

**CITY OF SHOREWOOD
CITY COUNCIL REGULAR MEETING
MONDAY, OCTOBER 25, 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 Regular Meeting Minutes of October 12, 2021 | Minutes |
| B. Approval of the Verified Claims List | Claims List |
| C. Approve Master Subscriber Agreement
for MN Court Data Services for Prosecutor | City Administrator Memo
Resolution 21-117 |
| D. Approve Quote for Municipal Well Inspection – Boulder Bridge Well,
City Project 21-10 | Engineer Memo
Resolution 21-118 |
| E. Approve Change Order for Lake Linden Drive Culvert Repair,
City Project 21-03 | Engineer Memo
Resolution 21-119 |

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

A. Vacate Easement
5530 Howard's Point Road

(See Related Item 7E)

5. REPORTS AND PRESENTATIONS

- A. Hennepin County Commissioner Chris LaTondresse

6. PARKS

7. PLANNING

- A. Report by Commissioner Riedel on 10-05-21 Planning Commission Meeting Minutes
- B. Registered Land Survey, Variance and Special Home Occupation Planning Director Memo
Resolution 21-120
Location: 21265 and 21285 Radisson Road Resolution 21-121
- C. Conditional Use Permit for multiple Accessory Buildings Planning Director Memo
6180 Cathcart Drive Resolution 21-122
- D. Variance to Side-Yard setback Planning Technician Memo
26020 Birch Bluff Road Resolution 21-123
- E. Vacation of Easement (See related item 4A) Planning Director Memo
5530 Howards Point Road Resolution 21-124
- F. Comprehensive Plan 2040 Planning Director Memo
Amendments to the Land Use Map Resolution 21-125
- G. Variance to OHWL Setback and Impervious Surface Coverage Planning Director Memo
5655 Merry Lane Resolution 21-126

8. ENGINEERING/PUBLIC WORKS

9. GENERAL/NEW BUSINESS

- A. City Code Amendment for Commercial Animal Breeders Planning Directors Memo
Chapter 701 of City Code Ordinance 584
Resolution 21-127

10. STAFF AND COUNCIL REPORTS

- A. Administrator and Staff
1. Third Quarter 2021 General Fund Budget Report Finance Director Memo
2. Third Quarter 2021 Investments Report Finance Director Memo
- B. Mayor and City Council

11. ADJOURN

CITY OF SHOREWOOD
CITY COUNCIL REGULAR MEETING
TUESDAY, OCTOBER 12, 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 Johnson, 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, Assistant City Engineer Baumann

Absent: Councilmember Siakel

B. Review Agenda

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

2. CONSENT AGENDA

Mayor Labadie reviewed the items on the Consent Agenda.

Councilmember Callies had asked for some minor wording changes to the bottom of page two of the September 27, 2021 Work Session minutes. She noted that City Clerk Thone had already made the changes prior to the meeting.

Callies moved, Johnson seconded, Approving the Motions Contained on the Consent Agenda, with the amended September 27, 2021 minutes, and Adopting the Resolutions Therein.

- A. City Council Work Session Minutes of September 27, 2021
- B. City Council Regular Meeting Minutes of September 27, 2021
- C. Approval of the Verified Claims List
- D. Approval of Retail Tobacco Licenses, Adopting RESOLUTION NO. 21-113, "A Resolution Approving Licenses to Retailers to Sell Tobacco Products."
- E. Accept Final Improvements and Approve Final Payment for Badger Park Tennis Courts, City Project 20-01, Adopting RESOLUTION NO. 21-114, "A Resolution for Final Acceptance and Payment for Badger Park Tennis Court Reconstruction Project, City Project 20-01."

- F. **Adopt Development Agreement Amendments Walnut Grove Villas, Adopting RESOLUTION NO. 21-115, "A Resolution Approving Amendments to the Development Agreement and an Extension to the Final Plat Approval for the Walnut Grove Villas PUD located North of Highway 7 between Eureka Road and Seamans Drive."**

All in favor, motion passed.

3. MATTERS FROM THE FLOOR

Chris Hoth, 26395 Peach Circle, stated that he had seen that at the last meeting the resident on Strawberry Court came and told the City that they would like to get water even if it was out of turn. He stated that there are many residents on Peach Circle who are also interested in trying to get on City water. He stated that he thinks their reasons are similar to the Strawberry Court residents which are things like safety and things like not having any fire hydrants nearby as well as the high arsenic levels in the neighborhood. He stated that he wanted to make sure the Council knew of their interest as they made decisions.

Stuart Schulman, 26425 Strawberry Court, stated that he watched the last Council meeting and perused the Council packet and wanted to echo the comments his wife, Danya Schulman, made and support her plea for reconsideration. He stated that he had the feeling from the Council that this is a newer topic of conversation and it is not. He stated that he noted page eighty-seven there is a reference to communication that in 2021 this would be brought on the floor but knows that his wife has sent multiple e-mails and had multiple conversations with the City that go back to the year 2018. He stated that he wanted to set the record straight that this is not a new topic and have his voice heard.

Dania Schulman, representing Susan Landa, 26575 Strawberry Court, explained that Ms. Landa was unable to be here tonight but asked her to appear on her behalf. She read aloud an e-mail that was sent from Ms. Landa that expressed her disappointment with the delay in the water project for their neighborhood.

4. PUBLIC HEARING - NONE

5. REPORTS AND PRESENTATIONS - NONE

6. PARKS - NONE

7. PLANNING - NONE

8. ENGINEERING/PUBLIC WORKS

- A. **Approve Quotes for Water Meter Registry Replacement and Authorize Purchase of Meter Registers**

Public Works Director Brown explained that in 2007 the City awarded a contract to furnish and install radio read water meters. He noted that this technology allows staff to drive down the road where water is available and collect the meter readings for billing purposes. He stated that the units are powered by a battery and at installation they were warrantied for twenty years with full replacement during the first ten years and prorated for the next ten years. The City has about

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two-hundred fifty units that have failed to provide a reading and about twenty-five meters that appear to be having a problem with the meter itself. Staff has solicited quotes from two firms that specialize in replacing and installation of the meters with Ferguson Waterworks coming in the lowest.

Councilmember Callies asked questions about the components of a water meter. Public Works Director Brown gave a brief explanation of the components of the water meters. Councilmember Gorham asked how many meters the City currently has. Public Works Director Brown stated that there are about 1,500 of this type of meter in the City. He noted that they attempt to deal with the meters as a problem arising, but with this being close to the end of life for the batteries there is a larger number of them that need to be addressed. He stated that he would expect there to be another contract or two further down the road to address other units as the batteries continue to reach the end of their life.

City Administrator Lerud stated that COVID-19 has resulted in a suspension of all in-home work unless it was an emergency so anything that would have normally been done by staff over the last sixteen months is included with the total number of meters in this proposal.

Public Works Director Brown noted that he had failed to mention in his report that if this project moves forward, staff had recommended that CARES Act funds could be used to pay for them. Finance Director Rigdon stated that he does not think it will be a problem using the ARPA money for this purpose.

Councilmember Johnson stated that the Council had given Finance Director Rigdon some guidance on how to spend the CARES Act funds and asked if using this money for this purpose would take anything away from the guidance that was previously given. Finance Director Rigdon stated that it will not take away from anything else because it was assumed to be included already.

Johnson moved, Gorham seconded, Adopting RESOLUTION NO. 21-116, "A Resolution Approving Quote for Water Meter Register Replacement and Authorizing Purchase of Water Meter Registers and Meters from Ferguson Waterworks in the amount of \$22,125, City Project 21-09." All in favor, motion passed.

Johnson moved, Gorham seconded, Authorizing the purchase of water registers and water meters estimated at \$44,825, City Project 21-09. All in favor, motion passed.

B. Strawberry Court Waterman

Public Works Director Brown introduced Assistant City Engineer Baumann and explained that the Council has asked staff to evaluate the possibility of constructing the watermain for Strawberry Court in 2022. He gave an overview of what the original Strawberry Lane project was supposed to be that staff had requested that this project be delayed to 2023. He gave an overview of the plans for open trench construction for Strawberry Lane. He stated that moving the Strawberry Court project to 2022 bypassing the Strawberry Lane project will be more expensive and staff is recommending that it be done at the same time as Strawberry Lane in 2023.

Councilmember Callies stated that in her opinion, it does not make sense to separate these projects. She stated that she does have some questions about the timeline because, to her, it still seems possible that the whole project could still be done in 2022. She stated that following

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the open house, she does not know why the City would not be ready to make a decision by November which would allow it to be done in 2022.

Public Works Director Brown stated that it has become clear that there needs to be some modifications to the communications plan. He stated that as they revamp the communications plan, they are concerned about short-circuiting this project, as it pertains to Strawberry Court and Peach Circle. He stated that at the Open House there will be a preliminary layout, but without the construction limits that are determined through the preliminary design process, the city will not know the amount of right-of-way that would need to be acquired. He stated that this is when the right-of-way acquisition process would begin and noted that there are just a lot of unknowns up until that point. He stated that it is not impossible but reiterated his concern that it would shortcut the communication, input, and decision-making process.

Mayor Labadie asked what happened if the City was unable to acquire what it needs in terms of easements and right-of-way. Public Works Director Brown stated that it would put a halt to the construction process. Councilmember Callies stated that she would expect the City could do a quick take, if necessary, which would not really hold up the process.

Public Works Director Brown agreed that quick take acquisition is a tool that is available to the City, but getting to that point is critical. He stated that the design process starts from the Open House which will determine which easements are needed to even get to the quick take process. He stated that it can be done but it will not offer many frills or time for effective communication. He stated that he is concerned that people will feel rushed and uninformed at that point.

Councilmember Gorham stated that a decision would essentially have to be made at the Open House. Public Works Director Brown stated that a decision would have to be made somewhere close to that point. Councilmember Gorham asked if the City would change the way it installed the watermain, for example, go back to an open cut method, if they stayed with the planned 2023 construction season. Public Works Director Brown stated that they would go back to an open cut method for installation.

Councilmember Gorham asked if this went out for bid for Strawberry Court and Peach Circle in the spring if the engineering staff's time would be adversely affected. He asked if it would delay any other projects. Assistant City Engineer Baumann stated that they could adjust, as needed, so other projects are not affected by the timing of this work.

Councilmember Gorham asked if staff could pursue parallel paths of a design for Strawberry Court and Peach Circle as well as try to thread the needle on full-blown construction in 2022. Assistant City Engineer Baumann stated that they could do that if they had to.

Mayor Labadie stated that the City is wrapping up a successful road project with Glen/Manitou/Amlee. She stated that looking ahead, she is worried as she sees things like Highway 7 being torn up and the project delayed when staff is telling the Council they have concerns. She stated that she has concerns about overriding their professional judgement. She stated that the item on tonight's agenda was that the Council had asked staff to look into the matter relating to Strawberry Court and their recommendation is that Strawberry Lane, Strawberry Court, and Peach Circle be conducted as one project. She noted that the Council will not be able to make a decision on the overall timeline and suggested that the discussion surround the issue that staff researched for the meeting which is whether Strawberry Court and Peach Circle could be done independently of Strawberry Lane or done together.

Councilmember Callies stated that she thinks the Council could make a decision on the overall timeline and the project. She stated that she had made a comment at a prior meeting that this issue was never really put on the table for the Council to make a decision about Strawberry Lane being postponed. She stated that she does not completely agree with how that moved forward but does agree that, at this point in time, based on what staff is saying, that it does not make sense to go forward with it right now and that these projects should be combined as one project. She noted that unfortunately there is not enough time to address all the issues in order to get it completed in 2022.

Councilmember Gorham stated that this is not a risk-free idea. He explained that his main issue with trying it is that it will change how the City sends watermain down the street and will cause new complexities with crossing utilities. He stated that the safest way to move forward is how they originally intended to and not do things too impatiently. He stated that he thinks the right way is for it to all be done at once and not spread out over numerous years in separate projects.

Councilmember Johnson stated that pedestrian safety is a chief concern here considering the location of the school at the end of the street. He stated that from a scheduling perspective one of the chief missions is to ensure that the project is done by the time school starts. He stated that he would put that one item as a premium over time.

Mayor Labadie stated that this type of project is a decision and will impact the City's footprint for generations and is not just impacting the current residents. She stated that she thinks taking time to do it right is the correct approach.

Councilmember Callies stated that there seems to be a discrepancy or difference of opinion when residents feel that they have not been heard and the fact that the Council may not be agreeing with what they have said. She stated that many comments have been heard and the Council has seen the e-mails and taken them into consideration. She stated that those e-mails have been sent over a period of time and just because the decision does not coalesce with a group of residents it does not mean that their voices have not been heard. She stated that the Council is willing to hear more from the residents and that means taking more time to consider everything. She stated that she does not see a way around this other than to do the projects together and have it completed in 2023.

Mayor Labadie noted that she agreed and does not think the Council will be able to please everyone. She stated that the Council needs to follow the advice from staff to keep the projects together as one large project.

Callies moved to direct staff to move forward with Strawberry Court and Peach Circle watermain project as part of the overall Strawberry Lane street reconstruction project in 2023.

Councilmember Johnson stated that a lot of people are looking for commitments that this project will not get kicked down the road beyond 2023 because that has been the perceived pattern. He asked if this project has ever been this close to construction before. Public Works Director Brown stated that it has not ever been this far along in the process.

Councilmember Johnson stated that he is hearing a commitment from both Council and staff to get this project completed in 2023.

Johnson seconded the motion. All in favor, motion carried.

9. GENERAL/NEW BUSINESS

A. Interactive Technology

City Administrator Lerud stated that the City has been using interactive technology since the beginning of the pandemic in March of 2020. State Statute was amended during their last session to update terminology, conditions, and circumstances for the use of the interactive technology in Council meetings. He stated that there is no statutory requirement for use of interactive technology for meetings held outside of a pandemic or non-emergency times, however, it is staff's recommendation that the Council approve incorporating interactive technology into the Council meetings, subject to the conditions included in the staff report.

Councilmember Gorham asked about the condition who states the participant must be on camera and be able to be seen. City Administrator Lerud stated that is in place to assure that the Council knows it is them and gave the example of a different screen name than the person who is speaking. He stated that if the participation is allowed, the Council should know who is speaking. Councilmember Callies stated that her understanding of what is being proposed is that it should be pretty much the same as if someone were here in person and should not get special treatment.

Councilmember Gorham stated that he agrees with that point but feels the point of this is also to make it more democratic and accessible and does not want this to create a situation where now people have to go out to Target and buy a camera. Councilmember Callies stated that she understood his point but disagree with the use of the word 'democratic' because it is not undemocratic to not have Zoom, particularly since the law does not require it. She asked if the meeting was currently being shown on Zoom.

Councilmember Callies stated that she would like to know when someone is participating via Zoom. City Administrator Lerud noted that people come and go throughout the meeting and could be disruptive if they were announced anytime someone joined. He explained what the view is when on Zoom, for example, when the camera view is shown and when the agenda is shown.

Councilmember Callies stated that she would like it to be clear, as stated in the first condition, that this is not required by law.

City Administrator Lerud noted that if Zoom happens to go down, the meeting will continue without it. Councilmember Callies stated that she also had questions about people being on the camera because people will sit in the back of Council chambers and just be there and not participate in the meeting. She asked if her understanding was correct that the key word is 'participate'.

Councilmember Callies suggested re-wording condition six to something like, 'in the exercise of its reasonable discretion the Council retains the right to discontinue remote public participation'.

Mayor Labadie stated that she had also flagged condition six and likes the language proposed by Councilmember Callies. She noted that there have been other instances where the City has been a forerunner and gone above and beyond what was required. She stated that she does not want the City to back themselves into a hole and asked if, in conjunction with the language change

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proposed by Councilmember Callies, if it would also be prudent to put some sort of timeframe in the language that it be re-evaluated to determine whether it was promoting positive public involvement. She reiterated the point that remote participation in meetings is not currently required by Minnesota State law so this is going above and beyond the requirements. She stated that she had discussed this with other area mayors and no other cities are currently proposing this. She stated that down the road, if they chose to, she would like the City to be able to go back to the traditional way of conducting meetings that is mandated by State law.

Councilmember Callies stated that is why she would like to see more neutral language and remove the phrase 'positive public involvement' because that is subjective. She asked if Mayor Labadie was proposing a trial period.

Mayor Labadie stated that did run through her mind and asked the remainder of the Council what their opinion was on a trial period. Councilmember Johnson stated he likes the idea because it give the opportunity revisit the issue and improve it. Mayor Labadie stated that it would also give the opportunity to make a change if it was not working.

Councilmember Gorham asked about condition seven and what the logic was to limit it to only City Council meetings. City Administrator Lerud stated that there is not adequate staff to enable this to happen at Commission meetings and they are not recorded through LMCC which would add a large expense to add it. He stated that Work Sessions would also not be included, just the regular City Council meetings.

Councilmember Callies noted that because the City Council has the right terminate this action, the language to add a trial period may not be necessary. City Administrator Lerud suggested that they set a date and staff can come give a report on how it has been working. He suggested that staff give that report at the first meeting of April 2022.

Councilmember Johnson suggested that the report happen a bit earlier in January or February. He stated that in some of the communications that the City has received from residents one thing continues to pop up. He stated that it is the idea that Zoom is social media and to him, Zoom is not defined as social media and is a video conferencing tool. He stated that in his opinion, social media would be thinks like Facebook and Twitter and would like that distinction to be well understood.

Councilmember Callies stated that the other point that is important that has come up in the past is the issue about ADA. She stated that this has nothing to do with ADA laws.

Callies moved, Gorham seconded, To Adopt the Interactive Technology Policy, with the conditions as amended during the discussion. All in favor, motion passed.

10. STAFF AND COUNCIL REPORTS

A. Administrator and Staff

1. Covington Road Watermain Update

Public Works Director Brown stated that Covington is a collector route that carries quite of traffic. He explained that the closure has occurred as planned and signs have been put up for detours

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but wanted residents to be aware that the closure is in place. He stated that he understands the revolving closure of Highway 7 makes it a bit of a challenge.

Other

Assistant City Engineer Baumann gave an overview on the cured in place pipe replacement for the Lake Lindon culvert. He explained that when the crew was out doing the sewer jetting in preparation for the project, they found that the pipe was too collapsed to be able to move forward with that method and had to pivot to the open cut method for replacement.

Public Works Director Brown stated that work will begin Monday, October 18, 2021 and noted that there will be an official change order at the next Council meeting.

Assistant City Engineer Baumann stated that the Shady Island bridge force main work will also begin next week.

B. Mayor and City Council

Councilmember Gorham stated that he is a long time Tonka United soccer coach and their season just finished last weekend. He stated that he wanted to commend Public Works Director Brown and his staff for the condition of Freeman Park this year and does not think there is enough acknowledgement on how nice the field has looked all season.

Councilmember Callies stated that with all the construction on the east side of town they have put the straw bollard in the drains but have not yet picked them up and they are overflowing.

Public Works Director Brown stated that this is a very timely subject as the forecast is calling for substantial rainfall over the next twenty-four hours. He stated that it is a tough balance because construction is 'done' but the watershed districts and other agencies require that the drain blocks be kept in place until there is an established vegetative cover because the erosion potential is still there until turf has been fully established. He stated that can be frustrating for people because construction is long gone and the ditch and catch basin blocks are still in place. He stated that they have been pushing the watershed district and based on the forecast, they were able to have many of those blocks removed today.

Councilmember Johnson stated that there was an Excelsior Fire and South Lake Minnetonka Police Department open house last Thursday which was extremely well attended. He stated that it was nice to see so many smiling faces. He stated that he would like to take off his virtual hat to Councilmember Callies and Mayor Labadie for volunteering at the event.

Mayor Labadie thanked Public Works staff for helping get the event ready and Communications Director Julie Moore and her husband, Rick, who volunteered the whole evening. She stated that Park Director Grout and her husband were also there for the event.

Mayor Labadie stated that she had gotten feedback that this was the best attended event that has taken place for years. She stated that she will be attending the upcoming South Lake Minnetonka Police Department Board meeting.

11. CLOSED SESSION

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Mayor Labadie stated that the meeting is being closed pursuant to MN Stat 13D.05, subd. 3(b), attorney-client privilege, to discuss litigation in Ugorets vs. City of Shorewood.

The council entered into closed session at 8:19.

The council came back into open session at 8:38.

12. ADJOURN

Gorham moved, Johnson seconded, Adjourning the City Council Regular Meeting of October 12, 2021, at 8:39 P.M.

All in favor, motion passed.

ATTEST:

Jennifer Labadie, Mayor

Sandie Thone, City Clerk



#2 B

MEETING TYPE
Regular Meeting

City of Shorewood Council Meeting Item

Title / Subject: Verified Claims

Meeting Date: October 25, 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.

67074 - 67091 & ACH	587,340.81
Total Claims	\$587,340.81

We have also included a payroll summary for the payroll period ending **October 10, 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: 00001.10.2021 - PR-10-11-2021
CITY OF SHOREWOOD



Account Number	Debit Amount	Credit Amount	Description
FUND 101	General Fund		
101-00-1010-0000	0.00	69,017.98	CASH AND INVESTMENTS
101-13-4101-0000	12,953.46	0.00	FULL-TIME REGULAR
101-13-4103-0000	678.80	0.00	PART-TIME
101-13-4121-0000	1,022.38	0.00	PERA CONTRIB - CITY SHARE
101-13-4122-0000	1,026.34	0.00	FICA CONTRIB - CITY SHARE
101-13-4131-0000	2,055.74	0.00	EMPLOYEE INSURANCE - CITY
101-13-4151-0000	79.92	0.00	WORKERS COMPENSATION
101-15-4101-0000	5,456.04	0.00	FULL-TIME REGULAR
101-15-4121-0000	409.21	0.00	PERA CONTRIB - CITY SHARE
101-15-4122-0000	418.08	0.00	FICA CONTRIB - CITY SHARE
101-15-4131-0000	607.47	0.00	EMPLOYEE INSURANCE - CITY
101-15-4151-0000	30.06	0.00	WORKERS COMPENSATION
101-18-4101-0000	7,762.63	0.00	FULL-TIME REGULAR
101-18-4121-0000	582.22	0.00	PERA CONTRIB - CITY SHARE
101-18-4122-0000	565.87	0.00	FICA CONTRIB - CITY SHARE
101-18-4131-0000	1,014.86	0.00	EMPLOYEE INSURANCE - CITY
101-18-4151-0000	44.49	0.00	WORKERS COMPENSATION
101-24-4101-0000	3,826.37	0.00	FULL-TIME REGULAR
101-24-4121-0000	286.96	0.00	PERA CONTRIB - CITY SHARE
101-24-4122-0000	289.24	0.00	FICA CONTRIB - CITY SHARE
101-24-4131-0000	671.93	0.00	EMPLOYEE INSURANCE - CITY
101-24-4151-0000	20.78	0.00	WORKERS COMPENSATION
101-32-4101-0000	14,042.70	0.00	FULL-TIME REGULAR
101-32-4121-0000	1,053.21	0.00	PERA CONTRIB - CITY SHARE
101-32-4122-0000	1,002.91	0.00	FICA CONTRIB - CITY SHARE
101-32-4131-0000	2,708.98	0.00	EMPLOYEE INSURANCE - CITY
101-32-4151-0000	695.10	0.00	WORKERS COMPENSATION
101-33-4101-0000	278.96	0.00	FULL-TIME REGULAR
101-33-4121-0000	20.89	0.00	PERA CONTRIB - CITY SHARE
101-33-4122-0000	32.83	0.00	FICA CONTRIB - CITY SHARE
101-33-4131-0000	280.85	0.00	EMPLOYEE INSURANCE - CITY
101-33-4151-0000	22.95	0.00	WORKERS COMPENSATION
101-52-4101-0000	5,413.29	0.00	FULL-TIME REGULAR
101-52-4121-0000	406.01	0.00	PERA CONTRIB - CITY SHARE

Account Number	Debit Amount	Credit Amount	Description
101-52-4122-0000	391.28	0.00	FICA CONTRIB - CITY SHARE
101-52-4131-0000	825.34	0.00	EMPLOYEE INSURANCE - CITY
101-52-4151-0000	247.76	0.00	WORKERS COMPENSATION
101-53-4101-0000	1,478.52	0.00	FULL-TIME REGULAR
101-53-4121-0000	110.88	0.00	PERA CONTRIB - CITY SHARE
101-53-4122-0000	111.19	0.00	FICA CONTRIB - CITY SHARE
101-53-4131-0000	16.61	0.00	EMPLOYEE INSURANCE - CITY
101-53-4151-0000	74.87	0.00	WORKERS COMPENSATION
FUND Total:	69,017.98	69,017.98	
FUND 201	Shorewood Comm. & Event Center		
201-00-1010-0000	0.00	2,210.21	CASH AND INVESTMENTS
201-00-4101-0000	1,458.83	0.00	FULL-TIME REGULAR
201-00-4103-0000	375.17	0.00	PART-TIME
201-00-4121-0000	127.66	0.00	PERA CONTRIB - CITY SHARE
201-00-4122-0000	139.04	0.00	FICA CONTRIB - CITY SHARE
201-00-4131-0000	24.91	0.00	EMPLOYEE INSURANCE - CITY
201-00-4151-0000	84.60	0.00	WORKERS COMPENSATION
FUND Total:	2,210.21	2,210.21	
FUND 601	Water Utility		
601-00-1010-0000	0.00	11,220.34	CASH AND INVESTMENTS
601-00-4101-0000	7,127.51	0.00	FULL-TIME REGULAR
601-00-4102-0000	1,257.59	0.00	OVERTIME
601-00-4121-0000	628.89	0.00	PERA CONTRIB - CITY SHARE
601-00-4122-0000	602.09	0.00	FICA CONTRIB - CITY SHARE
601-00-4131-0000	1,336.71	0.00	EMPLOYEE INSURANCE - CITY
601-00-4151-0000	267.55	0.00	WORKERS COMPENSATION
FUND Total:	11,220.34	11,220.34	
FUND 611	Sanitary Sewer Utility		
611-00-1010-0000	0.00	9,401.79	CASH AND INVESTMENTS
611-00-4101-0000	7,071.31	0.00	FULL-TIME REGULAR
611-00-4121-0000	530.37	0.00	PERA CONTRIB - CITY SHARE
611-00-4122-0000	510.57	0.00	FICA CONTRIB - CITY SHARE
611-00-4131-0000	1,091.73	0.00	EMPLOYEE INSURANCE - CITY
611-00-4151-0000	197.81	0.00	WORKERS COMPENSATION
FUND Total:	9,401.79	9,401.79	
FUND 621	Recycling Utility		
621-00-1010-0000	0.00	801.76	CASH AND INVESTMENTS

