completed will have:
 - Removed lot line encroachment
 - Improved surface water runoff through installation of drain/drywell and/or pervious pavers.

Thank you for your consideration.

Wayne Haulman
Nichelle Sander



27460 MAPLE RIDGE LN.

23 feet

NORTH
LOT
LINE

EAST
LOT
LINE

SHED

CAR
PORT

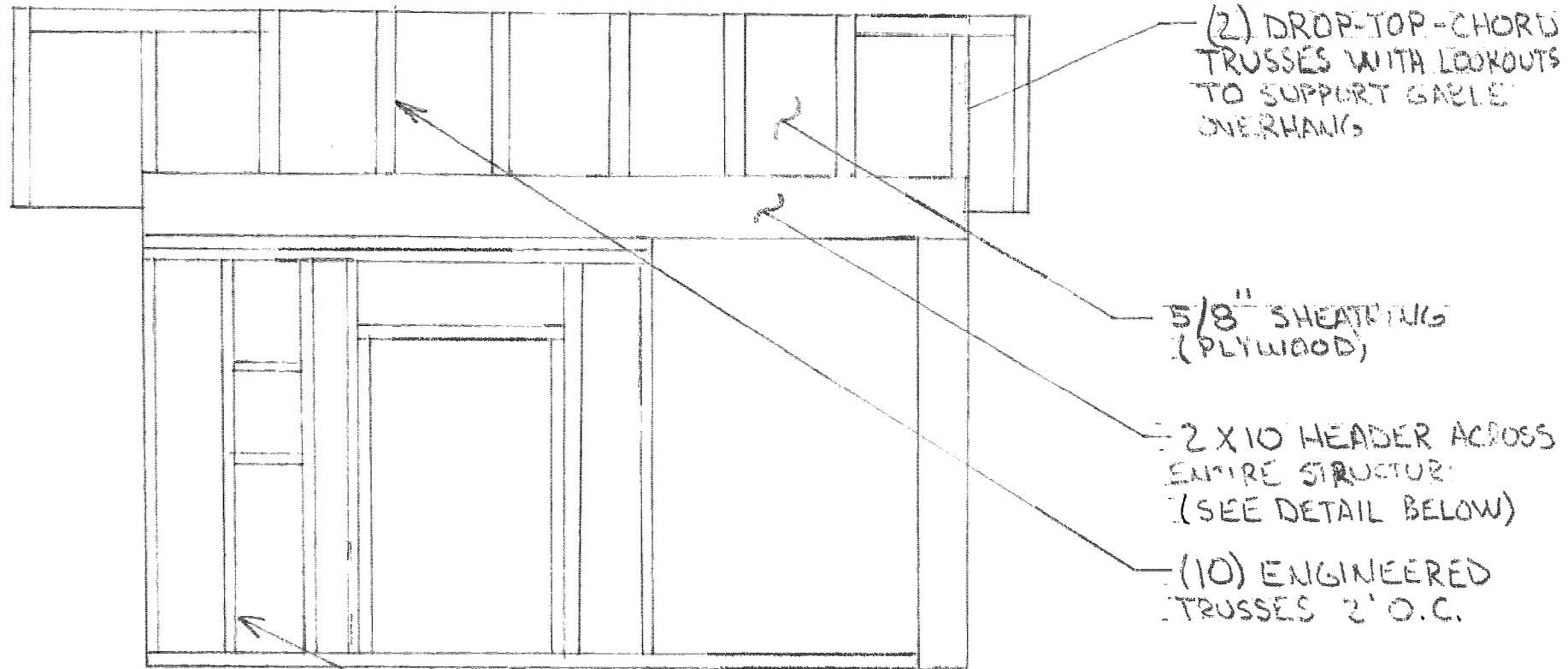
6 feet

RECEIVED

JUL 29 2021

CITY OF SHOREWOOD

27460 MAPLE RIDGE LN



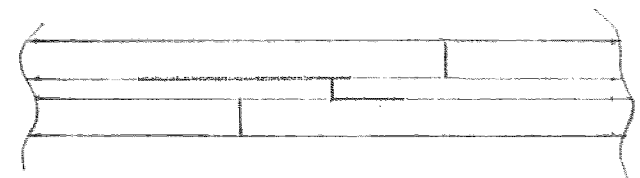
FASTENER NOTES:

1. HURRICANE TIES FOR EACH TRUSS.
2. 1/2" BOLTS THROUGH PLATE INTO CONCRETE WITHIN 12" OF EACH END AND 6' SPACING.
3. 2" X 2" ANGLE IRON ATTACHES HEADER TO BUILDING, 6 TOTAL - 1 IN EACH CORNER AND 2 AT CENTER 6X6 POST
4. SIMPSON 6X6 GALVANIZED POST BASE FOR EACH 6X6 POST

TREATED 2X4 PLATE

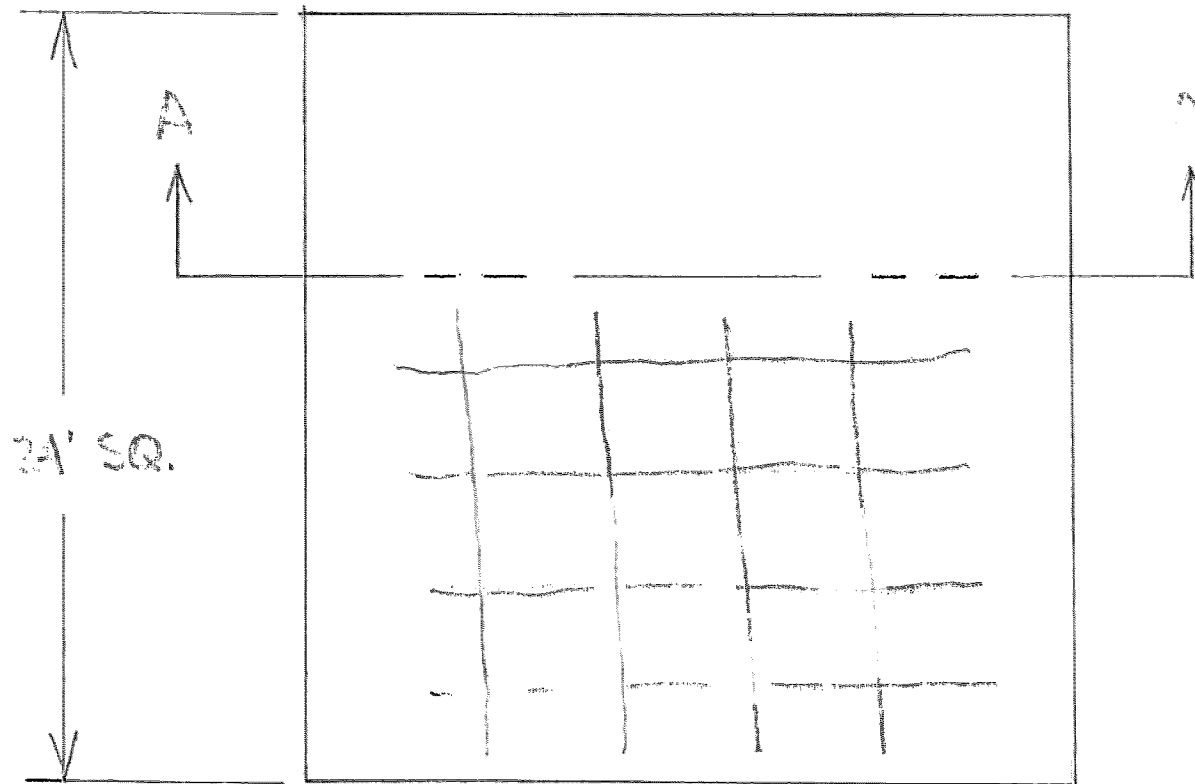
STD STUDS 16" O.C.

HEADER DETAIL



1. 2 X 10 STRUCTURAL LUMBER WITH 1/2" PLYWOOD BETWEEN
2. JOINTS STAGGERED
3. FASTENED WITH CONSTRUCTION ADHESIVE & NAILS

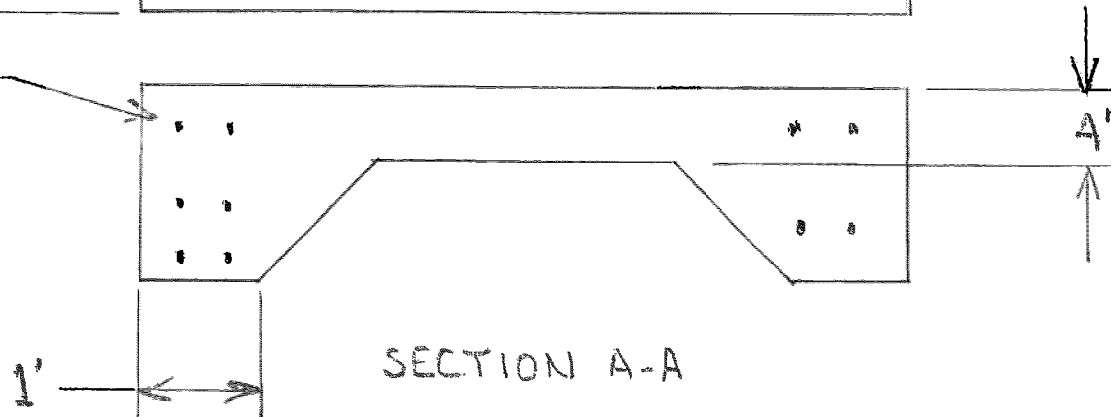
27450 MAPLE RIDGE L.P.
CONCRETE PAD



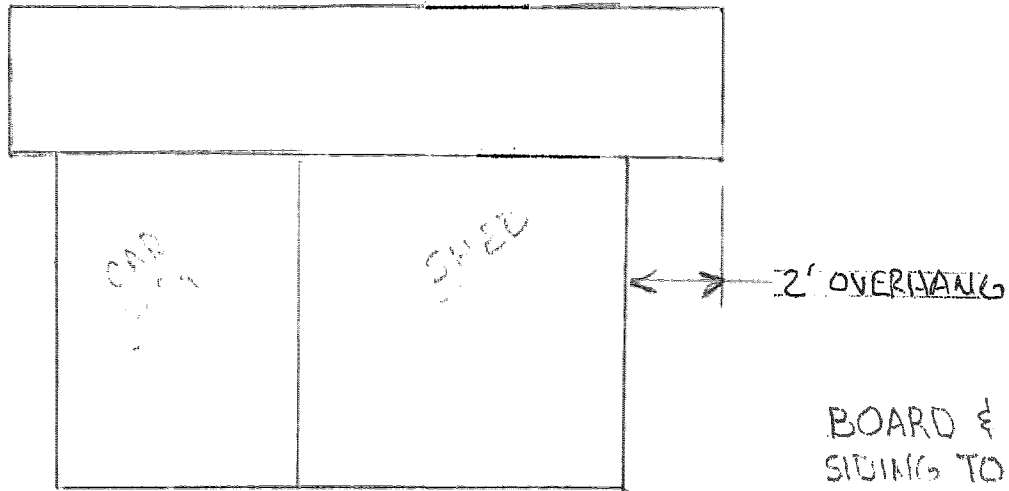
NOTES:

1. 4000 PSI CONCRETE.
2. #3 REBAR.
3. 4" COMPACTED CLASS 5 BASE.

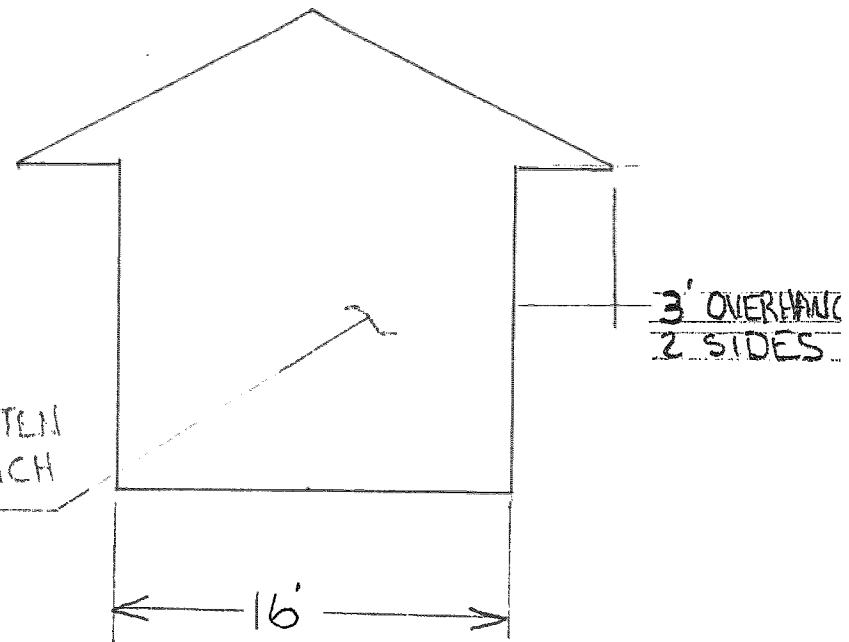
2 LAYERS REBAR
AT PERIMETER, 3
IN THE BACK (NORTH)



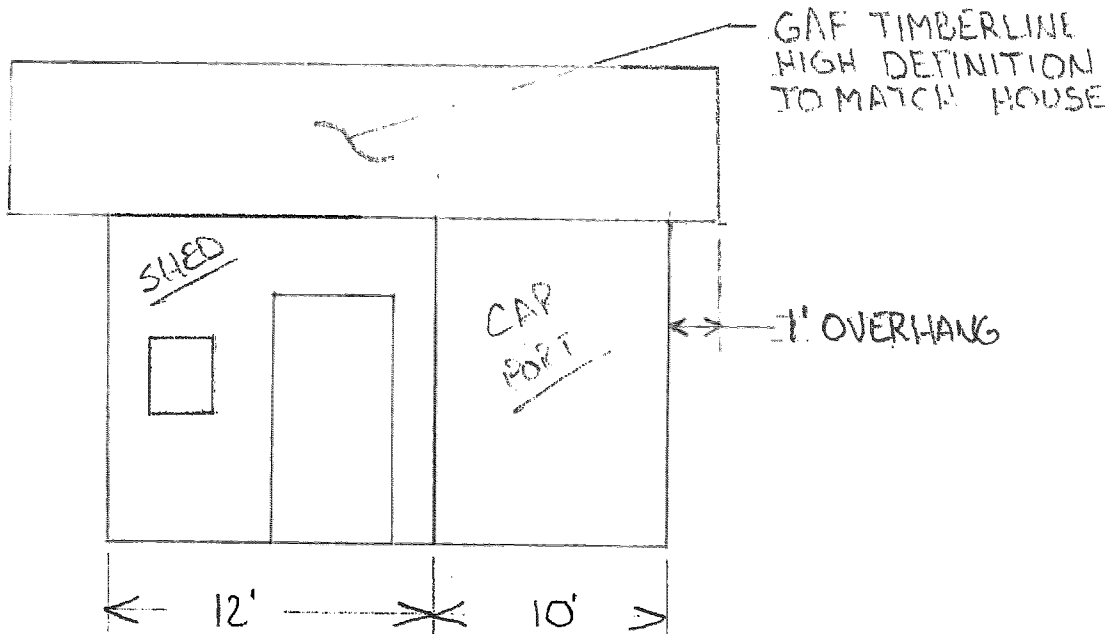
27460 MAPLE RIDGE LN
ELEVATION VIEWS



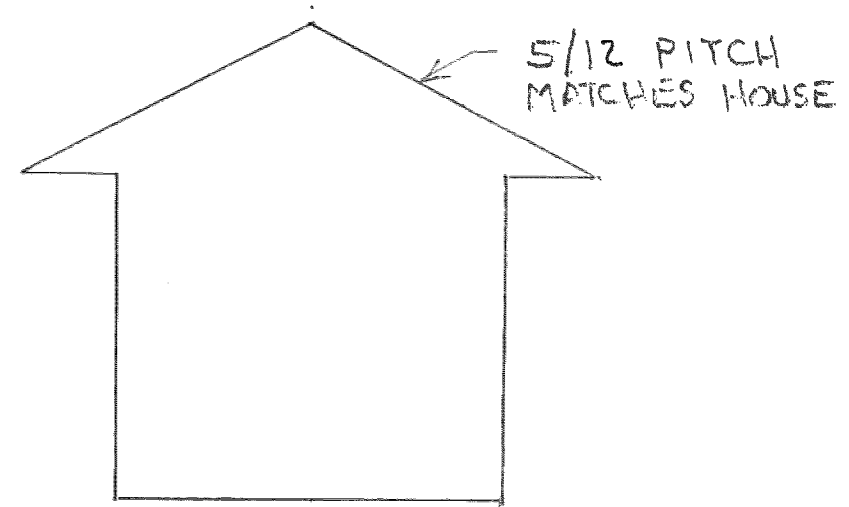
NORTH



WEST



SOUTH

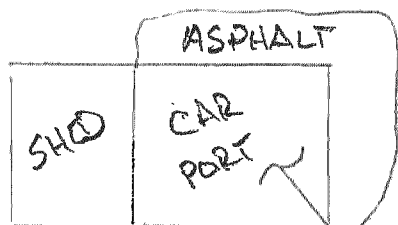


EAST

NOT TO SCALE

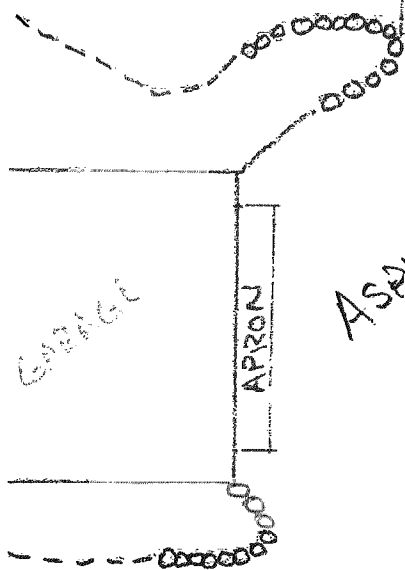
OLD PAVEMENT CONFIGURATION

27460 MAPLE RIDGE LN



ASPHALT PREVIOUSLY
EXISTED UNDER CAR
PORT AREA, AS WELL
AS ROUGHLY 2 FEET
TO THE EAST AND
NORTH OF PREVIOUS
STRUCTURE.

