

**CITY OF SHOREWOOD
CITY COUNCIL REGULAR MEETING
MONDAY, SEPTEMBER 27, 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 7:10 P.M.

PLEDGE OF ALLEGIANCE

A. Roll Call

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

Absent: None

B. Review Agenda

Johnson moved, Siakel seconded, approving the agenda as presented.

All in favor, motion passed.

2. CONSENT AGENDA

Mayor Labadie reviewed the items on the Consent Agenda.

Councilmember Gorham expressed his appreciation for the raise in compensation rate for the election judges.

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

A. City Council Work Session Minutes of September 13, 2021

B. City Council Regular Meeting Minutes of September 13, 2021

C. Approval of the Verified Claims List

D. Approve Election Judge Compensation Rates, Adopting RESOLUTION NO. 21-108, "A Resolution Approving Election Judge Compensation Rates."

All in favor, motion passed.

3. MATTERS FROM THE FLOOR

Dania Schulman, 26425 Strawberry Court, stated that she was here representing all the residents of Strawberry Court regarding the Strawberry Lane project. She stated that the plans the City has brought will have a positive and meaningful impact on to the area, including safety improvements. She stated that they would like to respectfully request that the City prioritize Strawberry Court even if means having it as a separate project. She presented a copy of her statement along with signatures of all the residents on Strawberry Court.

Mayor Labadie asked City Engineer Budde to address this issue and give a report to the council at a future Council meeting.

Councilmember Siakel stated that she does not think the Council has the luxury of time in this situation and thinks the Council will need to decide if this is moving forward very shortly. She stated that there were a lot of neighbors recently in the Council chambers that were upset about the Strawberry Lane project, even though it has been talked about for years. She stated that now there is a group of people saying that they feel differently and want the project. She stated that she thinks there needs to be some representation by the whole neighborhood and the whole area. She stated that she thinks there needs to be consensus with the constituents with what they do and do not want.

Mayor Labadie noted that there is nothing, regarding this issue, in front of the Council tonight for a vote which is why she asked City Engineer Budde to research the Strawberry Court issue and bring it back for discussion at a future meeting and determine whether it can be treated as its own individual project.

The Council discussed placing this item on the regular agenda, construction timeline issues, and how to manage expectations.

Alan Yelsey, 26335 Peach Circle, appeared before the Council via Zoom. He expressed his frustration with the technical issues not being addressed since the last meeting and noted that he feels this is providing an unequal opportunity for participation. He stated that he would also like to ensure that the Council knows that people cannot find the meeting, packet, or agenda, if they go to the City's website. He stated that the website also indicates that people cannot participate via Zoom, which is incorrect because the Council has now allowed this type of participation. He stated that there is a ten-day notice requirement for new ordinances by the State and if the Council is going to consider a project, the citizens deserve ten-day notice, before it is discussed or voted upon. He stated that he is requesting that the City adopt a ten day warning notice for residents for any matters that have broad interest and broad impact. He stated that Smithtown Ponds which is similar in size and scope to Strawberry Lane was just changed substantially and there was no notification for any of the residents. He requested that the City notify the residents when they make a substantial change and give them an opportunity to participate in the review of the changes so they can be tolerable and acceptable to the residents. He stated that there is a City resolution where the City states that it will refrain from the use of systemic pesticides on Shorewood City property and explained that the City has broken the terms of the resolution from the very day it was approved in 2014. He stated that he was asking the City to notify themselves that they are in violation of their own rules and make whatever changes are necessary to immediately stop the pesticide use.

4. PUBLIC HEARING

5. REPORTS AND PRESENTATIONS

6. PARKS

7. PLANNING

A. Report by Commissioner Maddy on September 7, 2021 Planning Commission Meeting

Commissioner Maddy gave an overview of the September 7, 2021 Planning Commission meeting, as reflected in the minutes.