Account Number	Debit Amount	Credit Amount	Description
621-00-4101-0000	624.75	0.00	FULL-TIME REGULAR
621-00-4121-0000	46.87	0.00	PERA CONTRIB - CITY SHARE
621-00-4122-0000	44.55	0.00	FICA CONTRIB - CITY SHARE
621-00-4131-0000	81.79	0.00	EMPLOYEE INSURANCE - CITY
621-00-4151-0000	3.80	0.00	WORKERS COMPENSATION
FUND Total:	801.76	801.76	
FUND 631	Storm Water Utility		
631-00-1010-0000	0.00	2,623.47	CASH AND INVESTMENTS
631-00-4101-0000	1,977.09	0.00	FULL-TIME REGULAR
631-00-4121-0000	148.27	0.00	PERA CONTRIB - CITY SHARE
631-00-4122-0000	146.87	0.00	FICA CONTRIB - CITY SHARE
631-00-4131-0000	299.66	0.00	EMPLOYEE INSURANCE - CITY
631-00-4151-0000	51.58	0.00	WORKERS COMPENSATION
FUND Total:	2,623.47	2,623.47	
FUND 700	Payroll Clearing Fund		
700-00-1010-0000	95,275.55	0.00	CASH AND INVESTMENTS
700-00-2170-0000	0.00	43,590.81	GROSS PAYROLL CLEARING
700-00-2171-0000	0.00	10,000.00	HEALTH INSURANCE PAYABLE
700-00-2172-0000	0.00	6,389.21	FEDERAL WITHHOLDING PAYABLE
700-00-2173-0000	0.00	2,986.33	STATE WITHHOLDING PAYABLE
700-00-2174-0000	0.00	10,561.72	FICA/MEDICARE TAX PAYABLE
700-00-2175-0000	0.00	10,031.15	PERA WITHHOLDING PAYABLE
700-00-2176-0000	0.00	5,700.00	DEFERRED COMPENSATION
700-00-2177-0000	0.00	1,821.27	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:	95,275.55	95,275.55	
Report Total:	190,551.10	190,551.10	

Accounts Payable

Computer Check Proof List by Vendor

User: nmnguyen
 Printed: 10/11/2021 - 1:38PM
 Batch: 00004.10.2021 - PR-10-11-2021



Invoice No	Description	Amount	Payment Date	Acct Number	Reference
Vendor: 12	AFSCME MN COUNCIL 5 - UNION DUES			Check Sequence: 1	ACH Enabled: True
October-2021	PR Batch 00001.10.2021 Union Dues	410.48	10/11/2021	700-00-2182-0000	PR Batch 00001.10.2021 Union Dues
	Check Total:	410.48			
Vendor: 1084	BANK VISTA			Check Sequence: 2	ACH Enabled: True
PR-10-11-2021	PR Batch 00001.10.2021 HSA-BANK VISTA	276.92	10/11/2021	700-00-2183-0000	PR Batch 00001.10.2021 HSA-BANK VIS
	Check Total:	276.92			
Vendor: 5	EFTPS - FEDERAL W/H			Check Sequence: 3	ACH Enabled: True
PR-10-11-2021	PR Batch 00001.10.2021 FICA Employee Portio	4,279.91	10/11/2021	700-00-2174-0000	PR Batch 00001.10.2021 FICA Employee I
PR-10-11-2021	PR Batch 00001.10.2021 FICA Employer Portio	4,279.91	10/11/2021	700-00-2174-0000	PR Batch 00001.10.2021 FICA Employer I
PR-10-11-2021	PR Batch 00001.10.2021 Medicare Employee Pc	1,000.95	10/11/2021	700-00-2174-0000	PR Batch 00001.10.2021 Medicare Emplo
PR-10-11-2021	PR Batch 00001.10.2021 Medicare Employer Po	1,000.95	10/11/2021	700-00-2174-0000	PR Batch 00001.10.2021 Medicare Emplo
PR-10-11-2021	PR Batch 00001.10.2021 Federal Income Tax	6,389.21	10/11/2021	700-00-2172-0000	PR Batch 00001.10.2021 Federal Income T
	Check Total:	16,950.93			
Vendor: 1165	FIDELITY SECURITY LIFE INSURANCE CO			Check Sequence: 4	ACH Enabled: False
October-2021	PR Batch 00001.10.2021 Vision-Avesis	150.27	10/11/2021	700-00-2186-0000	PR Batch 00001.10.2021 Vision-Avesis
	Check Total:	150.27			
Vendor: 2	ICMA RETIREMENT TRUST-302131-457			Check Sequence: 5	ACH Enabled: True
PR-10-11-2021	PR Batch 00001.10.2021 Deferred Comp-ICMA	3,075.00	10/11/2021	700-00-2176-0000	PR Batch 00001.10.2021 Deferred Comp-I
	Check Total:	3,075.00			
Vendor: 686	KANSAS CITY LIFE INSURANCE COMPAN'			Check Sequence: 6	ACH Enabled: True
October-2021	PR Batch 00001.10.2021 Long Term Disability	720.64	10/11/2021	700-00-2181-0000	PR Batch 00001.10.2021 Long Term Disat
October-2021	PR Batch 00001.10.2021 Short Term Disability	807.37	10/11/2021	700-00-2181-0000	PR Batch 00001.10.2021 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-10-11-2021	PR Batch 00001.10.2021 State Income Tax	2,986.33	10/11/2021	700-00-2173-0000	PR Batch 00001.10.2021 State Income Tax
	Check Total:	2,986.33			
Vendor: 7	MINNESOTA LIFE			Check Sequence: 8	ACH Enabled: True
October-2021	PR Batch 00001.10.2021 Life Insurance	881.38	10/11/2021	700-00-2180-0000	PR Batch 00001.10.2021 Life Insurance
	Check Total:	881.38			
Vendor: 1091	MSRS-MN DEFERRED COMP PLAN 457			Check Sequence: 9	ACH Enabled: True
PR-10-11-2021	PR Batch 00001.10.2021 Deferred Comp-MSRS	2,475.00	10/11/2021	700-00-2176-0000	PR Batch 00001.10.2021 Deferred Comp-MSRS
PR-10-11-2021	PR Batch 00001.10.2021 Deferred Comp-MSRS	150.00	10/11/2021	700-00-2176-0000	PR Batch 00001.10.2021 Deferred Comp-MSRS
	Check Total:	2,625.00			
Vendor: 10	NCPERS GROUP LIFE INSURANCE			Check Sequence: 10	ACH Enabled: True
October-2021	PR Batch 00001.10.2021 PERA Life	16.00	10/11/2021	700-00-2180-0000	PR Batch 00001.10.2021 PERA Life
	Check Total:	16.00			
Vendor: 665	OPTUM BANK			Check Sequence: 11	ACH Enabled: True
PR-10-11-2021	PR Batch 00001.10.2021 HSA-OPTUM BANK	932.00	10/11/2021	700-00-2183-0000	PR Batch 00001.10.2021 HSA-OPTUM BANK
	Check Total:	932.00			
Vendor: 9	PERA			Check Sequence: 12	ACH Enabled: True
PR-10-11-2021	PR Batch 00001.10.2021 MN-PERA Deduction	4,657.33	10/11/2021	700-00-2175-0000	PR Batch 00001.10.2021 MN-PERA Deduction
PR-10-11-2021	PR Batch 00001.10.2021 MN PERA Benefit Em	5,373.82	10/11/2021	700-00-2175-0000	PR Batch 00001.10.2021 MN PERA Benefit Em
	Check Total:	10,031.15			
	Total for Check Run:	39,863.47			
	Total of Number of Checks:	12			

Accounts Payable

Computer Check Proof List by Vendor

User: mnguyen
Printed: 10/20/2021 - 3:40PM
Batch: 00005.10.2021 - CC-10-25-2021



Invoice No	Description	Amount	Payment Date	Acct Number	Reference
Vendor: 105 INV260963	ADVANCED IMAGING SOLUTIONS Toner	17.91	10/25/2021	Check Sequence: 1 101-19-4221-0000	ACH Enabled: True
	Check Total:	17.91			
Vendor: 1214 4696OldKentRd	KENNETH R. BRENTON Damage to Property -Watermain Break @ 4696 Old Kent Rd	3,226.25	10/25/2021	Check Sequence: 2 601-00-4440-0000	ACH Enabled: False
	Check Total:	3,226.25			
Vendor: 145 MfkaBlvdST21-05	CITY OF GREENWOOD ST-21-05 Minnetonka Blvd Reconstruction	93,165.67	10/25/2021	Check Sequence: 3 404-00-4680-0000	ACH Enabled: False
	Check Total:	93,165.67			
Vendor: 149 3rd Qtr-2021 3rd Qtr-2021	CITY OF TONKA BAY Quarterly Water Service Quarterly Sewer Service	1,185.31 443.50	10/25/2021 10/25/2021	Check Sequence: 4 601-00-4260-0000 611-00-4400-0000	ACH Enabled: False
	Check Total:	1,628.81			
Vendor: 1035 10/08/2021	NELIA CRISWELL #8574 De-Escalation Training-Edina	15.68	10/25/2021	Check Sequence: 5 101-13-4331-0000	ACH Enabled: True
	Check Total:	15.68			
Vendor: 1096 123958 123968	DAVEY RESOURCE GROUP, INC. Tree Services Tree Services-Glen Amlee Manitou Roads	11,064.75 2,228.94	10/25/2021 10/25/2021	Check Sequence: 6 101-32-4400-0000 407-00-4400-0000	ACH Enabled: True
	Check Total:	13,293.69			
Vendor: 167 857298	ECM PUBLISHERS INC P.H.	83.30	10/25/2021	Check Sequence: 7 101-18-4351-0000	ACH Enabled: True

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
857299	Ord. No. 582	65.45	10/25/2021	101-13-4351-0000	
857300	Ord. No. 583	172.55	10/25/2021	101-13-4351-0000	
857446	Ord. No. 582	42.41	10/25/2021	101-13-4351-0000	
857447	Ord. No. 583	111.80	10/25/2021	101-13-4351-0000	
	Check Total:	475.51			
Vendor: 1180	ERICKSON ELECTRIC COMPANY, INC.			Check Sequence: 8	ACH Enabled: False
6897	Repair Gen. Inlet On Buildings-Badger Well	14,650.00	10/25/2021	611-00-4400-0000	
6898	Generator Cable Adaptor	4,975.00	10/25/2021	601-00-4223-0000	
	Check Total:	19,625.00			
Vendor: 186	FERGUSON WATERWORKS, LLC. No.2518			Check Sequence: 9	ACH Enabled: False
0481518-1	Water Meters Purchased	248.58	10/25/2021	601-00-4265-0000	
0482801	Water Meters Purchased	547.14	10/25/2021	601-00-4265-0000	
	Check Total:	795.72			
Vendor: 199	GMH ASPHALT COPORATION			Check Sequence: 10	ACH Enabled: False
PV#4-Mill&Over	PV#4 - 2021 Mill & Overlay	152,034.28	10/25/2021	404-00-4620-0005	
	Check Total:	152,034.28			
Vendor: 211	HAWKINS, INC.			Check Sequence: 11	ACH Enabled: True
6037373	Chlorine	1,653.00	10/25/2021	601-00-4245-0000	
	Check Total:	1,653.00			
Vendor: 861	CHRISTOPHER HEITZ			Check Sequence: 12	ACH Enabled: True
10-11-2021	De-Escalation Training- Cottage Grove	47.04	10/25/2021	101-32-4331-0000	
	Check Total:	47.04			
Vendor: 215	HENNEPIN COUNTY INFORMATION TECH			Check Sequence: 13	ACH Enabled: True
1000172390	Monthly Radio Fleet & MESB	196.40	10/25/2021	101-32-4321-0000	
	Check Total:	196.40			
Vendor: 1213	JORDAN HERRMAN			Check Sequence: 14	ACH Enabled: False
FenceDamage2021	Fence Damaged Repair - 20740 Idlewild Path	200.00	10/25/2021	404-00-4620-0005	
	Check Total:	200.00			
Vendor: 896	HUEBSCH SERVICES			Check Sequence: 15	ACH Enabled: True

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
20106505	SCEC - Mats	68.70	10/25/2021	201-00-4400-0000	
	Check Total:	68.70			
Vendor: 1212	MAGDALEN & BRIAN KIRCHOFF			Check Sequence: 16	ACH Enabled: False
Damage-10/2021	Damage Deposit Refund	125.00	10/25/2021	101-00-3471-0000	
	Check Total:	125.00			
Vendor: 482	KUTAK ROCK, LLP			Check Sequence: 17	ACH Enabled: True
2919387	General Corporate	1,850.00	10/25/2021	101-16-4304-0000	
2919388	Personnel	312.00	10/25/2021	101-16-4304-0000	
2919389	Public Improvement Project	351.00	10/25/2021	404-00-4620-0000	
2919390	Administrative Code	2,086.50	10/25/2021	101-16-4304-0000	
2919394	Minnetonka Country Club	214.50	10/25/2021	450-00-4302-0016	
2919419	Howards Point Dock Enforcement	1,755.51	10/25/2021	101-18-4304-0000	
2919422	5815 Club Lane	136.50	10/25/2021	101-16-4304-0000	
2919443	Water Tower Lease Agreements	156.00	10/25/2021	601-00-4304-0000	
2919455	Lake Mary Stormwater Issues	370.50	10/25/2021	631-00-4304-0000	
2919466	Street Reconstruction	799.50	10/25/2021	404-00-4620-0000	
2919491	Covid-19	78.00	10/25/2021	101-18-4304-0000	
2919547	Code Updates	312.00	10/25/2021	101-16-4304-0000	
2919575	5520 Grant Lorenz Road	273.00	10/25/2021	631-00-4610-0000	
2919595	Ugorets v. City of Shorewood	1,813.50	10/25/2021	101-16-4304-0000	
2919635	Data Practices Response	1,638.00	10/25/2021	101-16-4304-0000	
2932622	General Corporate	1,850.00	10/25/2021	101-16-4304-0000	
	Check Total:	13,996.51			
Vendor: 1090	LENNAR HOMES			Check Sequence: 18	ACH Enabled: False
24505Bentgrass	Escrow Refund - 24505 Bentgrass Way	13,050.00	10/25/2021	880-00-2200-0000	
5805WoodenCreek	Escrow Refund - 5805 Wooden Creek Drive	13,050.00	10/25/2021	880-00-2200-0000	
	Check Total:	26,100.00			
Vendor: 1216	PARKSTONE CONTRACTING, LLC			Check Sequence: 19	ACH Enabled: False
PV#1-SilverWood	PV#1 - Silverwood Park Improvements	15,275.00	10/25/2021	402-00-4680-0000	
	Check Total:	15,275.00			
Vendor: 349	SCHWAAB, INC.			Check Sequence: 20	ACH Enabled: False
6404353	Received Stamp	67.25	10/25/2021	101-13-4200-0000	
	Check Total:	67.25			

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
Vendor: 1101	SPRINGBROOK HOLDING COMPANY LLC			Check Sequence: 21	ACH Enabled: True
INV-007444	Springbrook-CivicPay Fees	11.75	10/25/2021	621-00-4450-0000	
INV-007444	Springbrook-CivicPay Fees	11.75	10/25/2021	631-00-4450-0000	
INV-007444	Springbrook-CivicPay Fees	11.75	10/25/2021	611-00-4450-0000	
INV-007444	Springbrook-CivicPay Fees	11.75	10/25/2021	601-00-4450-0000	
TM-INV-004511	Cloud Migration Fees	1,387.50	10/25/2021	101-15-4221-0000	
	Check Total:	1,434.50			
Vendor: 1167	JOE & KATIE STANO			Check Sequence: 22	ACH Enabled: False
25235Smithtown3	Escrow Refund - 25235 Smithtown Road	4,319.25	10/25/2021	880-00-2200-0000	
	Check Total:	4,319.25			
Vendor: 657	SUMMIT COMPANIES			Check Sequence: 23	ACH Enabled: True
2187941	C.H. Building Maint.	2,470.00	10/25/2021	101-19-4223-0000	
	Check Total:	2,470.00			
Vendor: 1217	SUSTAINABLE 9 DESIGN			Check Sequence: 24	ACH Enabled: False
24775GlenRoad	Escrow Refund - 24775 Glen Road	10,500.00	10/25/2021	880-00-2200-0000	
	Check Total:	10,500.00			
Vendor: 1199	THE GREENER BLADE			Check Sequence: 25	ACH Enabled: False
62786	Herbicide Parks	1,350.00	10/25/2021	101-52-4400-0000	
63015	Herbicide Parks	450.00	10/25/2021	101-52-4400-0000	
	Check Total:	1,800.00			
Vendor: 821	SANDRA LEE THONE			Check Sequence: 26	ACH Enabled: True
Jan-Oct-2021-Wellnes	Wellness Reimbursement - Jan to Oct/2021	400.00	10/25/2021	101-13-4101-0000	
	Check Total:	400.00			
Vendor: 694	TIMESAVER OFF SITE SECRETARIAL, INC.			Check Sequence: 27	ACH Enabled: True
M26802	Council Meeting	419.75	10/25/2021	101-13-4400-0000	
M26802	Planning Meeting	420.75	10/25/2021	101-18-4400-0000	
	Check Total:	840.50			
Vendor: 386	TWIN CITY WATER CLINIC			Check Sequence: 28	ACH Enabled: False
16735	Monthly Bacteria Svc	120.00	10/25/2021	601-00-4400-0000	

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
	Check Total:	120.00			
Vendor: 1215	VEIT & COMPANY, INC.			Check Sequence: 29	ACH Enabled: False
210314-1	Storm Sewer Culvert Repair	2,376.00	10/25/2021	631-00-4400-0000	
	Check Total:	2,376.00			
Vendor: 421	VERIZON WIRELESS			Check Sequence: 30	ACH Enabled: False
9889685412	Sewer & Water - Acct842017386	81.04	10/25/2021	601-00-4321-0000	Acct #842017386-00001
9889685412	Sewer & Water - Acct842017386	81.07	10/25/2021	611-00-4321-0000	Acct #842017386-00001
9889685412	Sewer & Water - Acct842017386	81.04	10/25/2021	631-00-4321-0000	Acct #842017386-00001
	Check Total:	243.15			
Vendor: 408	WM MUELLER & SONS INC			Check Sequence: 31	ACH Enabled: True
271113	Road Maint	132.24	10/25/2021	101-32-4250-0000	
PV6-GlenManitouAml	PV#6 - Glen Rd-Manitou-Amlee Street	173,068.10	10/25/2021	407-00-4680-0000	
	Check Total:	173,200.34			
Vendor: 974	THOMAS WADE WOODWARD			Check Sequence: 32	ACH Enabled: True
September-2021	Mileage	322.56	10/25/2021	101-24-4331-0000	
September-2021	Cell Phone	30.00	10/25/2021	101-24-4321-0000	
	Check Total:	352.56			
Vendor: 410	WSB AND ASSOCIATES, INC.			Check Sequence: 33	ACH Enabled: True
R-012809-000-31	Enchanted & Shady Island	4,395.25	10/25/2021	410-00-4303-0000	
R-014590-000-26	Woodside Rd Street Reclamation	2,996.50	10/25/2021	408-00-4303-0000	
	Check Total:	7,391.75			
Vendor: 411	XCEL ENERGY, INC.			Check Sequence: 34	ACH Enabled: True
751315419	5655 Merry Lane	21.87	10/25/2021	101-52-4380-0000	5655 Merry Lane
	Check Total:	21.87			
	Total for Check Run:	547,477.34			
	Total of Number of Checks:	34			



City of Shorewood Council Meeting Item

Title/Subject: Approve Master Subscriber Agreement for MN
Court Data Services

Meeting Date: October 25, 2021

Prepared By: Greg Lerud, City Administrator

2C

MEETING
TYPE
REGULAR

Attachments: Master Subscriber Agreement, Resolution No. 21-117

Background: On August 23, the city approved a contract with Campbell Knutson to be the city's prosecutor. At the same meeting, the city approved a Joint Powers Agreement with the MN Bureau of Criminal Apprehension. The attached agreement was provided by Campbell Knutson and is required by the Minnesota Judicial Branch and it allows agencies (in this case Campbell Knutson as the city's prosecutor) basic access and utilization of the MN Government Access portal. This is needed for the purposes of obtaining access to court calendars, final dispositions, and case procedural histories, regardless of any state BCA data involved.

Financial or Budget Considerations: None

Recommended Action: Approve the attached Resolution by simple majority.

MASTER SUBSCRIBER AGREEMENT FOR MINNESOTA COURT DATA SERVICES FOR GOVERNMENTAL AGENCIES

THIS AGREEMENT is entered into by and between

City of Shorewood

(Government Subscriber Name)

of 5755 Country Club Road, Shorewood, Minnesota 55331

(Government Subscriber Address)

(hereinafter "Government Subscriber") and THE STATE OF MINNESOTA

Office of State Court Administration

of 25 Rev. Dr. Martin Luther King Jr. Blvd. St. Paul, Minnesota 55155

(hereinafter "the Court").

Recitals

The Court offers Court Data Services, as defined herein, to Minnesota Government Subscribers as authorized by the Rules of Public Access and Court Order. The Court Data Services are offered to Government Subscribers as governmental units and are offered solely for certain governmental use as permitted herein. Government Subscriber desires to use Court Data Services, and the Court desires to provide the same, to assist Government Subscriber in the efficient performance of its governmental duties as required or authorized by law or court rule in connection with any civil, criminal, administrative, or arbitral proceeding in any Federal, State or local court or agency or before any self-regulatory body.

Court Data Services are defined in the Definitions section of this Agreement and may involve a one-way or two-way transmission of information between the parties, some of which may include court information that is not accessible to the public pursuant to the Rules of Public Access and which may not be disclosed by Government Subscriber without the prior approval of the appropriate court or record custodian. Government Subscriber agrees herein to limit its access to and use of Court Records and Court Documents through Court Data Services to the Government Subscriber's "Legitimate Governmental Business Need" as defined herein.

Agreement

NOW, THEREFORE, in consideration of the mutual covenants, promises and agreements contained herein, the Court and Government Subscriber agree as follows:

1. TERM; TERMINATION; ONGOING OBLIGATIONS.

- 1.1 Term.** This Agreement shall be effective on the date executed by the Court and shall remain in effect according to its terms.

1.2 Termination.

1.2.1 Either party may terminate this Agreement with or without cause by giving written notice to the other party. The effective date of the termination shall be thirty (30) days after the other party's receipt of the notice of termination, unless a later date is specified in the notice. Termination of this Agreement pursuant to Clause 4.5 shall be effective immediately and may occur without prior notice to Government Subscriber.

1.2.2 The provisions of Clauses 5, 6, 8, 9, 10, 12.2, 12.3 and 15 through 24 shall survive any termination of this Agreement, as shall any other provisions that by their nature are intended or expected to survive such termination. Upon termination, the Government Subscriber shall perform the responsibilities set forth in paragraph 8.6 hereof.

1.3 Subsequent Agreement. This Agreement may be superseded by a subsequent agreement between the parties.

2. DEFINITIONS.

2.1 “Agency Account Manager” means the Government Subscriber employee assigned with the tasks of: (1) being the point of contact for communications between Government Subscriber and the Court; (2) maintaining a current list Government Subscriber’s Individual Users and their signed User Acknowledgment Forms and promptly notifying the Court when Government Subscriber’s Individual Users with individual logins should have accounts added or deleted; (3) reporting violations of this agreement by Government Subscriber’s Individual Users and steps taken to remedy violations to the Court.

2.2 “Court Data Services” means one or more of the following services and includes any additional or modified services identified as such on the Justice Agency Resource webpage of the Minnesota Judicial Branch website, which is currently www.mncourts.gov, or other location designated by the Court and/or its affiliates, as the same may be amended from time to time by the Court and/or its affiliates:

2.2.1 “Bulk Data Delivery” means the electronic transmission of Court Records in bulk form from the Court to the Government Subscriber, from one or more of the Court’s databases and through any means of transmission, as described in applicable Policies & Notices and materials referenced therein.

2.2.2 “Court Integration Services” means pre-defined automated transmissions of i) Court Records from the Court’s computer systems to Government Subscriber’s computer systems; and/or ii) Government Subscriber Records from the Government Subscriber’s computer systems to the Court’s computer systems; on a periodic basis or as triggered by pre-determined events, as described in applicable Policies & Notices and materials referenced therein.

2.2.3 “MNCIS Login Accounts” means a digital login account created for and provided to the Government Subscriber for online access to and use of Court Records and Court Documents maintained by the Minnesota Court

Information System (“MNCIS”), as described in applicable Policies & Notices and materials referenced therein.