• ~ 1619 S.F.

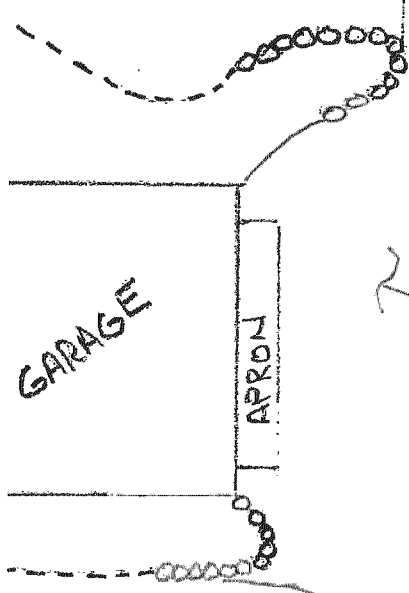
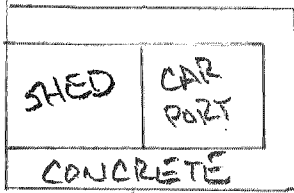


ASPHALT

CITY STREET

PROPOSED PAVEMENT
CURRENTLY OUT FOR BIDS

27460 MAPLE RIDGE LN



BEGINNING AT THIS ARC, THE
ASPHALT WILL BE REMOVED
AND REPLACED WITH
INTERLOCKING PERMEABLE
PAVERS.

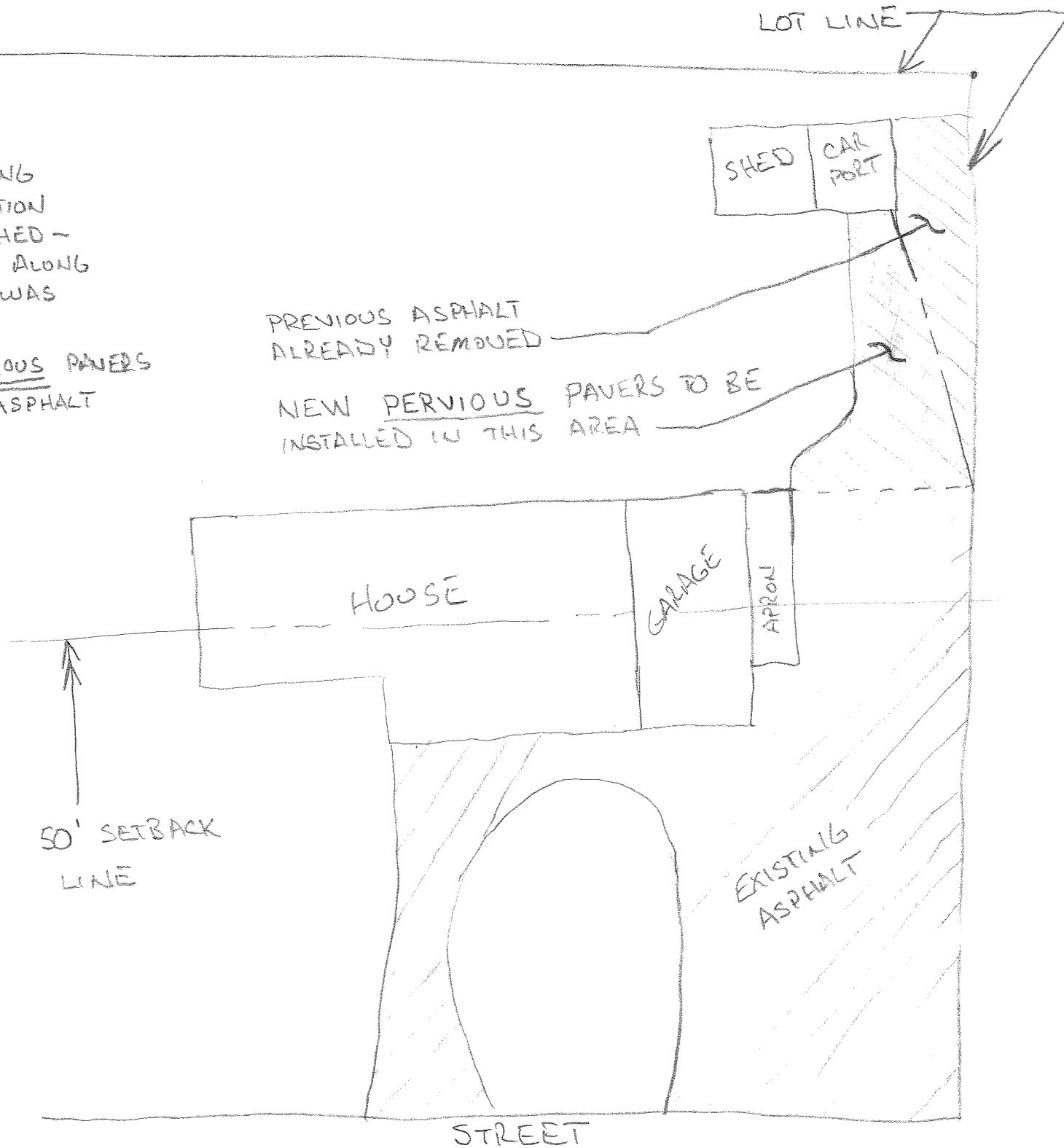
~ 1379 S.F.



CITY STREET

NOTES:

1. THE ENTIRETY OF THE EXISTING DRIVEWAY - INCLUDING THE PORTION RUNNING TO THE PREVIOUS SHED - WAS CONSTRUCTED DIRECTLY ALONG THE LOT LINE. THE HOUSE WAS BUILT THIS WAY (1974)
2. I INTEND TO INSTALL PERVIOUS PAVING IN THE AREA WHERE OLD ASPHALT WAS REMOVED.



ADVANCE SURVEYING & ENGINEERING CO.

5300 S. Hwy. No. 101 Minnetonka, MN 55345 Phone (952) 474 7964 Fax (952) 225 0502 WWW.ADV SUR.COM

SURVEY FOR: **WAYNE HARTMANN**

SURVEYED: July, 2015

DRAFTED: July 8, 2015

ADDRESS:

27460 Maple Ridge Lane, Shorewood, Mn

LEGAL DESCRIPTION:

Lot 7, Block 3, Virginia Highlands Addition, Hennepin County, Minnesota.

SCOPE OF WORK & LIMITATIONS:

1. Showing the length and direction of boundary lines of the above legal description. The scope of our services does not include determining what you own, which is a legal matter. Please check the legal description with your records or consult with competent legal counsel, if necessary, to make sure that it is correct, and that any matters of record, such as easements, that you wish shown on the survey, have been shown.
2. Showing the location of existing improvements we deemed important.
3. Setting new monuments or verifying old monuments to mark the corners of the property.
4. Showing and tabulating hard cover area and the area of the lot for your review and for the review of such governmental agencies that may have jurisdiction over hard cover requirements.
5. While we show proposed improvements to your property, we are not as familiar with your plans as you are nor are we as familiar with the requirements of governmental agencies as their employees are. We suggest that you review the survey to confirm that the proposals we show are what you intend and submit the survey to such governmental agencies that may have jurisdiction over your project and gain their approval; if you can before beginning construction or planning improvements to the property.
6. Showing elevations on the site at selected locations to give some indication of the topography of the site. We have also provided a benchmark for your use in determining elevations for construction on this site. The elevations shown relate only to the benchmark provided on this survey. Use that benchmark and check at least one other feature shown on the survey when determining other elevations for use on this site or before beginning construction.

STANDARD SYMBOLS & CONVENTIONS:

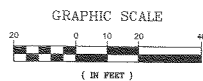
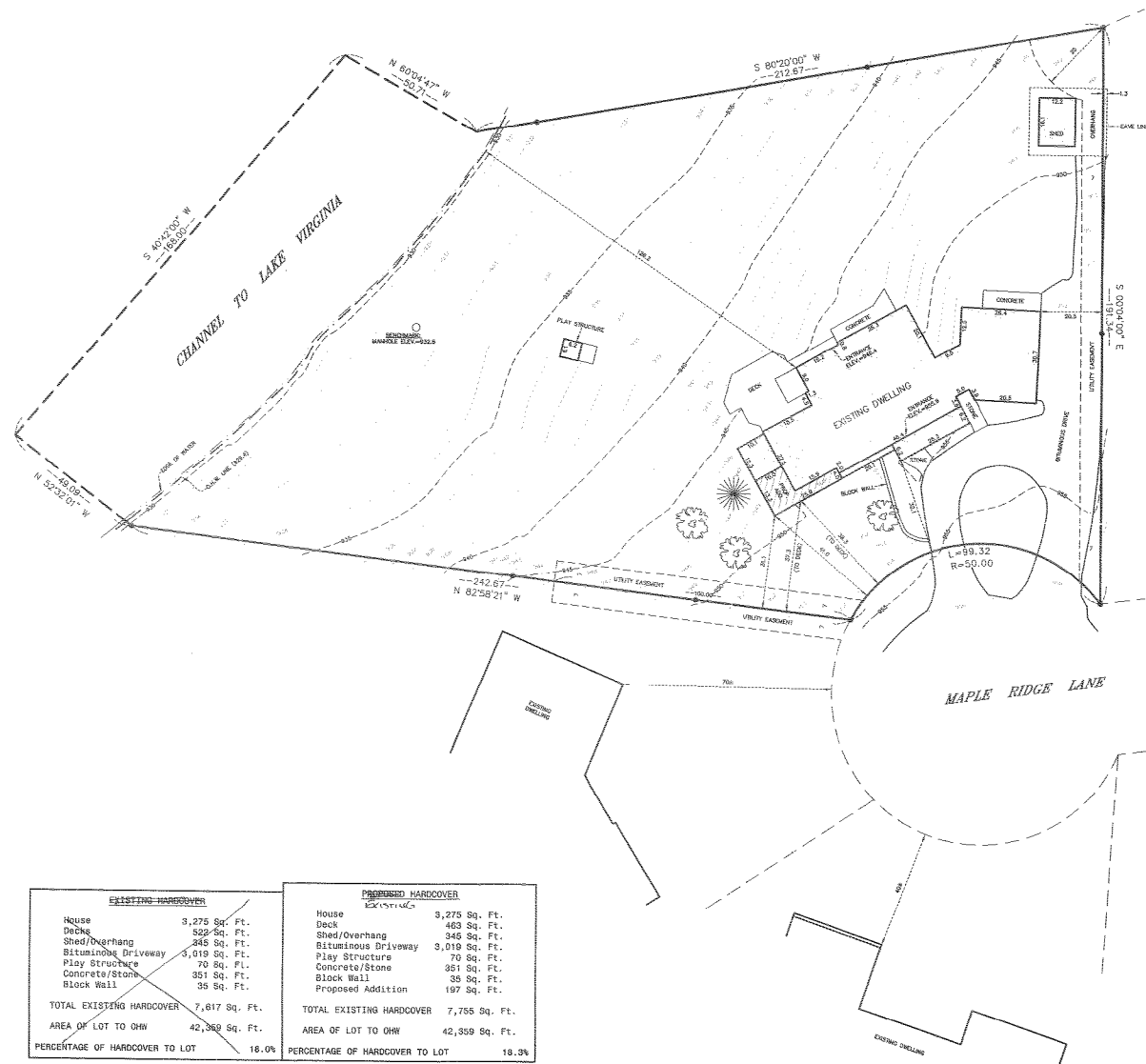
- Denotes 1/2" ID pipe with plastic plug bearing State License Number 9235, set, unless otherwise noted.

CERTIFICATION:

I hereby certify that this plan, specification, report or survey was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer and Licensed Land Surveyor under the laws of the state of Minnesota.

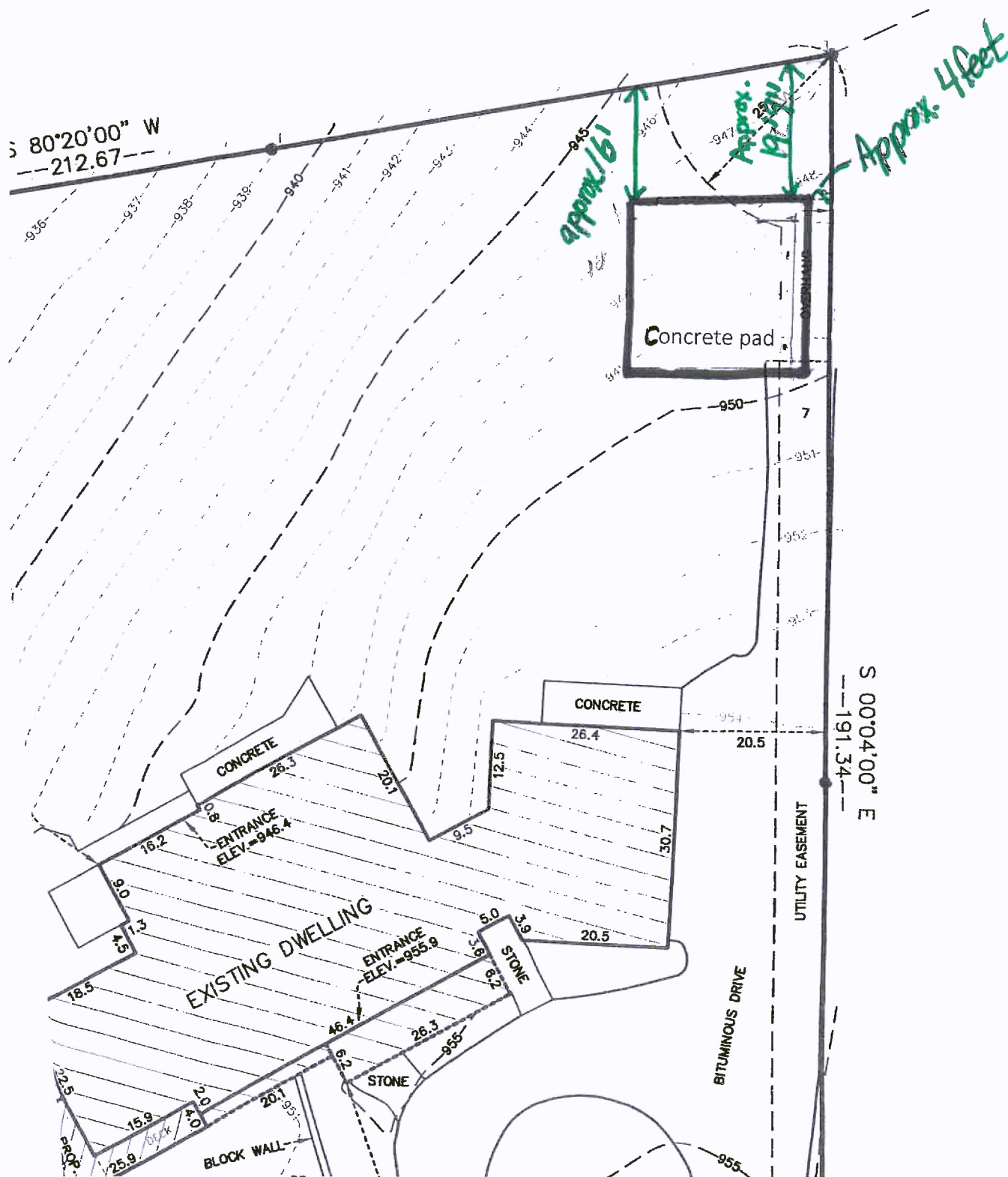
Signature: James H. Parker Typed Name: James H. Parker Reg. No.: 9235

Date: July 8, 2015



DWG. NO. 150548 WP

Approximate new
accessory structure location







Emma Notermann

From: Huminski, James Patrick <james.huminski@verizon.com>
Sent: Monday, August 30, 2021 9:17 AM
To: Planning
Subject: Wayne Hartman - 27460 Maple Ridge Lane

To: Marie Darling

I am writing in response to the public meeting notice that you sent me via mail in relation to the variance for a shed at 27460 Maple Ridge Ln. By way of this letter, I am stating my support for granting this variance.