B. Urban Farm Animal Ordinance Amendments

Planning Director Darling reviewed the potential amendments to the Urban Farm Animal Ordinance. She explained that the Planning Commission held a public hearing at their September 7, 2021 meeting, with one e-mail sent following the hearing which was opposed to the amended language regarding the number of chickens. She noted that nobody appeared at the public hearing to discuss this item. She stated that staff and the Planning Commission recommend approval of the proposed amendments.

Mayor Labadie opened the floor to anyone from the audience who would like to comment on this matter.

Brian Falline of 4820 Rustic Lane, stated that he feels that this revision just 'nibbles' around the edges of the real problem which he thinks is the mix of urban and rural policies. He stated he has really nice neighbors but the way things are heading, these changes will cause nothing but more issues between neighbors. He stated that he would like to start by discussing his right to enjoy his property. He explained that he has lived in Shorewood for twenty-four years and now has two homes adjacent to his with chickens, which seems fairly innocuous, but comes with smells, noise, water run-off, along with property intrusions of chickens in his landscaping and yard. He stated that he has predatory animals that use his property as a track to gain access to the chickens in the winter. He stated that there was a dog attacked in his driveway a few years ago by a coyote. He stated that he got a lot of assistance from City Administrator Lerud about what he could do to protect his daughter and his animals. He stated that he has had chickens drug up onto his front porch and killed which means he had to go out and clean up the feathers and blood. He stated that in order to get his dog into his truck, he has to put him on a leash so he does not go chase and kill the chickens that have found their way into his yard. He stated that he is really not able to enjoy his home any longer. He stated that he has never been asked for his approval about chickens and believes he deserves a word on what happens on the adjacent properties. He stated that he believes the property value of his home is greatly diminished because it will require a unique buyer that wants to come in with a small farm next door. He reiterated that when the City starts to mix rural policies and urban policies, they are ultimately headed long term for more and more issues. He reiterated that he feels like the City is nibbling at the edges of the problem, but not really solving the problem. He stated that the chickens get out of the fenced in areas because there is no roofing or wing clipping requirement. He asked the Council to consider that there is a difference between domestic and rural/farm animals and there is a reason that they are

CITY OF SHOREWOOD REGULAR COUNCIL MEETING MINUTES
SEPTEMBER 27, 2021
Page 4 of 13

separated. He stated that there is nothing that he can do besides move and worries about his property value if a buyer comes and there are chickens in his yard at the time.

Councilmember Callies stated that she appreciated the comments made by Mr. Falline because it raised some important concerns. She noted that the existing ordinance requires that the animals be contained on their property which does not sound like it has been happening at this location and may be more of an enforcement issue.

Planning Director Darling agreed that it is an enforcement issue and have had a few recent complaints about chickens getting out and have had conversations with the owners to ensure that when they are cleaning cages and moving the chickens out of the enclosure that they are responsible to still keep them on their property. She stated that it appears as though the City may need to go back out to the property mentioned tonight to ensure that it matches what was outlined in their site plan.

Mayor Labadie asked that when staff takes a look at this property that they ensure that the coop is located in the rear yard. Planning Director Darling noted that the new Ordinance also requires that the enclosure also be located in the rear yard. Councilmember Callies asked how many permits were currently in the City for chickens. Planning Director Darling stated that there are about twenty-five homeowners that have chickens.

Councilmember Gorham asked for details on clipping chicken wings. Planning Director Darling stated that she does not have much information on clipping wings, but knows that it is very effective because it does keep them from flying out of enclosures. Councilmember Gorham asked, if the Council were to recommend this addition, whether it would be considered an inhumane practice.

Planning Director Darling stated that she believes that there would probably be a debate on that issue, but the Council could require that the chickens be in a full enclosure which would imply a caged roof, or that the owner clip their wings. She stated that she can research to see if there are any other methods of containing the chickens.

Councilmember Siakel stated that the City had already had an ordinance in place that allows residents to have chickens and this amendment was an update to the ordinance, based on a request by a homeowner.