- 2.3 **“Court Data Services Databases”** means any databases and the data therein, used as a source for Court Data Services, together with any documentation related thereto, including without limitation descriptions of the format or contents of data, data schemas, and all related components.
- 2.4 **“Court Data Services Programs”** means any computer application programs, routines, transport mechanisms, and display screens used in connection with Court Data Services, together with any documentation related thereto.
- 2.5 **“Court Records”** means all information in any form made available by the Court and/or its affiliates to Government Subscriber for the purposes of carrying out this Agreement, including:
 - 2.5.1 **“Court Case Information”** means any information in the Court Records that conveys information about a particular case or controversy, including without limitation Court Confidential Case Information and Court Documents, as defined herein.
 - 2.5.2 **“Court Confidential Case Information”** means any information in the Court Records (including Court Documents) that is inaccessible to the public pursuant to the Rules of Public Access and that conveys information about a particular case or controversy.
 - 2.5.3 **“Court Confidential Security and Activation Information”** means any information in the Court Records that is inaccessible to the public pursuant to the Rules of Public Access and that explains how to use or gain access to Court Data Services, including but not limited to login account names, passwords, TCP/IP addresses, Court Data Services user manuals, Court Data Services Programs, Court Data Services Databases, and other technical information.
 - 2.5.4 **“Court Confidential Information”** means any information in the Court Records that is inaccessible to the public pursuant to the Rules of Public Access, including without limitation both i) Court Confidential Case Information; and ii) Court Confidential Security and Activation Information.
 - 2.5.5 **“Court Documents”** means electronic images of documents that are part of or included in a court file.
- 2.6 **“DCA”** means the District Court Administrator pursuant to Minnesota Statutes, section 485.01.
- 2.7 **“Government Subscriber Records”** means any information in any form made available by the Government Subscriber to the Court and/or its affiliates for the purposes of carrying out this Agreement.
- 2.8 **“Government Subscriber’s Individual Users”** means Government Subscriber’s employees or independent contractors whose use or access of Court Data Services,

as well as the access, use and dissemination of Court Records (including Court Documents), is necessary to effectuate the purposes of this Agreement.

- 2.9 “Legitimate Governmental Business Need”** means a requirement, duty or obligation for the efficient performance of governmental tasks or governmental responsibilities and as required or authorized by law or court rule in connection with any civil, criminal, administrative, or arbitral proceeding in any Federal, State or local court or agency or before any self-regulatory body.
- 2.10 “Policies & Notices”** means the policies and notices published by the Court and/or its affiliates in connection with each of its Court Data Services, on a website or other location designated by the Court and/or its affiliates, as the same may be amended from time to time by the Court and/or its affiliates. Policies & Notices for each Court Data Service, hereby made part of this Agreement by reference, provide additional terms and conditions that govern Government Subscriber’s use of such services, including but not limited to provisions on fees, access and use limitations, and identification of various third party applications, such as transport mechanisms, that Government Subscriber may need to procure separately to use Court Data Services.
- 2.11 “Rules of Public Access”** means the Rules of Public Access to Records of the Judicial Branch promulgated by the Minnesota Supreme Court, as the same may be amended from time to time, including without limitation lists or tables published from time to time by the Court and/or the SCAO entitled “Limits on Public Access to Case Records” or “Limits on Public Access to Administrative Records,” all of which by this reference are made a part of this Agreement. It is the obligation of Government Subscriber to check from time to time for updated rules, lists, and tables and be familiar with the contents thereof. Such rules, lists, and tables are posted on the main website for the Court, for which the current address is www.mncourts.gov.
- 2.12 “SCAO”** means the State of Minnesota, State Court Administrator's Office.
- 2.13 “This Agreement”** means this Master Subscriber Agreement for Minnesota Court Data Services for Governmental Agencies, including all Exhibits, Policies & Notices, and other documents referenced, attached to, or submitted or issued hereunder.
- 2.14 “Trade Secret Information of SCAO and its licensors”** is defined in sections 8.1, 8.2 and 8.4 of this Agreement.
- 2.15 “User Acknowledgement Form”** means the form signed by Government Subscriber’s Individual Users to confirm in writing that the Individual User has read and understands the requirements and restrictions in this Agreement (Exhibit A).
- 3. DATA ACCESS SERVICES PROVIDED TO GOVERNMENT AGENCY.** Following execution of this Agreement by both parties, Government Subscriber will be offered access to the Court Records (including Court Documents) described in the Government Subscriber Access Chart, which is posted on the Policies & Notices.

4. AUTHORIZED ACCESS, USE, AND DISSEMINATION OF COURT DATA SERVICES AND COURT RECORDS LIMITED; TRAINING; VIOLATIONS; SANCTIONS.

4.1 Authorized Access to Court Data Services and Court Records.

- 4.1.1 Government Subscriber and Government Subscriber's Individual Users shall access only the Court Data Services and Court Records (including Court Documents) necessary for a Legitimate Governmental Business Need.
- 4.1.2 The access of Court Data Services or Court Records (including Court Documents) by Government Subscriber or Government Subscriber's Individual Users for personal or non-official use, or any use that is not a "Legitimate Governmental Business Need" as defined herein, is prohibited.
- 4.1.3 Government Subscriber and Government Subscriber's Individual Users shall not access or attempt to access Court Data Services or Court Records (including Court Documents) in any manner not set forth in this Agreement, Policies & Notices, or other Court Data Services documentation.

4.2 Authorized Use of Court Data Services and Court Records.

- 4.2.1 Government Subscriber and Government Subscriber's Individual Users shall use the Court Data Services and Court Records (including Court Documents) accessed only for a Legitimate Governmental Business Need and according to the instructions provided in corresponding Policies & Notices or other materials.
- 4.2.2 The use of Court Data Services or Court Records (including Court Documents) by Government Subscriber or Government Subscriber's Individual Users for personal or non-official use, or any use that is not a "Legitimate Governmental Business Need" as defined herein, is prohibited.
- 4.2.3 Government Subscriber and Government Subscriber's Individual Users shall not use or attempt to use Court Data Services or Court Records (including Court Documents) in any manner not set forth in this Agreement, Policies & Notices, or other Court Data Services documentation.

4.3 Dissemination of Court Records. Government Subscriber and Government Subscriber's Individual Users shall not share the Court Records (including Court Documents) accessed and data therefrom with third parties and other individuals other than as needed to further a Legitimate Governmental Business Need.

4.4 Training. Government Subscriber shall provide Government Subscriber's Individual Users training in the proper access, use, and dissemination of Court Records (including Court Documents).

4.5 Violations.

- 4.5.1 The access, use, or dissemination of Court Data Services or Court Records (including Court Documents) beyond what is necessary for a Legitimate

Governmental Business Need by Government Subscriber or Government Subscriber's Individual Users is a violation of this Agreement. The access, use or dissemination of Court Data Services or Court Records (including Court Documents) by Government Subscriber or Government Subscriber's Individual Users for personal use is a violation of this Agreement.

- 4.5.2 Any violation pursuant to Clause 4.5.1, or any unauthorized or attempted access, use or dissemination of Court Data Services, Court Records or Court Documents by Government Subscriber or Government Subscriber's Individual Users shall be grounds for the Court to impose sanctions as described in Clause 4.6 and to terminate this Agreement without prior notice to Government Subscriber and/or Government Subscriber's Individual Users.

4.6 Sanctions.

- 4.6.1 Sanctions for a violation pursuant to Clause 4.5.1 may be imposed upon a Government Subscriber and/or Government Subscriber's Individual Users and may include the suspension of access or termination of access for Government Subscriber and/or Government Subscriber's Individual Users.
- 4.6.2 If the Court decides to terminate the access for Government Subscriber and/or Government Subscriber's Individual Users, the Court shall notify the affected party in writing. The termination shall be effective immediately. Prior notice to Government Subscriber and/or Government Subscriber's Individual Users is not required. Reinstatement of the access shall only be upon the written direction of the Court.

5. GUARANTEES OF CONFIDENTIALITY. Government Subscriber agrees:

- 5.1 To not disclose Court Confidential Information to any third party except where necessary to carry out the Government Subscriber's Legitimate Governmental Business Need as defined in this Agreement.
- 5.2 To take all appropriate action, whether by instruction, agreement, or otherwise, to insure the protection, confidentiality and security of Court Confidential Information and to satisfy Government Subscriber's obligations under this Agreement.
- 5.3 To limit the use of and access to Court Confidential Information to Government Subscriber's Individual Users. Government Subscriber shall advise Government Subscriber's Individual Users of the restrictions upon access, use and disclosure contained in this Agreement, requiring each Government Subscriber's Individual User to acknowledge in writing that the individual has read and understands such restrictions. Government Subscriber's Individual Users shall sign the User Acknowledgment Form (Exhibit A) before accessing Court Data Services.
- 5.4 That, without limiting Clause 1 of this Agreement, the obligations of Government Subscriber and Government Subscriber's Individual Users with respect to the confidentiality and security of Court Confidential Information shall survive the termination of this Agreement and the termination of their relationship with Government Subscriber.

- 5.5 That, notwithstanding any federal or state law applicable to the nondisclosure obligations of Government Subscriber and Government Subscriber's Individual Users under this Agreement, such obligations of Government Subscriber and Government Subscriber's Individual Users are founded independently on the provisions of this Agreement.
- 5.6 That, a violation of Government Subscriber's agreements contained in this Clause 5, or a violation of those same agreements by Government Subscriber's Individual Users, shall be grounds for the Court to terminate this agreement and Government Subscriber and/or Government Subscriber's Individual Users access to Court Data Services and Court Records (including Court Documents).
6. **APPLICABILITY TO COURT CASE INFORMATION PROVIDED UNDER LEGAL MANDATE AND PREVIOUSLY DISCLOSED COURT RECORDS AND COURT DOCUMENTS.** Subscriber acknowledges and agrees:
- 6.1 **Court Case Information Provided Under Legal Mandate.** When the Court is required to provide Government Subscriber with Court Case Information under a legal mandate and the provision of such data by the Court is not optional or otherwise left to the discretion of the Court, for example in the case of a state statutory reporting requirement, the provisions of this Agreement that govern or restrict Government Subscriber's access to and use of Court Case Information do not apply to the specific data elements identified in the legal mandate, but remain in effect with respect to all other Court Case Information provided by the Court to Government Subscriber. All other provisions of this Agreement remain in full effect, including, without limitation, provisions that govern or restrict Government Subscriber's access to and use of Court Confidential Security and Activation Information.
- 6.2 **Previously Disclosed Court Records and Court Documents.** Without limiting section 6.1, all Court Records and Court Documents disclosed to Government Subscriber prior to the effective date of this Agreement shall be subject to the provisions of this Agreement.
7. **ACKNOWLEDGMENT BY INDIVIDUALS WITH ACCESS TO COURT RECORDS UNDER THIS AGREEMENT.**
- 7.1 **Requirement to Advise Government Subscriber's Individual Users.** To affect the purposes of this Agreement, Government Subscriber shall advise each of Government Subscriber's Individual Users who are permitted to use and/or access Court Data Services and Court Records (including Court Documents) under this Agreement of the requirements and restrictions in this Agreement.
- 7.2 **Required Acknowledgement by Government Subscriber's Individual Users.**
- 7.2.1 Government Subscriber shall require each of Government Subscriber's Individual Users to sign the User Acknowledgement Form (Exhibit A).
- 7.2.2 The User Acknowledgement Forms of current Government Subscriber's Individual Users must be obtained prior to submitting this Agreement to the

Court for approval and shall accompany the submission of this Agreement for approval.

7.2.3 Until the User Acknowledgement Form required in Clause 7.2.1 is signed, a Government Subscriber's Individual User is prohibited from accessing, using or disseminating Court Data Services and Court Records (including Court Documents). The access, use or dissemination of Court Data Services or Court Records (including Court Documents) by a Government Subscriber's Individual User that has not completed a User Acknowledgement Form as required in Clause 7.2.1 is a violation of this Agreement.

7.2.4 Government Subscriber shall keep all such written User Acknowledgment Forms on file while this Agreement is in effect and for one (1) year following the termination of this Agreement. Government Subscriber shall promptly provide the Court with access to, and copies of, such acknowledgements upon request to the Agency Account Manager.

7.2.5 The User Acknowledgment Forms are incorporated herein by reference.

8. LICENSE AND PROTECTION OF PROPRIETARY RIGHTS. During the term of this Agreement, subject to the terms and conditions hereof, the Court, with the permission of the SCAO, hereby grants to Government Subscriber a nonexclusive, nontransferable, limited license to use Court Data Services Programs and Court Data Services Databases to access or receive Court Records (including Court Documents). SCAO and the Court reserve the right to make modifications to the Court Data Services, Court Data Services Programs, and Court Data Services Databases, and related materials without notice to Government Subscriber. These modifications shall be treated in all respects as their previous counterparts.

8.1 Court Data Services Programs. SCAO is the copyright owner and licensor of the Court Data Services Programs. The combination of ideas, procedures, processes, systems, logic, coherence and methods of operation embodied within the Court Data Services Programs, and all information contained in documentation pertaining to the Court Data Services Programs, including but not limited to manuals, user documentation, and passwords, are trade secret information of SCAO and its licensors.

8.2 Court Data Services Databases. SCAO is the copyright owner and licensor of the Court Data Services Databases and of all copyrightable aspects and components thereof. All specifications and information pertaining to the Court Data Services Databases and their structure, sequence and organization, including without limitation data schemas such as the Court XML Schema, are trade secret information of SCAO and its licensors.

8.3 Marks. Government Subscriber shall neither have nor claim any right, title, or interest in or use of any trademark used in connection with Court Data Services, including but not limited to the marks "MNCIS" and "Odyssey."

8.4 Restrictions on Duplication, Disclosure, and Use.

8.4.1 Trade secret information of SCAO and its licensors will be treated by Government Subscriber in the same manner as Court Confidential

Information. In addition, Government Subscriber will not copy any part of the Court Data Services Programs or Court Data Services Databases, or reverse engineer or otherwise attempt to discern the source code of the Court Data Services Programs or Court Data Services Databases, or use any trademark of SCAO or its licensors, in any way or for any purpose not specifically and expressly authorized by this Agreement. As used herein, "trade secret information of SCAO and its licensors" means any information possessed by SCAO which derives independent economic value from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from its disclosure or use. "Trade secret information of SCAO and its licensors" does not, however, include information which was known to Government Subscriber prior to Government Subscriber's receipt thereof, either directly or indirectly, from SCAO or its licensors, information which is independently developed by Government Subscriber without reference to or use of information received from SCAO or its licensors, or information which would not qualify as a trade secret under Minnesota law.

8.4.2 It will not be a violation of Clause 8.4 for Government Subscriber to make up to one (1) copy of training materials and configuration documentation for each individual authorized to access, use, or configure Court Data Services, solely for its own use in connection with this Agreement.

8.4.3 Government Subscriber will take all steps reasonably necessary to protect the copyright, trade secret, and trademark rights of SCAO and its licensors and Government Subscriber will advise Government Subscriber's Individual Users who are permitted access to any of the Court Data Services Programs and Court Data Services Databases, and trade secret information of SCAO and its licensors, of the restrictions upon duplication, disclosure and use contained in this Agreement.

8.5 Proprietary Notices. Government Subscriber will not remove any copyright or proprietary notices included in and/or on the Court Data Services Programs or Court Data Services Databases, related documentation, or trade secret information of SCAO and its licensors, or any part thereof, made available by SCAO or the Court, and Government Subscriber will include in and/or on any copy of the Court Data Services Programs or Court Data Services Databases, or trade secret information of SCAO and its licensors and any documents pertaining thereto, the same copyright and other proprietary notices as appear on the copies made available to Government Subscriber by SCAO or the Court, except that copyright notices shall be updated and other proprietary notices added as may be appropriate.

8.6 Title; Return. The Court Data Services Programs and Court Data Services Databases, and related documentation, including but not limited to training and configuration material, if any, and logon account information and passwords, made available by the Court and SCAO to Government Subscriber hereunder, and all copies, including partial copies, thereof are and remain the property of the respective licensor. Within ten days of the effective date of termination of this Agreement, Government Subscriber shall either: (i) uninstall and return any and all copies of the applicable Court Data Services Programs and Court Data Services Databases, and related documentation, including but not limited to training and configuration

materials, if any, and logon account information; or (2) destroy the same and certify in writing to the Court that the same have been destroyed.

- 8.7 Reasonable Security Measures.** The Court may add reasonable security measures including, but not limited to, a time-out feature, to Court Data Services Programs.
- 9. INJUNCTIVE RELIEF; LIABILITY.** Government Subscriber acknowledges that the Court, SCAO, SCAO's licensors, and DCA will be irreparably harmed if Government Subscriber's obligations under this Agreement are not specifically enforced and that the Court, SCAO, SCAO's licensors, and DCA would not have an adequate remedy at law in the event of an actual or threatened violation by Government Subscriber of its obligations. Therefore, Government Subscriber agrees that the Court, SCAO, SCAO's licensors, and DCA shall be entitled to an injunction or any appropriate decree of specific performance for any actual or threatened violations or breaches by Government Subscriber or Government Subscriber's Individual Users without the necessity of the Court, SCAO, SCAO's licensors, or DCA showing actual damages or that monetary damages would not afford an adequate remedy. Unless Government Subscriber is an office, officer, agency, department, division, or bureau of the state of Minnesota, Government Subscriber shall be liable to the Court, SCAO, SCAO's licensors, and DCA for reasonable attorney's fees incurred by the Court, SCAO, SCAO's licensors, and DCA in obtaining any relief pursuant to this Agreement.
- 10. COMPROMISE LIABILITY.** Government Subscriber and the Court agree that, except as otherwise expressly provided herein, each party will be responsible for its own acts and the results thereof to the extent authorized by law and shall not be responsible for the acts of any others and the results thereof. Liability shall be governed by applicable law. Without limiting the foregoing, liability of the Court and any Government Subscriber that is an office, officer, agency, department, division, or bureau of the state of Minnesota shall be governed by the provisions of the Minnesota Tort Claims Act, Minnesota Statutes, section 3.376, and other applicable law. Without limiting the foregoing, if Government Subscriber is a political subdivision of the state of Minnesota, liability of the Subscriber shall be governed by the provisions of Minn. Stat. Ch. 466 (Tort Liability, Political Subdivisions) or other applicable law.
- 11. AVAILABILITY.** Specific terms of availability shall be established by the Court and set forth in the Policies & Notices. The Court reserves the right to terminate this Agreement immediately and/or temporarily suspend Government Subscriber's approved Court Data Services in the event the capacity of any host computer system or legislative appropriation of funds is determined solely by the Court to be insufficient to meet the computer needs of the courts served by the host computer system. Monthly fees, if any, shall be prorated only for periods of suspension or upon termination of this Agreement.
- 12. ADDITIONAL USER OBLIGATIONS.** The obligations of the Government Subscriber set forth in this section are in addition to the other obligations of the Government Subscriber set forth elsewhere in this Agreement.
- 12.1 Judicial Policy Statement.** Government Subscriber agrees to comply with all policies identified in applicable Policies & Notices. Upon failure of the Government Subscriber to comply with such policies, the Court shall have the option of immediately suspending or terminating the Government Subscriber's Court Data Services on a temporary basis and/or immediately terminating this Agreement.

12.2 Access and Use; Log.

- 12.2.1 Government Subscriber shall be responsible for all access to and use of Court Data Services and Court Records (including Court Documents) by Government Subscriber's Individual Users or by means of Government Subscriber's equipment or passwords, whether or not Government Subscriber has knowledge of or authorizes such access and use.
- 12.2.2 Government Subscriber shall also maintain a log identifying all persons to whom Government Subscriber has disclosed its Court Confidential Security and Activation Information, such as user ID(s) and password(s), including the date of such disclosure. Government Subscriber shall maintain such logs while this Agreement is in effect and for a period of one (1) year following termination of this Agreement. Government Subscriber shall promptly provide the Court with access to, and copies of, such logs upon request.
- 12.2.3 Government Subscriber, through the Agency Account Manager, shall promptly notify the Court when Government Subscriber's Individual Users with individual logins should have accounts added or deleted. Upon Government Subscriber's failure to notify the Court of these changes, the Court may terminate this Agreement without prior notice to Government Subscriber.
- 12.2.4 The Court may conduct audits of Government Subscriber's logs and use of Court Data Services and Court Records (including Court Documents) from time to time. Upon Government Subscriber's failure to maintain such logs, to maintain accurate logs, or to promptly provide access by the Court to such logs, the Court may terminate this Agreement without prior notice to Government Subscriber.

12.3 Personnel. Government Subscriber agrees to investigate (including conducting audits), at the request of the Court, allegations of misconduct pertaining to Government Subscriber's Individual Users having access to or use of Court Data Services, Court Confidential Information, or trade secret information of the SCAO and its licensors where such persons violate the provisions of this Agreement, Policies & Notices, Judicial Branch policies, or other security requirements or laws regulating access to the Court Records. Government Subscriber, through the Agency Account Manager, agrees to notify the Court of the results of such investigation, including any disciplinary actions, and of steps taken to prevent further misconduct. Government Subscriber agrees to reimburse the Court for costs to the Court for the investigation of improper use of Court Data Services, Court Records (including Court Documents), or trade secret information of the SCAO and its licensors.

13. FEES AND INVOICES. Applicable monthly fees commence ten (10) days after notice of the Court's approval of this Agreement or upon the initial Government Subscriber transaction as defined in the Policies & Notices, whichever occurs earlier. When fees apply, the State shall invoice Government Subscriber on a monthly basis for charges incurred in the preceding month and applicable taxes, if any, and payment of all amounts shall be due upon receipt of invoice. If all amounts are not paid within thirty (30) days of the date of the invoice, the Court may immediately cancel this Agreement without notice to Government Subscriber and pursue all available legal remedies. Government Subscriber certifies that

funds have been appropriated for the payment of charges under this Agreement for the current fiscal year, if applicable.

- 14. MODIFICATION OF FEES.** SCAO may modify the fees by amending the Policies & Notices as provided herein, and the modified fees shall be effective on the date specified in the Policies & Notices, which shall not be less than thirty (30) days from the publication of the Policies & Notices. Government Subscriber shall have the option of accepting such changes or terminating this Agreement as provided in section 1 hereof.

15. WARRANTY DISCLAIMERS.

15.1 WARRANTY EXCLUSIONS. EXCEPT AS SPECIFICALLY AND EXPRESSLY PROVIDED HEREIN, COURT, SCAO, SCAO'S LICENSORS, AND DCA MAKE NO REPRESENTATIONS OR WARRANTIES OF ANY KIND, INCLUDING BUT NOT LIMITED TO THE WARRANTIES OF FITNESS FOR A PARTICULAR PURPOSE OR MERCHANTABILITY, NOR ARE ANY WARRANTIES TO BE IMPLIED, WITH RESPECT TO THE INFORMATION, SERVICES OR COMPUTER PROGRAMS MADE AVAILABLE UNDER THIS AGREEMENT.

15.2 ACCURACY, COMPLETENESS AND AVAILABILITY OF INFORMATION. WITHOUT LIMITING THE GENERALITY OF THE PRECEDING PARAGRAPH, COURT, SCAO, SCAO'S LICENSORS, AND DCA MAKE NO WARRANTIES AS TO THE ACCURACY OR COMPLETENESS OF THE INFORMATION CONTAINED IN THE COURT RECORDS. THE COURT IS NOT LIABLE FOR ANY COURT RECORDS OR COURT DOCUMENTS NOT AVAILABLE THROUGH COURT DATA SERVICES DUE TO COMPUTER OR NETWORK MALFUNCTION, MISTAKE OR USER ERROR.

- 16. RELATIONSHIP OF THE PARTIES.** Government Subscriber is an independent contractor and shall not be deemed for any purpose to be an employee, partner, agent or franchisee of the Court, SCAO, SCAO'S licensors, or DCA. Neither Government Subscriber nor the Court, SCAO, SCAO'S licensors, or DCA shall have the right nor the authority to assume, create or incur any liability or obligation of any kind, express or implied, against or in the name of or on behalf of the other.

- 17. NOTICE.** Except as provided in Clause 2 regarding notices of or modifications to Court Data Services and Policies & Notices, and in Clauses 13 and 14 regarding notices of or modification of fees, any notice to Court or Government Subscriber hereunder shall be deemed to have been received when personally delivered in writing or seventy-two (72) hours after it has been deposited in the United States mail, first class, proper postage prepaid, addressed to the party to whom it is intended at the address set forth on page one of this Agreement or at such other address of which notice has been given in accordance herewith.

- 18. NON-WAIVER.** The failure by either Party at any time to enforce any of the provisions of this Agreement or any right or remedy available hereunder or at law or in equity, or to exercise any option herein provided, shall not constitute a waiver of such provision, remedy or option or in any way affect the validity of this Agreement. The waiver of any default by either Party shall not be deemed a continuing waiver, but shall apply solely to the instance to which such waiver is directed.