I am aware of Wayne and Michelle's attempt to replace the shed that was lost with one of similar size. Though the shed was moved slightly to eliminate the encroachment on the neighboring property, the general location of the shed is the right place on this property. Their property is 5 sided and as such it would seem that both of the setbacks should be considered as 'side' setbacks. The 'back' of their lot is truly the water channel - as it is for all of us along the channel. I don't see the 6-foot side setback as an issue given the previous placement, and the 'back' setback I view as more than adequate considering that in reality, this is a side lot line as well.

I appreciate anyone in the neighborhood making improvements to their property since it improves the value of all properties. I am in favor of you granting this variance. If you have questions, feel free to call - 612-272-2668.

Thank you

Jim

--

Jim Huminski
Enterprise Sales Client Partner
Verizon Enterprise Solutions

M 612-272-2668
james.huminski@verizon.com



Emma Notermann

From: Wedin, Timothy <Timothy.Wedin@metc.state.mn.us>
Sent: Tuesday, August 31, 2021 11:32 AM
To: Planning
Cc: Gordon, Adam; Odonnell, Tim
Subject: Planning Commission Meeting - 27460 Maple Ridge Lane Variance Request
Attachments: DOC083021-08302021143138.pdf

Thank you for the opportunity to comment on the attached Variance Request for 27460 Maple Ridge Lane.

MCES does not have an easement or any facilities in the area shown on the provided map. The variance, if granted, would not have any impact on our facilities or property rights in the area.

MCES neither supports nor opposes this variance.

Thank you,

Tim



Tim Wedin, PE

Pronouns: he/him/his

Assistant Manager | Interceptor Engineering

Metropolitan Council Environmental Services

3565 Kennebec Drive, Eagan, MN 55122

P. 651-602-4751 | C. 651-245-5589

metro council.org | facebook | twitter

Emma Notermann

From: Jason Hammerberg <jasonhammerberg@gmail.com>
Sent: Tuesday, August 31, 2021 7:02 PM
To: Planning
Subject: 27460 Maple Ridge Lane Variance

Dear Planning Department,

We have reviewed the map and the requested variance for property address 27460 Maple Ridge Lane. We don't have an objection to the variance and it is in a location that is mostly hidden from public view. The variance mentions the 'rear property line' but it seems the Lake Virginia channel would actually be the rear. Our thoughts.

Sincerely,
Jason & Ingrid Hammerberg
27415 Maple Ridge Lane

Emma Notermann

From: Steve Craig <stevecraig06@gmail.com>
Sent: Wednesday, September 1, 2021 9:08 PM
To: Planning
Subject: Public Notice 27460 Maple Ridge Lane

Good evening Marie and the rest of the Shorewood Planning Committee.

This email is concerning the Public Meeting Notice that we received on Friday August 27th in regards to 27460 Maple Ridge Ln. While we cannot be in attendance on Tuesday September 7th, please accept this correspondence as our written support in favor of approving the variance for Wayne and Michelle's shed/garage. My wife, Sarah, and I are their neighbors directly across the cul de sac at 27475 Maple Ridge Ln.

The shed/garage has been in place in the same location since we moved in December of 2015. I believe we are the only neighbors with a site line to the shed, everyone else has a wooded view of their lot. From our perspective, the new structure represents a visual upgrade from the previous shed/garage that was in place and conforms to the same look, colors, and aesthetic of their home. Wayne was considerate enough to reduce the footprint of the shed so that it no longer encroached as much as it previously had along their property line that abuts 27410 Maple Ridge Ln.

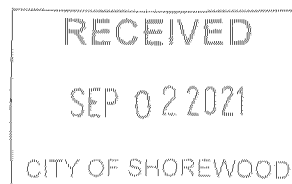
I would be happy to comment further as necessary.

Thanks for the considerate approach in reviewing this matter.

Steve Craig
952-836-9740
stevecraig06@gmail.com

To the Shorewood Planning Commission

Re: 27460 Maple Ridge Lane Variance request



I live next door to Wayne and Michelle. I have lived in this neighborhood almost longer than anyone else and have watched many changes happen as a result. When Wayne and Michelle moved in, a shed existed on their property at the end of the driveway. The carport was a straight shot down the driveway.

Wayne is rebuilding the shed and it looks very nice. It fits with the style of their home and is painted the same color. It actually looks better than the original shed! I drive by their home every day and am happy they are making improvements to their property. That is good for the value of all of our homes.

I was surprised to learn their rear property line is in the woods along the side of their home. We both live on the channel and have always considered our rear lot line (back yard) to be the channel.

With all of this in mind, I am in support of granting the requested Variance.

Best Regards,

A handwritten signature in cursive script that reads "Peggy Ploen". The signature is written in dark ink and is positioned below the typed name "Peggy Ploen".

Emma Notermann

From: Dara Gault <daragault@yahoo.com>
Sent: Sunday, September 5, 2021 6:21 PM
To: Planning
Subject: Variance Request - 27460 Maple Ridge Ln

As the neighbors most impacted by this variance request both Joan Lally and I wish to express our approval of this request.

The original shed, in place before either we or Wayne Hartman purchased our properties, encroached on our lot. Neither of us were aware of that fact until Wayne had his lot surveyed. While attempting to rectify that problem by moving it, the original shed collapsed.

Not being aware that a variance and permits were required for replacement, Wayne started construction of the new shed totally within his lot. This new shed will be more in keeping with the appearance of his house, and improve the neighborhood.

Dara Gault
Joan Lally
27410 Maple Ridge Ln

Stan & Gayle King
6110 Lake Virginia Dr
Shorewood, MN.
55331

Paula Callies
Shorewood City council
5755 Country Club Rd
Shorewood, Mn.
55331

Paula:

This Letter is in reference to a matter addressed at the City planning commission meeting held on September 7, 2021. Specifically, item number 5 on the agenda, which I have attached .

We live at the property to the rear and are directly affected by the construction of this outbuilding.

Our concerns:

- This is not a shed. This is an outbuilding that is an expansion and relocation of what was previously there.
- No building permit was applied for before the construction began. The tear down and construction began in 5/2020, so the owner had ample time to consider his options to proceed without a permit.
- Because there was no permit, a large slab of concrete was poured that has changed the water runoff pattern down the hill.
- In the application for the variance the owner stated that he would provide mitigation and drainage(see attachment 2). He has reneged on that. This is a matter of public record in the planning commission meeting, as well as the city's analysis presented to the Planning commission, (see attachment 3)

The planning Commission recommended the variance with strong language that the building inspectors look at drainage and water mitigation as factors in issuing the building permit.

We have reached out to the building inspector as we are reaching out to you. We strongly urge you to consider what we feel is to be obvious; that a large slab of concrete, where none existed before, can negatively impact water flow and drainage to a neighbor that is down hill. Water flow that can and

should be managed as part of the building process. Management that would have been part of the original process had the owner applied for and obtained a building permit as required.

I will include our e-mail and telephone numbers as we invite your comments

Stan & Gayle King

Stan contact-tel-651 675 8017

Email sking1231957@gmail.com

Gayle contact-tel-612 730 2285

Email gayle43king@gmail.com

A handwritten signature in blue ink, consisting of a large, stylized 'S' followed by a 'K' and a horizontal line extending to the right.

CITY OF SHOREWOOD
PLANNING COMMISSION MEETING
TUESDAY SEPTEMBER 7, 2021

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

A G E N D A

CALL TO ORDER

ROLL CALL / (LIAISON) SCHEDULE

MADDY (SEPT) _____
EGGENBERGER (DEC) _____
GAULT (AUG) _____
RIEDEL (NOV) _____
HUSKINS (OCT) _____
COUNCIL LIAISON JOHNSON (JUL-DEC) _____

1. APPROVAL OF AGENDA

2. APPROVAL OF MINUTES

- ♦ August 3, 2021

3. MATTERS FROM THE FLOOR

(This portion of the meeting allows members of the public the opportunity to bring up items that are not on the agenda. Each speaker has a maximum of three minutes to present their topic. Multiple speakers may not bring up the same points. No decisions would be made on the topic at the meeting except that the item may be referred to staff for more information or the City Council.)

4. PUBLIC HEARINGS

A) Urban Farm Animal Ordinance Amendments

B) CUP for a fence

Applicant: Alec Walsh

Location: 5660 Minnetonka Drive

5. NEW BUSINESS

A) Variance to side and rear yard setback

Applicant: Wayne Hartmann

Location: 27460 Maple Ridge Lane

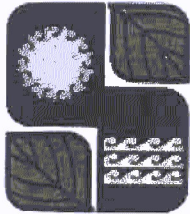
6. OTHER BUSINESS

7. REPORTS

A) Council Meeting Report

B) Draft Next Meeting Agenda

8. ADJOURNMENT



CITY OF
SHOREWOOD

5755 COUNTRY CLUB ROAD, SHOREWOOD, MINNESOTA 55331-8927 • 952.960.7900
www.ci.shorewood.mn.us • cityhall@ci.shorewood.mn.us

MEMORANDUM

TO: Planning Commission, Mayor and City Council

FROM: Emma Notermann, Planning Technician

MEETING DATE: September 7, 2021

REQUEST: Variance to side and rear
yard setbacks

APPLICANT: Wayne Hartmann

LOCATION: 27460 Maple Ridge Lane

REVIEW DEADLINE: November 26, 2021

LAND USE CLASSIFICATION: Low Density Residential

ZONING: R-1A/S

FILE NUMBER: 21.22

REQUEST:

The applicant requests a variance to the setback from the side and rear property lines for an accessory structure that includes a 16x 12-foot shed with an additional 16 x 10-foot carport on a 24-foot by 24-foot concrete pad.

The accessory structure is already constructed and is located approximately 4 feet from the side property line where 10 feet is required and 16 feet from the rear property line where 50 feet is required. The variance application was submitted after City staff was made aware that the shed under construction without permits.

Notice of this application and the public meeting was mailed to all property owners within 500 feet of the property at least 10 days prior to the meeting.

Staff has received several public comments that are attached to the memo.



BACKGROUND

Context: The existing home was constructed in 1974. The lot was created in 1959 as part of the Virginia Highlands subdivision. The property is zoned R-1A and is in the Shoreland District of Lake Virginia.

Most of the adjacent properties are all developed with single-family homes and zoned R-1A and are in the Shoreland District.

Applicable Code Sections:

Section 1201.26 subd. 5. a. of the zoning regulations requires a side setback of 30 feet total and a minimum of 10 feet.

Section 1201.10 subd. 5. d. (2) of the zoning regulations requires a rear yard setback of not less than 50 feet.

Section 1201.03 subd. 2. d. of the zoning regulations require that accessory buildings and structures shall be constructed within the buildable area of the lots as defined in § 1201.02 of this chapter except as provided in subdivision 3c of this section.

Section 1201.03 subd. 1. f. of the zoning regulations states that a lawful nonconforming use of a structure or parcel of land may be changed to lessen the nonconformity of use. Once a nonconforming structure or parcel of land has been changed, it shall not thereafter be so altered to increase the nonconformity.

ANALYSIS

The accessory structure in question requires a variance because the previous accessory structure was not legally non-conforming, as it was constructed across a property line and was not issued a building permit. If the previous accessory structure had been legally non-conforming, staff would have been able to administratively approve the new accessory structure of similar or smaller size under Section 1201.03 subd. 1. f. of the zoning regulations.

The applicant's narrative is attached and indicates that the accessory structure has been reconstructed to address a couple of issues that the old accessory structure presented. The new accessory structure pad location is 4 feet from the side yard line, although this doesn't meet the 10-foot setback, the new location resolves the issue of the previous shed encroaching over the lot line on the neighbor's property and reduces the amount of the encroachment into the drainage and utility easement. The applicant also states that the new improvements to the property will include the installation of a drain/drywell to help with drainage issues in the northeast corner of the property. These improvements would occur in the easement and must also be reviewed by the City Engineer prior to installation. The applicant did subsequently state that they would not be moving forward with the drain installation.

The applicant's property is situated along Lake Virginia in a way that imposes both a 75-foot setback to the Ordinary High Water Level (OHWL) of Lake Virginia and a 50-foot rear yard setback.

The accessory structure has been constructed inside the drainage and utility easement that runs along the east and north property line. Because construction in drainage and utility easements is not permitted, the City will require an encroachment agreement with the property owner. This agreement

Submitted by
Kings @
PC Meeting 9.7







**BOLTON
& MENK**

Real People. Real Solutions.

2638 Shadow Lane
Suite 200
Chaska, MN 55318-1172

Ph: (952) 448-8838
Fax: (952) 448-8805
Bolton-Menk.com

MEMORANDUM

Date: 9/22/2021
To: Marie Darling, Planning Director
From: Matt Bauman, PE
Subject: 27460 Maple Ridge Lane Variance Request – Drainage Review
City of Shorewood
Project No.: 0C1.123603

The following documents were submitted for review of compliance with the City of Shorewood's City Code, Local Surface Water Management Plan and Engineering Standards:

- Variance Request Application Materials dated July 29, 2021
- Certificate of Survey dated July 8, 2015

This review included the documents listed above and a site meeting with the applicant, primarily dealing with grading, modelling and stormwater management and CUP and Variance requests.

1. We find that the applicant will be minimally changing hardcover and will not be adversely changing drainage from the proposed improvements and have no reason to deny the request.
2. Based on the site meeting, by moving the shed location, drainage from the neighboring property to the east may be slightly altered as it heads northwest. Applicant shall direct any water from the east side of the shed and driveway to the west, so that it does not pass to the east of the shed and directly north.

**RESOLUTION 21-110
CITY OF SHOREWOOD
COUNTY OF HENNEPIN
STATE OF MINNESOTA**

**A RESOLUTION APPROVING A VARIANCE FOR SIDE AND REAR YARD
SETBACKS FOR AN ACCESSORY STRUCTURE AT PROPERTY LOCATED AT
27460 MAPLE RIDGE LANE**

WHEREAS, Wayne Hartmann, (the “Applicant”) proposes a variance to the side and rear yard setbacks for a detached accessory structure on property legally described as:

Lot 7, Block 3, Virginia Highlands Addition, Hennepin County, Minnesota.