Mayor Labadie stated that this issue is not unique to the City. She stated that she thinks a roof requirement seems very reasonable. She asked if there was a complaint, for example, chickens in someone else's yard, whether the City keeps a record of those complaints. She asked if the complaints were recorded, and, for example, if the chicken owner was only allowed a certain number of complaints in order to keep their permit, or if it instantly requires an inspection. Planning Director Darling stated that they usually follow up with it, but many times, by the time they get there, the chickens are no longer running loose. She stated that sometimes they hear about the incidents after the fact.

Councilmember Siakel asked if keeping chickens ended up being more of a novelty for residents or if they kept raising them year after year. Planning Director Darling stated that it is varied and have had both examples.

CITY OF SHOREWOOD REGULAR COUNCIL MEETING MINUTES
SEPTEMBER 27, 2021
Page 5 of 13

Councilmember Johnson stated that in his neighborhood there are three homes that have chickens. He stated that he walks daily and has never encountered any smells, but they have gotten out a few times, but have been gathered up very quickly. He stated that he would like to understand a lot more about the humanity of clipping wings. He stated that with relation to roofing, the aesthetics of the coop and enclosure can have an effect on the adjacent property values.

Councilmember Siakel reiterated that the City already has an ordinance in place that allows chickens. She stated that there needs to be a balance for people having the right to have control of their property without infringing upon other people.

Councilmember Johnson stated that he would like to know how often they are inspected, if the complaints are recorded, and if there is a violation, what the fees are in those situations. He stated that, as Councilmember Callies stated, the issues that the City is hearing from the public seem to be enforcement issues rather than issues with the ordinance amendment.

Councilmember Gorham stated that he likes all the recommended language amendments, but would question how effective the City's existing language is in this situation, especially related to containment. He asked if there may be a better way to describe Part Two, Section C.

Mr. Falline stated that he wanted to make sure that his issue is not about 'bad neighbors', but bad policy. He asked when the ordinance was put in place that allowed chickens in the City and noted that he did not remember it being in place when he moved here twenty-four years ago.

Councilmember Siakel noted that there are also horses within the City and other urban farm animals. Planning Director Darling stated that she believes the code was changed around 2013 to allow chickens.

Mr. Falline explained that he had moved to the City in 1996 so all of these came about after he made a decision to purchase a home in the City. He stated that he understands that the policy is in place, but explained that it had an impact on him. He reiterated that he believes this struggle is going to continue in the City. He stated that he chose not to move to a rural community because he did not want to be next door to horses or livestock. He asked the Council to step back and reiterated that this was not about his neighbor's because he thinks the world of them. He stated that if the Council would come spend a weekend at his house, they would realize that urban and farm animals do not mix well together. He stated that he has a farm further to the north where he raises hay for livestock and is used to the flies and things that come with livestock, but that is at his farm, not at his home. He stated that at the very least, if the Council is still going to allow this, he asked them to take time to look closer at how they can minimize the impact on people who chose not to have farm animals near their home.

Councilmember Callies stated that there is currently not a limit on the number of permits that can be issued in the City and asked if the City should take a look at whether there is a way to limit the number allowed. Councilmember Siakel agreed that Mr. Falline raised some good points and noted that his point about predatory animals is accurate, because there are coyotes in the area now. She asked if the Council would approve the language proposed and ask staff to continue to study the issue.

Councilmember Callies stated that the City could change its policy and not allow chickens anymore. Mayor Labadie agreed that action would be possible, but reminded the Council that action was not before them this evening.

Councilmember Gorham stated that he likes the proposed improvements and thinks the Council can accept those and then also look into the containment issue more. He stated that it would also be an option to table the entire issue while staff looks into it.