19. **FORCE MAJEURE.** Neither party shall be responsible for failure or delay in the performance of their respective obligations hereunder caused by acts beyond their reasonable control.
20. **SEVERABILITY.** Every provision of this Agreement shall be construed, to the extent possible, so as to be valid and enforceable. If any provision of this Agreement so construed is held by a court of competent jurisdiction to be invalid, illegal or otherwise unenforceable, such provision shall be deemed severed from this Agreement, and all other provisions shall remain in full force and effect.
21. **ASSIGNMENT AND BINDING EFFECT.** Except as otherwise expressly permitted herein, neither Party may assign, delegate and/or otherwise transfer this Agreement or any of its rights or obligations hereunder without the prior written consent of the other. This Agreement shall be binding upon and inure to the benefit of the Parties hereto and their respective successors and assigns, including any corporation or other legal entity into, by or with which Government Subscriber may be merged, acquired or consolidated or which may purchase the entire assets of Government Subscriber.
22. **GOVERNING LAW.** This Agreement shall in all respects be governed by and interpreted, construed and enforced in accordance with the laws of the United States and of the State of Minnesota.
23. **VENUE AND JURISDICTION.** Any action arising out of or relating to this Agreement, its performance, enforcement or breach will be venued in a state or federal court situated within the State of Minnesota. Government Subscriber hereby irrevocably consents and submits itself to the personal jurisdiction of said courts for that purpose.
24. **INTEGRATION.** This Agreement sets forth the entire Agreement and understanding between the Parties regarding the subject matter hereof and supersedes any prior representations, statements, proposals, negotiations, discussions, understandings, or agreements regarding the same subject matter. Except as otherwise expressly provided in Clause 2 regarding Court Data Services and Policies & Notices, and in Clauses 13 and 14 regarding fees, any amendments or modifications to this Agreement shall be in writing signed by both Parties.
25. **MINNESOTA DATA PRACTICES ACT APPLICABILITY.** If Government Subscriber is a Minnesota Government entity that is subject to the Minnesota Government Data Practices Act, Minn. Stat. Ch. 13, Government Subscriber acknowledges and agrees that: (1) the Court is not subject to Minn. Stat. Ch. 13 (*see* section 13.90) but is subject to the Rules of Public Access and other rules promulgated by the Minnesota Supreme Court; (2) Minn. Stat. section 13.03, subdivision 4(e) requires that Government Subscriber comply with the Rules of Public Access and other rules promulgated by the Minnesota Supreme Court for access to Court Records provided under this Agreement; (3) the use of and access to Court Records may be restricted by rules promulgated by the Minnesota Supreme Court, applicable state statute or federal law; and (4) these applicable restrictions must be followed in the appropriate circumstances.

IN WITNESS WHEREOF, the Parties have, by their duly authorized officers, executed this Agreement, intending to be bound thereby.

1. GOVERNMENT SUBSCRIBER
Government Subscriber must attach documented verification of authority to sign on behalf of and bind the entity ("Master Subscriber Agreement Signing Authority"), such as a council resolution, board authority or legally binding decision maker, and attach same as Exhibit B.

By _____
(SIGNATURE)
Date 10/25/2021
Name (typed) Jennifer Labadie
Title Mayor
Office City of Shorewood

2. THE COURT

By _____
(SIGNATURE)
Date _____
Title CIO/Director
Information Technology
Division of State Court
Administration
Office _____

3. Form and execution approved
for Court by:

By: _____
(SIGNATURE)

Title: Staff Attorney - Legal Counsel Division

Date: _____

User Acknowledgment Form

The Agency identified below that I work for has contracted with the Office of State Court Administration (the “Court”) for the access and use of the Court’s Records and Documents. Under that contract, the Agency is required to have employees, student attorneys and contractors sign the written acknowledgment below before they are permitted access.

I, _____, as an employee/student attorney/contractor of _____ (“the Agency”), state the following:

1. I have read and understand the requirements and restrictions in the Master Subscriber Agreement for Minnesota Court Data Services for Governmental Agencies between the Agency and the Court.
2. I understand that I am not to share my login and password information.
3. I shall access and use the Court Records and Court Documents provided for only “legitimate governmental business needs.” I understand a “legitimate governmental business need” is limited to a requirement, duty or obligation for the efficient performance of governmental tasks or governmental responsibilities that is required or authorized by law or court rule in connection with any civil, criminal, administrative, or arbitral proceeding in any Federal, State or local court or agency or before any self-regulatory body.
4. I shall not access or use Court Records or Court Documents for personal or non-official use or any use that is not a legitimate governmental business need as defined in paragraph 3, above.
5. I will not share Court Records or Court Documents with third parties other than as needed to further legitimate governmental business needs as defined in paragraph 3, above.
6. I understand that the Court is not liable for any Court Records or Court Documents not available due to computer or network malfunction, mistake or user error. The Court makes no warranties as to the completeness or accuracy of the Court Records and Court Documents provided.
7. I agree to notify the Court when I no longer work for the Agency or no longer have a legitimate governmental business need for Court Records and Court Documents. I agree to stop accessing court records and documents when this occurs.
8. I understand that should I violate paragraphs 3., 4., or 5., it would result in the suspension or termination of my access to Court Records and Documents, and may result in the suspension or termination of the access to Court Records and Documents by the Agency, and other civil and criminal liability.

Date: _____

By: _____
Employee/Student Attorney/Contractor for Agency

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

RESOLUTION 21 – 117

**RESOLUTION APPROVING MASTER SUBSCRIBER AGREEMENT FOR
MINNESOTA COURT DATA SERVICES FOR GOVERNMENT AGENCIES**

WHEREAS, the City of Shorewood, on behalf of its City Attorney, for the purpose of assisting in the efficient performance of its governmental duties as required or authorized by law or court rule in connection with any civil, criminal, administrative or arbitral proceeding in and Federal, State or local court, desires to enter into a Master Subscriber Agreement for Court Data Services, to use systems and tools available from the Minnesota Judicial Branch (the Court) for which the City is eligible, including MGA (Minnesota Government Access) and court records and documents through MNCIS (Minnesota Court Information System).

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

1. That Master Subscriber Agreement for Minnesota Court Data Services for Governmental Agencies by and between the Court, acting through its Information Technology Division of State Court Administration, and the City of Shorewood, on behalf of its City Attorney, is hereby approved.
2. That the Mayor of the City of Shorewood is authorized to sign the Master Subscriber Agreement for Minnesota Court Data Services for Government Agencies, and any subsequent amendment or agreement that may be required by State Court Administration to maintain the City's government access to the systems and tools offered by the Court pursuant to the Master Subscriber Agreement.

ADOPTED by the Shorewood City Council on this 25th day of October, 2021.

By: Jennifer Labadie, Mayor

ATTEST: _____
Sandie Thone, City Clerk



City of Shorewood Council Meeting Item

2D

MEETING TYPE
Regular Meeting

Title / Subject: Approve Quote for Inspection of Municipal Well Inspection– Boulder Bridge Well
City Project 21-10

Meeting Date: October 25, 2021

Prepared by: Larry Brown, Director of Public Works

Attachments: CIP Excerpt, Low Quote, Resolution

Background / Previous Action: The 2021 Capital Improvement Program (CIP) typically has one well of the seven municipal wells scheduled for inspection each year. As shown in Attachment 1, an amount of \$30,000 is shown for inspection of the Badger Vertical Turbine Well in 2021, and the same amount in 2022 for the Boulder Bridge Vertical Turbine.

Staff has recently noticed a strong vibration in the Boulder Bridge well that warrants removal and inspection of the well. The site location is shown in Attachment 2. Since this well is slated in 2022 for inspection, staff is recommending that the wells for 2021 and 2022 be swapped in timing. This keeps the expenditure portion of the CIP intact.

Staff solicited quotes from several firms for inspection of the well. On October 10, 2021, quotes were received from two firms, as shown in Table 1 Below.

Firm	Quote Base Bid
Bergerson Caswell	\$24,460.00
Keys Well Drilling	\$25,970.00

Table 1

The low Base Quote was provided by Bergerson Caswell in the amount of \$24,460. This firm is known to be a responsible firm that has performed work of the city previously.

Financial or Budget Considerations: If approved, funding for the quote would be provided by the Municipal Water Fund.

Staff Recommendation: Staff is recommending approval of the Resolution that accepts the quote from Bergerson Caswell for inspection of the Boulder Bridge Vertical Turbine Well with a base amount of \$24,460.00.

Options:

1. Approve the Resolution which accepts the Agreement.
2. Provide Staff with alternative direction.

Recommendation / Action Requested: Staff is recommending Option 1 that approves the resolution be accepted.

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

RESOLUTION 21-118

**A RESOLUTION, APPROVING QUOTE FOR MUNICIPAL
WELL INSPECTION AT THE BOULDER BRIDGE WELL FACILITY**

CITY PROJECT 21-10

WHEREAS, The City solicited quotes for inspection of the vertical turbine well at the Boulder Bridge Well Facility; and

WHEREAS,; On October 10, 2021, quotes were received and tabulated, as shown below, with Bergerson Caswell providing the low quote in the amount of \$24,460.00; and

<u>Firm</u>	<u>Amount of Quote</u>
Bergerson Caswell	\$24,460.00
Keys Well Drilling	\$25,970.00

WHEREAS, the Director of Public Works has examined said quotes and found them to be in order.

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

1. The Quote by Bergerson Caswell in the base amount of \$24,460.00 is hereby accepted.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF SHOREWOOD this 25th day of October, 2021.

Jennifer Labadie, Mayor

Attest:

Sandie Thone, City Clerk



City of Shorewood Council Meeting Item

Title/Subject: Approve Change Order for Lake Linden Drive Culvert Repair;
City Project 21-03
Meeting Date: Monday October 25, 2021
Prepared by: Andrew Budde, City Engineer
Reviewed by: Larry Brown, Director of Public Works
Attachments: Change Order No. 1, and Resolution

Background: At the August 23rd, 2021 Council Meeting, the City Council awarded the 2021 Catch Basin and Culvert Repair Project to Minger Construction Companies, Inc. in the amount of \$87,052.50.

The quote for the 2021 Culvert and Catch Basin Repair Project included an Alternate to remove and replace the culvert on Lake Linden Drive in the amount of \$32,190.00 using conventional trenching. A quote was also obtained to Cast in Place Pipe (CIPP) to line the Lake Linden Drive culvert as a separate project. The option to line the culvert was awarded in lieu of the conventional trenching, as it was less expensive and minimized impacts to traffic.

During the cleaning process prior to CIPP lining, it was determined that the existing culvert had degraded in such a way that it was not feasible to utilize a CIPP line. City staff discussed options and proposed changing the contract to utilize the conventional trenching method. The Contractor stated that they will honor the Alternate bid price of \$31,190.00.

Financial Considerations: The city has budgeted \$50,000 for the CB & Culvert Repair project in the Capital Improvement Plan. The improvements are funded from the Storm Water Management Fund.

Recommendation/Action Requested: Staff recommends approval of the Resolution that accepts Change Order 1 and payment in the amount of \$32,190.00.

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

RESOLUTION 21-119

**A RESOLUTION TO APPROVE CHANGE ORDER #1 FOR LAKE LINDEN CULVERT
REPAIR PROJECT, CITY PROJECT 21-03**

WHEREAS, on August 23, 2021 the City entered into an agreement with Minger Construction Companies, Inc. for the 2021 Catch Basin and Culvert Repair Project in the amount of \$87,052.50; and

WHEREAS, the Alternate to remove and replace the Lake Linden Drive culvert was not originally approved with the project; and

WHEREAS, a separate project was bid and awarded to line the culvert on Lake Linden Drive; and

WHEREAS, it was determined that the Lake Linden Drive could not be lined based on the condition of the culvert; and

WHEREAS, City staff discussed adding back in the Lake Linden culvert replacement from the 2021 Catch Basin and Culvert Repair Project with the Contractor; and

WHEREAS, the Contractor agreed to honor the price to remove and replace the culvert on Lake Linden Drive.

NOW THEREFORE, IT RESOLVED: by the City Council of the City of Shorewood hereby approve Change Order No. 1, authorizing payment in the amount of \$32,190.00 for Change Order No. 1 to Minger Construction Companies, Inc.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF SHOREWOOD this 25th day of October 2021.

Jennifer Labadie, Mayor

Attest:

Sandie Thone, City Clerk

CITY OF SHOREWOOD
PLANNING COMMISSION MEETING
TUESDAY, OCTOBER 5, 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 Eggenberger, Gault, and Riedel; Planning Director Darling; Planning Technician Notermann, and, City Engineer Budde, Council Liaison Johnson

Absent: Commissioner Huskins

1. APPROVAL OF AGENDA

Riedel moved, Gault seconded, approving the agenda for October 5, 2021, as presented. Motion passed 4/0.

2. APPROVAL OF MINUTES

- September 7, 2021

Gault moved, Riedel seconded, approving the Planning Commission Meeting Minutes of September 7, 2021, as presented. Motion passed 3-0-1 (Eggenberger abstained).

3. MATTERS FROM THE FLOOR

4. PUBLIC HEARINGS

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.

A. PUBLIC HEARING – Registered Land Survey, Variances and Special Home Occupation Permit

Applicant: Peter and Marie Lehman

Location: 21285 Radisson Road

Planning Director Darling explained the request for a registered land survey, variances to lot area and width, and a special home occupation permit for the properties at 21265 and 21285 Radisson Road. She explained that the applicant would like to adjust the property lines between the properties to create two roughly equal parcels. She stated that the resulting parcels would be considered non-conforming for lot area and width so the application also includes a variance for those items. The two properties have a total of one home, three small cabins and one garage on them and they would place a primary home on one lot and the other lot would have the three

cabins. She stated that this brings a number of problems so the applicant has proposed removing the southerly cabin and convert the second building into a home office which would clear up most of the non-conformities related to use, but not to setbacks. She reviewed the variance and special home occupation permit application and noted that staff is recommending approval subject to the conditions listed in the staff report.

Commissioner Riedel asked about the status of the cabins as legally non-conforming structures. He asked how long they have been there and asked about the history.

Planning Director Darling explained that the three cabins were used as vacation rentals in the past. She stated that staff believes they were constructed in 1930 and noted that there were quite a few rental cabins in the past, along Radisson Road, but is not sure if they were part of the Radisson Inn Resort. She stated that the County has the home listed as built in 1940 but the applicant thought it may be earlier than that. She stated that the home was either constructed in 1940 or Hennepin County may have set used that date if there was substantial work done to the home in that year which essentially changed the age of the structure.

Chair Maddy asked if the code states that there cannot be a kitchen in a detached accessory building.

Planning Director Darling stated that accessory buildings cannot be habitable nor used for habitation temporarily or permanently. She explained that in order to be considered habitable there has to be both a kitchen and a bathroom so one of them needs to be removed, and removing the kitchen suits the applicant better.

Chair Maddy stated that he does not like the idea that you cannot work in your own garage, if it is detached, without a special permit. He asked if there had been any thought into changing that now that most people have been working from home. He asked if the City really needed the rule that all of the work needs to be done at the primary residence.

Planning Director Darling explained that the logic behind that is controlling the impacts of the home based business. She stated that at the time this was written, she suspects it was more likely to be used as a machine shed or carpentry business and not simply a home office. She noted that the City requires this kind of permit when people are operating the business out of their attached garage and not just the detached garages.

Commissioner Eggenberger asked if the Special Home Occupation permit gives carte blanche to do what ever they want or if it placed limits.

Planning Director Darling explained that it would be limited within the permit and in this case, the applicant works alone and most clients are virtual.

Commissioner Gault asked if the applicant was operating this as a business or if they were just working as a remote employee.

Planning Director Darling stated that is a question that could be asked of the applicant. She noted that if anyone is working remotely and utilizing their shed or a detached cabin they should have this Special Home Occupation permit.

Commissioner Riedel stated that the City has a complaint based approach to compliance.

Peter Lehman, 21285 Radisson Road, noted that they have lived on the property since 1986. He explained that their proposal is to make these properties have a more conforming use with one habitable dwelling per lot. He shared some of the zoning in the area and the history of the parcels and cabins in the area. He stated that he had submitted some historical documents surrounding the importance of the cabins.

Commissioner Gault confirmed that Mr. Lehman lived on one of the properties and asked what would be done with the other one.

Mr. Lehman stated that with COVID, anything is on the table, so they do not know what they will do. If the lot line can be revised, it will give them more options.

Commissioner Gault stated that his concern is that this would take a lot that complies with zoning and create two lots that do not comply.

Mr. Lehman stated that they are not in the position to combine these two lots to make them a single lot and believes that there is nothing in the Code or the Comprehensive Plan that prevents them from improving the property. He stated that they think their proposal for the two lots is an improvement. He noted that they are not splitting the lots, but are trying to make them more consistent with the neighborhood.

Commissioner Gault noted that they are actually splitting the currently conforming lot. He stated that he suspects the City will be hearing a variance request for new home construction on Tract A in the near future.

Mr. Lehman stated that appears to be speculation and asked if homes need to have a garage.

Planning Director Darling stated that a garage is not required, but does make things easier in the winter months. She stated that if one is constructed without a garage, the ordinance requires that the plans show space where a conforming garage could be constructed in the future.

Mr. Lehman stated that he understands that the City would prefer if they combined the lots, but they will not be doing that and reiterated that they think this request is reasonable.

Commissioner Gault asked about Mr. Lehman's reason for not combining the lots.

Mr. Lehman stated that he thinks that is a superfluous question because if he has two properties it would not make sense to combine them. He stated that the Met Council is trying to increase densities in cities which would be a reason not to combine the properties.

Chair Maddy opened the Public Hearing at 7:33 P.M. noting the procedures used in a Public Hearing. There being no comments, Chair Maddy closed the public testimony portion of the Public Hearing at 7:33 P.M.

Commissioner Riedel stated that he understands Commission Gault's concern but he sides with the applicant that this is their right.

Commissioner Gault stated that he feels there is a simple solution in terms of the property by having just one lot that meets the zoning requirements.

Commissioner Riedel noted that doing nothing would also meet the zoning requirements and this is before the Commission because the applicant wants to do something and not just maintain the status quo.

Chair Maddy stated that he does not think the request is improving things or making the situation worse because it is 45,000 square feet with two lots on it before this is considered or after it is approved. He stated that making one of the lots more livable is an improvement, but is not worried about what the applicant 'could' do.

Commissioner Gault reiterated his concern with the precedent this will set for future lot splits.

Commissioner Eggenberger stated that he understands Commissioner Gault's concerns, but feels the overall idea and plan makes sense to him.

Riedel moved, Eggenberger seconded, recommending approval of the Registered Land Survey, variances, and Special Home Occupation permit at 21265 and 21285 Radisson Road, subject to conditions in the staff report.

Commissioner Gault stated that he would like to see the motion have each items separated.

Riedel moved, Eggenberger seconded to withdraw the original motion. All in favor, motion passed 4/0.

Riedel moved, Eggenberger seconded, recommending approval of the Registered Land Survey and the variances at 21265 and 21285 Radisson Road, subject to the conditions in the staff report. Motion passed 3-1 (Gault opposed)

Riedel moved, Eggenberger seconded, to recommend approval of the Special Home Occupation permit at 21285 Radisson Road, subject to the conditions as listed in the staff report. Motion passed 4/0.

Planning Director Darling stated that this will be on the City Council agenda on October 25, 2021

B. PUBLIC HEARING – Conditional Use Permit

Applicant: Ben Becker

Location: 6180 Cathcart Drive

Planning Director Darling explained that this application is for a Conditional Use Permit to allow two detached garages on a property where one is permitted without a C.U.P. The applicant is proposing to remove all of the structures on the property and build a new home with two attached garages that would store their personal vehicles and equipment. Staff recommends approval subject to the conditions listed in the staff report.

Commissioner Riedel asked for more details relating to the C.U.P.

Planning Director Darling explained that the criteria used would be for the same standards used for an oversized garage C.U.P. She noted that, in general, the sizes are under 1,200 square feet in area and the applicant has not run into an issue with the maximum amount of garage space or going above the ten percent of the required minimum lot area for the zoning district.

Commissioner Riedel confirmed that the C.U.P. is just necessary because there are two garages.

Chair Maddy opened the Public Hearing at 7:49 P.M. noting the procedures used in a Public Hearing. There being no comment, Chair Maddy closed the public testimony portion of the Public Hearing at 7:49 P.M.

Eggenberger moved, Riedel seconded, recommending approval of the Conditional Use Permit at 6180 Cathcart Drive, subject to the conditions as listed in the staff report and that the structure use materials similar to the home. Motion passed 4/0.

C. PUBLIC HEARING – Comprehensive Plan 2040
Amendments to the Land Use Map
Applicant: City of Shorewood
Location: Multiple

Chair Maddy noted that based on the e-mails they have received, he thinks the City could have done a better job explaining what is exactly going on and asked staff to clarify what is happening.

Planning Director Darling explained that the application has been submitted by the City. She stated that because of some of the e-mails received, she would like to review some basic information on what a Comprehensive Plan is and how it works with the zoning ordinance. She noted that the City is required to update the Comprehensive Plan every ten years and identifies how the community will grow and change over a twenty year time horizon as an overall guiding document and noted that the one being reviewed now is through the year 2040. She explained that the City submitted the approved Comprehensive Plan to the Metropolitan Council for their review in 2019 and the Metropolitan Council gave comments to the City and declared the Plan incomplete because the City needed to address a number of items. She gave an overview of the items to be addressed, including that the City needs to have one-hundred and fifty-five units somewhere in the City that would provide opportunities for density greater than five dwellings per acre. She explained what the City has done to address this feedback including adjusting the density designations for the land use classifications to be a bit higher. She stated that the Met Council would also like the City to add more density that is developed at eight dwellings per acre or greater which would be more conducive for 48 of the units to be affordable. She stated that even if the City makes these areas available to build higher density housing, they cannot force property owners to add that housing nor force them to add affordable housing. She stated that the Metropolitan Council is asking the City to allow these opportunity areas where this type of development could occur. She reviewed the suggested amendments to the Comprehensive Plan. She noted that there has been quite a bit of concern that these would mean that here is a development proposed in the near future. She explained that property owners could continue to operate their businesses on their sites indefinitely and in the case of the mixed use areas, they would be under no obligation to add residential uses to those areas and could continue to operate them as commercial properties. She stated that the dredging company parcel would likely need to be rezoned to a residential district but could continue operating it as a dredging company indefinitely. She stated that the City could not shut down their operation, but if the dredging company stops operating for a period of one year or greater the use would be considered abandoned. She noted that the marina property can continue to operated as a marina indefinitely and would not need to be rezoned..

Commissioner Gault asked what would happen with an ownership change.

Planning Director Darling stated that nothing would happen and they could sell the properties and continue to operate the businesses consistent with the way they are now. She stated that if these

amendments are approved by the Council, then it would be submitted back to the Met Council for their approval.

Bob Kirmis, Northwest Area Consultants, gave an overview of the feedback the City received from the Metropolitan Council. He stated that one of the things they asked for was a map identifying specific parcels that would be subject to change and reviewed the other things the Metropolitan Council asked the City to amend. He stated that staff believes the proposed amendments meet the Metropolitan Council requirements for approval.

Planning Director Darling noted that the City Council looked at these amendments in a work session but have not formally acted on them and will not until they receive a recommendation from the Planning Commission.

A member of the audience asked questions about the review process and procedure.

Chair Maddy summarized that the Met Council is forcing the City to change the Comprehensive Plan to add some housing opportunities. He stated that staff and the consultant have found areas that this could potentially be done in the next twenty years and noted that nothing would be forced. The City Council will not take any action until the Planning Commission has given them their opinion and recommendation.

Planning Director Darling stated that there is a draft letter attached to the staff report that identifies other smaller changes to the Comprehensive Plan that were also requested by the Met Council. She stated that the smaller changes are things like re-mapping and recalculating some demographic information. She noted that making changes is part of the process in getting a Comprehensive Plan approved by the Met Council.

Commissioner Riedel asked staff to give a brief overview and explanation of the Met Council and how it fits in as a tier of government and whether things are considered 'binding' or not.

Planning Director Darling explained that the Met Council is a body appointed by the governor that is similar to a planning commission in a city but are essentially a planning commission for the State government and have more authority. The task of the Met Council is to look at specific development related issues and ensure that all of the cities are coordinating their plans together which means they review all of the cities Comprehensive Plan's to make sure that they are consistent with regional and State plans.

Chair Maddy reiterated that the City goes through this process every ten years.

Commissioner Eggenberger asked what the penalty would be for not meeting their Plan.

Mr. Kirmis stated that the Met Council is charged with addressing regional systems such as transportation, density, and regional parks. He stated that one of their objectives is to disburse density into the outlying cities rather than concentrating it in the inner city. He stated that as far as a 'penalty', he knows that the City would lose eligibility for Met Council grants if they do not comply but noted that he was not sure how much it has been tested. He referenced a case with Lake Elmo who lost a case against the Met Council.

Chair Maddy opened the Public Hearing at 8:15 P.M. noting the procedures used in a Public Hearing.

Penny Trunnel, 19865 Waterford Court, asked about affordable housing in the City and asked if the only property left that can be used for this and Mixed Use purposes is along Highway 7. She stated that if that is all the left, she would like to know why.

Planning Director Darling stated that the City is a built-out community and does not have large tracts of land like other cities have. She stated that it is not the only place where the City could add higher density housing because there are the other three areas that are being looked at tonight and could be proposed in other areas as well. She explained that these areas were identified because they are relatively compact and have access from the highway system.

Paul Kobs, 5585 Timber Lane, noted that he had submitted some comments earlier today via e-mail and agreed that was some confusion between zoning and land use. He stated that his message remains the same that they are in strong support of the way the Shorewood Marina operates and functions today and gives the community access to the City's greatest natural resource. He stated that he is concerned that the City would support any land use other than what is currently there today. He stated that a discussion about taking away a community amenity is concerning. He stated that there has been a lot of talk about affordable housing and the impact that has on zoning. He stated that he does not think Lake Minnetonka or lakeshore property is the place where that would be addressed and located.

Paul Christopher, 19827 Waterford Court, stated that most of his neighbors are also present tonight because of the notice. He asked when the rezoning would take place.