WHEREAS, the Applicant has applied for a variance to allow a detached accessory structure to 4 feet from the side property line where 10 feet is required and 16 feet from the rear property line where 50 feet is required; and

WHEREAS, the Applicant’s request was reviewed by the planning staff, whose recommendation is included in a memorandum for the September 7, 2021 Planning Commission meeting, a copy of which is on file at City Hall; and

WHEREAS, the Planning Commission held a public meeting on September 7, 2021 to review the application, the minutes of the meetings are on file at City Hall; and

WHEREAS, the City Council considered the application at its regular meeting on September 27, 2021, at which time the planning staff memorandum and the Planning Commission’s recommendations were reviewed and comments were heard by the City Council from the Applicant, staff and public.

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

FINDINGS OF FACT

1. The subject property is located in the R-1A/S zoning district, which requires all detached accessory structures to be 10 feet from the side yard and 50 feet from the rear yard.
2. Section 1201.05 of the zoning regulations provides that the purpose of a variance is to allow a process to deviate from the strict provision of the zoning regulations when there are practical difficulties, and the action is the minimum to alleviate the practical difficulties.
3. Section 1201.05 of the zoning regulations provides that in making the above determination, the City may consider the circumstances unique to the property and not created by the landowner.
4. The Applicant’s proposal is identified on the application materials and plans submitted on July 29 and August 16, 2021.

CONCLUSIONS

A. Based upon the foregoing, and the records referenced herein, the City Council hereby approves the Applicant's request for an accessory structure to be 4 feet from the side property line and 16 feet from the rear property line, based on the plans and materials submitted July 29 and August 16, 2021, subject to the conditions listed below.

B. The City Council specifically finds that the Applicant's request for the variance is consistent with the variance criteria listed in the zoning ordinance as it specifically demonstrates practical difficulties based on lot configuration and would be the minimum request to alleviate the practical difficulties. Additionally, that the improvements proposed would not inappropriately impact the area, public welfare or other lands/improvements in the area.

C. The Applicant's request is approved subject to the following conditions:

- 1) The Applicant shall acquire all necessary permits for construction.
- 2) The Applicant enter into an encroachment agreement with the City due to the .
- 3) Prior to the issuance of permits, the Applicant submit plans that address the drainage on the parcel with the recommendations of the City Engineer in the memo dated September 22, 2021 including:
 - i. Applicant shall direct any water from the east side of the shed and driveway to the west, so that it does not pass to the east of the shed and directly north.
 - ii. The Applicant shall submit updated plans for their project to reflect their project including existing and proposed impervious surface coverage.

D. The variance shall expire one year after approval unless the applicant has completed the project or an extension has been requested in accordance with Section 1201.05 Subd. 3 of City Code.

E. The City Clerk is hereby authorized and directed to provide a certified copy of this resolution for filing with the Hennepin County Recorder or Registrar of Titles.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF SHOREWOOD, MINNESOTA
this 27th day of September, 2021.

Jennifer Labadie, Mayor

Attest:

Sandie Thone, City Clerk



City of Shorewood Council Meeting Item

7D

MEETING TYPE
Regular Meeting

Title / Subject: Conditional Use Permit (CUP) for a Fence

Location: 5660 Minnetonka Drive
Applicant: Alec Walsh

Meeting Date: September 27, 2021
Prepared by: Emma Notermann, Planning Technician

Review Deadline: December 16, 2021

Attachments: Applicant's Narrative
Planning Memorandum from the September 7, 2021 Meeting
Resolution

Background: See attached planning memorandum for detailed background on this request. At the September 7, 2021, the Planning Commission held a public hearing and voted unanimously to recommend approval of the Conditional Use Permit (CUP) for a six-foot-tall fence in the front yard abutting County Road 19 at 5660 Minnetonka Drive.

The Planning Commission found that the applicant has satisfied all of conditions above in his plans for the fence and landscaping, which include the following:

1. The fence shall be located no closer than eight feet to the property line;
2. A landscape plan for the above-referenced eight-foot setback area must be submitted in compliance with § 1201.03 subd. 2.g. of this chapter;
3. The fence shall not obstruct traffic visibility.
4. General CUP Standards

The applicant was present at the meeting and one resident submitted a letter in support of the request (attached).

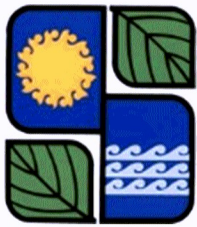
Financial or Budget Considerations: The application fees are adequate to cover the cost of processing the request.

Recommendation / Action Requested: Staff and the Planning Commission recommend approval of the request for a CUP to construct a six-foot tall fence in the front yard abutting County Road 19 at 5660 Minnetonka Drive subject to the conditions in the attached resolution.

Proposed motion: Move to adopt the attached resolution approving a CUP to construct a six-foot tall fence in the front yard abutting County Road 19 at 5660 Minnetonka Drive subject to the conditions in the attached resolution.

Action on this request would require a simple majority.

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

5755 COUNTRY CLUB ROAD, SHOREWOOD, MINNESOTA 55331-8927 • 952.960.7900
www.ci.shorewood.mn.us • cityhall@ci.shorewood.mn.us

MEMORANDUM

TO: Planning Commission, Mayor and City Council

FROM: Emma Notermann, Planning Technician

MEETING DATE: September 7, 2021

REQUEST: Conditional Use Permit (CUP)- Fence

APPLICANT: Alec Walsh

LOCATION: 5660 Minnetonka Drive

REVIEW DEADLINE: December 16, 2021

LAND USE CLASSIFICATION: Low Density Residential

ZONING: R-2A

FILE NUMBER: 21.19



REQUEST:

The applicant has requested a CUP to construct a six-foot fence in his front yard, abutting County Road 19/Smithtown Road. A six-foot fence in a front yard abutting an arterial road is an allowed use with the approval of a CUP. This portion of County Road 19 is defined as an arterial road in the Comprehensive Plan.

Notice of this application and the public meeting was mailed to all property owners within 500 feet of the property at least 10 days prior to the meeting.

BACKGROUND

The property is zoned R-2A, Single and Two Family Residential. It contains approximately 23,896 square feet of area. All surrounding properties are residential. Properties along County Road 19/Smithtown Road are zoned R-2A and properties that are not directly abutting County Road 19/Smithtown Road are zoned R-1C.

Applicable Code Sections:

City Code Section 1201.03, Subd. 2.f.9(vii)

Fences in yards abutting an intermediate arterial or minor arterial street, as designated in the Shorewood Comprehensive Plan, may be constructed to a height of six feet in a front or side yard abutting the arterial

street, by conditional use permit as provided for in § 1201.04. In addition, the following conditions shall apply:

- A. The fence shall be located no closer than eight feet to the property line;
- B. A landscape plan for the above-referenced eight-foot setback area must be submitted in compliance with § 1201.03 subd. 2.g. of this chapter;
- C. The fence shall not obstruct traffic visibility.

ANALYSIS

The proposed fence will be located as shown on the attached plans, extending from the front of the home towards County Road 19 to enclose a portion of the front yard of the property. The portion of the proposed fence that abuts County Road 19 will be 6-foot-tall wood, board on board fence that is setback 8 feet from the property line.

The applicant has submitted a landscape plan that shows a row of arborvitae in the 8-foot setback area that will serve as a buffer between the fence and the road. Staff finds this landscape plan to be in compliance with § 1201.03 subd. 2.g, as noted in the conditions for approval of the CUP.

The proposed fence will not obstruct traffic visibility. No fence or any landscaping will be placed in the 30-foot triangular area extending from the intersection of property lines at the corner of County Road 19 and Minnetonka Drive.

FINDINGS/RECOMMENDATION

Staff finds this fence CUP request does not cause any adverse effects on the general welfare, public health, and safety due to the following reasons.

The proposed use, and its related construction, would be consistent with the policies and provisions of the Comprehensive Plan. The proposed fence it is not inconsistent with a reasonable use of the property, considering that all the specific criteria for the CUP defined in City Code Section 1201.03, Subd. 2.f.9(vii) have been satisfied.

The proposed fence would be compatible with present and future residential land uses in the area and would not tend to or actually depreciate the area in which it is proposed. The proposed fence would allow the homeowners to enclose a portion of their yard for privacy from the busy street. Many other properties along County Road 19 in the area have similar fencing in their front yards abutting the road. Additionally, the proposed landscaping meets the requirements of City Code Section 1201.03, Subd. 2.f.9(vii) and will provide for screening of the proposed fence from County Road 19.

The proposed fence would be accommodated with existing public services including public streets, as it is proposed to be located entirely on the applicant's property and setback the required 8 feet from the property line that abuts County Road 19 to allow the required plantings to mature.

The establishment of the proposed fence would promote and enhance the general public welfare by providing additional security and privacy for the property. The fence would not be detrimental to or endanger the public health and safety of any adjacent property owners. Additionally, the proposed fence meets the requirements of City Code Section 1201.03, Subd. 2.f.9(vii) regarding traffic visibility to ensure safety at the intersection of County Road 19 and Minnetonka Drive.

By obtaining a conditional use permit, the proposed fence would conform to the applicable regulations of city code that allow for a six-foot fence in the front yard abutting an arterial road.

Therefore, staff would recommend approval of the CUP for the fence in a front yard, abutting an arterial road. These criteria are open to interpretation and consequently, the Planning Commission could reasonably find otherwise. Should the Planning Commission recommend approval of the fence CUP, staff recommends that the following conditions be included:

- 1) The applicant be required to acquire all necessary permits prior to constructing the fence.

ATTACHMENTS

Location map

Applicants' narrative and plans

City Code Section 1201.03, Subd. 2.f- Fences



RECEIVED

JUL 26 2021

CITY OF SHOREWOOD

Q of Co.
Rd. NO. 19

CO. RD. NO. 19

120.82 meas
121.17 plot

Edge of Rd.
20' 60

MINNETONKA DRIVE

4' Gate
30' Gate
6' Gate

211.40 meas.
211.70 plot

PROPOSED ADDITION 26.85

ONE STORY FRAME HOUSE

217.80 plot
218.45 meas.

LOT

24.4
20.3
24.4
24.4
5.0

105.48 plot
105.15 meas.

- Denotes Iron Monument
- Denotes Wood Stake
- X000.0 Denotes Existing Elevation
- (000.0) Denotes Proposed Elevation
- Denotes Direction of Surface Drainage

Proposed Top of Foundation Elevation =
Proposed Garage Floor Elevation =
Proposed Lowest Floor Elevation =

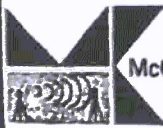
I hereby certify that this is a true and correct representation of a survey of the boundaries of:

Lot 1, Block 2, MINNETONKA HILLS FIRST ADDITION
Hennepin County, Minnesota

And of the location of all buildings, if any, thereon, and all visible encroachments, if any, from or on said land. It also shows the location of the stakes as set for a proposed building. As surveyed by me this 19th day of October 1977.

Thomas S. Bergquist

Thomas S. Bergquist
Land Surveyor, Minn. Reg. No. 7725



McCOMBS-KNUTSON ASSOCIATES, INC.
CONSULTING ENGINEERS & LAND SURVEYORS & SITE PLANNERS
MINNEAPOLIS, HUTCHINSON and MARSHALL, MINNESOTA

SCALE 1"=40'
BOOK 100 PAGE 61
FILE NO. 3824

CERTIFICATE OF SURVEY
for
SCHLEGEL CONSTR

RECEIVED

JUL 26 2021

CITY OF SHOREWOOD

Wood Fence Details for 5660 Minnetonka Drive, Shorewood MN

- Pressure treated Cedar-tone "Shadowbox Style" fence
 - Max horizontal height of 71" above ground level
 - Posts 8' on center to rise maximum of 4" above top of fence panel with cap
 - latch will be operable from both sides of fence at all times
- **additional details of fence construction and placement in supplemental drawings**

Reason for request conditional use permit for a 6' tall fence along 8 foot setback from north property line:

We removed 25' depth of majority buckthorn and weeds with some small trees along the north and northwest side of property. This was a visual blinder from Smithtown road and the house on property. We have a 10 year old, 1 year old, and dog we would like to protect in our property from Smithtown. Visually if we put a 4' tall fence it would do almost nothing for privacy from traffic on Smithtown. Part of this is due to our property surface level being much lower than the crown of the road itself.

In requesting the Conditional Use Permit for a 6 foot tall fence (8' setback from north property line along Smithtown) this would allow for a functional privacy fence to block majority of vehicle driving by from looking down into property. The ability for our children to play in the backyard and not be seen 24/7 by anyone driving by would give us peace of mind we can let our daughters enjoy our backyard. The 6 foot tall fence not only provides a visual break for our children in the backyard but also is not easily jumped over should someone see the children in the backyard. This safety measure would give us peace of mind to help keep our daughters safe.

1. The fence to 6' tall along Smithtown is consistent with the policies and the provisions of the Comprehensive Plan in Shorewood. Both properties to the north and along Smithtown have 6' tall fences eight feet of property line (direct neighbors to north). We would be doing nothing different than they already have existing.
2. The proposed 6' tall fence along Smithtown would be compatible with present and future land uses nor would it depreciate the area in which it is proposed. This does not affect land use at all.
3. The proposed 6' tall fence along Smithwon would not overburden the city's service capacities and allows for existing public services. Bus stop is @ turn lane near NE corner of property and would not affect public usage.
4. The proposed conditional use permit promotes the safety and general public welfare. We removed excessively overgrown brush and buckthorn that greatly impeded the view and ability for pedestrians to safely travel along north property line (abutting Smithtown Road). I assisted in a bicycle vs. car accident at intersection of Smithtown/Minnetonka Drive with the car driver's explanation being they couldn't see the biker along the overgrown side of road (my north property edge). The 6' tall fence is over 20' from(parallel to) turn lane from Smithtown Road and will have zero visibility impact from vehicle or pedestrian

traffic. We have already had numerous neighbors and pedestrians thank us for removing the overgrown vegetation and increase in visibility/safety at the intersection of Smithtown Road and Minnetonka Drive.

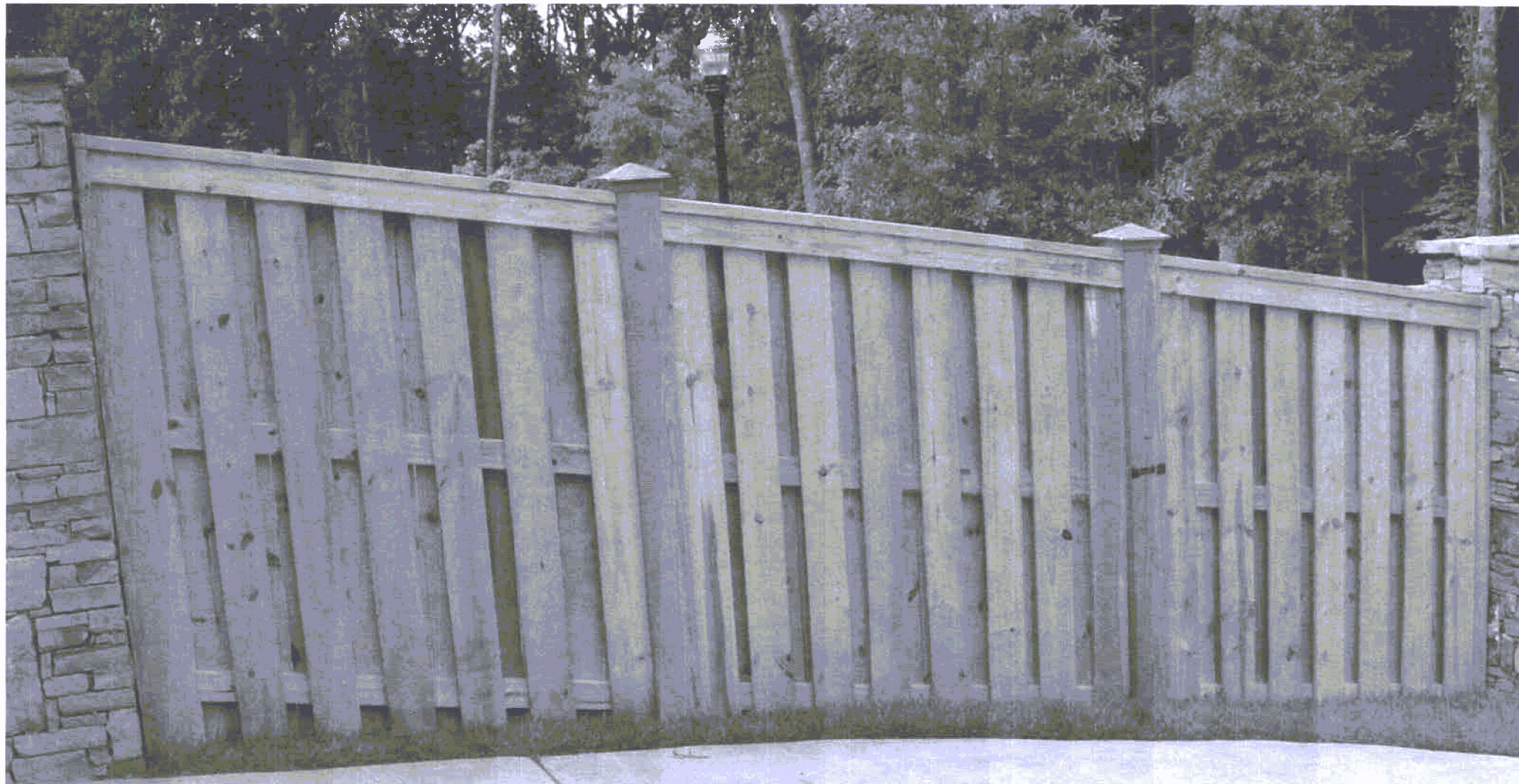
5. The proposed 6' tall fence conforms with applicable regulations of the district and conforms to the applicable regulations of city code.