Councilmember Johnson stated that he would be in favor of tabling it in order to explore how the City can better enforce the permit and find better language around containment. He stated that he would also be interested in hearing from 'good chicken neighbors' and reiterated that in his experience within his neighborhood there have not been any smells or predatory animal issues because, for the most part, they have been contained. He suggested that the Planning Commission interview some of the permit holders to see what opinions and information can be gleaned from them in terms of best practices on being a good chicken neighbor.

Councilmember Siakel stated that in addition to accepting the amended language, she believes the Council can also direct staff to take additional action to review some of the issues being discussed.

Mayor Labadie stated that she agrees with Councilmember Siakel.

Councilmember Callies stated that she agreed with Councilmember Johnson about tabling this issue so the Council can look at the additional issues that have been raised regarding containment. She stated that the City can ask chicken owners to participate in the process but cannot force it and noted the example of the recent public hearing at the Planning Commission held a public hearing where nobody came. Planning Director Darling explained that she sent a notice of the public hearing and the draft language to the existing chicken permit holders.

Councilmember Callies stated that in order for the City not to delay taking action for too long, she would like to see this come back with some additional language soon and not, for example, postponed for another six months.

Councilmember Siakel explained that she could go either way, but her initial thought was to approve what is in front of the Council and then bring back the bigger picture and add to it.

Ryan Naylor, 5770 Kelsey Drive, stated that he was the resident who had initially raised this matter at Matters from the Floor a few months ago. He stated that he would agree with the points made tonight that further matters could be looked at but would ask that the Council take a look at the amended language because it would be great if they would be able to have it approved so they can move forward with their plans to build a coop and get the process started before winter.

Mayor Labadie noted that many of the complaints and concerns are not from the chicken owners. She stated that just because none of the owners came to the recent public hearing does not mean that the residents do not have concerns. Planning Director Darling stated that she had also notified both homeowners that she knew were opposed to changing the rules for chickens.

Gorham moved, to Approve Ordinance 582 Regarding City Code Ordinance Amendments Related to Urban Farm Animals, and direct staff to look into various containment methods at a future Planning Commission meeting.

Motion died for lack of a second.

CITY OF SHOREWOOD REGULAR COUNCIL MEETING MINUTES
SEPTEMBER 27, 2021
Page 7 of 13

Councilmember Callies asked how long staff thought they would need to investigate and gather information regarding the items discussed during the meeting. Planning Commission Director Darling stated that this could be brought back for the first City Council meeting in November. She stated that she believed this would need to be taken back to the Planning Commission for another public hearing.

City Attorney Keane explained that the Council would not need to send it back to the Planning Commission for another public hearing, however, he would recommend that they would do it. Planning Commission Director Darling stated that with that advice, it would probably be brought back to the Planning Commission in December.

Councilmember Siakel asked for clarification about what the Planning Commission would be discussing regarding this issue. Planning Director Darling explained that they would be looking over specific language changes with regard to enclosures versus clipping wings and considering whether the City wanted to have a limit on the number of permits that were allowed for urban farm animals.

Mr. Naylor stated that he noted that whatever is approved, he is happy to have the containment requirement retroactively applied but would ask that the Council consider moving the remainder of this through, so he could move forward with his chicken plans. He stated that he would like to see this process be easier and more streamlined for the public and not keep moving back and forth between the Council and the Planning Commission.

Councilmember Siakel asked how many of the chicken applications have come into the City over the last few years. Planning Director Darling stated that the majority of them have come in the last three years. Councilmember Siakel asked if there would be any environmental impact from having chickens which meant the City should restrict how many are allowed within a neighborhood. Councilmember Johnson asked about approving something today, revising the language, and then having it retroactively apply to every chicken coop within the City.

Planning Director Darling stated that she could not do that and would have to enforce the code as they are written at the time. She explained that if there are new regulations that are approved, those could not be enforced or enacted upon until the permit came up for renewal.

Mr. Naylor stated that he thinks it is worth noting that he is the only person that has gone through this process and has spent two and a half months in order to get to this point in time. He asked the Council to vote on this particular component tonight. He stated that all along he had hoped for the chance for a variance or some other simple method to proceed with having chickens.