Planning Director Darling stated that if he is specifically referring to the Holiday Station location there is no need to rezone the property because it is currently zoned Planned Unit Development. She stated that the property owner is not required to add additional multi-family housing into the development, but if they do, the PUD will need to be amended to show what they are proposing and to show that they are limiting the impacts.

Mr. Christopher asked what phase of the Comprehensive Plan was the City currently in. He stated that as part of the discussion he has heard the word 'force' used and does not like the idea that the Met Council is forcing the City to do anything.

Commissioner Riedel explained that there is no development currently planned and is a change in the Comprehensive Plan to indicate that this area would have this use.

Chair Maddy stated that the Comprehensive Plan looks forward twenty years and justifies the zoning beneath it but right now the City is moving to respond to the Met Council's request to change some things from the first submittal.

Planning Director Darling noted that the Met Council has sixty days to review the newly submitted Comprehensive Plan.

Mr. Christopher asked if a notice would be sent out to the residents for a public hearing if there is going to be a change. He stated that they are fearful that they will wake up one day and it will be rezoned, they did not know anything about it, and it is too late to do anything.

Planning Director Darling stated that she understands that concern, but noted that the City cannot act on a rezoning or amend a PUD without calling a public hearing so they will be notified.

Mr. Christopher stated that the way the Comprehensive Plan reads right now is that the City does not want to move away from what they currently have and noted that he hopes they stick with that.

Commissioner Gault stated that he is confused by Planning Commissioner Darling's statement that the City would not rezone the shopping center. He stated that he was under the impression it would be changed to a Commercial/Mixed Zone.

Planning Director Darling stated that this was not correct and explained that the zoning district is part of the Zoning Ordinance which is an implementation tool of the Comprehensive Plan. The Comprehensive Plan has land use categories which is showing future land use of Mixed Use which means, at some point, the property owners could propose to add residential by amending the PUD.

Commissioner Gault noted that it is confusing because the map shows these areas as Commercial/Mixed Use.

Planning Director Darling clarified that tonight's discussion is about the Land Use Plan and not the Zoning Ordinance.

Jason Schiller, 19580 Shady Hills Road asked if the apartment complexes behind the gas station, in Minnetonka, were taken into consideration when the traffic studies are done. He stated that there are a lot of families with children in the area, so traffic is a concern for them.

Planning Director Darling stated that a traffic study would be required for a proposed development.

Chair Maddy noted that the study would take into account the existing traffic as well as the proposed and is not limited to just the City limits.

Joel Peters, representing owners of 23425 County Road 19, (Davis Family LLC) stated that he was here to submit the formal objection by the land owner to this proposed change in use and subsequent zoning change that would be inevitable. He noted that they could not improve the property significantly under its current use and the use changed, they would not be able to use it the building in the current use in perpetuity.

Planning Director Darling stated that if rezoned to a residential district, the owners could use the current building for its current use in perpetuity or improve the building at its current location in perpetuity but could not change the type of use that is proposed unless it is changed to a conforming use.

Mr. Peters stated that 'riddle' would occur upon sale or conveyance of the property.

Planning Director Darling stated that even after a sale, the property owner could continue to use the property as it is currently being used.

Mr. Peters stated that however, if a significant redevelopment were to occur and the use were to change it would be subject to the new criteria. He stated that he would just like to make clear that the proposed change is in opposition to the property owner's continued use and enjoyment of the property and would limit the property owners rights, detract business development, limit gathering resident input, and ignores the desires of the residents.

Chair Maddy asked what Mr. Peters and the Davis Family LLC wants out of this situation.

Mr. Peters stated that they just want to make sure that their existing land use rights are preserved.

Commissioner Riedel stated that those existing land use rights are preserved if they do not change the business.

Joseph Huber, 19762 Waterford Court expressed his appreciation for the Planning Commission and the Planning staff. He stated that in a nutshell, his comments are 'don't let this horse out of the barn'. He stated that the residents in the room chose to come to Shorewood for its density and nature of the community and increasing the density will change the nature of the community. He stated that he understands all the reasons, politically, that this has to happen and if the City is, in essence, being 'strong-armed' into it., he would ask that, especially for the PUD changes, that the City find a way to shoehorn in limitations to make residential units one story high with no occupancy on the second story.

Ree Barnes, 6055 Lake Linden Drive, stated that she would like to get back to the question about what kind of 'teeth' the Met Council has. She asked why the Met Council would want to make this change when the population rates are decreasing. She asked if there was a time limit and if the City could wait to make this change or if there was a date that the City had to expand by. She asked if there is a way to fight against the bureaucracy which are appointed, not elected individuals. She stated that she had grown up in the City, but she stayed here because of the nature of the community, including the density and does not want an apartment building that can look in in her bathroom window. She stated that she does not want that and questions if this means she should sell now because right now this is a great place to live. She reiterated her request that the City find a way to delay or fight this direction.

Sherol Christian, 23800 Lawtonka Drive, stated that she has three concerns with this proposal. She asked if the Met Council has taken into consideration other multi-family dwelling units within a mile of this location. She stated that she already sees a lot of traffic issues on County Road 19 which will continue to get worse. She stated that her third point is that as a previous small business owner, she wants to support the City's small businesses and does not like the idea of turning their precious property into more residential when small businesses are struggling. She stated that she does not want their land to be taken or reused for residential.

Tom Lingo, 23445 Smithtown Road, explained that he and his wife own the Garden Patch on County Road 19. He stated that he was told that if their property was switched over to apartments or high density that they could continue their business however he cannot make any improvements to keep the business going, such as enlarging the building. He stated that if a tornado comes and blows the business into the ground they would only have six months to build the exact building that was there. He stated that there should be some freedom to make changes in order to keep the business going. He stated that he is opposed to their property being considered for high density housing. He noted that there is also a culvert that goes through his property and would also restrict housing and thinks his property is pretty limited for the number of housing units that could go there. He stated that he does not support all the restrictions when he is just trying to keep a business going.

Bob Skinner, 19880 Waterford Court, asked for a show of hands of people who live on Waterford Court that are present at the meeting and those that are concerned about this project. He stated that the packet information talks about how the City's consultants came up with a draft plan and the changes include the creation of a new land use. He asked if Commercial/Mixed Use has not been a land use used here before.

Planning Director Darling stated that was correct.

Mr. Skinner stated that the Met Council has photos of what the Commercial/Mixed Use may look like which are businesses on the main floor and then six stories of residential above. He stated that this would happen right next to their properties and are currently about two units per acre and this would be 15-30 units per acre. He distributed a copy to Planning Director Darling. He stated that people in the room are concerned about the idea of a 4-6 story building adjacent to their property.

Gabriel Jabour, 23500 Smithtown Road, stated that he owns Shorewood Marina and the land that the dredging company operates on. He stated that he shares the feeling that Mr. Lingo shared regarding the Garden Patch. He stated that he thinks it is the City's responsibility and duty to direct the change that will come between now and 2099. He stated that what currently exists is by accident. He asked if his understanding was correct that the Shorewood Marina was residential, overlaid with Lakeshore Recreational which will not change. He stated that the other property is Commercial. He stated that with relation to compatibility not just based on what is currently there. He stated that it is within their rights today, based on the existing zoning, to build a commercial building and some is retail.

Planning Director Darling stated that they are allowed to develop the property for any of the uses allowed in C-2 zoning district.

Mr. Jabour stated that having commercial in that spot is not an appropriate use of that property and if it is guided towards residential, that would be a better use. He stated that between now and 2099, the business that exists there should have the ability to continue. He stated that he would urge the City to consider some way that the existing business could be allowed to modernize, not necessarily expand by leaps and bounds, but change in order to address issues that the new market forces on them. He stated that he is very excited to see someone from the neighborhood like the marina and noted that they offer life cycle housing and have special pricing for Shorewood residents.

Petra Cripe, 450 West Lake Street, explained that her home is right next to the dredging company site and has lived here for over twenty years. She stated that she agreed with the comment made earlier that this location makes zero sense for affordable housing. She stated that she would like to know if this is an oxymoron or if the City was playing a joker card. She stated that she does not care if apartments are put here because it will increase her property value, but noted that she is concerned about the way it is going about it, because this is not affordable housing. She stated that her bigger issue is all the people that will be living there will be coming through her street. She asked what would happen with the dredging companies CUP which protects her with things like fencing and proper landscaping to shield her from the equipment. She asked if the CUP would dissolve or if it goes along with the land. She stated that if it goes with the land, it gives an extreme amount of power to the land owner. She stated that she does not think this situation is fair because it is basically boxing the business owners into the current use. The City has already built a ton of houses at Country Club and at the bowling alley and asked if that contributed to the bottom line of the need for 155 dwellings. She stated that properties like the Shorewood Yacht Club is already zoned properly and suggested that it just be left this way so they would not need to be here tonight talking about this proposed change. She asked about run off and ground cover when there are high density buildings in a small amount of space. She reiterated that lakefront property is not affordable housing and that point should not be sugar-coated.

Commissioner Gault noted that the City does not get to count Tonka Bay's housing when the Met Council is addressing Shorewood.

Lindsey Ballard, 5585 Timber Lane, stated that many of the concerns shared have been related to traffic which are valid and good points have been made. She stated that she thinks that the most important thing to protect are the residents of the City having some kind of access as what the Comprehensive Plan refers to as Lake Minnetonka 'being the single largest park and recreational facility for use by Shorewood citizens'. She stated that she thinks the City needs to look harder for other alternatives other than what has been proposed because there are many who do not like the options being presented.

There being no additional input, Chair Maddy closed the Public Hearing at 9:02 P.M.

Chair Maddy clarified that the City is having to deal with what the Met Council is trying to force the City to do. He stated that they say affordable housing is typically at a certain density however, in this community, everyone knows better. He stated that the Met Council also says that the City needs to increase its density and they are trying to do the same thing in many communities that are auto-oriented. He reiterated that the City is simply trying to do what the Met Council is telling them to do. He stated that this is something being pushed by the Met Council and is not the City, volunteers, or Council coming up with the idea.

Planning Director Darling noted that the City had received a number of letters concerning this issue also and they are part of the public record.

Chair Maddy stated that Commercial/Mixed Use requires certain percentages to be residential and commercial and asked if that is by floor area or units.

Mr. Kirmis confirmed that it is determined by floor area.

Chair Maddy asked if there was a reason that the proposal is for fifty commercial and a minimum of forty as residential rather than opening it up so the existing uses could be expanded upon without adding residential.

Planning Director Darling stated that the City set them at the minimum amount so the City could meet the Met Council goals for the number of dwellings that the City may be able to produce with those land uses

Commissioner Riedel asked if the numbers needed to add up to one-hundred percent, for example could they add up to two hundred percent with development proceeding as it does. He asked if that would satisfy Met Council.

Chair Maddy asked if the City could allow one-hundred percent commercial and up to forty percent residential.

Planning Director Darling stated that she understands what they are suggesting and thinks that may be problematic for the neighborhood with regard to traffic impacts, not Met Council.

Commissioner Gault stated that he does not like the idea of taking away any recreational use property in the City and converting it to something else. He asked what the thought process was behind making everything, in terms of density, go up across the City.

Planning Director Darling explained that the reason the City targeted a few areas is because they were already fairly separated from residential areas, especially the two shopping centers. She stated that they have their own access and traffic to those areas would be from arterial roadways and in that sense, the development would be contained on those areas. She stated that they could have opened up more parts of the City for higher density residential development, but there was a concern that would be less comfortable for the residents to have many corners of the City that are currently single family homes suddenly guided for multi-family housing.

Commissioner Gault noted that the Planning Commission had just approved creating two half acre lots from a one acre lot and asked why that could not be done all across the City to meet the density requirement.

Planning Director Darling explained that this would not meet the requirements that the Met Council has set for the City because the densities need to be at five units per acre, or greater. She noted that none of the new units in the Minnetonka Country Club would meet that requirement, because the densities are too low.

Commissioner Gault stated that if they are just looking to increase the number of units by one-hundred fifty five, he questions why they would care how many there are per acre.

Planning Director Darling stated that it is the Met Council's purview to provide the minimum density levels for the new units and it is more likely that communities will get affordable housing at the higher densities than they will by developing more single family homes.

Chair Maddy clarified that this is the Met Council's opinion and not the City.

Planning Director Darling agreed and noted that it does not mean that every development moving forward will be affordable but by allowing for opportunity areas, there is a greater chance that there can be affordable housing throughout the metro area.

Chair Maddy asked if there would be a way to allow the existing land use rights of the listed properties in addition to the higher densities they would be allowed to have in the future, for example, The Garden Patch.

Planning Director Darling stated that she thinks the parcels are too small to look at for the new mixed use standard to be applied there. She stated that she thinks for those parcels the City either needs to look at them as an opportunity for higher density housing or leave them as is.

Mr. Kirmis stated that he has seen cities that allow expansion of non-conforming use by Conditional Use Permit, which could help in that situation.

Commissioner Gault stated that it is nice to hear that this is an option but noted that Shorewood basically has no commercial property today and this is talking about taking away from of that commercial property which does not make sense to him. He noted that the sites that have been identified already have traffic issues and if they were redeveloped it would only exacerbate the problem. He asked why the City is trying to concentrate this activity in these small areas. He stated that commercial development is needed in the City and is something that they do not have right now. He stated that the garden center is more valuable as a commercial piece of property than it would be as high density residential.

Planning Director Darling stated that she would, at this point, suggest the Commission take each area separately and make separate recommendations to the Council.

Commissioner Gault stated that he appreciates all the work that has gone into these changes, but thinks that ultimately it is just getting something on paper that is not conducive to the overall well-being of the City.

Commissioner Riedel stated that it is not clear to him that there is a better solution and reiterated the need for increased density from the Met Council.

Commissioner Eggenberger stated that he was torn because the City is trying to create a plan but he cannot get St. Louis Park out of his head because of how different it is from twenty years ago when it did not have all the high rises. The reality is that things change and in twenty years, Shorewood will not be what it is today.

Chair Maddy stated that based on the requirements that have been placed on the City, he thinks staff did a good job finding locations where this is already some good thoroughfare and some more open areas that are not adjacent to too many people. He stated that he does not think anybody actually wants this to move through and is a question of how it can be done in the least disruptive manner.

Commissioner Riedel noted that there was really good public comment given today. He stated that for the property owners, this strikes him as a serious issue and is a rezoning of land that limits what the commercial property owners can do. He asked if there was some way to satisfy a requirement from the Met Council without constraining the owners of these commercial properties.

Planning Director Darling stated that staff will need to do more research into the options of allowing a conditional use permit for expansion of existing non-conforming uses.

Chair Maddy asked what the timeline was to respond to the Met Council.

Planning Director Darling stated that they would like to get this to the Met Council as soon as possible, which would likely be November.

Commissioner Riedel feels that there should be a compromise in this situation such as the Conditional Use Permit for these properties.

The Commission discuss more details of the proposed Comprehensive Plan amendments and the difficulties in finding a solution to the requirements put forth by the Met Council.

Riedel moved, Eggenberger seconded, recommending approval of the Comprehensive Plan amendments, as proposed, with direction to staff to propose solutions on how best to preserve the rights of the property owners to allow them to continue with reasonable constraints. Motion passed 4/0.

Chair Maddy recessed the meeting at 9:45 p.m. and reconvened at 9:52 p.m.

5. NEW BUSINESS

A. Variance:

Applicant: Gianfranco and Bonnie Cuneo
Location: 26020 Birch Bluff Road

Planning Technician Notermann gave an overview of the request for a variance to allow a two-story addition located 10.3 feet from the west property line and the combined side-yard setbacks

of 24.6 feet when 30 feet is required. She noted that the application has been revised from its original form and they are no longer asking for a variance related to impervious surface. She stated that the original subdivision was recorded in 1881 with the home constructed in 1900 with multiple additions since that time. She stated that there was an attached garage that was demolished in 2013 and the proposed location for a new garage is in roughly the same location. She explained that since 2018, the previous owner added patio and fire pit improvements within the fifty-foot setback to Lake Minnetonka. She stated that the patio area will need to return to turf and the other improvements can exist as legally non-conforming structures. The previous owners also received a permit for a shed on the south side of the driveway to store the contents of the demolished garage. The survey of the property has shown that the shed is larger than what was approved, so that is also non-conforming and staff recommends that those improvements be removed prior to issuance of any new permits. Staff recommends approval subject to the conditions as listed in the staff report.

Commissioner Riedel asked about impervious surface and if this would still be non-conforming.

Planning Technician Notermann explained that it is non-conforming, but it is existing in a non-conforming way and this does not increase the non-conformity.

Commissioner Riedel clarified that the only variance is for the side-yard setback.

Planning Technician Notermann confirmed that the only variance under consideration is for the side-yard setback.

Chair Maddy noted that the current condition is for 'turf', but noted that it could be any kind of vegetation or ground cover. He stated that he does not want require turf because it is not that ecologically beneficial.

Bonnie Cuneo, 26020 Birch Bluff Road, stated that they had purchased the property a few months ago and are new to the City. She stated that they purchased it with the anticipation of building a garage. She stated that they have agreed to remove the patio area near the lake and remove the pea gravel.

Commissioner Riedel suggested that the Cuneo's contact the watershed district because they also have regulations for buffer zones of vegetation of some sort.

Ms. Cuneo stated that with their request of the garage, the City has asked them to remove the shed. She stated that she thinks the shed was originally built to match the approved permit but then they added an enclosure for garbage cans. She stated that because of cost, they have considered reducing the garage down to a two-car garage with storage because that would significantly reduce the hardcover and eliminate the setback issue. She asked if they would be able to keep the conforming portion of the shed if they made that change to the size of the garage. She explained that they would take away the additional decking and the enclosure that was added.

Planning Director Darling stated that the patio will need to be removed, but the shed may be able to stay if the garage is reduced.

Commissioner Riedel stated that what Ms. Cuneo is requesting will not even require a variance which is an entirely different process.

Planning Director Darling explained that if a variance was not needed, the process is a building permit process.

Chair Maddy stated that the Commission can go ahead and make a recommendation about the variance request and then the Cuneo's can work with staff and decide if they want to move forward in that manner.

Chair Maddy opened this up for public testimony at 10:08 p.m. There being no input, he closed the public testimony at 10:08 p.m.

Eggenberger moved, Gault seconded, to recommend approval of the Variance request at 26020 Birch Bluff Road, subject to the conditions as listed in the staff report, with a language change from 'turf' to 'vegetation'.

Chair Maddy noted that there was communication from the neighbors of the property included in the report.

Motion passed 4/0.

B. Variance:

Applicant: City of Shorewood
Location: 5655 Merry Lane

Planning Director Darling stated that this is a request for variances to allow placement of a concrete pad for Aquatic Invasive Species (AIS) equipment. She gave an overview of location and details of the pad and noted that staff recommends approval of the variance requests. She stated that the City received one letter from the adjacent property owner.

Commissioner Riedel stated that he does not understand why a variance is needed.

Planning Director Darling explained that the pad is proposed in the area of the landscape median, so it would convert some green space to hardcover.

Commissioner Gault asked where the water from the equipment drains.

Planning Director Darling stated that contaminated water is stored in the unit and removed from the site.

City Engineer Budde explained how the AIS equipment works.

Planning Director Darling introduced Commissioner Jim Heinz from the Park Commission. She stated that the Park Commission reviewed the request at their last meeting and gave a recommendation for approval.

Chair Maddy asked about what currently existed within the median related to drainage.

City Engineer Budde stated that the stormwater on most of the parking lot sheets to the southwest where it is collected in a few inlets, then with a pipe it is directed to the center median which serves as kind of an open channel. He stated that there is a wooden weir structure in there that is not functioning the way it is intended so the proposal is to remove that feature. The pipe then extends across the rest of the parking lot and outlets into Christmas Lake on the northeast side.

Chair Maddy asked if it was feasible to add some sort of sequestering structure such as a rain garden that can pre-treat the water before it goes into the lake.

City Engineer Budde stated that they had looked into that because it was one of the requests but explained that the challenge with the site is the way the water sheets across the parking lot and does not really collect. He stated that they considered taking some of the curb out around the center island to try to get parking lot water to that, but they ultimately found out that when they try to do the filtration, it is so close to the ground water table that it is really not very productive.

Chair Maddy asked if this meant that the water was just going to go straight into the lake whether it is above ground or below ground and nothing would really be filtered with something like a rain garden.

City Engineer Budde stated that this was correct that nothing would really be getting filtered that would come off of the parking lot other than through a little bit of grassy areas.

Park Commissioner Heinz noted that he has been a citizen of the City for about 31 years. He stated that the Park Commission considered two options for this site and chose to recommend the option presented tonight.

Chair Maddy asked if they had discussed noise abatement for the machine.

Park Commissioner Heinz stated that they did not discuss the noise of the machine, but feels this is a positive effort to utilize this kind of technology in this situation.

Chair Maddy opened this for Public Testimony at 10:25 p.m.

Peter Lehman, 21285 Radisson Road, confirmed that the Commission had received his recommendations that he had submitted via e-mail. He stated that they have lived in this location since 1986 and the public access was placed after that time in about 1989. His understanding was that the actual public access to Christmas Lake was on Holly Lane in Carver County. He read aloud the statement that he had submitted via e-mail regarding concerns and ways to help reduce the noise of the equipment.

Chair Maddy asked if was the engine noise that was causing issues or the sound of the spraying.

Mr. Lehman stated that it is the engine. He noted that it is not run 24/7 but it can be run during times like 6:00 a.m. to 10:00 p.m. He has not made a formal complaint to the City because he understands that there is public benefit but noted that in terms of a tangible difference in sound, every foot it can be moved further back matters.

There being no additional Public Testimony, Chair Maddy closed this portion of the meeting at 10:35 p.m.

Chair Maddy asked if the machine sounds were in violation of the noise ordinance. He asked if there had been any conversations with whomever operates the equipment if there were any options to mitigate the sound.

Planning Director Darling noted that she had not measured the sound levels but noted that they have not received any complaints for the last four years.

Commissioner Gault asked if the pad was moved where Mr. Lehman suggested would that create other complications. He asked if it would be possible to reverse the traffic pattern or if the hoses long enough.

City Engineer Budde stated that he did not think it could be reversed because of the boat ramp.

Mr. Lehman stated that he is sort of an 'expert' on the public boat landing and there is really no way to change the traffic pattern and explained how the public access works.

Commissioner Gault asked if the hoses were long enough that if it was moved they would still be useable.

City Engineer Budde stated that he would guess that they are long enough but does not have a definitive answer. He noted that their proposed location is approximately 297 feet from this to the nearest home to the north. He stated that there are two homes to the south that are closer at 206 feet and 165 feet.

Chair Maddy asked who paid for this AIS work to be done on the boats.

Planning Director Darling stated that the City pays a portion of the cost but the majority is covered by the Christmas Lake home owners association.

Commissioner Eggenberger asked if there would be a detriment to putting the equipment inside a structure.

Planning Director Darling stated that she would assume the detriment would be the cost of the structure and that it would have to be a custom design cabinet to fit over the existing trailer.

City Engineer Budde explained that currently, the make-shift muffler is made out of boards with some Styrofoam on the inside. He stated that it is portable because the trailer is moved in and out every few weeks which is also where a permanent structure becomes more challenging.

Commissioner Riedel stated that he thinks it is reasonable to assume that over time they will do more sound mitigation.

City Engineer Budde stated that he thinks they are willing to do that especially if they have a bit more of a permanent home for the equipment.

Commissioner Gault stated that the sound will not be any worse than it is right now.

Riedel moved, Gault seconded, to recommend approval of the variance requests to impervious surface coverage and setback to Christmas Lake at 5655 Merry Lane. Motion carried 4/0.

C. MATTERS FROM THE FLOOR

D. REPORTS

- **Liaison to Council**

October – Commissioner Riedel
November – Commissioner Riedel

Council Liaison Johnson reported on matters considered and actions taken during Council's most recent Council meeting (as detailed in the minutes for that meeting).

E. ADJOURNMENT

Riedel moved, Eggenberger seconded, adjourning the Planning Commission Meeting of October 5, 2021, at 10:55 P.M. Motion passed 4/0.



City of Shorewood Council Meeting Item

#7B

MEETING TYPE
Regular Meeting

Title / Subject: RLS for a Lot Line Adjustment and Variances to Lot Area and Width, and a Special Home Occupation Permit

Location: 21265 and 21285 Radisson Road
Applicant: Peter Lehman

Meeting Date: October 25, 2021
Prepared by: Marie Darling, Planning Director

Review Deadline: November 24, 2021

Attachments: Planning Memorandum from the October 5, 2021 Meeting
Resolution for the RLS and Variances
Resolution for the special home occupation permit

Background: See attached memorandums for detailed background on this request.

The application includes the following:

- A Registered Lot Survey (RLS) to adjust the lot lines between two parcels.
- A Variance for lot area for each lot to allow both parcels to contain less than 40,000 square feet.
- A Variance to lot width for each lot allow both lots to be created with less than 120 feet of lot width.
- A Special Home Occupation permit to allow an accessory building to be used as a home office for software engineering.

At the October 5, 2021 meeting, the Planning Commission recommended approval of the request, and made two separate motions. No one from the public requested to speak.

The recommendation to approve the special home occupation permit was approved unanimously. The recommendation to approve the RLS and variances was approved with a vote of three in favor and one opposed. The Commissioner that voted against the motion noted concerns that they applicant is taken a conforming lot and splitting it to create two lesser conforming lots. The other commissioners disagreed and pointed out that the applicant has 45,000 square feet on two lots now and after the lot line adjustment the applicant would continue to have 45,000 square feet on two lots.