Our family appreciates the consideration of allowing us a conditional use permit for a 6' foot tall fence along the 8' setback from property line along Smithtown road.

- The Walsh family

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JUL 26 2021
CITY OF SHOREWOOD

Elevation



Section cut

RECEIVED
JUL 26 2021
CITY OF SHOREWOOD

Black Metal cap

Top of Horizontal
fence panels

Top 1" of fence post
(spaced @ 8" OC)

4" Max above
top of Fence

4"

1"

4"

3 1/2"

4"

47" Above ground lev
@ East & North east
fence perimeter

71" Above
Ground Level
@ North & west
fence perimeter

1"

1 1/2"

1"

(Picket)

3/4"

3/4"

(Picket)

Fence Post
4" X 4"

● = Emerald Green Arborvitae (21 total)

- Spaced 4' on Center

- 3' from North fence line / 5' from North property line

- 4' full width Maturity

- 12' - 14' tall full Maturity

● = Patriot Hostas (6 total)
20" Height & 30" width
@ Maturity

↑
N

Surveyed property Line

CO. RD. NO. 19

Smithtown

120.82 meas

121.17 plot

1.0'

Edge of Rd. 8'

30' 60

8' Setback

Fence Wall
(2 1/2 - 3' tall)

35'

Fence Line

plot meas.

DRIVE

Minnesota Drive

RECEIVED
AUG 8 1 2021
CITY OF SHOREWOOD

PROPOSED

5660 Minnetonka Drive CUP for 6' tall Fence along Smithtown Road.

The only plantings to screen the fence from the road will be on the North (Smithtown) side of fence. (orange dots on attached landscape drawing)

They will be Emerald Green Arborvitae (21 total) planted in a straight line 4' on center. Spaced 3 feet from north fence line, and 5 foot from north property line along Smithtown Road.

These will grow to a mature width of 4' in diameter and to a full mature height of 12-14'

**these will all be planted in the 8' setback on private property.

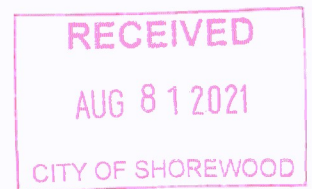
The 6 total Patriot hostas will grow to a mature height of 20" and a mature width of 30". These will NOT grow above the 3' limit. (green dots on attached landscape drawing)

None of these plantings will be in the 30' x 30' diagonal traffic visibility corner required – we are leaving a 5' buffer from true diagonal clearance to either fence or plantings.

No planting on west side of property to screen fence. Only 4 Patriot hostas on east side of fence to fill in machinery entrance that was used during regrading.

No other plantings will be used to screen from road side of fence. Primary focus of plantings to screen from road side of fence would be the taller (21) emerald green arborvitae.

Thank you – Alec Walsh



f. *Fences - general requirements.*

(1) *Permit required.* No person, firm or corporation shall construct or erect any fence without first securing a building permit.

(2) *Locations.* All fences shall be located entirely upon the property of the fence owner unless the owner of the adjoining property agrees, in writing, that the fence may be erected on the property line of the respective properties. No boundary line fence shall be erected closer than three feet to an existing parallel boundary line fence.

(3) *Surveys.* The Building Official may require an applicant for a fence permit to establish his or her true boundary line by a survey thereof to be made by a registered land surveyor.

(4) *Construction and maintenance.* Every fence shall be constructed in a substantial, workmanlike manner and of material reasonably suited for the purpose for which the fence is proposed to be used. Every fence shall be maintained in the condition as to not become a hazard, eyesore or public or private nuisance. All fences shall be so constructed that the finished side faces away from the fence owner's lot. Any fence which endangers the public safety, health or welfare shall be considered a public nuisance and abatement proceedings may be instituted by the proper city official if within 15 days after notification the owner of the fence has not undertaken the necessary repairs himself or herself to abate the nuisance. Link fences, where permitted, shall be constructed in a manner that no barbed ends shall be at the top.

(5) *Nonconforming fences.* All fences existing on the date of the adoption of this chapter, but not conforming herewith, except as to height restrictions, shall conform and be subject to the terms of this chapter. If at any time a nonconforming fence shall be damaged to the extent of more than 25% in any plane, then without further action by the Council, the fence shall, from and after the date of the damage, be subject to all the regulations specified by these zoning regulations. Any fence which is damaged to an extent of less than 25% may be restored to its former extent. It is the intent of this section that all nonconforming fences shall be eventually brought into conformity.

(6) *Prohibited fences.* Electric fences shall not be permitted except in conjunction with the issuance of a horse permit pursuant to Chapter 702 of this code and shall be removed upon expiration or revocation of a horse permit. Barbed wire fences shall not be permitted except as hereinafter provided. Fences of the picket, rail or slat types shall be so constructed that the spaces between the pickets, rails or slats shall be greater than 12 inches or less than six inches. Wire fences which are not readily visible shall be prohibited except where attached to a wooden or other fence of opaque material which is itself plainly visible.

(7) *Required fences, swimming pools.* Outdoor swimming pools with a capacity of 1,500 gallons or with a depth of three feet or more of water shall be adequately fenced to prevent uncontrolled access from the street or adjoining property. The pools shall be completely enclosed by a nonclimbable fence at least four feet in height.

(8) *Shoreline fences.* No fence shall be allowed within the shoreline setback area as specified in § 1201.26 Subd. 5a(3) of this chapter. In addition,

fences on or adjacent to the shoreline of any navigable lake, channel or stream or on or along that portion of a lot line extending from a navigable lake, channel or stream to the near side of the average building construction line, shall not exceed four feet in height.

(9) *Residential District fences.*

(a) *Boundary line fences.* In all parts of Shorewood which are zoned residential, no boundary line fences shall exceed four feet in height, except that:

(i) Fences on all corner lots erected within 30 feet of the intersecting property line shall be subject to subdivision 2h of this section;

(ii) Fences along any rear property line which is also the rear property line of an abutting lot shall not exceed six feet in height;

(iii) Fences along a rear property line, which line constitutes the side lot line of an abutting lot shall not exceed six feet in height for a distance as calculated in (iv) below and shall not exceed four feet in height when abutting a front yard line;

(iv) Subject to other restrictions within this section, fences may be constructed to a height of six feet on or along the side yard property line from the rear lot line to the required front yard setback line;

(v) In those instances where a fence exists as an enclosure which restricts access from the front to the rear yard, a gate, identifiable collapsible section or other means of recognizable ingress shall be provided for emergency vehicles. The ingress shall be unobstructed and a minimum of ten feet in width. The location of the ingress points shall be positioned at any point paralleling the front lot line, between the side lot property line and the principal structure;

(vi) All boundary line fences in residential districts shall be constructed in a manner that at least 25% of the plane between the ground and the top of the fence constructed is open;

(vii) Fences in yards abutting an intermediate arterial or minor arterial street, as designated in the Shorewood Comprehensive Plan, may be constructed to a height of six feet in a front or side yard abutting the arterial street, by conditional use permit as provided for in § 1201.04. In addition the following conditions shall apply:

A. The fence shall be located no closer than eight feet to the property line;

B. A landscape plan for the above-referenced eight foot setback area must be submitted in compliance with § 1201.03 subd. 2.g. of this chapter;

C. The fence shall not obstruct traffic visibility.

(b) *Interior yard fences.*

(i) Any fence erected within any portion of the required front yard shall not exceed four feet in height and shall be at least 25% open.

(ii) Within a rear yard, at a point eight feet beyond any property line, a solid fence up to six feet in height may be erected as a total enclosure. The enclosure shall not exceed 25% of the required rear yard area and shall have adequate means of emergency access.

(iii) Chain link or woven wire fences (without slat screens, canvas or other screening material opaque in nature) used for the enclosure of tennis courts or other recreational purposes shall not exceed ten feet in height.

(10) *Commercial District fences.* Fences in all Commercial Districts shall not exceed eight feet in height, except that:

(a) Boundary line fences abutting R Districts shall conform to those regulations applicable to the R District;

(b) Security fences:

(i) Fences which are erected primarily to secure a particular area may have "arms" not to exceed 36 inches in length, located a minimum of six feet and a maximum of eight feet above ground level, on which arms barbed wire may be strung;

(ii) A survey establishing the true boundary line must be made by a registered land surveyor and submitted to the city;

(iii) Fence arm extensions may not extend across an abutting property line or over any public right-of-way;

(c) Fences erected within the required front yard area shall not exceed six feet in height and shall be of a chain link or woven wire construction which affords maximum visibility.

(11) *Special purpose fences.* Fences for special purposes and fences differing in construction, height or length may be permitted in any district in the city by issuance of a conditional use permit.

(12) *Fence height.* The height of fences prescribed herein shall be considered to be the maximum height allowed. Fence posts may extend above the specified height by no more than eight inches.

Emma Notermann

From: Jeremy Norman <jnorman100@yahoo.com>
Sent: Monday, September 6, 2021 10:21 AM
To: Planning
Cc: Miechelle Norman2
Subject: 5660 Minnetonka Drive CUP Request

Marie, we have no issue with Alec's request for a 6' fence along Co. Rd. 19. We appreciate the clean up he has done on the property and the brush removal has actually helped with visibility of the east bound traffic on 19 from Minnetonka Drive.

Jeremy & Miechelle Norman
23690 Gillette Curve
Shorewood, MN 55331
612-889-8332

RESOLUTION 21-111

A RESOLUTION APPROVING A CONDITIONAL USE PERMIT FOR A FENCE FOR THE PROPERTY LOCATED AT 5660 MINNETONKA DRIVE

WHEREAS, Alec Walsh (the “Applicant”) has applied for a conditional use permit for a fence at his residence addressed as 5660 Minnetonka Drive, on the property legally described as:

Lot 1, Block 2, MINNETONKA HILLS FIRST ADDITION Hennepin County,
Minnesota

WHEREAS, the Shorewood City Code allows fences in yards abutting an intermediate arterial or minor arterial street, as designated in the Shorewood Comprehensive Plan, to be constructed to a height of six feet in a front or side yard abutting the arterial street, by conditional use permit; and

WHEREAS, the Applicant has applied for a conditional use permit for the construction of a six-foot high fence in the front yard of the property that abuts County Road 19, which is designated as an arterial street in the Shorewood Comprehensive Plan; and

WHEREAS, the Planning Commission considered the request for a conditional use permit for a special purpose fence and held a public hearing at its regular meeting on September 7, 2021, at which time the planning staff memorandum was reviewed and comments were heard by the Applicant and the public; and

WHEREAS, the City Council considered the request for a conditional use permit for a fence at its regular meeting on September 27, 2021, at which time the Planning Commission’s recommendations were reviewed and comments were heard by the Applicant, staff, and the public.

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

FINDINGS OF FACT

1. The subject property is located in an R-2A, Single and Two Family Residential zoning district.
2. The front yard of the property abuts County Road 19, which is designated as an arterial street in the Shorewood Comprehensive Plan.
3. The proposed fence shall be located no closer than eight feet to the property line that runs parallel to County Road 19.
4. A landscape plan for the above-referenced eight-foot setback area must be submitted and was found to be in compliance with § 1201.03 subd. 2.g. of City Code.
5. The proposed fence and landscape plan were found to not obstruct traffic visibility at the corner of County Road 19 and Minnetonka Drive.

6. The Applicant's proposal is identified on plans dated July 26, 2021 and August 18, 2021.

CONCLUSIONS

1. The Applicant's request for a fence no taller than six-foot to be installed as shown on the plans submitted on July 26, 2021 and August 18, 2021 is hereby approved based on the finding that the request has satisfied the criteria for granting a conditional use permit for a fence under the Shorewood City Code, subject to the following condition:
 - a. Prior to construction of the fence, the Applicant must request and receive a zoning permit.
2. The conditional use permit shall expire one year after approval unless the applicants have completed the fence.
3. The City Clerk is hereby authorized and directed to provide a certified copy of this resolution for filing with the Hennepin County Recorder or Registrar of Titles.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF SHOREWOOD, MINNESOTA
this 27th day of September, 2021.

Jennifer Labadie, Mayor

ATTEST:

Sandie Thone, City Clerk



City of Shorewood Council Meeting Item

Title/Subject: Public Works AFSCME Contract Tentative Settlement

9A

Meeting Date: September 27, 2021

Prepared By: Greg Lerud

MEETING
TYPE
REGULAR

Attachments: Tentative red-lined contract and Resolution 21-112

Background: There was a single negotiation session with the union bargaining committee for a three-year contract covering 2022 thru 2024. The union unanimously approved the proposed contract.

There were very few changes from the current contract. Below is an explanation of the red-lines and strikeouts:

Article 8: Correcting a misnumbering of subdivisions.

Article 9, Section 5: No language change to paragraph B.

Article 20, Section 3a: This is a reopener for each year of the contract. The city's contribution listed here is identical to the amount contributed toward all employee's premiums, and is an amount reflected in the proposed 2022 budget.

Article 22: The federal government has designated Juneteenth as a federal holiday. The city typically follows the holidays recognized by the State of MN. The State has not officially recognized the Juneteenth holiday, but if it does, it will be automatically recognized in this agreement.

Section 24, Section 2: Changed language to accurately reflect the current standard.

Appendix A: reflects a three percent increase in each year of the contract.

MOU Uniforms: This was eliminated during negotiations. The city's previous vendor was unreliable, and in the process of changing to our present vendor, we entered into an MOU with the union to detail the city's responsibility through the changeout to a new vendor. The new vendor is in place, and we have much improved service.

Recommended Action: The council can approve the contract as directed, or direct staff to negotiate any of the contract items. Staff recommends approval of the contract as presented.

Next Steps and Timeline: The union has approved the contract, and upon council approval, the contract will go into effect on January 1, 2022.

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

AGREEMENT

BETWEEN

CITY OF SHOREWOOD, MINNESOTA

AND THE

AMERICAN FEDERATION OF STATE, COUNTY, AND
MUNICIPAL EMPLOYEES, COUNCIL 5, LOCAL 224, AFL-CIO

~~JANUARY 1, 2019 – DECEMBER 31, 2021~~

JANUARY 1, 2022 - DECEMBER 31, 2024

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PAGE NUMBERS WILL BE CORRECTED ON FINAL COPY

AGREEMENT

This Agreement is entered into by and between the City of Shorewood, Minnesota, a municipal corporation, hereinafter referred to as the EMPLOYER, and Local 224, Council 5 of the American Federation of State, County and Municipal Employees, AFL-CIO, hereinafter referred to as the UNION.

ARTICLE 1 - PURPOSE AND INTENT

It is the purpose of this Agreement to establish certain wages, hours, and conditions of employment, and to establish procedures for the resolution of disputes concerning the interpretation or application of the Agreement. The Employer and the Union continue their dedication to the highest quality of public service. Both parties recognize this Agreement as a pledge of this dedication.