Councilmember Siakel asked what the objection was from his neighbor who did not want to get him to the seventy-five percent requirement of neighbor agreement. Mr. Naylor stated that he thinks it was a number of things and noted that he assumes it would probably be for the reasons shared by Mr. Falline earlier. He explained that he has not experienced smells or noise from the neighbors that do have chickens. He stated that he can only guess that their objection was also to potential smells and sound, but reiterated that he has not found either of these to be noticeable in the neighborhood. He reiterated his request that the Council act on the item before them this evening.

Councilmember Johnson stated that he would like to discuss the length of the permit. He stated that the Planning Commission had not wanted it to be onerous which is why a five-year term was

proposed. He stated that now that the City is discussing updates to things like containment, five years seems too long to him.

Councilmember Siakel stated that she thinks the term should be annual. Mayor Labadie stated that she did not think this change would be considered unreasonable. Councilmember Siakel asked if a change from a five-year renewal to a one-year renewal would require going back to the Planning Commission. Planning Director Darling stated that this change would not require a new public hearing and would be considered a minor language change.

Councilmember Callies asked if the City could just deem that all permits expire, similar to dog licenses, for example, on December 31 each year. Planning Director Darling agreed that the City could do that, but inspections are better for this use in the summer. Councilmember Callies asked if that would be onerous to enforce. Planning Director Darling stated that staff would have to work it in.

Councilmember Siakel stated that she thinks this trend will continue and thinks the City may want to put in some parameters, such as how many licenses are issued, or only allow a certain number of licenses per neighborhood. Councilmember Gorham stated that if the City is adding new language for things like containment, it would be good to get everyone up to date in a year. Councilmember Siakel stated that she thinks there is consensus of the Council that there needs to be an expiration, more enforcement, and a permit that has more teeth.

There was consensus of the Council to continue this item to a future meeting as suggested by Planning Director Darling.

There was Council discussion about moving forward with an annual permit process that allows for the mechanism to enhance the containment language, but leave the fee at \$50.

Councilmember Gorham stated that he feels the inspection process needs to be beefed up a bit because it is more intensive than having a dog.

Callies moved, Johnson seconded, to Approve ORDINANCE 582, “An Ordinance Approving an Amendment to Shorewood City Code Chapter 705 (Farm and Other Animals), with language amendments under 3.A. to state that the permit shall expire one year from the date the permit issued.” All in favor, motion passed.

Labadie moved, Johnson seconded, to Approve“ RESOLUTION NO. 21-109, “A Resolution Approving the Publication of Ordinance 582 Regarding City Code Ordinance Amendments Related to Urban Farm Animals, with the modification to Ordinance 582, as noted, and correction of typographical errors.” All in favor, motion passed.

**C. Variance to Side and Rear Yard Setbacks
Applicant: Wayne Hartmann
Location: 27460 Maple Ridge Lane**

Planning Director Darling explained that this request is for a shed to be allowed to remain in place after it was constructed without permits near the site of a previous shed. She explained that the applicant had poured a twenty-four-foot concrete pad that is about sixteen feet from the rear property line where fifty feet is required by the ordinance. She stated that it is also located about four feet from the east property line where 10 feet is permitted. She stated that in addition to this,

the shed is located within a utility easement. She stated that according to the applicant's survey, the previous shed had been installed over the property line, so the new location corrects that issue, but does not correct all the other non-conformities. She noted that a neighbor came to the Planning Commission meeting and expressed concerns about drainage through the area and shared that it had increased with the project. She stated that the Planning Commission recommended that City Engineer Budde review the request to determine if this would increase or worsen the amount of water that flows northward. She stated that following review, the City Engineer determined that the applicant would need to amend the plans to allow water to flow over the drive and towards the west to Lake Virginia. She stated that the applicants submitted revised plans last Friday and the engineers will review those plans specifically to address the drainage situation. The applicant is proposing to install gutters and downspouts that directs the water to flow west instead of north and have also proposed a 'trench drain' in the driveway to capture some of the water and then use pipes to also direct it to the west. She stated that because the shed was placed within a utility easement, an encroachment agreement will also be required to be recorded against the property prior to issuance of permits. Staff and the Planning Commission recommend approval of the request subject to the conditions listed in the staff report. She stated that the people who spoke at the public hearing regarding drainage, also submitted a letter that has been included in the packet.