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 variance request, subject to the conditions in the attached resolution.

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.*

Proposed motion: Move to adopt the attached resolution approving a registered land survey and variances for a lot line adjustment for Peter Lehman for property located at 21265 and 21285 Radisson Road based on the findings and conditions in the attached resolution.

Move to adopt the attached resolution approving the special home occupation permit for Peter Lehman for property located at 21285 Radisson Road, based on the findings and conditions in the attached resolution.

Action on either resolution would require a simple majority.

Next Steps and Timelines: If the item is approved, the applicant would satisfy the conditions of approval and record the RLS with Hennepin County.



CITY OF
SHOREWOOD

4A

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MEMORANDUM

TO: Planning Commission, Mayor and City Council

FROM: Marie Darling, Planning Director

MEETING DATE: October 5, 2021

RE: Registered Land Survey, Variances and Special Home Occupation Permit

APPLICANT: Peter Lehman

LOCATION: 21265 and 21285 Radisson Road

REVIEW DEADLINE: November 24, 2021

ZONING: R-1A/S

COMPREHENSIVE PLAN: Low Density Residential

FILE NO.: 21.20

REQUEST

The applicant proposes to adjust the lot line between two properties so that they would be roughly equal in area. Under the plan, the applicant would adjust the lot lines between the two homes and remove the southernmost accessory building along Merry Lane and the northernmost driveway.



The following are required for this process:

- A registered land survey reflecting the new legals of both properties.
- A variance to the required lot width for each lot as neither meets the required width of 120 feet.
- A variance to the required lot area for each lot as neither would meet the required lot area of 40,000 square feet.

The applicant is also requesting a special home occupation permit to operate a home office in an accessory building.

Notice of the request was published in the official newspaper and mailed to all property owners within 750 feet of the subject property at least 10 days prior to the public hearing.

BACKGROUND

Context: According to Hennepin County, the primary residence was constructed in about 1940. The three cabins were constructed around 1930. In the past, the three cabins were used as vacation rentals. Both parcels were originally part of the Auditors Subdivision No. 246 within Lot 2 (recorded in 1930) but were created in their present form through later minor subdivisions. The City has no record of these subsequent subdivisions. The three cabins are about the same size and do not meet the City's minimum size for principal structures. They also do not meet the required setback from Merry Lane and are legally nonconforming for those reasons.

The subject properties are within the Shoreland District for Christmas Lake, but not within a floodplain. The property contains mature trees. If further development is proposed, that request would be subject to tree preservation.

The properties to the north across Highway 7 are commercial properties within the City of Greenwood. The property to the east is developed with single-family homes. The property to the south is a public lake access and the property to the west is a private stormwater pond.

Applicable Code Sections:

1201.03 Subd. 2. b. states that no accessory building shall at any time be used as an independent residence or dwelling unit, temporarily or permanently.

1201.03 Subd. 2. d. (4) (a) states that the total area of accessory building shall not exceed the floor area of all stories above grade of the principal structure.

1201.03 Subd. 5. d. (e) No curb cut or driveway access shall be located less than 40 feet from the intersection of two or more street rights-of-way. This distance shall be measured from the intersection of lot lines.

1201.03 Subd. 5. d. (f) No curb cut or driveway access shall exceed 25 feet in width. Both proposed properties exceed this requirement.

1201.03 Subd. 5. d. (j) Each property shall be allowed one curb cut or driveway access for each 120 feet of street frontage. Tract B is permitted two driveways and Tract A is permitted one.

1201.03 Subd. 5. f. (3) There shall be no off-street parking within 15 feet of any street surface.

1202.05 Subd. 2. a. Size. The minimum lot area, width and depth shall not be less than that established by the Shorewood Zoning Ordinance in effect at the time of adoption of the final plat.

ANALYSIS

Lot Line Adjustment:

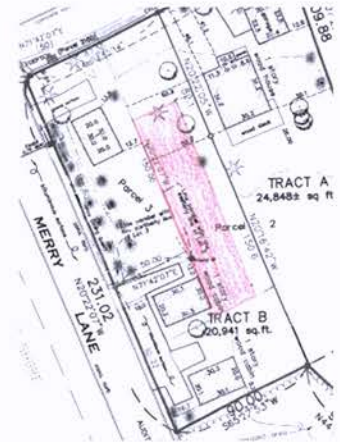
Lot Width/Area: Section 1202.05 Subd. 2. c. of the subdivision regulations requires that all lots have adequate frontage on a city-approved street. Additionally, section 1201.12 of the zoning regulations has specific area and width requirements for newly created lots. The current and proposed lot areas and widths

are shown below. The applicant has proposed variances for both requirements and that discussion is found later in the report.

ADDRESS	EXISTING		PROPOSED		REQUIRED IN R-1A	
	Lot Area	Lot Width*	Lot Area	Lot Width*	Lot Area	Lot Width*
21265 Radisson Rd.	39,175 sf.	118 ft.	NA		40,000 sf	120 feet
21285 Radisson Rd.	6,784 sf	50 ft.				
Tract A (21265)	NA		24,848 sf	80 ft.		
Tract B (21285)			26,519 sf	90 ft.		

*As measured at the front setback

Setbacks: The current property owner has not proposed any new construction on Tract B. However, staff reviewed the lot to make sure the proposed lot line configuration could produce a conforming home in the future. The lot has an area of approximately 30 feet by 131 feet that meets the setbacks. Although narrow, a home could be placed on the lot that meets the required setbacks. The buildable area is shown in red on the graphic to the right.



Impervious Surface Coverage: The table below reflects the applicant's proposal to reduce the amount of impervious surface coverage that would be removed when the southerly cabin and northerly drive is removed.

	Maximum Allowed	Proposed
Tract A (21265)	25 Percent	±12 %
Tract B (21285)	25 Percent	±13.6 %

Easements: Section 1202.05 Subd. 6. requires 10-foot drainage and utility easements around the periphery of each lot. As a condition of approval, staff recommends the applicant submit executed, 10-foot drainage and utility easements around the periphery of each lot prior to recording the lot line adjustment. The applicant has already submitted the legal descriptions and exhibits for the easements.

Stormwater Run-Off: The applicant is proposing no new construction at this time and is proposing to reduce the impervious surface coverage on the property. Should any new construction be proposed in the future, the applicant would be required to submit additional information regarding storm-water with the building permit request.

Utilities: The lots have access to municipal sewer. Each lot must have access to a separate well. Prior to recording the RLS, staff recommend a condition that the applicant provide documentation that each property has an independent well located on the property of the home it serves.

Multiple Dwellings: The properties are both zoned R-1A which is a single-family district. After the lot line adjustment, the three small cabins would be located on the same property. Only one habitable structure is permitted on each property. The applicant is living in the northerly cabin and has proposed to remove the southerly cabin. They additionally propose to convert the center cabin to a home office and would remove the existing kitchen. Staff recommends that prior to recording the lot line adjustment, any kitchen demolition must be completed (the other alterations to convert the structure to a home office may continue after recording) and the southerly cabin must be removed from the site.

Parking: Both parcels have nonconforming parking situations. The applicant has proposed to remove the northerly drive on Tract B which is too close to the intersection. Staff recommends as a condition of approval that some areas currently used for parking, which directly abut and are parallel to Merry Lane, be removed and returned to turf as the applicant has other conforming areas that could be used for parking. The parking areas staff recommends for removal are shown in green.



Variances:

The applicant has proposed lot area and width variances for each lot so that they would have two nearly equal sized lots.

The subdivision regulations allow for variances upon showing that unusual hardship exists and that the request is consistent with the intent of the regulations. Section 1202.08 Subd. 1 of the Shorewood Subdivision Regulations sets forth criteria for the consideration of variance requests. Staff reviewed the request according to these criteria, as follows:

1. Are the proposed uses compatible with the existing uses in the vicinity?

The subject property and all the surrounding properties except the public lake access to the south are currently zoned and guided for residential purposes. No change in use is proposed and consequently the uses would remain compatible.

The lots would be larger than the existing lot to the east which has 16,007 square feet and about 60 feet of lot width. The three undersized properties together create a more homogenous neighborhood. When a larger area is considered, other properties further west are also narrower than permitted in the zoning district.

2. Are there special and unique circumstances or conditions affecting the property that are not common to other properties in the city and the strict application of the provisions of this chapter would deprive the applicant of the reasonable and minimum use of its land?

The special circumstances for this lot line adjustment are the age of the structures and the surrounding neighborhood, the unique history, and the applicant's desire to maintain the historic structures to the extent possible.

3. Would the variance cause detrimental impact to public welfare/adjacent properties?

Approval of the variances would not cause detrimental impact to public welfare/adjacent properties. By removing the northerly driveway and the ability to parallel park adjacent to the curb for Merry Lane, the traffic situation would be improved.

4. Would the variance correct the unusual hardship related to any other physical factors of the land?

Approval of the variance would correct the inequity.

Special Home Occupation Permit:

The applicant has applied for a special home occupation permit pursuant to the requirements of the Shorewood Zoning Code to use the center cabin as a home office. A special home occupation follows the same process as a conditional use permit (CUP).

Section 1201.03 Subd. 12. d. (3) (b) of the Zoning Code provides that special home occupations may be conducted within an accessory building. As noted in the applicant's request letter, the applicant has begun working from home through the pandemic and that will continue into the future.

The applicant has addressed the general requirements of the Code in the narrative and states that the home occupation would involve no employees, clients coming to the site, or unusual equipment that would cause electrical interference, vibration or other nuisance for the adjacent properties. Staff recommends a condition that the home occupation be maintained in conformance with the requirements of the zoning regulations, such as no signage, no exterior storage of materials or equipment, etc.

Home occupation licenses are required to be renewed after the first year and then after each three subsequent years.

RECOMMENDATION

Staff recommends approval of the RLS lot line adjustment, variances and special home occupation permit based on the finding that the lots would be consistent with intent of the subdivision and zoning requirements and with the following conditions:

- Prior to recording the lot line adjustment, the applicant shall complete the following:
 - Submit a revised final RLS in a format acceptable to Hennepin County.
 - Submit executed 10-foot drainage and utility easements around the periphery of each lot.
 - Demolish the southerly cabin, remove any kitchen from the central cabin and remove the additional parking areas parallel to the property line abutting Merry Lane.
 - Provide documentation that each property has a well that would be located on the parcel.
- Other conditions:
 - Prior to construction of improvements on either lot, the applicant must acquire the appropriate permits. All construction must be consistent with the requirements of City Code, including but not limited to, tree preservation and storm water requirements.
 - The home occupation shall comply with the zoning ordinance standards and the special home occupation permit shall be renewed in one year.

ATTACHMENTS

Location map

Applicant's narrative and plans

PRELIMINARY REGISTERED LAND SURVEY

PETER & MARIE LEHMAN

OWNER:

Peter & Marie Lehman
21265 Radisson Road
Shorewood, Mn. 55331
Tel. (952) 470-0032

SURVEYOR:

Ulteig
4285 Lexington Avenue North
St. Paul, MN 55126
Attn: Kurt M. Kisch
Tel. (651) 415-6667

DESCRIPTION OF PROPERTY

PARCEL 1

The following described part of Lot 2, AUDITOR'S SUBDIVISION NUMBER TWO HUNDRED FORTY-SIX (246) of Hennepin County, Minnesota:

Commencing at the southwest corner of said Lot 2; thence North 21 degrees 23, minutes along west line of said lot, 120 feet to an iron stake; thence North 64 degrees, 27 minutes East parallel with the south line of said lot 90.00 feet to the point of beginning of the property to be described; thence continuing North 64 degrees, 27 minutes East 41.2 feet to an iron stake; thence South 45 degrees, 13 minutes East 100 feet more or less to the shore of Christmas Lake as it appears on the plat of AUDITOR'S SUBDIVISION NUMBER TWO HUNDRED FORTY-SIX (246) Hennepin County, Minnesota; thence southerly along said shore to its intersection with a line bearing South 45 degrees, 13 minutes East from the point of beginning; thence North 45 degrees, 13 minutes West to the point of beginning.

PARCEL 2

All that part of Lot 2, AUDITOR'S SUBDIVISION NUMBER TWO HUNDRED FORTY-SIX (246) of Hennepin County, Minnesota described as follows:

Commencing at a point in the northerly line of said lot which is 50 feet easterly from the northwest corner of said lot; thence easterly along the northerly line of said lot to a point 62 feet westerly from the northeasterly corner of said lot; thence South 17 degrees, 35 minutes East 117 feet to an iron stake; thence South 7 degrees, 35 minutes East 64 feet to an iron stake; thence South 45 degrees, 13 minutes East 120 feet to the shore of Christmas Lake as it appears on the plat of AUDITOR'S SUBDIVISION NUMBER TWO HUNDRED FORTY-SIX (246), Hennepin County, Minnesota; thence southerly along the shore of Christmas Lake as it appears on the plat of AUDITOR'S SUBDIVISION NUMBER TWO HUNDRED FORTY-SIX (246) of Hennepin County, Minnesota to a point, said point being described as follows: Commencing at the southwest corner of said Lot 2, AUDITOR'S SUBDIVISION NUMBER TWO HUNDRED FORTY-SIX (246) of Hennepin County, Minnesota; thence North 21 degrees, 23 minutes West along the westerly line of said lot 120 feet to an iron stake; thence North 64 degrees, 27 minutes East and parallel with the southerly line of said lot 131.2 feet to an iron stake; thence South 45 degrees, 13 minutes East 100 feet more or less to the point of the shore of Christmas Lake as sold shore appears on the plat of AUDITOR'S SUBDIVISION NUMBER TWO HUNDRED FORTY-SIX (246) of Hennepin County, Minnesota. (See Order Doc No. 104285) said point being the above mentioned point; thence North 45 degrees, 13 minutes West 100 feet more or less to an iron stake; thence South 64 degrees, 27 minutes West 131.2 feet to an iron stake in the westerly line of said Lot 2 distance 120 feet northerly of the southwesterly corner of said lot thence northerly along the westerly line of said lot to a point 150 feet southerly from the northwesterly corner of said lot; thence easterly and parallel with the North line of said lot, a distance of 50 feet; thence northerly and parallel with the westerly line of said lot to the point of beginning except that part thereof shown as Parcel 216E on Minnesota Department of Transportation Right-of-Way Plat Numbered 27-66.

Being registered land as is evidenced by Certificate of Title No. 854221.

PARCEL 3

Commencing at the northwesterly corner of Lot 2 in AUDITOR'S SUBDIVISION NUMBER TWO HUNDRED FORTY-SIX (246) Hennepin County, Minnesota; thence easterly along the northerly line of said lot a distance of 50 feet; thence in a southerly direction and parallel with the westerly line of said lot a distance of 150 feet; thence westerly and parallel with the northerly line of said lot a distance of 50 feet to the westerly line of said lot; thence northerly along said westerly line to the point of beginning, except that part thereof shown as Parcel 216D on Minnesota Department of Transportation Right of Way Plat Numbered 27-66.

Together with an easement on the shore of Christmas Lake upon the shore line of property described in Certificate of Title No. 53511 in Volume 168 of the Title Record in the office of the Registrar of Titles for said Hennepin County, Minnesota, said easement being for the purpose of permitting the grantee, his heirs and assigns, ingress to and egress from said lake and sufficient space upon said shore line to place one boat therein.

Municipality:

City of Shorewood

Lot summary:

Number of Tracts: 2 Residential

Area Summary:

Total parcel area:	±46,789 Sq.Ft. 1.05 Acres
Proposed Tract A:	±24,848 Sq.Ft. 0.57 Acres
Hard Surface Calculation	±3,435 Sq.Ft. 0.08 Acres
Proposed Tract B:	±20,941 Sq.Ft. 0.48 Acres
Hard Surface Calculation	±1,278 Sq.Ft. 0.03 Acres

Assumed bearing base:

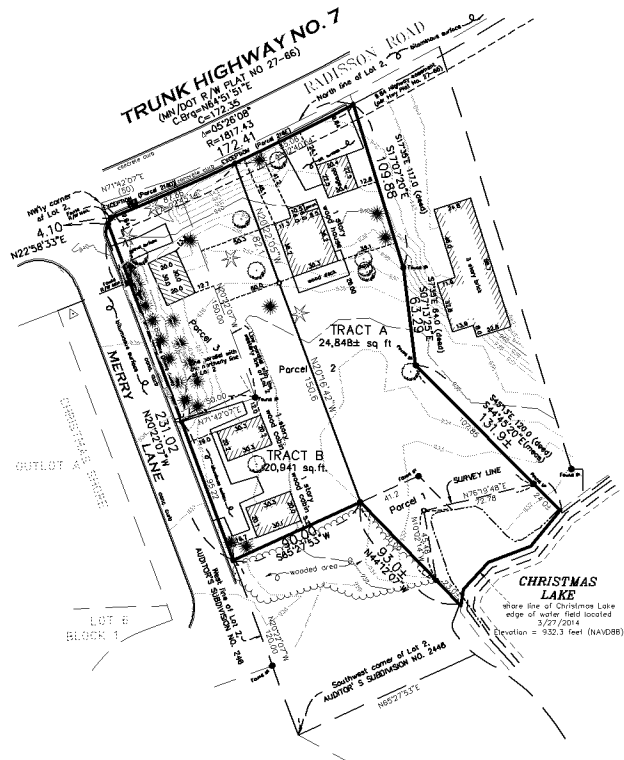
For the purposes of this survey the West line of Lot 2, AUDITOR'S SUBDIVISION NUMBER 246, Hennepin County, Minnesota is assumed to bear N20°52'51"W

Benchmark:

Mn/DOT 2706 AD in Shorewood, 0.9 mile easterly along Trunk Highway 7 from the junction of Trunk Highway 7 and County Road 19, at Trunk Highway 7, milepoint 183.6, 54.0 feet South of eastbound Trunk Highway 7, 77.5 feet East of Christmas Lake Road, 25.0 feet South-Southeast of traffic light, 54.0 feet North of Radisson Road, 1.5 feet North of witness post.
Elevation = 941.353 feet (NAVD88)

Notes:

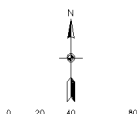
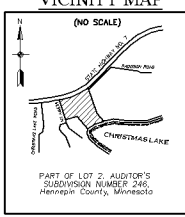
1. Above ground utility locations have been field located as shown. The underground public utilities shown have been located from survey information and previous survey records. The surveyor has not physically located the underground utilities. Prior to any excavation, contact Gopher State One call for an on-site location (612-454-0002).



LEGEND

- = DENOTES IRON MONUMENT FOUND
- = IRON MONUMENT SET AND MARKED WITH LICENSE NO. 23968
- = SANITARY SEWER MANHOLE
- = HYDRANT
- = STORM SEWER MANHOLE
- = CATCH BASIN
- H = DENOTES GATE VALVE
- - - = DENOTES WATER LINE
- - - = DENOTES SANITARY SEWER LINE
- - - = DENOTES STORM SEWER LINE
- - - = DENOTES UNDERGROUND TELEPHONE LINE
- - - = DENOTES UNDERGROUND GAS LINE
- - - = DENOTES UNDERGROUND GAS LINE
- = ELECTRIC BOX
- = LIGHT
- = DENOTES TELEPHONE PEDESTAL
- - - = DENOTES OVERHEAD ELECTRIC LINE
- - - = DENOTES OVERHEAD TELEPHONE LINE
- = DENOTES DECIDUOUS TREE
- = DENOTES CONIFEROUS TREE

VICINITY MAP



Bearings are based on the north line of the Northern Quarter of Section 35, Township 117, Range 23 which bears South 88°29'36" East

Austin - Billings - Bismarck - Cedar Rapids - Denver
Detroit Lakes - Fargo - Minnetonka - St. Paul - South Falls - Williston

4285 Lexington Ave. N.
St. Paul, Minnesota 55126
Phone: (651) 415-6667 Fax: (651) 415-6667
Web: www.ulteig.com

Ulteig

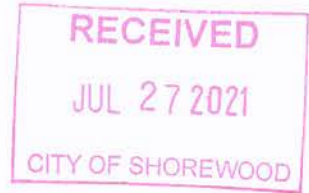
PRELIMINARY PLAT

LEHMAN'S ADDITION
Shorewood, MN

Peter & Marie Lehman
21265 Radisson Road
Shorewood, MN 55331

REVISIONS	
1.	
2.	
3.	
4.	
5.	
DRAWN BY:	CRH
REVIEWED BY:	KMK
PROJECT NO.:	20-23049
DATE:	07/19/2011

1 of 1



To: City of Shorewood Minnesota,
Marie Darling, Planning Director,
Planning Commission and
City Council.
5755 Country Club Road
Shorewood, MN 55331

From: Peter Lehman and Marie Lehman
21265 Radisson Road
Shorewood, MN 55331

Subject: Request for Simple Lot Line Revision

Location:

- 21265 Radisson Road (PID: 35-117-23-13-037) and
- 21285 Radisson Road (PID: 35-117-23-13-033)

Date: July 26, 2021

Narrative:

We (Peter Lehman and Marie Lehman) would like to jointly make improvements to adjacent properties in the City of Shorewood MN through:

- a lot line rearrangement between two lots of record to create more equally sized lots,
- reduction of housing density from 4 homes per acre to 2 homes per acre,
- removal of an existing driveway within 15ft. of the intersection of Merry Land and Radisson Rd,
- overall reduction in hard cover by at least 600 sq. ft. and finally,
- grant to the City of Shorewood a 10ft. drainage and utility easement around the revised lots – each proposed lot size in excess of 20,000 sq. ft.

We believe these are significant improvements to these properties and respectfully request that this simple lot line revision, variances and special home occupancy license contained in this application be approved.

To realize our property improvements, we would need the following approvals in this R1A Zoning district:

- Preliminary Plat (lot line rearrangement),
- Lot area variances,
 - Tract A: 24,848 sq. ft. (62% of the 40,000 sq. ft. required)
 - Currently: 39,005 sq. ft. (97.5% of the 40,000 sq. ft. required)
 - Tract B: 20,941 sq. ft. (52% of the 40,000 sq. ft. required)
 - Currently: 6,784 sq. ft. (17% of the 40,000 sq. ft. required)
- Lot width variances,
 - Tract A: 85 ft. (71% of the 120 ft. required)
 - Tract B: 90 ft. (75% of the 120 ft. required)
- Building setback variance:
 - Tract A: Existing garage, 12.8 feet from east side (20 feet required)
- Special Home occupancy license for accessory structure (converted habitable dwelling to home office)

RECEIVED

JUL 27 2021

CITY OF SHOREWOOD

Although these variances are required for R1A (1 home per acre), our request is consistent with the 2040 comprehensive plan of 1-2 homes per acre and removes the current legal non-conforming use of 4 homes per acre.

Additional Comments:

- No new construction is proposed in this request.
- A 600 sq. ft. single-story habitable dwelling is proposed to be removed in this request.
- No changes to landscaping nor elevations are included in this request.
- No changes to the shoreline or wetlands are included in this request.
- No trees will be removed, and an existing inventory of trees is being provided. Tree remediation plans have been created to replace at least one substantial tree if unintendedly removed.

Hardcover Calculations:

Lehman's Addition Existing/Proposed RLS area calculations	Existing sq. ft.	Proposed sq. ft.	Change % Proposed sq. ft.	Existing Hardcover sq. ft.	Existing Hardcover %	Proposed Hardcover sq. ft.	Proposed Hardcover %	Change % Proposed Hardcover
RLS Total:	45,789	45,789	0.0%	6,766	14.8%	6,157	13.4%	-1.3%
Buildings				3,440	7.5%	2,840	6.2%	-1.3%
Other				3,326	7.3%	3,026	6.6%	-0.7%
Tract A (21265 Radisson)	39,005	24,848	-36.3%	5,566	14.3%	2,982	12.0%	-2.3%
Buildings				2,840	7.3%	1,619	6.5%	-0.8%
Other				2,726	7.0%	1,363	5.5%	-1.5%
Tract B (21285 Radisson)	6,784	20,941	208.7%	1,200	17.7%	3,175	15.2%	-2.5%
Buildings				600	8.8%	1,212	5.8%	-3.1%
Other				600	8.8%	1,963	9.4%	0.5%

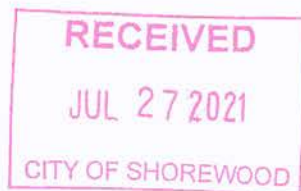
Location Description:

The location of the lots are such that they are on an 'unplanned' (Circa 1900) residential peninsula now surrounded on 3 sides by the DNR Christmas Lake Public Access to the South, Outlot A of the Christmas Shores subdivision to the West (drainage pond) and the 12' high zero lot line concrete retaining wall for Hwy 7 to the North. We believe this isolation from a traditionally homogeneous development, creates variances that are less impactful than if the properties were located centrally in a more traditionally 'planned' residential setting.

The nearest residential lot is the Easterly adjacent lot of record (21235 Radisson Rd, Circa 1900) with the following characteristics:

- lot area of 16,009 sq. ft. (40% of the 40,000 sq. ft. required)
- lot width of 65 ft. (54% of the 120 ft. required)

As an example of prior variance approval, this adjacent lot is 20% smaller in width and area than the proposed Registered Land Survey (RLS) Tract A or Tract B, and was granted Conditional Use Permits and variances in 1999 to build a large new home on this substandard lot.



In summary:

- our proposal removes an inconsistency with the 2040 comprehensive plan of 4 homes per acre to 2 homes per acre and
- modifies the 2 existing lots of record to be more homogeneous in size, shape and orientation to the contiguous residential lots to the east and greater Christmas Lake 'North Bay'.