ARTICLE 2 - RECOGNITION

The Employer recognizes the Union as the exclusive representative under Minnesota Statutes, 179A.03, Subdivision 8, as may be amended from time to time, for all employees of the Public Works department of the City of Shorewood whose service exceeds the lesser of fourteen (14) hours a week or thirty-five percent (35%) of the normal work week and more than sixty-seven (67) days a year, excluding supervisory and confidential employees.

ARTICLE 3 – DEFINITIONS

Section 1: UNION: Local 224, Council 5 of the American Federation of State, County and Municipal Employees (AFSCME), AFL-CIO.

Section 2: EMPLOYER: City of Shorewood.

Section 3: UNION MEMBER: a member of Local 224, Council 5 of the American Federation of State, County and Municipal Employees (AFSCME), AFL-CIO.

Section 4: EMPLOYEE: a member of the exclusively recognized bargaining unit.

Section 5: BASE PAY RATE: the employee's hourly pay rate exclusive of longevity or any other special allowance.

Section 6: SENIORITY: length of continuous service in any of the job classifications covered by Article 2 of this agreement.

- Section 7: GRIEVANCE: any dispute or disagreement between the Employer and the Employee(s) concerning the interpretation, application or alleged violation of the specific terms and/or conditions of this Agreement.
- Section 8: BUSINESS DAY: for purposes of Article 8, means calendar days excluding holidays and weekends as defined by this Agreement. In computing any period of time pursuant to action under Article 8, the day, act, or event upon which a period of time begins to run shall not be included.
- Section 9: SERVICE: shall mean personal delivery or service by certified mail.
- Section 10: REDUCED TO WRITING: means a statement outlining the nature of a grievance, the provision(s) of the Agreement in dispute and the relief requested.
- Section 11: ANSWER: means a response indicating the Employer's position on a grievance.

ARTICLE 4 - UNION SECURITY

- Section 1: In recognition of the Union as the certified exclusive representative, the Employer shall deduct from the wages of employees who authorize in writing such a deduction, an amount sufficient to provide payment of dues established by the Union. Such monies shall be remitted to the appropriate designated Officer of the Union.
- Section 2: The Union may designate one employee from the bargaining unit to act as Steward and shall inform the Employer in writing of such choice.
- Section 3: The Employer shall, on request of the Union, grant reasonable time off as required by law, an unpaid leave of absence to Union Members who are elected or appointed officials of the Union.
- Section 4: The Union agrees to indemnify and hold the Employer harmless against any and all claims, suits, orders, or judgments brought or issued against the Employer or as a result of any action taken or not taken by the Employer under the provisions of this Article. Further the Union and the Employer recognize and agree that the limitations of the Employer's liability also apply should the Union exercise the application of "fair share" as provided by M.S. 179A.06, Subdivision 3, as may be amended from time to time.

ARTICLE 5 – EMPLOYER SECURITY

The Union and its members agree that during the life of this Agreement, they will not cause, encourage, participate in, or support any strike, slowdown, or other interruption of, or interference with, the normal functions of the Employer. Violations of this Article shall be grounds for disciplinary action up to and including discharge.

ARTICLE 6 – EMPLOYER AUTHORITY

Section 1: The Employer retains the full and unrestricted right to operate and manage all manpower, facilities, and equipment; to establish functions and programs; to set and amend budgets; to determine the utilization of technology; to establish and modify the organizational structure; to select, direct and determine the number of personnel; to establish work schedules; and to perform any inherent managerial function not specifically limited by this Agreement.

Section 2: Any terms and conditions of employment not specifically established or modified by this Agreement shall remain solely within the discretion of the Employer to modify, establish, or eliminate.

ARTICLE 7 – NON-DISCRIMINATION

The parties agree that their respective policies will not discriminate against any employee covered by this Agreement because of gender, creed, color, age, national origin, handicap, sexual preference, political or religious beliefs, association or affiliation or non-association or non-affiliation with a labor organization, nor will either party to this Agreement discriminate on the aforementioned basis in the application or interpretation of the provisions of this Agreement.

ARTICLE 8 – GRIEVANCE PROCEDURE

Section 1. Processing of a Grievance: It is recognized and accepted by the Union and the Employer that the processing of grievances as hereinafter provided is limited by the job duties and responsibilities of the Employees and shall therefore be accomplished during normal working hours only when consistent with such Employee duties and responsibilities. The aggrieved Employee and the Union Representative shall be allowed a reasonable amount of time without loss in pay when a grievance is investigated and presented to the Employer during normal working hours provided the Employee and the Union Representative have notified and received approval of the designated supervisor who has determined that such absence is reasonable and would not be detrimental to the work program of the Employer.

Section 2. Procedure: Grievances, as defined in Article 3, Section 7, shall be resolved in conformance with the following procedure:

Step 1. An Employee or Employees claiming a grievance shall meet on an informal basis with the employee's immediate supervisor as designated by the Employer in an attempt to resolve the grievance within fifteen (15) business days after the grievance has occurred. The Employer-designated representative will discuss and give an answer to the Step 1 grievance within ten (10) business days after receipt. If the grievance is not resolved, it may be reduced to writing by the exclusive representative and served upon the Employer-designated Step 2 representative. Service must be made within ten (10) business days after the Employer designated representative's final answer in Step 1. Any grievance not appealed in writing to Step 2 by the Union within ten (10) business days shall be considered waived.

Step 2. If appealed, the written grievance shall be presented by the Union and discussed with the Employer-designated Step 2 representative. The Employer-designated representative shall give the Union the Employer's Step 2 answer in writing within ten (10) business days after receipt of such Step 2 grievance. If a resolution of the grievance results, the terms of that resolution shall be written on or attached to the grievance and shall be signed by the Employer and the Union. If no agreement is reached, the exclusive representative may proceed with the grievance by appealing to Step 3 within ten (10) business days following the Employer-designated representative's final Step 2 answer. The appeal shall indicate the intention of the Union to proceed with the grievance, a statement of the grievance, the provision(s) of the Agreement in dispute, and the relief requested. Any grievance not appealed in writing to Step 3 by the Union within ten (10) business days shall be considered waived.

Step 3. If appealed, the written grievance shall be presented by the Union and discussed with the Employer-designated Step 3 Representative for mediation. The Employer-designated representative shall give the Union the Employer's answer in writing within ten (10) business days after receipt of such Step 3 grievance. If a resolution of the grievance results, the resolution shall be reduced to writing as provide in Step 2. A grievance not resolved in Step 3 may be appealed to Step 4 or directly to Step 5 within ten (10) business days following the Employer-designated representative's final answer in Step 3. Any grievance not appealed in writing to Step 4 for mediation or directly to Step 5 for arbitration by the Union within ten (10) business days shall be considered waived.

Step 4. A grievance unresolved in Step 3 and not appealed directly to Step 5 but appealed in Step 4 for mediation, shall be submitted within the designated time limit to the Minnesota Bureau of Mediation Services with notice provided to the Employer. If a resolution of the grievance results, the resolution shall be reduced to writing as provided in Step 2 A grievance not resolved in Step 4 through the mediation process, may be advanced to Step 5 by the Union within in ten (10) business days following final mediation. Any grievance not appealed in writing to Step 5 within ten (10) business days shall be considered waived.

Step 5. A grievance unresolved in Step 3 or Step 4 and appealed in Step 5 may be submitted to arbitration. The Employer and the Union shall endeavor to select a mutually acceptable arbitrator to hear and decide the grievance. If the Employer and the Union are unable to agree on an arbitrator, they may request from the Director of the Bureau of Mediation Services, State of Minnesota, a list of five (5) names. The parties shall alternate strike names from the list of five (5) arbitrators until only one (1) name remains. The remaining arbitrator shall be requested to hear and decide the grievance. The determination of which party will commence the striking process shall be made by a flip of a coin.

Section 4 3. Arbitrators Authority:

- A. The arbitrator shall not have the power to add to, delete from, ignore, nullify, or to modify in any way, the terms and conditions of the existing Agreement. The arbitrator shall consider and decide only the specific issue(s) submitted in writing by the Union and the Employer and shall have no authority to make a decision on any other issue not so submitted. The arbitrator's decision shall be based solely on the arbitrator's interpretation or application of the express terms of this Agreement and to the facts of the grievance presented.
- B. The decision of the arbitrator shall be final and binding on all parties to the dispute unless the decision is contrary to, inconsistent with, in violation of, or in any way varying from any provision of the laws of Minnesota or rules and regulations promulgated there under, municipal charters, ordinances, or resolutions enacted thereto or which causes a penalty to be incurred there under. The arbitrator's decision shall be issued to the parties in writing within thirty (30) days following the close of the hearing or the submission of briefs by the parties, whichever be later, unless the parties agree to an extension.
- C. The fees and expenses for the arbitrator's services and proceedings shall be borne equally by the Union and the Employer provided that each party shall be responsible for compensating its own representatives and witnesses. If either part desires a verbatim record of the proceedings, it may cause such a record to be made, providing it pays for the record. If both parties desire a verbatim record of the proceedings, the cost shall be shared equally.

ARTICLE 9 - SENIORITY

Section 1: Seniority is defined by the Agreement in Article 3, Section 3. Any former employee of the Employer who has terminated may be rehired only under the conditions of a new employee and no credit will be given for prior service.

Section 2: An employee in the Union who is promoted or transfers temporarily to another City department shall have the option to return to his former position without loss of seniority.

Section 3: Seniority shall be calculated as total continuous length of service with the Employer for other benefits under this Agreement.

Section 4. The Employer will maintain and up-to-date seniority roster. An up-to-date copy of the seniority roster will be posted at least once each year and a copy will be provided to the Union. The names of all regular full-time and any part-time members of the bargaining unit who have completed their probationary periods shall be listed on the seniority roster in the order of their seniority and shall show the date from which seniority commences and the employee's job title. Regular part-time employee's seniority shall be pro-rated on their hours of work as a percentage of a forty (40) hour workweek.

Section 5. An employee's seniority shall be terminated:

- A. If the employee resigns, retires, is transferred outside the bargaining unit or is discharged; or
- B. If when recalled to work following a layoff, the employee fails to report to work in accordance with Article 12 — LAYOFF and RECALL; or **Should there be a period after the word RECALL and strike the word or?**

ARTICLE 10 – PROBATIONARY PERIOD

Section 1: A probationary employee may be terminated at the sole discretion of the Employer during the probationary period.

Section 2: All newly hired or rehired employees will serve a six (6) month probationary period. During the probationary period, the newly hired employee shall have no seniority status.

Section 3: For newly hired or rehired employees at the end of the probationary period, the City Administrator shall recommend for Council consideration one (1) of two (2) actions:

- a. Termination of the employee; or
- b. Regular employment status.

Section 4: All employees will serve a six (6) month probationary period in any job classification in which the employee has not served a probationary period.

Section 5: The employee shall be demoted or reassigned at the sole discretion of the Employer to the position held previously or to a comparable position if, at any time during the probationary period the performance of a promoted or reassigned employee is unsatisfactory or if the employee so requests. Such action shall not be subject to the grievance procedure.

ARTICLE 11 – JOB POSTING

- Section 1: All internal job openings shall be posted internally for ten (10) calendar days.
- Section 2: The Employer and the Union agree that regular job vacancies within the designated bargaining unit shall be filled based on the concept of promotion from within provided that applicants:
- a. Have the necessary qualifications to meet the standards of the job vacancy; and
 - b. Have the ability to perform the duties and responsibilities of the job vacancy.
- Section 3: The Employer has the right of final decision in the selection of employees to fill posted jobs based on qualifications, abilities, and experience.
- Section 4: Seniority will be the determining criterion for transfers and promotions when minimum job-relevant qualifications are met.
- Section 5: Employees filling a higher job classification based on the provisions of this Article shall be subject to the conditions of Article 10 - PROBATIONARY PERIOD.

ARTICLE 12 – LAYOFF AND RECALL

Seniority will be the determining criterion for lay-off and recall when the job-relevant qualifications factors are equal. Recall rights under this provision will continue for twenty-four (24) months after lay-off. Recalled employees shall have twelve (12) business days after notification of recall by registered mail at the employee's last known address to report to work or forfeit all recall rights.

ARTICLE 13 – WORK SCHEDULES

- Section 1: The sole authority in work schedules is the Employer. The normal work day for an employee shall be eight (8) hours. The normal work week shall be forty (40) hours Monday through Friday.
- Section 2: Service to the public may require the establishment of regular shifts for some employee's on a daily, weekly, seasonal, or annual basis other than the normal 7:00 a.m. - 3:30 p.m. day. The Employer will give seven (7) days advance notice to the employees affected by the establishment of work days different from the employee's normal eight (8) hour work day.

Section 3: In the event that work is required because of unusual circumstances such as, but not limited to, fire, flood, snow, sleet, or breakdown of municipal equipment or facilities, no advance notice need be given. It is not required that an employee working other than the normal work day be scheduled to work more than eight (8) hours, however; each employee has an obligation to work overtime or call backs if requested unless unusual circumstances prevent the employee from so working.

Section 4: Service to the public may require the establishment of regular work weeks that could include work on Saturdays and/or Sundays.

ARTICLE 14 – SAVINGS CLAUSE

This Agreement is subject to the laws of the United States, the State of Minnesota, and the City of Shorewood. In the event any provision of this Agreement shall be held to be contrary to law by a court of competent jurisdiction from whose final judgment or decree no appeal has been taken within the time provided, such provision of this Agreement shall be voided. The voided provision may be renegotiated at the request of either party. All other provisions shall continue in full force and effect.

ARTICLE 15 – DISCIPLINE

Section 1: The Employer will discipline employees for just cause only.

Section 2: Discipline, when administered, will be in one of the following forms:

- a. Oral reprimand;
- b. Written reprimand;
- c. Suspension;
- d. Demotion; or
- e. Discharge.

Section 3: An employee who is reprimanded in writing, suspended, demoted, or discharged, shall be furnished with a copy of such disciplinary action. A copy of any such disciplinary action shall also be furnished to the exclusive representative.

Section 4: At the employee's request, the Employer shall remove all references to disciplinary action in the personnel record in the following manner:

- a. Written reprimands after two years with no similar occurrences.
- b. References to suspensions and demotions after five years with no similar occurrences.

ARTICLE 16 – RIGHT OF SUBCONTRACTING

Nothing in this Agreement shall prohibit or restrict the right of the Employer from subcontracting work performed by employees covered by this Agreement. The employer agrees to provide notice to the Union and all employees at least ninety (90) business days prior to subcontracting any work performed by employees covered by this Agreement.

ARTICLE 17 – SICK LEAVE

Section 1. Rate of Accrual: All full-time employees shall earn sick leave at the rate of one (1) day (eight[8] hours) per month of employment after the first full calendar month of employment. If the employment date is the 15th of the month or prior, one full day of sick leave is earned. If the employment date is the 16th of the month or later, the employee must wait until after the end of the next calendar month to begin to earn sick leave. Sick leave may be taken during the probationary period not to exceed the time earned.

Part-time employees working more than 20 hours per week, but less than 40 hours per week shall earn sick leave on a pro-rated basis. Sick leave will be granted in not less than one hour units, which is to mean that if any time less than one (1) hour is used, one (1) hour will be charged.

Section 2. Maximum Accrual: The maximum sick leave earning limit is 800 hours. At the end of every year, one-half of the accrued sick leave hours in excess of 800 hours may be converted to other benefits, such as deferred compensation, added to vacation balance, placed in the next year's Section 125 Plan account, paid out as cash, or converted to a combination of other benefits). Upon termination, accrued sick leave will be paid as provided in Article 18 of this Agreement

Section 3. Use of Sick Leave: Employees must inform their supervisor at the earliest possible time when they will be absent due to illness or injury. Sick leave shall be granted only in case of necessity and actual sickness or disability injury to the employee or for dental appointments and physical examinations. Dental appointments and physical examinations must receive prior approval by the employee's supervisor.

Sick leave, vacation, or leave without pay shall be granted in the case of attending to the employee's spouse/partner, child, parent/stepparent, sibling, or grandparent/step grandparent. A doctor's certificate may, at the discretion of the City Administrator, be required for sick family member's absence. All doctor's certificates required by this section will be obtained at the employee's expense.