Michelle Letendre, of 27460 Maple Ridge Lane, explained that when they purchased the home it had a shed and a car port essentially in the same general vicinity of the new structure, but had been built over the property line onto the neighbor's property. She stated that the prior structure had been built without a foundation and was sinking into the ground. She stated that they attempted to lift the structure and place a pad beneath it, however that process was an epic fail and it collapsed. She stated that at that point, they decided to rectify the issue that it was originally built over the property line. The new structure is the same physical footprint as the old structure and did not increase in size. She stated that Wade Woodward stopped by and indicated that they needed a variance in order to continue building which they were not aware was needed because they were fixing something that was already in place. She stated that not getting a permit was truly a mistake and gave examples of other permits that they have recently obtained from the City for work on their property. She stated that once they found out they needed a permit, they stopped all work on the project. She noted that even though there is a utility easement in this location, there are currently no utilities located there. She stated that at the Planning Commission meeting there was a concern raised regarding stormwater run-off and they have a plan to mitigate the water issue. She gave a brief overview of the proposed plans to handle the water run-off.

Councilmember Siakel asked if the applicants were constructing the shed themselves or had hired a contractor. Ms. Letendre stated that they are doing the work themselves.

Gayle King, of 6110 Lake Virginia Drive, stated that they live on the adjacent property where the run-off has been coming down their hill. Stan King, also of 6110 Lake Virginia Drive, stated the water run-off has been an issue since the time the shed was installed. He stated that he wrote a letter to the Council asking that they really look at this and make sure that it is properly addressed and that people downhill are not affected by what happens up-hill from them.

Ms. King stated that she has lived in the house since 2003 and has noticed the run-off issue before. She stated the old shed was taken down in 2020 and she noticed that there was less run-off at that time. She stated that after the cement slab was poured, she noticed the increase in run-off and just did not want it to get worse and break down the trail. She stated that she is happy to hear that the City Engineer took a look and has made recommendations to address the issue.

Councilmember Siakel asked if the outcome the Kings are looking for is to solely have the water run-off be addressed or to have the applicants correct the location of the shed. Ms. King stated that they would like to see the water correction done if the shed remains in this location but noted that if the water issue is not corrected, then they will have an issue with the shed.

Mr. King reiterated that their chief concern was where the water was going and that it is mitigated. City Engineer Budde explained that he had visited this site a few weeks ago and from what he could see, even from the old shed, a lot of water came down through that area. He stated that moving the shed over and tweaking things exacerbated the issue and really concentrated the run-off. He stated that in the grand scheme of things, they are not creating more impervious surface, but are changing how the water is directed and getting there. He stated that by routing the water to the west of the proposed shed will send it away from the adjacent structures and should be a reasonable solution. He stated that some water will still cross over the property as it reaches its way to the Lake Virginia channel, but that is how the water has always drained and this just gives it a slightly better path.

City Engineer Budde explained that if this is approved, the applicant will need to get a building permit to finish and as part of that, there are checks and balances that the Building Official will do to ensure that they meet the conditions. He stated that if there is something that the Building Official cannot handle, he asks the engineers to take a look.

Ms. King stated that she would like the engineer to come take a look from their side and would like to have a chance to have a discussion and have the situation explained to them from their perspective. City Engineer Budde stated that he would be happy to meet with Mr. and Mrs. King.