Background:

We have been residents of Shorewood and lived on the subject properties since the Summer of 1986. Since then, there have been a variety of city actions that have directly affected our property and subsequently ourselves. We have worked in the public arena to reduce the impact of these actions on our property but ultimately these changes, approved by the city, increased our non-conformities, outside of our control.

Since 1986 both properties have been impacted by:

- the creation of the DNR public access in 1987 (Merry Lane easement converted to City Road),
- the expansion of Highway 7 in 1996 (resulting in 15 ft. of setback loss from Radisson Rd) and corresponding lot area reductions,
- the expansion and reconstruction of Merry Lane during the Christmas Shores subdivision (1998) with its 8 ft. biased placement easterly of designed center agreed to in the Preliminary PLAT public hearing (effectively eliminating the planned drainage and utility easement adjacent to the subject properties),
- the installation of a full-time employee operating a motorized (acoustically loud), invasive species decontamination station at the public access from 6 AM to 10 PM 7 days a week during the spring, summer and fall when we spend much of our time, outdoors.

Conclusion:

Over decades, given our location, we have found it necessary to provide public input to the City of Shorewood on the impact of city/community/state actions to the subject properties, our concerns were heard but limited tangible changes were made as a result of our input. We understand these changes and resulting impact to ourselves have been for the benefit of the citizens of Shorewood and the broader community, and it is within this context that we believe our request is reasonable and consistent with those evolving, incremental, positive community benefits, albeit not always perfect for all stakeholders.

The city code provides clear guidance that the elimination of non-conformities should not be precluded nor thwarted. As landowners, we would like make changes cooperatively with the city to eliminate our legal non-conforming multi-family use in favor of single-family conforming use. In addition, we believe the simple lot line revision proposed is a meaningful improvement to the oddly shaped, disproportional, 100-year-old existing lots - eliminating a habitable dwelling in the process and granting to the city valuable drainage and utility easements.

Thank-you for thoughtfully considering our request.

Regards,

Peter Lehman

Peter Lehman 7/26/2021

Marie Lehman

Marie Lehman 7/26/2021

**SUPPLEMENTAL DOCUMENTATION FOR
SIMPLE LOT LINE REVISION**

To: City of Shorewood Minnesota, City Planner, Planning Commission and City Council.

From: Peter Lehman and Marie Lehman
21265 Radisson Road
Shorewood, MN 55331

Subject: Request for simple lot line revision

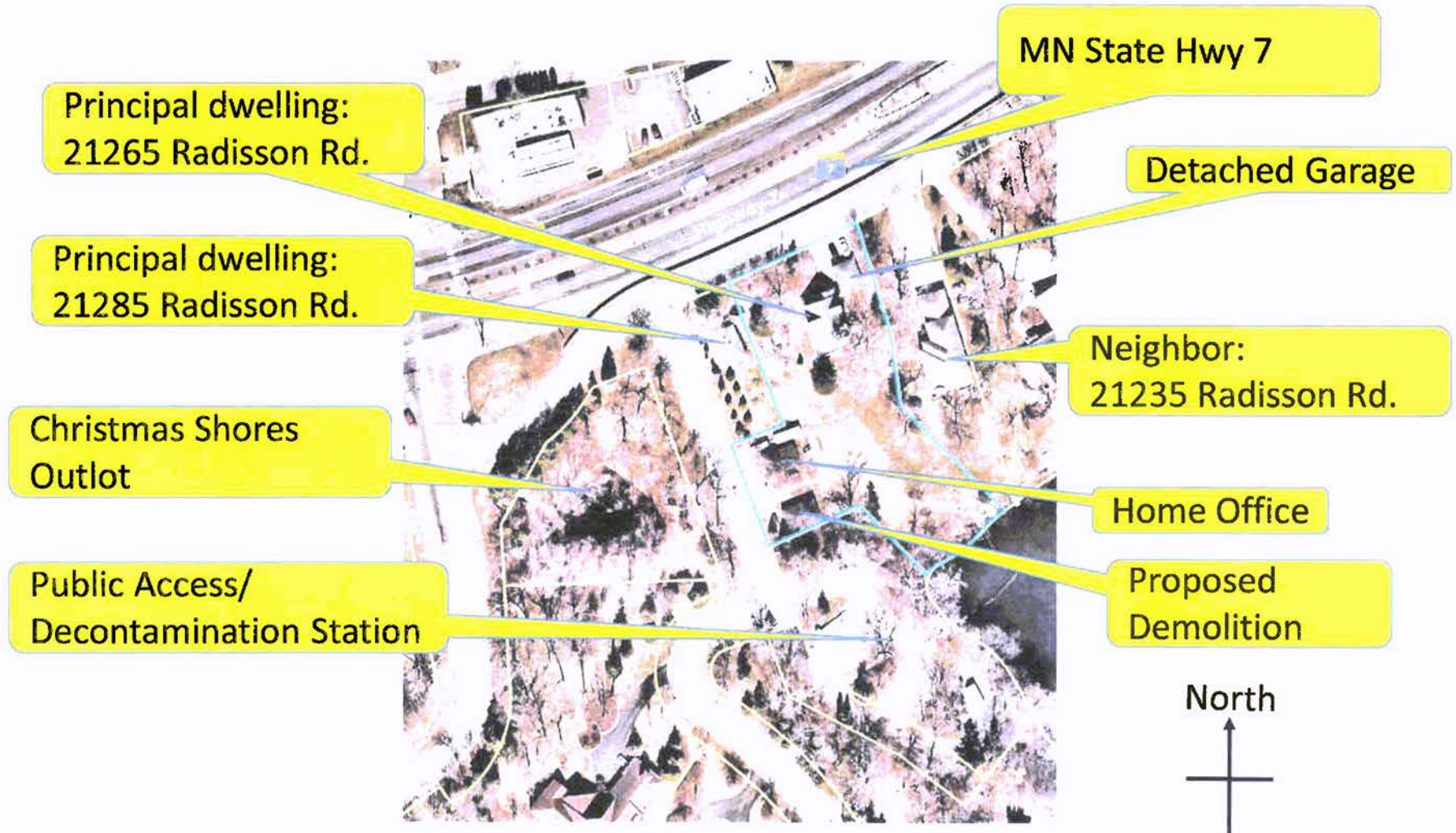
Location:

- 21265 Radisson Road (PID: 35-117-23-13-037) and
- 21285 Radisson Road (PID: 35-117-23-13-033)

Date: July 26, 2021



Aerial view, subject properties



Single Family Housing Year Built

Subject Properties
Built/Platted
Pre 1910 and 1930s

Legend

Year Built

 Pre 1910	 1940s	 1980s
 1910s	 1950s	 1990s
 1920s	 1960s	 2000s
 1930s	 1970s	 Post 2010



Single Family Lot Sizes (Existing/Proposed)

Proposed lots are more Homogenous with neighborhood (Christmas Lake Bay) with respect to:

- Size
- Shape
- Orientation

Legend

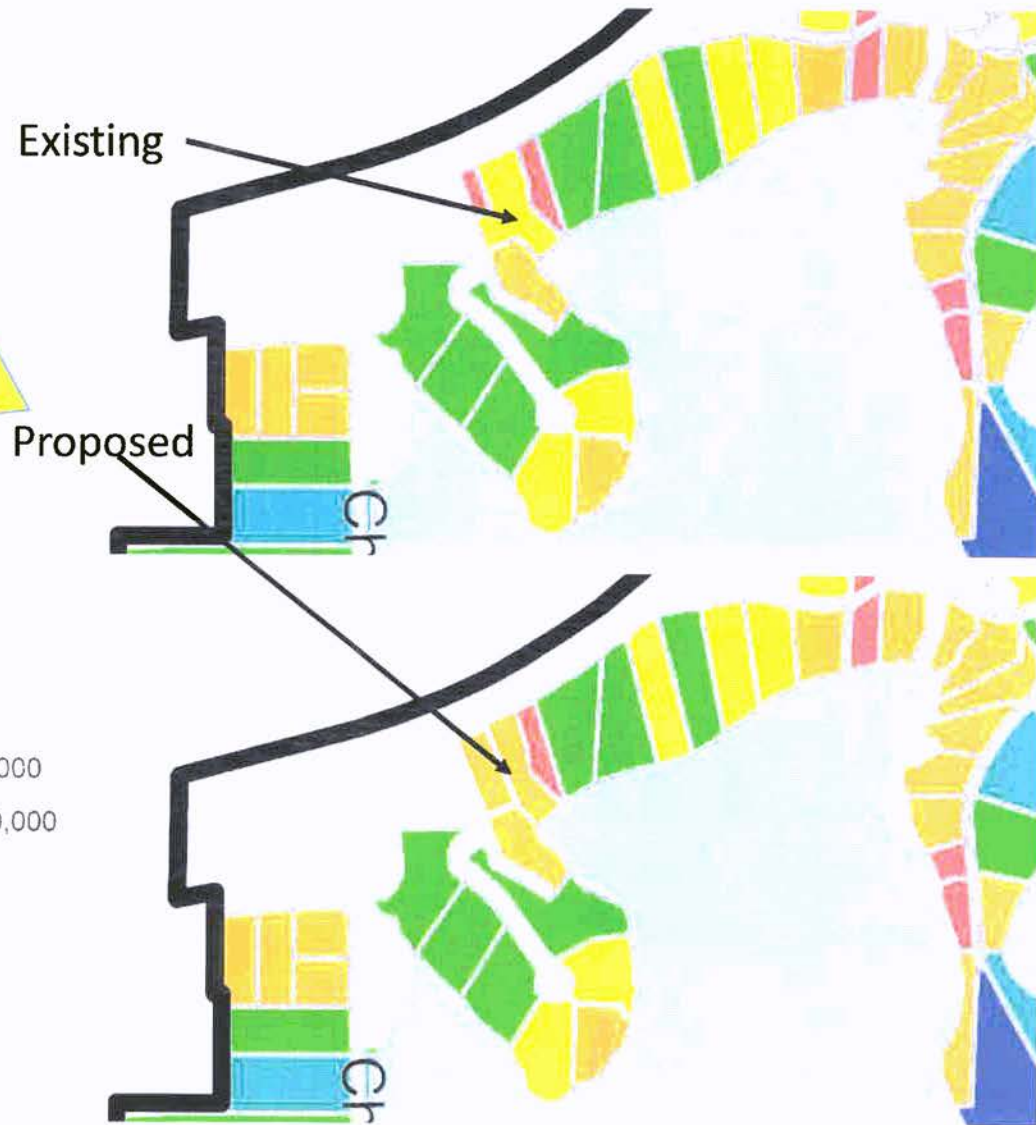
Lot Size, Square Feet

	< 20,000		40,000 - 50,000
	20,000 - 30,000		50,000 - 100,000
	30,000 - 40,000		> 100,000

Non-Residential/No Data Parcels

 Shorewood Boundary

Lakes



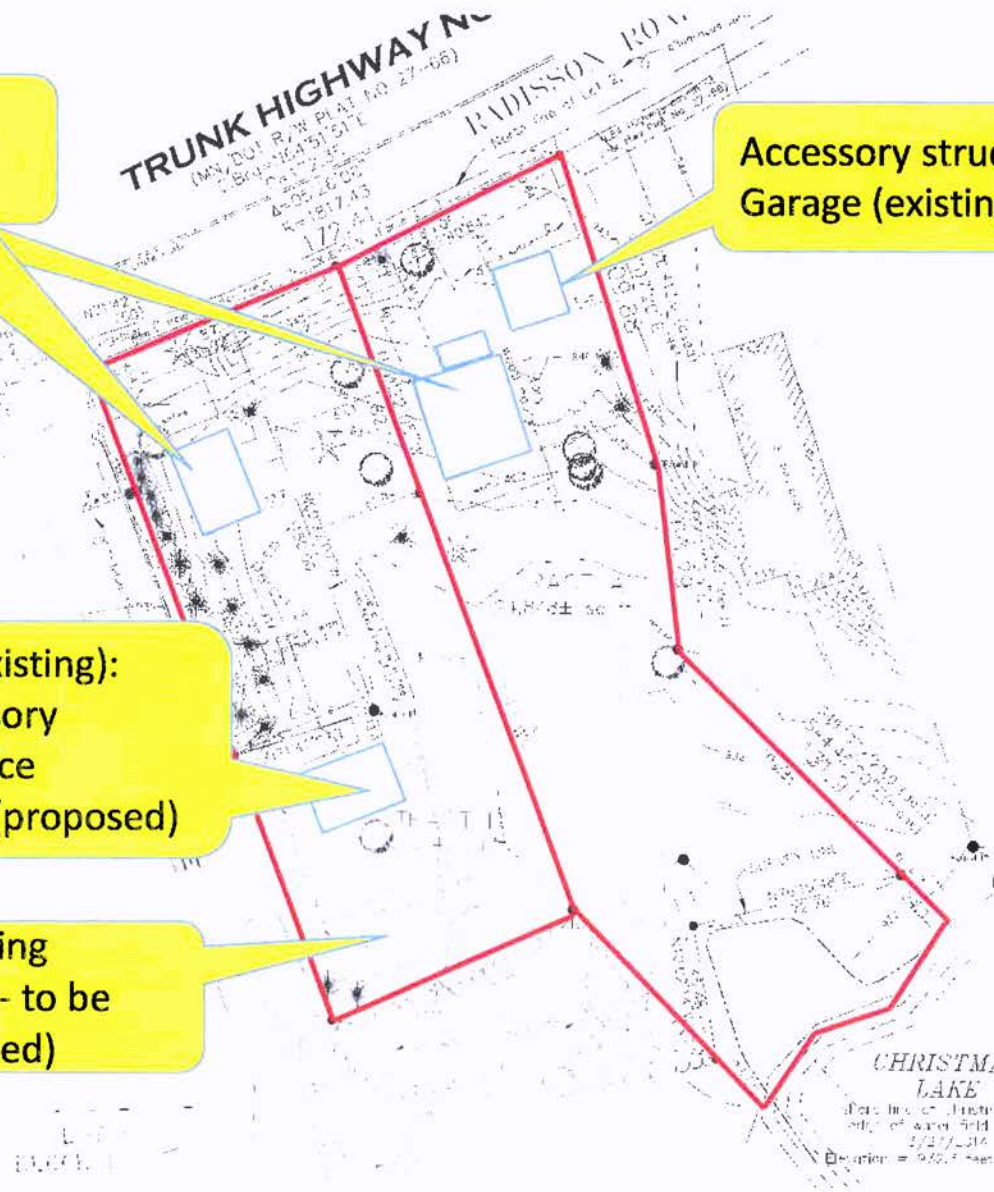
Proposed remaining structures and use

Principal dwellings
1 per lot (existing)

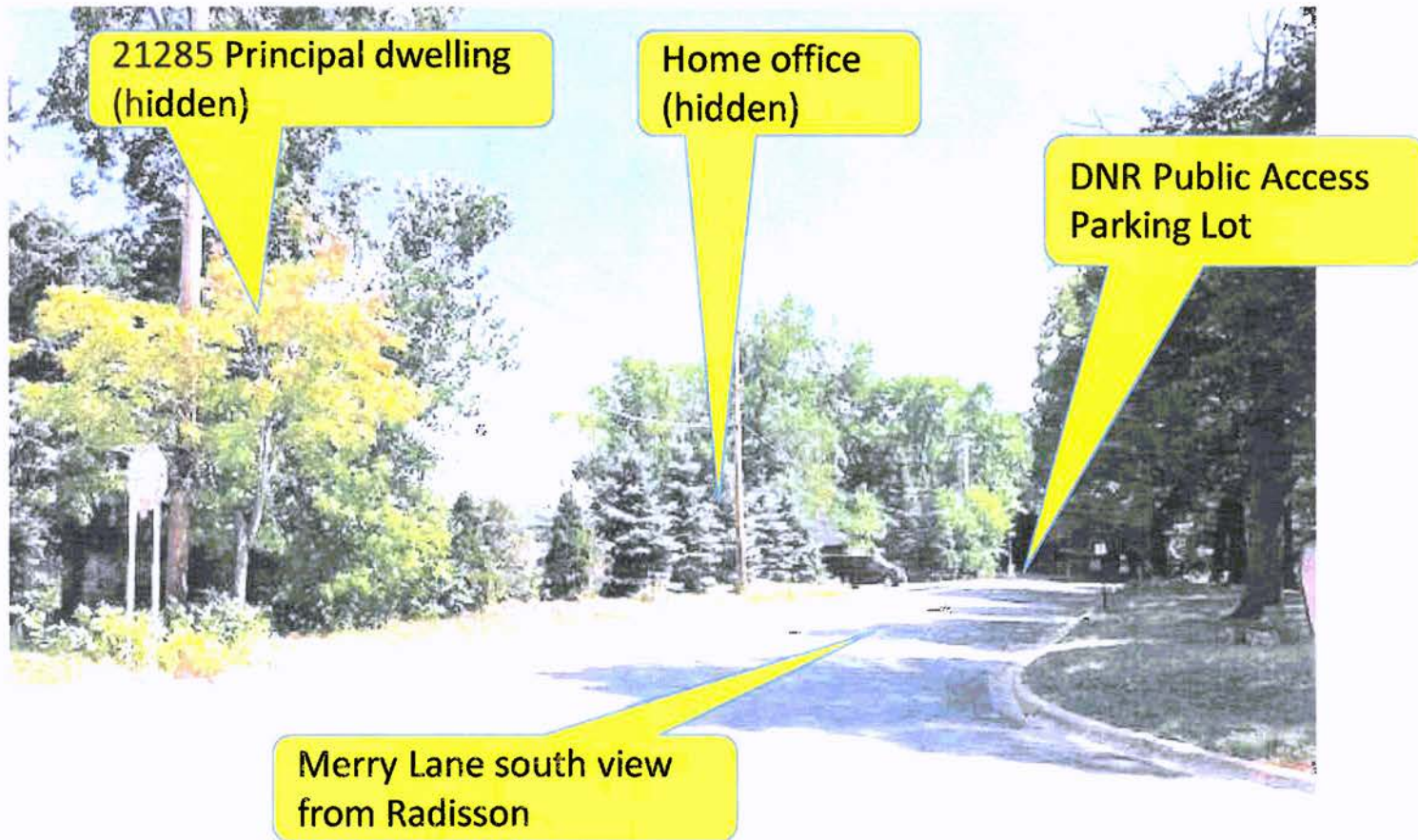
Accessory structure:
Garage (existing)

Historic dwelling (existing):
Converted to accessory
structure/home office
(conforming use) – (proposed)

Legal non-conforming
habitable dwelling - to be
removed – (proposed)



'Planned' (2014) Mature Natural Evergreen screen
'hides' structures from view



'Planned' (2014) Mature Natural Evergreen screen
'hides' structures from view



New roofs all buildings 2020 (21265, 21285 and 'Home Office')
New professional painting/roof trim 2020 (21285 and 'Home Office')

Roofs Matching (all), Color Matching for 21285 Home and Home Office



21285 Radisson Rd.



Home Office



21265 Radisson Rd.

Historical Significance of Tract B Cabins

21285 Radisson Rd, 5615 and 5625 Merry Lane

Response to request for independent historical opinion of subject cabins/homes:

Request to: Excelsior/Lake Minnetonka Historical Society

Request forwarded to local historian: Scott McGinnis

Scott McGinnis Response Follows (March 17, 2021):



I assume Mr. Lehman is looking at the small house right on the corner of Radisson Road and Merry Lane. It appears to be identical to 5625 Merry Lane and the other small house next to it to the south. All three have approximately the same dimensions with hip roofs and a identically placed central chimney. My estimate is late 1930s-1940s construction for all three. It appears that the house on corner of Radisson Road and Merry Lane retains its original log siding. The other two cabins appear to have been resided. Bernice does not remember log cabins, however, this is not a true log cabin. It is a frame structure and merely has log-style siding. All three of these structures appear to be in the identical position as in the 1956 aerial photographs. There is still a question in my mind as to if the log-sided cabin was moved and placed on a new concrete foundation. This could have happened during Highway 7 expansion/reconstruction which I think took place during the late 1970s.

My initial sense is that all three structures have the potential to be historically significant and possibly be eligible for listing on the National Register of Historic Places. They could represent a scarce cultural resource tied to the early development of the road-side motel industry. I am unable to absolutely state any of this as fact without an in-depth historical study of the property and structures.

I know the ELMHS will not put anything on its letterhead regarding this matter. This is merely my initial impression from about 1 hour of searching records and over 40 years of historical research experience. Please forward this with my contact information to Mr. Lehman if you think it worthy.

Scott

Additional Historical Significance of 21285 Radisson Road

National recording artists "Plehal Brothers" Harmonica Duo frequently broadcast live on WCCO Radio from 21285 Radisson Road in the 1930's and early 1940's Before being drafted into WWII. The property was owned by the Plehal family at the time.

Bernice Brooks (deceased), owner of the Christmas Lake Motel, gave firsthand accounts of these broadcast to the Lehman's and stated to the 'national' popularity of the band.

They published at least 47 albums on DECCA records (national label) pre 1938 to 1941. Albums can still be purchased on Ebay (below). The group is also referenced in a 50 year anniversary book publication of the history of WCCO radio (below right).



Cassette Tape



Plehal Brothers 78rpm Single 10-inch Decca Records #2576 W.P.A. Polka

Condition: Used

Price: US \$19.99

Buy It Now

Add to cart

Add to Watchlist

Ships from United States

Shipping: \$7.99 (est. \$10.00)

Delivery: Estimated by Thu, Aug. 03 or Fri, Aug. 04

Payments: PayPal, Visa, Mastercard, American Express



Prior City of Shorewood, precedence for preserving historic structures within setbacks Under Section 1201.03 Subd. 2.d.(4):

5620 Covington Rd. Historic Structure preserved through separate (unrelated) variance request, September 2014
Structure 3 feet or less from road (R1A zoning).



Relevant input in 1998 to Merry Lane placement concerns for Christmas Shores Preliminary plat public hearing

ROLL CALL

Present: Chair Borkon; Commissioners Bailey, Callies, and Collins; Planning Director Nielsen; City Engineer Brown; and Council Liaison O'Neill.

Absent: Commissioner Anderson.

APPROVAL OF MINUTES

Planning Commission Minutes - June 16, 1998

Bailey moved, Collins seconded approving the Planning Commission Minutes of June 16, 1998, as presented. Motion passed 4/0.

1. 7:00 P.M. PUBLIC HEARING - PRELIMINARY PLAT - CHRISTMAS SHORES

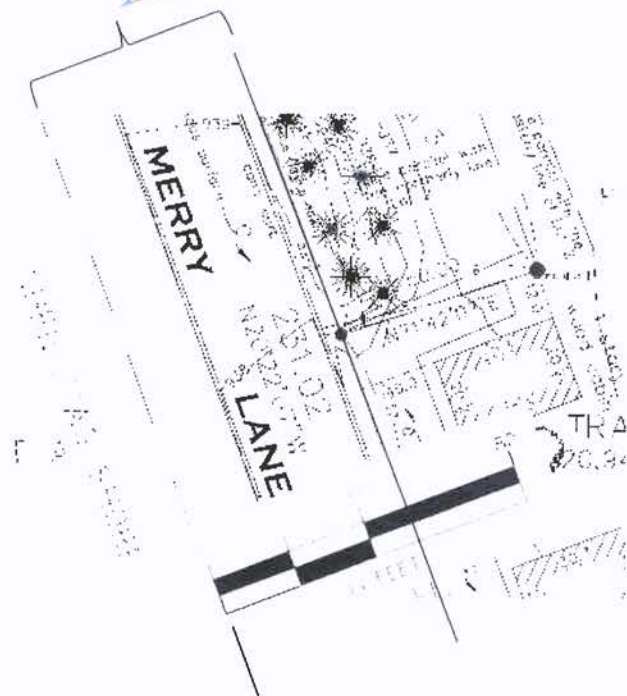
Applicant: Keith Waters and Associates, Inc.
Location: 5715 Christmas Lake Road

Chair Borkon opened the public hearing at 7:45 p.m.

Peter Lehman, 21265 Radisson and 21285 Radisson Road, stated that he is directly adjacent to Merry Lane and that the traffic flow and road alignment are concerns. Mr. Lehman presented several alternatives for the Merry Lane realignment. He stated he has concerns with boat traffic and residents parking on the street. His proposed realignment would decrease the flow of traffic near his home on Merry Lane and slow boat traffic while approaching the public access.

Chair Borkon asked the City Engineer if these alternatives were at all feasible. Mr. Brown stated that the NURP pond on Outlot A wouldn't be allowed if the road was moved as Mr. Lehman suggested. Mr. Lehman stated that the buffers on the new lots are important and should be considered for his land, as well.