Employees are authorized to use sick leave for reasonable absences for themselves or relatives (employee's adult child, spouse, sibling, mother-in-law, father-in-law, grandchild, grandparent, or stepparent) who are providing or receiving assistance because they, or a relative, is a victim of sexual assault, domestic abuse, or stalking. Safety leave for those listed, other than the employee and the employee's child, is limited to 100 hours in any 12-month period.

Section 4. Worker's Compensation: In case of disability caused by sickness or injury and covered by Worker's Compensation, the City will compensate the employee the difference between their regular base pay and that received from Workers' Compensation payments, but never for a longer period than their accumulated sick leave. In such case, the time deducted from accumulated sick leave shall be in the same amount as the proportion of wages paid by the City as to the entire base pay of the employee. No sick leave will be paid to employees while actually working for others.

Section 5. Return to Work — Dr. Note Required A doctor's certificate may be required for sick leave absence. Sick leave without pay may be granted at the City Administrator's discretion after earned sick leave with pay has been exhausted.

ARTICLE 18 – SEVERANCE PAY

Section 1: Regular, full-time employees who leave the municipal service in good standing after giving at least two (2) weeks' advance notice shall receive severance pay in accordance with Section 2.

Section 2: Types of termination and qualification for severance.

- a. Procedure: regular full-time employees who leave the municipal service voluntarily in good standing after giving at least two (2) weeks' notice or who receive an Involuntary Elimination from the City shall be granted severance pay of unused sick time the employee may have based on the following conditions and rates below.
 - a) Involuntary Elimination,
 - b) Retirement — Voluntary and in good standing,
 - c) Voluntary retirement or termination of employment due to health reasons, service connected injury, or illness,
 - d) Voluntary in good standing.
- b. Unauthorized Absence: unauthorized absence from work for a period of three (3) consecutive working days shall be considered by the City Administrator as a voluntary termination not in good standing.
- c. Rate of Severance Pay: upon termination of employment, employees with a minimum of five years of continuous employment shall be entitled to receive payment of 50% of sick leave up to a maximum of 400 hours of payout (this calculates to a sick leave balance of up to 800 hours) at termination. Such payment for unused sick leave shall be made based on the employee's hourly rate at the time of separation. The employer will provide, as an option, a lump sum payout of all unused, earned vacation pay at retirement.

- d. For employees with a severance pay pay-out of 100 hours or more shall have 50% of their severance paid into a Post-Retirement Healthcare Savings Account administered through MSRS.

ARTICLE 19 – FUNERAL LEAVE

Section 1: Upon notice to the immediate supervisor, all regular full-time employees shall be granted five (5) paid days of leave for death or funerals in the immediate family. Immediate family is defined as spouse, children, parents, siblings, grandparents and corresponding in-laws and corresponding step-relatives.

Section 2: Other types of leave:

- a. Upon notice to the immediate supervisor, all regular full-time employees shall be granted two (2) days of leave for death or funerals of other family members. Other family members shall be defined as aunts, uncles, nieces, nephews, and cousins.
- b. Upon notice to the immediate supervisor, one (1) day of leave shall be granted for death or funeral of relatives or friends.
- c. Other funeral time off with pay may be granted at the discretion of the City administrator.
- d. Leave as granted under Article 19, Section 2, shall be deducted from that employee's accrued sick leave, vacation, personal leave, compensatory time, or maybe without pay.

ARTICLE 20 – INSURANCE

Section 1: Employer Contribution. The Employer shall provide a contribution toward the cost of health insurance, term life insurance, short term and long term disability, and dental insurance on behalf of regular full and part-time employees.

Section 2: The insurance carrier shall be selected by the Employer. The employer shall, following a meet and confer with the Union, determine the type and level of coverage provided e.g. co-pay plan, Health Savings Account, etc.

Section 3: Contribution Amounts.

- a. In ~~2019~~ **2022** the Employer shall provide up to ~~\$1,130~~ **\$1,280** per month to regular full-time employees for coverage stated in Section 1 above. An employee who elects coverage under the Health Savings Account that, combined with other benefits, results in a total cost that is less than the contribution level, shall have the balance applied toward their Health Savings Account up to a maximum of \$2,500 for the year, or \$208 per month. This amount shall be deposited in to the members HSA account at the start of the New Year. Regular part-time employees working more than 20 hours per week shall be entitled to pro-rated contribution. The Employer and Union agree to reopen negotiations for the ~~2020~~ **2023** and ~~2021~~ **2024** Employer contribution amount.

Section 4: Deductibility of insurance premiums as pre-tax dollars for employees covered by this agreement shall be available as permitted by Internal Revenue Service regulations.

Section 5: For regular full-time employees that opt-out of the Employer sponsored health plan, the Employer shall pay \$100 per month. To qualify, the employee must provide proof of alternative coverage such as through a spouses plan.

Section 6: In accordance with M.S. Statute 471.61, Subdivision 2(b) as may be amended, an employee who elects to retire early shall be allowed to continue to participate in the Employers group health insurance plan at the employee's expense.

ARTICLE 21 – VACATION

Section 1. Accrual. Regular full-time employees shall accrue paid vacation on the following basis:

LENGTH OF CONTINUOUS SERVICE

ACCRUED VACATION HOURS

Start through five (5) years	96 hours (8 hours per month – 12 days)
Start of six (6) years through nine (9) years	120 hours (10 hours per month – 15 days)
Start of 10 th year through 19 th year	160 hours (13.33 hours per month – 20 days)
Start of 20 th year through 29 th year	200 hours (16.667 hours per month – 25 days)
Start of 30 th year and beyond	240 hours (20 hours per month – 30 days)

Section 2. Length of Continuous Service. Length of continuous service for the purpose of determining vacations is calculated from the date of full-time employment with the Employer.

Section 3. Probationary Employees. Probationary employees shall accrue paid vacation time, but shall not be allowed to take vacation leave until after completion of the initial probationary period.

Section 4. Choice of Vacation and Approval Required. Preference in choosing vacation time is given on the basis of length of continuous service for the first ten (10) days (80 hours) of vacation. An employee with more than ten (10) days (80 hours) of accrued vacation will be allowed to choose additional vacation time only after all other regular full-time employees have made their initial choices. Preference in choosing vacation time beyond the initial selection will be given on the basis of length of continuous service. Vacation leave may only be taken after prior approval has been granted by the Employer-designated representative.

Section 5. Vacation Salary Advance. Employees may request vacation salary in advance for the period during which they will be away. A vacation salary advance request must be submitted by the employee to the Employer-designated representative one (1) week in advance of the vacation period.

Section 6. Payment in Lieu of Vacation. Employees continuing in the Employers employment shall not be given pay in lieu of vacation. Employees in good standing at the time they separate employment shall cash out any accrued vacation.

Section 7. Vacation Carry Over. Each employee may carry over to the next year a number of vacation days based on the following formula: two (2) times the annual rate of accrual on December 31.

Section 8. Pro-Rata Vacation. Regular part-time employees will receive paid vacation on a pro-rata basis.

ARTICLE 22 – HOLIDAYS

Section 1. Paid Holidays. Regular full-time employees shall be provided with the following holidays:

<u>HOLIDAY</u>	<u>WHEN OBSERVED</u>
New Year's Day	January 1
Martin Luther King Jr. Day	Third Monday in January
Presidents Day	Third Monday in February
Memorial Day	Last Monday in May
Fourth of July	July 4 th
Labor Day	First Monday in September
Columbus Day	Second Monday in October
Veteran's Day	November 11 th
Thanksgiving Day	Fourth Thursday in November
Christmas Eve (half day – 4 hours)	December 24 th
Christmas Day	December 25 th
Good Friday (half day – 4 hours)	Friday before Easter Sunday
Personal Leave Day	As provided in Section 2 of this Article

Section 2. Personal Leave Day. An employee may take the personal leave day with the prior approval of the Employer-designated representative. An employee shall request the personal leave day at least three (3) business days in advance. This requirement may be waived with the prior approval of the Employer-designated representative.

Section 3. Holidays Falling on Saturday or Sunday. When New Year's Day (January 1), Independence Day (July 4), or Christmas Day (December 25) fall on a Sunday, the following day (Monday) shall be observed as a holiday. When New Year's Day, Independence Day, or Christmas Day falls on a Saturday, the preceding day (Friday) shall be observed as a holiday.

When Christmas Eve falls on a Sunday the Friday before shall be considered the observed holiday.

Section 4. Holiday Call Outs. Call outs on actual holidays or observed holidays, will be paid at time and a half plus normal holiday pay, except as follows: Call-outs on Memorial Day, July 4, Labor Day, Thanksgiving Day and the actual or observed December 24, December 25, and January 1 holidays will be paid at double the base wage plus regular holiday pay.

This language clarifies that for these last three (3) holidays, double-time plus holiday pay will be paid for call-outs on the actual or observed days.

If during the term of this contract Juneteenth is recognized as a Holiday by the State Legislature the Holiday will be added to the list of holidays.

ARTICLE 23 – LEAVES

Section 1. Child and Parental. The Employer shall grant leave for children's school activities and parenting leave in accordance with Minnesota Statute 181.940 — 181.943 as may be amended and, in the case of parenting leave any federal law or regulation.

Section 2. An employee who is temporarily disabled due to pregnancy or childbirth may use sick leave in accordance with Article 17 — Sick Leave.

ARTICLE 24 - UNIFORMS

Section 1. The Employer shall provide five (5) clean uniforms, consisting of shirts and pants to each regular full-time employee each week. Refer to MOU-Uniforms.

Section 2. The Employer will provide for each employee up to \$250.00 on an annual basis toward the purchase of ~~steel-toed~~ **ANSI Certified** safety boots and \$100.00 for the cost of prescription safety eyewear. Payment will be reimbursed to the employee upon providing to the Director of Public Works a receipt of payment.

Section 3. The Employer will provide \$125 to each employee on an annual basis on or as near January 1st as possible, for the purchase of coveralls and cold weather gear. It will be the responsibility of each employee to obtain, maintain and wear this gear at appropriate times.

Section 4. Each full-time employee shall receive up to one-hundred dollars (\$100) for knee high rubber boots for the life of the contract.

ARTICLE 25 – OVERTIME PAY

Section 1. Hours worked in excess of eight (8) hours within a twenty-four (24) hour period (except for shift changes) or more than forty (40) hours within a seven (7) day period will be compensated for at one and one-half (1.50) times the employee's regular base pay rate.

Section 2. Overtime will be distributed in order of seniority with the most senior employee, subject to conditions stated in Article 13, Section 3 (unusual circumstances).

Section 3. Overtime refused by employees will, for record keeping purposes under Section 2, be considered as unpaid overtime worked.

Section 4. For the purposes of computing overtime compensation, overtime hours worked shall not be pyramided, compounded, or paid twice for the same hours worked.

Section 5. At the option of the Employer, employees may take compensatory time off in lieu of overtime pay. Compensatory time off will be provided at the same rate as overtime pay. Compensatory time may accumulate to a maximum of eighty (80) hours. Overtime hours worked in excess of the eighty (80) cap will be paid at one and one-half (1.50) times the base pay for the two week period in which they are worked. Compensatory time off must have the prior approval of the Employer-designated representative. Members of bargaining unit shall be allowed to cash out compensatory time balances in one (1) hour increments. The bargaining unit employees shall make such request on time reporting form, when reporting times are turned in.

Section 6. An employee may use up to eight (8) hours of compensatory time in any two-week period to be considered as "time worked" for the purposes of qualifying for overtime compensation during that pay period.

ARTICLE 26 – PREMIUM PAY

Section 1. When an employee is called in to work a shift on an emergency basis at a time other than the normal 7:00 a.m. to 3:30 p.m., the Employer agrees to pay said employee a premium of \$6.00 over and above the normal base rate for each hour worked outside the normal work day, except all hours worked over eight (8) in a day will be paid at the rate of one and one-half (1.50) times the employee's base rate.

Section 2. Premium pay is not paid in addition to overtime pay. It does not apply to holidays and observed holidays.

ARTICLE 27 – CALL BACKS

Section 1. Call-Back: An employee called in for work at a time other than the employee's normal scheduled shift will be compensated for a minimum of two (2) hours' pay at one and one-half (1.50) times the employee's base rate of pay.

Section 2. On-Call Compensation: Employees who are scheduled to work Call Backs as determined by the Employer shall receive an additional twelve (12) hours of straight time (or compensatory time) per on-call status per division (public works services or utility). On-call pay will be paid at the base pay rate ("Straight Time"), and may be accumulated as a compensatory time at that rate at the request of the employee. All employees who are required to be available for holiday call-backs shall be paid an additional two (2) hours pay per holiday. Employees may elect to use compensatory time off in lieu of holiday pay in accordance with Article 24 — Overtime Pay, Section 5.

Section 3. To receive compensation described in Section 2, the individual on-call must be available for an immediate response by telephone and must respond in an appropriate time period and manner when the situation requires a personal response.

Section 4. Call-Back Procedure:

- a. Call-back sequence. In the event that personnel are required beyond the Utility on-call employee or the Public Works Service on-call employee, the sequence of call-backs would
 1. The other employee on-call would be called back.
 2. The supervisor — the Director of Public Works or the Utility Lead — would be notified.
 3. The remaining employees would be called back on the basis of seniority.
- b. Call-backs outside of sequence. The Director of Public Works, or the supervisor in the absence of the Director, shall have authority to call out specific individuals, based on need, where specific expertise or job responsibility is required for the situation. This procedure is to be utilized sparingly and on an as needed basis.

ARTICLE 28 – WAIVER

Section 1. Any and all prior agreements, resolutions, practices, policies, rules, and regulations regarding terms and conditions of employment, to the extent inconsistent with the provisions of this Agreement, are hereby superseded.

Section 2. The parties mutually agree that during the negotiations which resulted in this Agreement, each had the unlimited right and opportunity to make demands and proposal with respect to any terms or condition of employment not removed by law from bargaining. All agreements and understandings arrived at by the parties are set forth in writing in this Agreement for the stipulated duration of the Agreement. The Employer and the Union each voluntarily and unqualifiedly waives the right to meet and negotiate regarding any and all terms and conditions of employment referred to or covered in this Agreement or with respect to any term or condition of employment not specifically referred to or covered by this Agreement, even though such terms and conditions may not have been within the knowledge or contemplation of either or both parties at the time this contract was negotiated or executed.

ARTICLE 29 – DURATION AND EFFECTIVE DATE

This Agreement shall be effective as of the 1st day of January ~~2019~~ 2022 and shall remain in full force and effect to and including the 31st day of December ~~2021~~ 2024 subject to the right on the part of the Employer to the Union to open this agreement by written notice to the other party not later than September 1st of the final year of the Agreement. Failure to give such notice shall cause this Agreement to be renewed automatically for a period of twelve (12) months from year to year.

This Agreement is entered into on this _____ day of _____, ~~2018~~ 2021.