Councilmember Siakel stated that she does not see a hardship in this case and questions if what has been recommended to handle the water run-off is enough. Councilmember Callies asked if the shed was located in a spot where a variance was not needed, if there would still be the same drainage issues. City Engineer Budde stated that if the shed was never reconstructed, it would be exactly what it was out there. He noted that keeping the same size and moving it over slightly tweaks things, but not very significantly from an impervious surface and watershed run-off.

City Attorney Keane clarified that the variance standard is practical difficulty and not hardship. Councilmember Gorham asked for more information on the practical difficulty that was cited by the applicant of the shape of the lot.

Planning Director Darling stated that the applicant stated that they have more setbacks than are typical because they have both the regular front and rear setbacks, but also the side yard, as well as the setback to the ordinary high-water level which reduces the area where they can put a shed on the property. She explained that because their driveway access point is on the far east side, the applicant's point is that it makes the most logical place to put a shed and car port.

City Engineer Budde stated that it is part of the conditions to direct the water to the west of the structure, so if they did not do that, they are not meeting the conditions of the building permit.

Councilmember Siakel asked what kind of follow up the City would do to ensure that is occurring. Planning Director Darling explained the building permit process and the accompanying inspections at the beginning and end of the project. She stated that the Council could add more

specific language on the final inspection, for example that the driveway and improvements need to be in place at the time of final inspection.

Councilmember Callies asked why the applicant would not just hire their own engineer to make sure the drainage is handled correctly and questioned why the City would be doing that with their own engineers. She stated that she wonders why they wouldn't have someone verify the drainage for the new structure regardless of the old structure.

City Engineer Budde stated that the way staff is looking at it is that they are not meeting a threshold that anyone would normally need to do. He explained that they are not adding, for example, a thousand square feet of impervious surface, which would normally push this to the point of where it would be required. He stated that because this is a variance, the City could require them to do that, but it has not triggered it from the staff review perspective.

City Engineer Budde stated that this solution does not direct all of the water away from the neighbor to the north. He stated that in a big storm event, such as a 10- or 100-year event, they will probably still see water run in the same path it has historically moved. This is designed to address as much of the nuisance water that is coming down the driveway and snow melt that can easily be directed to the west.

Johnson moved, Gorham seconded, Adopting RESOLUTION NO. 21-110, "A Resolution Approving a Variance for Side and Rear Yard Setbacks for an Accessory Structure at Property Located at 27460 Maple Ridge Lane, with an additional condition of a final inspection of drainage after the driveway is completed." All in favor, motion passed.

D. Fence C.U.P
Applicant: Alec Walsh
Location: 5660 Minnetonka Drive

Planning Director Darling explained that the applicant has requested a C.U.P. to install a six-foot fence along an arterial roadway where a four-foot fence is allowed without a C.U.P. She reviewed the criteria for a C.U.P. to be considered in this location. She stated that the plans submitted by the applicant include a row of arbor vitae along the street side of the fence. The Planning Commission unanimously recommended approval.

Alec Walsh, 5660 Minnetonka Drive, stated that he just moved to Shorewood from Chaska and noted that the home had been left to be decrepit for about thirty years. He stated that he thinks an average person would have bulldozed the home to the ground, but he has a master's degree in architecture and saw that the bones were good. He stated that he has renovated the house and now, the next step in the process is the yard. He explained that as of today, he has put one-hundred and fifty thousand dollars into the property and believes he has done a lot to alleviate the blight that was in the neighborhood. He stated that he assisted when a bicyclist was hit by a car at that corner about four months ago and the reason the driver said they hit them was because all the dense buckthorn that was growing over from his yard. He stated that he thinks he has done a lot in terms of helping visibility. He stated that he is asking for the C.U.P. to provide some privacy.

Councilmember Siakel stated that she thinks Mr. Walsh has done a great job with this property and noted that she drives by almost every day and watches the improvements happening and

noted that she believes it looks way better than it used to. She stated that she thinks the request for a C.U.P. in this instance is totally reasonable.

Johnson moved, Siakel seconded, Adopting RESOLUTION NO. 21-111, “A Resolution Approving a Conditional Use Permit for a Fence for the Property Located at 5660 Minnetonka Drive.” All in favor, motion passed.

8. ENGINEERING/PUBLIC WORKS

9. GENERAL/NEW BUSINESS

A. Approve AFSCME Contract with Public Works

City Administrator Lerud explained that following a meeting with the union bargaining team, there are proposed contract amendments for the three-year contract covering the years 2022 through 2024. Staff recommends approval.

Siakel moved, Johnson seconded, Adopting RESOLUTION NO. 21-112, “A Resolution Approving a Contract with AFSCME, Council 5, Local 225, Shorewood Public Works Employees.” All in favor, motion passed.

B. Utility Rates Review

Finance Director Rigdon explained that the City reviews the utility rates annually to ensure that revenues are sufficient to cover expenses. When the city began work on the capital improvement plan several years ago, it was planned for annual rate increases for several years to cover the debt service and additional work being done in the enterprise funds. This proposed increase is in line with what was previously planned. He gave a brief overview of the enterprise funds and a utility rate analysis. He said staff recommends approval.

Councilmember Gorham asked how the City's rates stack up compared to other cities the same size. Finance Director Rigdon stated that the City is low on the water end but 'competitive' with stormwater and sewer.

Siakel moved, Johnson seconded, Adopting ORDINANCE NO.583, “An Ordinance Titled “Utility Service Charges” All in favor, motion carried.

10. STAFF AND COUNCIL REPORTS

A. Administrator and Staff

Public Works Director Brown stated that there was a large crane parked at the east water tower earlier today that is a vendor making some changes within the C.U.P. to the top of the tower.

City Engineer Budde stated that the Covington Watermain project will begin next week and will involve a full road closure for about three weeks. He stated that there have been notices sent out to residents in the area. He stated that MnDot is doing their Highway 7 project and he recently found out that the signal system at Old Market and Highway 7 will not be replaced until next spring or summer due to material delays with the project. He stated that the existing signal will stay up and functioning, but the system will be replaced next year.

City Administrator Lerud explained that several months ago there was a work session regarding the Excelsior overcharge situation. There have been a few conversations with them since that time and their latest proposal is requesting to do mediation and noted that staff feels that is a good way to work through this issue.

There was consensus of the Council to proceed with mediation in the overcharge situation with the City of Excelsior.

B. Mayor and City Council

Councilmember Callies noted that there is no speed limit signage on Radisson Road and asked if something could be put up since people are using it because of the Highway 7 project. She stated that she has gotten feedback from residents that people are speeding through the area.

Public Works Director Brown stated that they will review the issue.

Councilmember Johnson stated that he was planning to make a similar comment regarding road closures. He stated that it is almost like it has created an island with Highway 7 closed, Tanager bridge out, and now, Minnetonka Boulevard as well. He expressed his desire for a better way to coordinate with MnDot on some of these decisions.


Mayor Labadie stated that she recently attended the Area Mayor's meeting with the school superintendent. She stated that the school has released the results of a parent satisfaction survey which includes information related to bullying and is very interesting. She stated that if people are interested it is posted on the school's website. She thanked Public Works, City Clerk/HR Director Thone, and Communications Director Moore for their work to support Chanhassen fire fighter Doug Foote. She stated that he is a Shorewood resident that recently walked through the City to bring attention to the need for fire fighter improvements, awareness for mental health issues and stress, heart and lung issues, and cancers caused by fire fighting. She stated that she was also able to serve as a judge for the apple pie contest at Apple Days.

11. ADJOURN

Johnson moved, Gorham seconded, Adjourning the City Council Regular Meeting of September 27, 2021, at 9:40 P.M. All in favor, motion passed.

ATTEST:


Sandie Thone, City Clerk


Jennifer Labadie, Mayor