For the City of Shorewood

For the American Federation of State,
County and Municipal Employees, Council 5,
Local 224, AFL-CIO

Jennifer Labadie, Mayor

Bryce Wickstrom, Field Representative

Greg Lerud, City Administrator

Greg Fasching, Negotiation Team Member

, Negotiation Team Member

, Negotiation Team Member

Bart Andersen, Field Director

APPENDIX A – WAGE SCHEDULE

Section 1. Wages for ~~2019~~ **2022** shall increase over the ~~2018~~ **2021** wages by 3% as shown in the table below:

Classification	Start	After 6 Months	After 1 Year	After 2 Years	After 3 years	After 4 Years	After 5 Years
LEO	\$27.76	\$28.77	\$29.78	\$30.83	\$31.81	\$32.85	\$33.86
Shop Tech	\$28.39	\$29.40	\$30.42	\$31.46	\$32.43	\$33.48	\$34.48
Utility Operator	\$29.02	\$30.02	\$31.04	\$32.08	\$33.06	\$34.10	\$35.11
Utility Lead	\$31.21	\$32.36	\$33.50	\$34.66	\$35.79	\$36.89	\$38.08

Section 2. Wages for ~~2020~~ **2023** shall increase over the ~~2019~~ **2022** wages by 3% as shown in the table below:

Classification	Start	After 6 Months	After 1 Year	After 2 Years	After 3 years	After 4 Years	After 5 Years
LEO	\$28.59	\$29.63	\$30.67	\$31.75	\$32.76	\$33.84	\$34.88
Shop Tech	\$29.24	\$30.28	\$31.33	\$32.40	\$33.40	\$34.48	\$35.51
Utility Operator	\$29.89	\$30.92	\$31.97	\$33.04	\$34.05	\$35.12	\$36.16
Utility Lead	\$32.15	\$33.33	\$34.51	\$35.70	\$36.86	\$38.00	\$39.22

Section 3. Wages for ~~2021~~ **2024** shall increase over the ~~2020~~ **2023** wages by 3% as shown in the table below:

Classification	Start	After 6 Months	After 1 Year	After 2 Years	After 3 years	After 4 Years	After 5 Years
LEO	\$29.45	\$30.52	\$31.59	\$32.70	\$33.74	\$34.86	\$35.93
Shop Tech	\$30.12	\$31.19	\$32.27	\$33.37	\$34.40	\$35.51	\$36.58
Utility Operator	\$30.79	\$31.85	\$32.93	\$34.03	\$35.07	\$36.17	\$37.24
Utility Lead	\$33.11	\$34.33	\$35.55	\$36.77	\$37.97	\$39.14	\$40.40

***Note: An Additional \$.50 per hour for Shop Tech and \$1.00 per hour for Utility Operator is included in table above.**

****Note: Employees who are required to obtain and maintain certificates/licenses for their department (i.e. Water System Class C Operator License and Wastewater System Class C Operator License) will be compensated at an additional \$.50 per hour per certificate/license.**

Section 4. At the sole discretion of the Employer, an employee may be temporarily assigned to the job classification of Utility Lead Worker by the employee's supervisor to perform the full duties and responsibilities of that classification. The employee shall be paid at a rate of pay that corresponds to the employee's current step on the Utility Lead pay schedule.

Section 5. Progression. Normally an employee would be hired at Step 1 of the wage table.

After completing probation, (6 months), an employee would go to Step 2 of the wage table.

After completing one (1) year an employee would go to Step 3 of the wage table

After completing two (2) years an employee would go to Step 4 of the wage table

After completing three (3) years an employee would go to Step 5 of the wage table

After completing four (4) years an employee would go to Step 6 of the wage table

After completing five (5) years an employee would go to Step 7 of the wage table

Upon notice to the Union with reasons for doing so, anytime within the employee's first 18 months of service, the employer may skip the employee a maximum of two steps. A maximum of two steps may be skipped under recommendation of the Director of Public Works and approval of the City Administrator. The employee shall then continue to move through the salary schedule on the annual anniversary date of their employment. The Union agrees that actions taken by the employer under this section shall not be subject to grievance or arbitration.

Section 6. Licensure:

- a. Employees who have and maintain a valid Class C water system operator's license will receive \$200.00 per year. Upon verification of licensure, the additional compensation shall be prorated on a monthly basis and compensated the first pay period of December in each calendar year or upon separation.
- b. Employees who have and maintain a valid Class C Wastewater system operator's license will receive \$200.00 per year. Upon verification of licensure, the additional compensation shall be prorated on a monthly basis and compensated the first pay period of December in each calendar year or upon separation.
- c. Employees who have and maintain a valid Pesticide license will receive \$200.00 per year. Upon verification of licensure, the additional compensation shall be prorated on a monthly basis and compensated the first pay period of December in each calendar year or upon separation.

- d. The Shop Technician will receive \$200.00 per year for holding and maintaining the Minnesota Department of Transportation Commercial Vehicle Inspection Certificate. Upon verification of licensure, the additional compensation shall be prorated on a monthly basis and compensated the first pay period of December in each calendar year or upon separation.
- e. The employees who are covered by this provision of the agreement are responsible to renew their license on a regular basis, as required by the licensure organization; and subsequently provide a copy of their paperwork including forms, license, and request for reimbursement to the Finance Department.
- f. An employee, who fails to provide the necessary paperwork and materials to the Finance Department in order to renew the license, will have their compensation reduced in accordance with the agreement until the employee obtains valid licensure.
- g. If the employee fails to pass the exam and does not qualify for the appropriate work related license, the employee's compensation will be reduced in accordance with the Agreement.

SENIORITY LIST

2021

<u>EMPLOYEE NAME</u>	<u>JOB CLASSIFICATION</u>	<u>SENIORITY DATE</u>
Brad Mason	Shop Technician	06-01-1998
Bruce Stark	Light Equipment Operator	05-19-2001
Christopher Pounder	Light Equipment Operator	10-01-2004
Greg Fasching	Utility Operator	10-01-2010
Robert Hanson	Utility Operator	01-06-2014
Christopher Heitz	Light Equipment Operator	05-18-2017
Luke Weber	Utility Operator	04-30-2020
Tim Kosek	Utility Operator	07-20-2020

MOU—Uniforms

The City and Local 224 Agree to the following statements:

1. ~~The present uniform service company, Cintas, is performing at an unacceptable level.~~
2. ~~Under the current agreement, employees should not be responsible for laundering their city provided work uniforms.~~
3. ~~The current contract with Cintas ends on May 1, 2019. Until that time, the city is bound by the terms of that agreement.~~

~~Until the end of the contract with Cintas:~~

1. ~~The City will work to improve the service through the end of the city's contract with Cintas.~~
2. ~~During this time, the City will explore options for purchase of uniforms and laundry service, or a service to provide and launder uniforms.~~
3. ~~Management will involve Local 224 in the discussions about service provider and the uniforms. Local 224 acknowledges that the final decision as to the vendor or supplier of uniforms, as well as the composition, color, design, etc. of the uniform is exclusively a management decision.~~

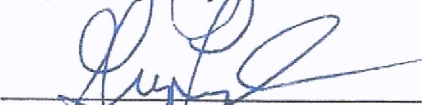
~~At the conclusion of the contract with Cintas:~~

1. ~~The City will provide uniforms under the existing contract terms of Article 24, Section 1 : The Employer shall provide five (5) clean uniforms, consisting of shirts and pants to each regular full-time employee each week.~~

For the City of Shorewood



Scott Zerby, Mayor

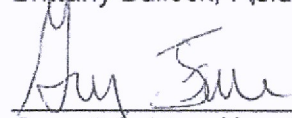


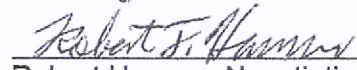
Greg Lerud, City Administrator

For Local 224, Council 5

American Federation of State, County and
Municipal Employees, AFL-CIO

 12/7/18
Brittany Bullock, Field Representative

 12/17/18
Greg Fasching, Negotiating Team Member

 12/11/18
~~Robert Hanson, Negotiating Team Member~~

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

RESOLUTION 21 – 112

**A RESOLUTION APPROVING A CONTRACT WITH AFSCME, COUNCIL 5, LOCAL
225, SHOREWOOD PUBLIC WORKS EMPLOYEES**

WHEREAS, the city recently completed negotiations with the public works union representatives for a tentative three-year contract; and,

WHEREAS, those negotiations resulted in the contract included with this Resolution; and,

WHEREAS, the members of the union have voted to approve the contract,

NOW THEREFORE, BE IT RESOLVED by the Shorewood City Council, that the council hereby approves the contract as presented and included with this Resolution.

Adopted this 27th day of September, 2021.

Jennifer Labadie, Mayor

ATTEST:

Sandie Thone, City Clerk



City of Shorewood Council Meeting Item

Title / Subject: Utility Rate review
Meeting Date: September 27, 2021
Prepared by: Joe Rigdon, Finance Director
Reviewed by: Greg Lerud, City Administrator

Attachments: Proposed Ordinance 583

Policy Consideration: Should the City Council approve utility rate increases?

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.

The City has normally considered changes in utility rates earlier in the year, with the effective usage dates of July through September, billable approximately October 1. Due to the COVID-19 pandemic, the City Council delayed the consideration of 2020 rate changes from the third quarter to the fourth quarter (October through December usage, billable approximately January 1, 2021). It is suggested that going forward, utility rate changes continue to take effect in the fourth quarter.

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 2021, and the 1st, 2nd and 3rd quarters of 2022):

	Quarterly Utilities				
	15,000 Average Gallons per Quarter				
	Water	Sewer	Storm Water **	Increase Per Quarter	
2019-2020	\$ 54.28	\$ 86.76	\$ 29.60		
2020-2021 *	\$ 59.70	\$ 94.57	\$ 31.97	\$ 15.60	
2021-2022	\$ 65.72	\$ 103.08	\$ 34.53	\$ 17.09	
2022-2023	\$ 72.29	\$ 112.36	\$ 37.29	\$ 18.61	
2023-2024	\$ 79.52	\$ 122.47	\$ 40.27	\$ 20.32	
2024-2025	\$ 87.47	\$ 133.49	\$ 43.49	\$ 22.20	
2025-2026	\$ 96.22	\$ 145.51	\$ 46.97	\$ 24.24	
	* 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	
2019-2020	\$ 217.12	\$ 347.04	\$ 118.40		
2020-2021 *	\$ 238.80	\$ 378.27	\$ 127.87	\$ 62.39	
2021-2022	\$ 262.88	\$ 412.32	\$ 138.10	\$ 68.35	
2022-2023	\$ 289.17	\$ 449.43	\$ 149.15	\$ 74.44	
2023-2024	\$ 318.08	\$ 489.88	\$ 161.08	\$ 81.30	
2024-2025	\$ 349.89	\$ 533.96	\$ 173.97	\$ 88.78	
2025-2026	\$ 384.88	\$ 582.02	\$ 187.89	\$ 96.96	
	* 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 operations have been relatively stable over the five year period. Prior to 2018, the Water fund did not have a rate increase since 2010.

<u>WATER</u>	2016	2017	2018	2019	2020
Operating Revenues	\$ 408,911	\$ 408,875	\$ 453,358	\$ 453,252	\$ 573,630
Operating Expenses *	\$ (416,609)	\$ (420,100)	\$ (432,068)	\$ (443,200)	\$ (485,450)
Operating Income (Loss) *	\$ (7,698)	\$ (11,225)	\$ 21,290	\$ 10,052	\$ 88,180

* 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
2016	\$ 1,763,344	\$ -	\$ 1,763,344
2017	\$ 943,703	\$ -	\$ 943,703
2018	\$ (18,026)	\$ -	\$ (18,026)
2019	\$ (415,413)	\$ -	\$ (415,413)
2020	\$ 96,743	\$ 338,893	\$ (242,150)

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 12/31/20:

- \$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
- \$319,106 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 12/31/20. In order to fund future Water fund infrastructure improvements, the City will consider financing through the issuance of bonded indebtedness. In 2020 and 2021, 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 7.5% from \$995,899 in 2021 to \$1,070,850 in 2022.

<u>SEWER</u>	2016	2017	2018	2019	2020
Operating Revenues	\$ 877,599	\$ 909,965	\$ 924,503	\$ 987,487	\$ 1,050,712
Operating Expenses *	\$ (869,174)	\$ (936,952)	\$ (992,976)	\$ (1,154,749)	\$ (1,127,474)
Operating Income (Loss) *	\$ 8,425	\$ (26,987)	\$ (68,473)	\$ (167,262)	\$ (76,762)

* Excluding depreciation and pension expense (non-cash)

Sewer fund cash for operations was \$2.20 million at 12/31/20. 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 to finance various sewer projects, but will need increased revenue to repay future debt service payments.

	Sewer Total Cash	Unspent Bond Proceeds	Cash For Operations
12/31/			
2016	\$ 2,809,803	\$ -	\$ 2,809,803
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	\$ 282,783	\$ 2,197,644

Storm Water Management Fund:

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

<u>STORM WATER</u>	2016	2017	2018	2019	2020
Operating Revenues	\$ 275,171	\$ 341,180	\$ 381,997	\$ 404,877	\$ 411,374
Operating Expenses *	\$ (75,524)	\$ (62,659)	\$ (92,424)	\$ (230,279)	\$ (149,745)
Operating Income (Loss) *	\$ 199,647	\$ 278,521	\$ 289,573	\$ 174,598	\$ 261,629

* 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	
	Total		Bond	For	
12/31/	Cash		Proceeds	Operations	
2016	\$	705,073	\$ -	\$	705,073
2017	\$	804,294	\$ -	\$	804,294
2018	\$	280,496	\$ -	\$	280,496
2019	\$	450,800	\$ -	\$	450,800
2020	\$	3,210,093	\$ 2,576,949	\$	633,144

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 the next several years.

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 2021 usage and upon publication. If that is what the council decides, the motion would be to adopt Ordinance No. 583.

Water fund:

CATEGORIES	CURRENT RATES	PROPOSED RATES
First 5,000 gallons	\$22.20	\$ 24.42
Per/1,000 gal from 5,001 to 50,000	\$ 3.75	\$ 4.13
Per/1,000 gal above 50,000	\$ 5.39	\$ 5.93
Water Service – low income	\$19.05	\$ 20.96

Sewer Fund:

CATEGORY	CURRENT RATES	PROPOSED RATES
Residential	\$94.57/qtr. \$63.05/qtr. low income	\$103.08/qtr. \$68.72/qtr. low income
Commercial	\$10.69 base, \$94.57/qtr. fee for 1-28,500 gallons, \$2.46/1,000 gallons in excess of 28,500 gallons per qtr.	\$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.

Storm Water Management Fund:

Current Basic System Rate: \$31.97	\$22.39/qtr: lots less than 10,000 sq. ft.
	\$31.97/qtr: lots 10,000 – 50,000 sq. ft.
	\$41.61/qtr: lots 50,000 plus sq. ft.
Proposed 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.

Next Steps and Timeline:

If adopted, Staff will implement the new utility rates, effective with fourth quarter 2021 usage, billable on approximately January 1, 2022.

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

**ORDINANCE 583
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	\$ 22.20	\$ 24.42
Per/1,000 gal from 5,001 to 50,000	\$ 3.75	\$ 4.13
Per/1,000 gal above 50,000	\$ 5.39	\$ 5.93
Water Service – low income	\$ 19.05	\$ 20.96

Sanitary Sewer

CATEGORY	CURRENT RATES	PROPOSED RATES
Residential	\$94.57/qtr. \$63.05/qtr. low income	\$103.08/qtr. \$68.72/qtr. low income
Commercial	\$10.69 base, \$94.57/qtr. fee for 1-28,500 gallons, \$2.46/1,000 gallons in excess of 28,500 gallons per qtr.	\$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.

Stormwater Management

Current Basic System Rate: \$31.97	\$22.39/qtr: lots less than 10,000 sq. ft.
	\$31.97/qtr: lots 10,000 – 50,000 sq. ft.
	\$41.61/qtr: lots 50,000 plus sq. ft.
Proposed 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.

Section 2. This ordinance is in effect with the January 2022 billing and upon publication.

ADOPTED BY THE CITY COUNCIL of the City of Shorewood, Minnesota this 27th day of September, 2021.

Jennifer Labadie, Mayor

Sandie Thone, City Clerk

Strawberry Lane Project

We, the residents of Strawberry Court, petition the City of Shorewood to commence the Strawberry Lane project for spring/summer 2022. If Council rejects the plan, we request Strawberry Court be treated as its own entity and completed in 2022.

There is fire safety on Strawberry Court: The proposed city water and fire hydrant on Strawberry Court has been a major concern for residents for over 25 years. This should be made a priority over anything else. The residents of Strawberry Court have approached the City of Shorewood for years and our requests have been ignored and neglected.

We demand that the Planning and Zoning, City Council, do it's due diligence and listen to the homeowners on Strawberry Court and proceed with this project in 2022.

<u>Name</u>	<u>Address</u>
Jim Adsem	26600 Strawberry Ct. Shorewood, MN
Steve Guzzi	26650 Strawberry Ct. Shorewood, MN
Pete Miller	26625 Strawberry Ct. Shorewood, MN
Susan Landau	26575 Strawberry Ct. Shorewood MN
Dania Schulman	26425 Strawberry Ct. Shorewood MN.
Phil Johnson	26550 Strawberry Ct. Shorewood MN
Becky Marshall	26525 Strawberry Ct. Shorewood MN
Jonathan Smith	26450 STRAWBERRY CT. SHOREWOOD MN
Ron Lind	26400 Strawberry Ct. Shorewood, MN
Marilyn Schwab	26500 Strawberry Ct. Shorewood MN
Dan Wood	26475 STRAWBERRY CT SHOREWOOD MN