Simple request to center pavement in 50 ft. road right of way ignored – biased east. 18 ft. utility buffer West, 2 ft. utility buffer East 10 ft. balanced design criteria



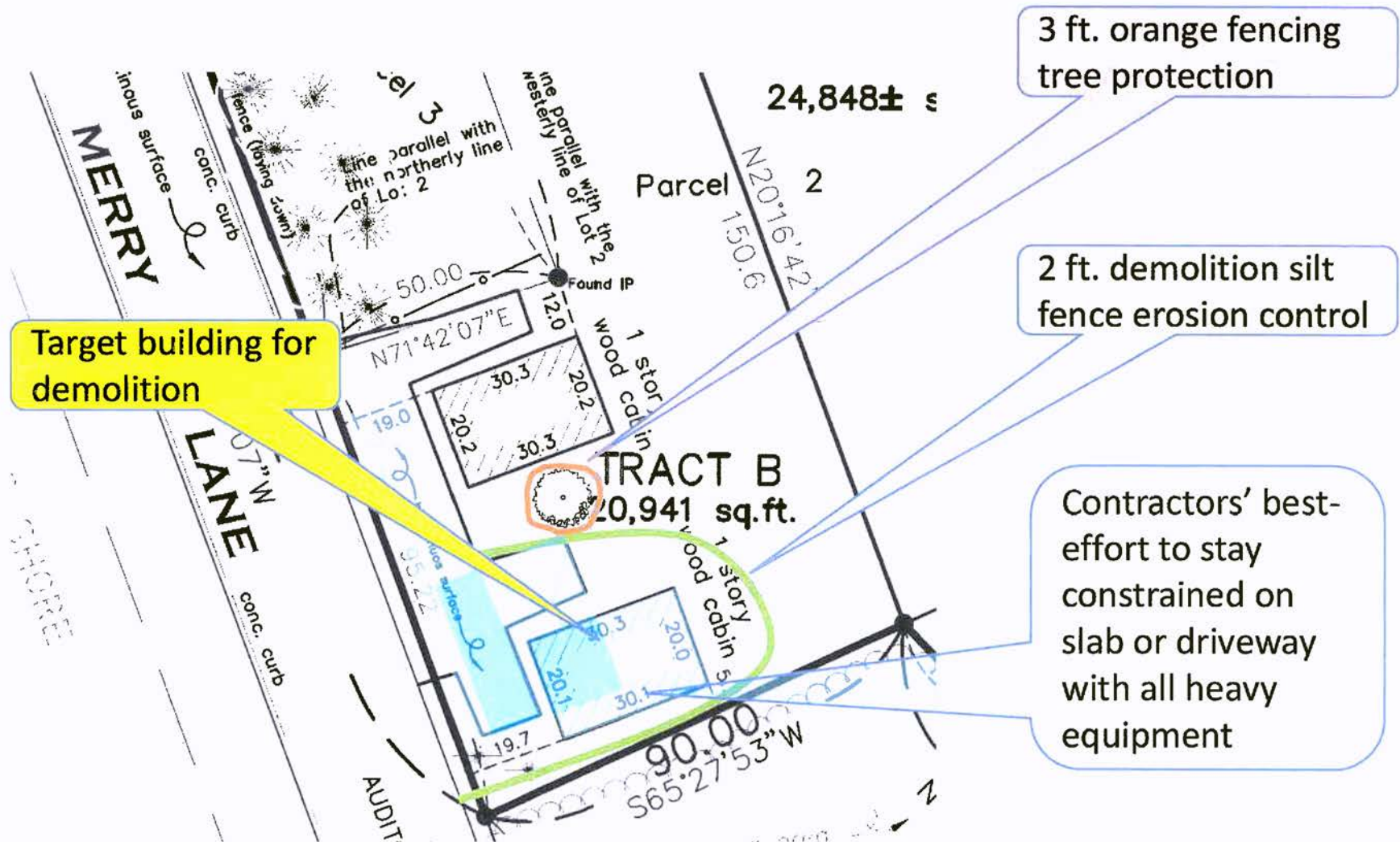
Merry Lane built off-center from platted Christmas Shores design despite public input requesting centered roadway

Source: Hennepin County Property map lookup

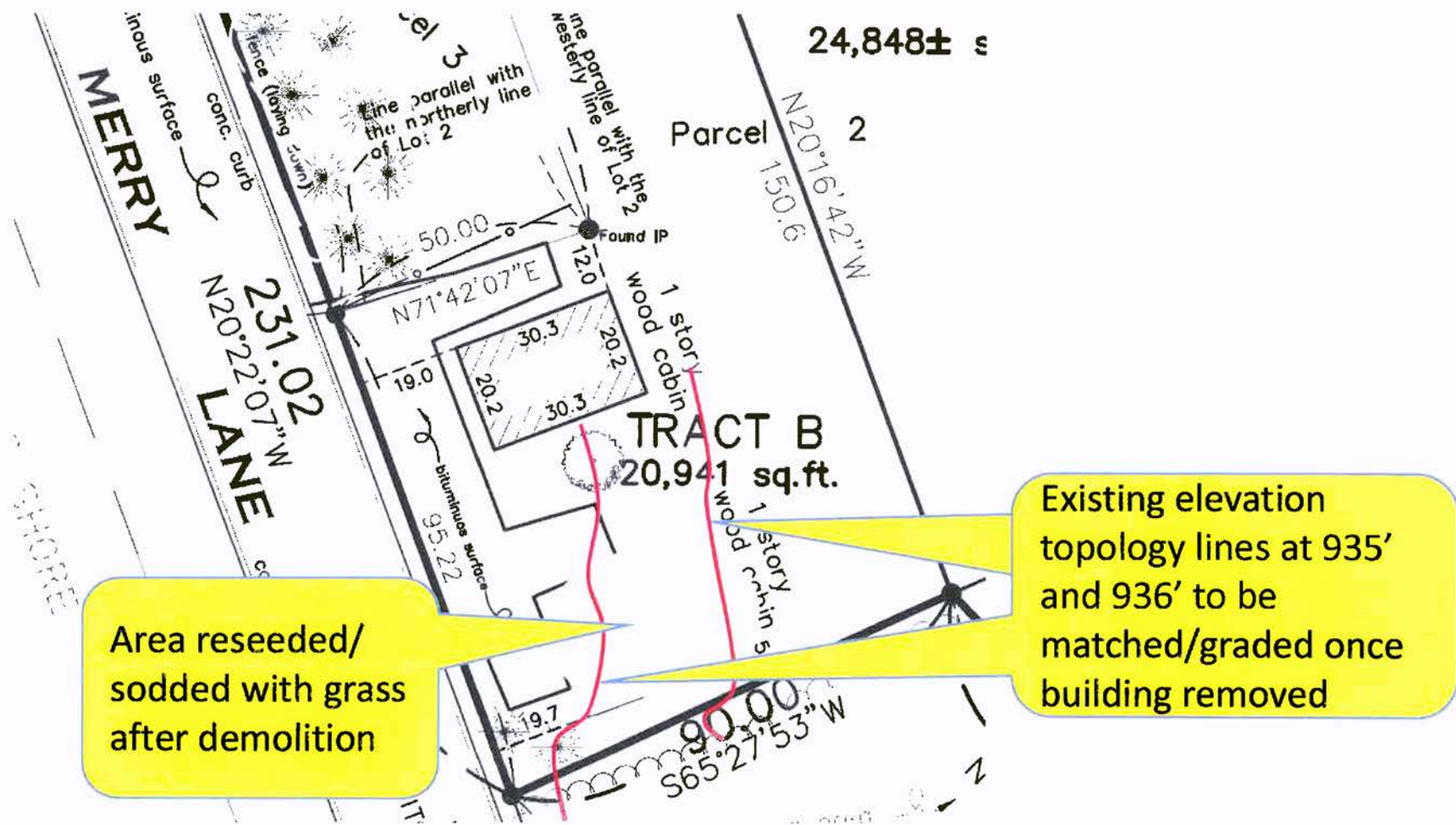


Demolition Erosion Control Plan

Lehman's Addition RLS Lot Line Revision

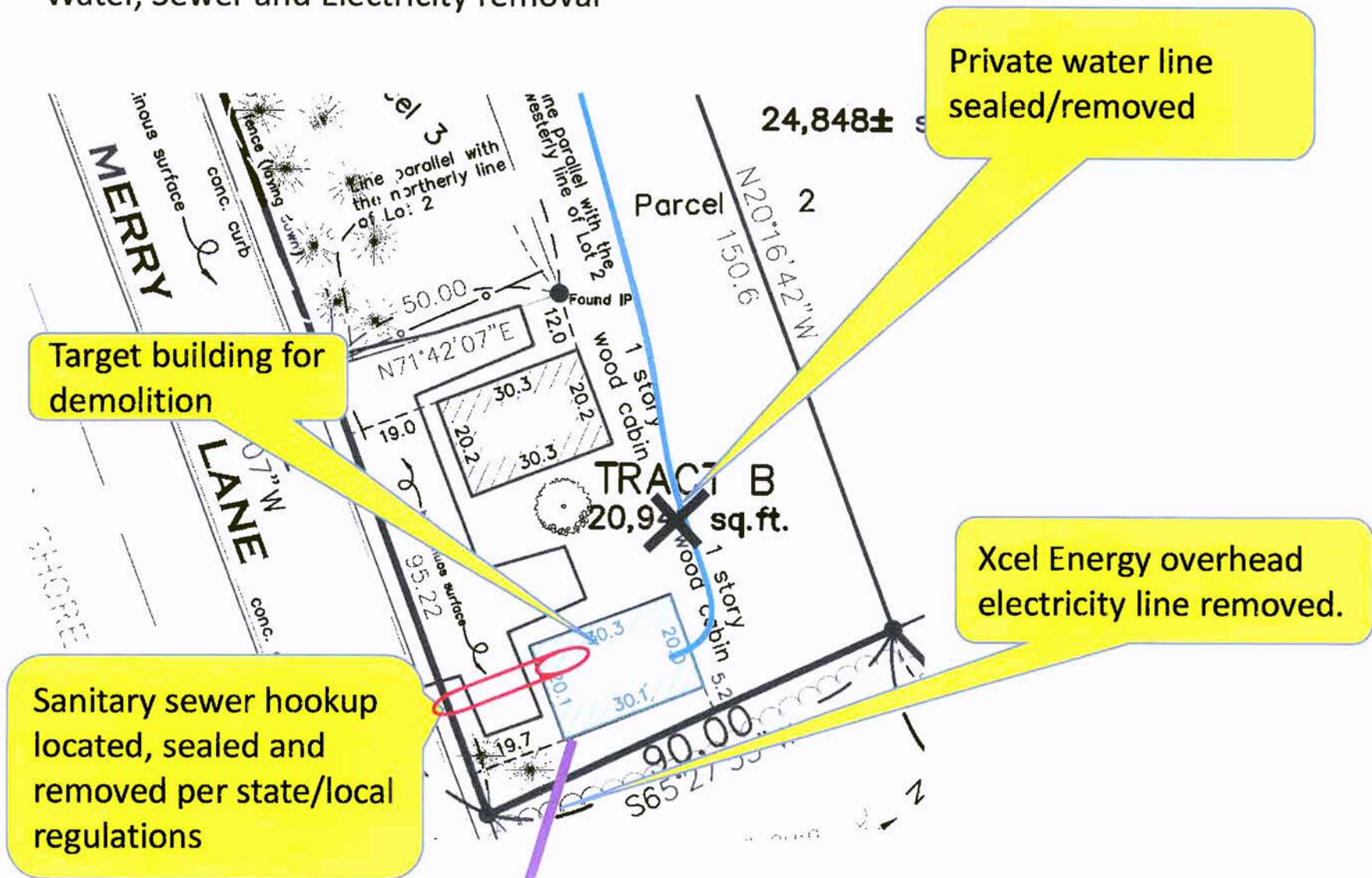


Lehman's Addition RLS Lot Line Revision



Lehman's Addition RLS Lot Line Revision
Water, Sewer and Electricity removal

Utility Plan



To:
City of Shorewood
5755 Country Club Road
Shorewood, MN 55331
952.960.7900
planning@ci.shorewood.mn.us

Date: July 26, 2021

From:
Peter Lehman (Tel: 612-201-8475)
21265 Radisson Road
Shorewood, MN 55331

Subject: Special Home Occupation License Application

Business Type: Virtual Engineering and Data Analytics Services.

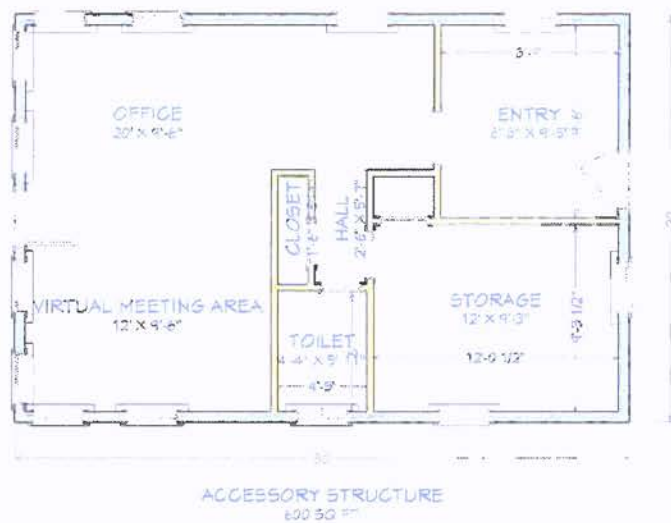
whereas Peter Lehman is pursuing a simple lot line revision at the subject address, should the application be approved by the City of Shorewood and subsequently recorded in Hennepin County, the resulting RLS Tract B of "Lehman's Addition" will consist of a Primary Dwelling and one accessory structure within which a Special Home Occupation License is requested.

The nature of the business to be conducted will be computer based, Software Engineering, Software Development, Firmware Development, Data Analytics and Report Writing.

The subject address of the application is 21285 Radisson Road, Shorewood, MN 55331.

CONCEPT FLOOR PLAN (to scale)

The accessory structure is existing and has the following proposed floor plan:



Requirement:

The home occupation shall not employ more than one person other than those who reside in the home.

Applicant: Only residents of collocated principal dwelling plan to use office

Requirement:

Identify any accessory buildings that would be affected by the home occupation.

Applicant: See PLAT, 5615 Merry Lane, Shorewood, MN 55331

Requirement:

Identify the number of clients/pupils/animals that would be on the property at any one time and (with the exception of pet grooming) how often such group activity is likely to occur (maximum of once per week).

Applicant: None anticipated, zero, all meetings planned virtual.

Requirement:

No home occupation shall produce light, glare, noise, odor, electrical interference or vibration that will in any way have an objectionable effect upon adjacent or nearby property.

Applicant: Agreed, nature of work consistent with above restrictions.

Requirement:

The home occupation shall be clearly incidental and secondary to the residential use of the premises, shall not change the residential character thereof and shall result in no incompatibility or disturbance to the surrounding residential uses.

Applicant: All business activity indoor of existing home/cabin built in 1940's, converted from habitable dwelling (multi-family to single family use).

Requirement:

Identify any interior or exterior alterations or construction features that would be required but are not customarily found in dwellings. The home occupations shall meet all applicable fire, building and nuisance codes.

Applicant: No alterations anticipated or required; fire extinguishers will be located in visible accessible locations.

Requirement:

No signs or exterior display are permitted.

Applicant: Agreed

Requirement:

Identify the hours of operation for the home occupations, but it may not be operated between 9:00 p.m. to 7:00 a.m. unless it is contained within the principal building and does not required any onstreet parking facilities.

Applicant: *Virtual meetings with global teams will require occupation within accessory structure from time to time from 9:00 p.m. to 7:00 a.m. strictly by residents of principal dwelling collocated on property.*

Requirement:

Parking of vehicles shall comply with Section 1201.03 Subd. 5 of the zoning regulations. Only one commercial vehicle or trailer may be parked on a residential property and it may not exceed 12,000 pds (by license). All vehicles related to the home occupation must be parked on the driveway and may be no closer than 25 feet from the curb or edge of street.

Applicant: *Agreed, virtual business not anticipated to use any non-compliant parking needs.*

In closing...

Please issue requested Special Home Occupation License to Peter Lehman for the Accessory Structure identified on Tract B, "Lehman's Addition" located at 21285 Radisson Road, Shorewood, MN 55331

Regards,
Peter Lehman
Mobile: +1-612-201-8475

RESOLUTION 21-120

CITY OF SHOREWOOD COUNTY OF HENNEPIN STATE OF MINNESOTA

A RESOLUTION APPROVING AN RLS FOR A LOT LINE ADJUSTMENT AND VARIANCES FOR PETER LEHMAN FOR PROPERTY LOCATED AT 21265 AND 21285 RADISSON ROAD

WHEREAS, Peter Lehman (the "Applicant"), has submitted a request for a Registered Land Survey (RLS) and variances for lot area and width in order to adjust the lot lines between two parcels legally described as:

PARCEL 1: The following described part of Lot 2, AUDITOR'S SUBDIVISION NUMBER TWO HUNDRED FORTY-SIX (246) of Hennepin County, Minnesota: Commencing at the southwest corner of said Lot 2; thence North 21 degrees 23, minutes along west line of said lot, 120 feet to an iron stake; thence North 64 degrees, 27 minutes East parallel with the south line of said lot 90.00 feet to the point of beginning of the property to be described; thence continuing North 64 degrees, 27 minutes East 41.2 feet to an iron stake; thence South 45 degrees, 13 minutes East 100 feet more or less to the shore of Christmas Lake as it appears on the plat of AUDITOR'S SUBDIVISION NUMBER TWO HUNDRED FORTY-SIX (246) Hennepin County, Minnesota; thence southerly along said shore to its intersection with a line bearing South 45 degrees, 13 minutes East from the point of beginning; thence North 45 degrees, 13 minutes West to the point of beginning.

PARCEL 2 All that part of Lot 2, AUDITOR'S SUBDIVISION NUMBER TWO HUNDRED FORTY-SIX (246) of Hennepin County, Minnesota described as follows: Commencing at a point in the northerly line of said lot which is 50 feet easterly from the northwest corner of said lot; thence easterly along the northerly line of said lot to a point 62 feet westerly from the northeasterly corner of said lot; thence South 17 degrees, 35 minutes East 117 feet to an iron stake; thence South 7 degrees, 35 minutes East 64 feet to an iron stake; thence South 45 degrees, 13 minutes East 120 feet to the shore of Christmas Lake as it appears on the plat of AUDITOR'S SUBDIVISION NUMBER TWO HUNDRED FORTY-SIX (246), Hennepin County, Minnesota; thence southerly along the shore of Christmas Lake as it appears on the plat of AUDITOR'S SUBDIVISION NUMBER TWO HUNDRED FORTY-SIX (246) of Hennepin County, Minnesota to a point, said point being described as follows: Commencing at the southwest corner of said Lot 2, AUDITOR'S SUBDIVISION NUMBER TWO HUNDRED FORTY-SIX (246) of Hennepin County, Minnesota; thence North 21 degrees, 23 minutes West along the westerly line of said lot 120 feet to an iron stake; thence North 64 degrees, 27 minutes East and parallel with the southerly line of said lot 131.2 feet to an iron stake; thence South 45 degrees, 13 minutes East 100 more or less to the point of the shore of Christmas Lake as said shore appears on the plat of AUDITOR'S SUBDIVISION NUMBER TWO HUNDRED FORTY-SIX (246) of Hennepin County, Minnesota, (See Order Doc No. 104265) said point being the above mentioned point; thence North 45 degrees, 13 minutes West 100 feet more or less to an iron stake; thence South 64 degrees, 27 minutes West 131.2 feet to an iron stake in the westerly line of said Lot 2 distance 120 feet northerly of the southwesterly corner of said lot thence northerly along the westerly line of said lot to a point 150 feet southerly from the northwesterly corner of said lot; thence easterly and parallel with the North line of said lot, a distance of 50 feet; thence northerly and parallel with the westerly line of said lot to the point of beginning except that part thereof shown as Parcel 216E on Minnesota Department of Transportation Right-of-Way Plat Numbered 27-66.

Being registered land as is evidenced by Certificate of Title No. 854221.

PARCEL 3: Commencing at the northwesterly corner of Lot 2 in AUDITOR'S SUBDIVISION NUMBER TWO HUNDRED FORTY-SIX (246) Hennepin County, Minnesota; thence easterly along the northerly line of said Lot a distance of 50 feet; thence in a southerly direction and parallel with the westerly line of said lot a distance of 150 feet; thence westerly and parallel with the northerly line of said Lot a distance of 50 feet to the westerly line of said lot; thence northerly along said westerly line to the point of beginning, except that part thereof shown as Parcel 216D on Minnesota Department of Transportation Right of Way Plat Numbered 27-66.

Together with an easement on the shore of Christmas Lake upon the shore line of property described in Certificate of Title No. 53511 in Volume 168 of the Title Record in the office of the Registrar of Titles for said Hennepin County, Minnesota, said easement being for the purpose of permitting the grantee, his heirs and assigns, ingress to and egress from said lake and sufficient space upon said shore line to place one boat therein.

And,

WHEREAS, the applicant submitted the request for the RLS and the variances in the manner required for the review of such applications under the Shorewood City Code and under Chapter 462 of Minnesota Statutes, and all proceedings have been duly consistent thereunder; and,

WHEREAS, the RLS is consistent with the Shorewood Comprehensive Plan and the intent of the regulations and requirements of the laws of the State of Minnesota and the City Code of the City of Shorewood,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Shorewood that the RLS and variances are hereby approved, subject to the following conditions:

1. The lot line adjustment is hereby approved, in accordance with the plans submitted on July 27, 2021 and subject to the conditions listed below.
2. The variances for lot width and area for each lot are hereby approved, in accordance with the plans submitted on July 27, 2021 based on the findings that the criteria have been met, especially that the applicant has shown unusual hardship, would improve the public welfare, compatibility with the neighborhood and the unique historic perspective of the lots and area, subject to the conditions listed below.
3. Prior to recording the RLS, the Applicant shall submit the information and revised plans consistent with the regulations in City Code and as follows:
 - a. Submit a revised final RLS in a format acceptable to Hennepin County.
 - b. Submit executed 10-foot drainage and utility easements around the periphery of each lot.
 - c. Demolish the southerly cabin, remove any kitchen from the central cabin and remove the additional parking areas at the corner and parallel to the property line abutting Merry Lane.
 - d. Provide documentation that each property has a well that would be located on the same parcel as each primary residence.
4. Prior to construction of any improvements on either lot, the applicant must acquire the appropriate permits.

5. The approval for the RLS and variances shall expire in 180 days if the Applicant has not recorded it with Hennepin County. The Applicant may request an extension to the approval subject to the requirements of Section 1202.03 Subd. 2. f. (3).

ADOPTED BY THE CITY COUNCIL OF THE CITY OF SHOREWOOD this 25th day of October, 2021.

Jennifer Labadie, Mayor

ATTEST:

Sandie Thone, City Clerk

**RESOLUTION 21-121
CITY OF SHOREWOOD
COUNTY OF HENNEPIN
STATE OF MINNESOTA**

**A RESOLUTION APPROVING A SPECIAL HOME OCCUPATION PERMIT
FOR A SOFTWARE ENGINEERING BUSINESS TO BE CONDUCTED OUT OF A
DETACHED ACCESSORY BUILDING AT 21285 RADISSON ROAD**

WHEREAS, Peter Lehman (the “Applicant”) has applied for a special home occupation permit to conduct a software engineering business out of his accessory building at 21285 Radisson Road in the R-1A/S district where a special home occupation permit is required to conduct any home occupation in an accessory building, on the property legally described as:

Tract B, Registered Land Survey (Insert number here), Hennepin County, Minnesota; and,

WHEREAS, after required notice, a public hearing was held and the application reviewed by the Planning Commission on October 5, 2021, the minutes from the meeting are on file at City Hall; and

WHEREAS, the City Council considered the application at its regular meeting on October 25, 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 the public; and

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-1A/S, Single-Family Residential zoning district, which allows home occupations to be conducted in an accessory building subject to the approval of a special home occupation permit.
2. The Applicant’s proposal is identified on plans dated July 27, 2021.
3. Section 1201.03, Subd. 12 (Home Occupations) prohibits home occupations from being operated out of an accessory building unless a special home occupation permit is acquired.

CONCLUSIONS

1. The Applicant’s request has satisfied the criteria for granting a special home occupation permit under the Shorewood City Code, subject to the conditions listed below.

2. The Applicant's proposal indicates the home occupation could be conducted in a manner compatible with the existing and proposed uses in the area and would not tend to depreciate the area.
3. The home occupation would not overburden the city's existing public services and streets.
4. Based upon the foregoing, the City Council hereby approves a special home occupation permit to operate a home occupation in the detached accessory building, based on the plans submitted July 27, 2021, subject to the following:
 - a. The applicant shall live in the home on the same property as the accessory building.
 - b. The applicant shall acquire all permits necessary to convert the accessory building into a home office prior to its use for the home occupation, including removing the kitchen.
 - c. The home occupation will be conducted in compliance with Section 1201.03 Subd. 12 of the City of Shorewood zoning regulations, which include, but are not limited to:
 - 1) No exterior storage of materials or equipment are permitted.
 - 2) No signs are permitted.
 - 3) The initial permit is valid for one year, at which time the applicant would request a renewal; any subsequent permits would be reviewed every three years.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF SHOREWOOD, MINNESOTA
this 25th day of October, 2021.

Jennifer Labadie, Mayor

ATTEST:

Sandie Thone, City Clerk



City of Shorewood Council Meeting Item

#7C

MEETING TYPE
Regular Meeting

Title / Subject: CUP to Allow Two Detached Accessory Structures to be used as garages

Location: 6180 Cathcart Drive

Applicant: Ben Becker

Meeting Date: October 25, 2021

Prepared by: Marie Darling, Planning Director

Review Deadline: January 13, 2022

Attachments: Planning Memorandum from the October 5, 2021 Meeting
Resolution

Background: See attached planning memorandum for detailed background on this request. At their October 5, 2021 meeting, the Planning Commission found the application consistent with the conditions listed in the zoning regulations for multiple detached accessory structures to be used as garages and unanimously recommended approval of the conditional use permit, subject to the conditions in the attached resolution. The applicant and property owner were present and spoke in favor of the application. No one from the public requested to speak.

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. Other options include denying the request or modifying the resolution.

Proposed motion: Move to adopt the attached resolution approving a conditional use permit for Ben Becker for property located at 6180 Cathcart Lane, as recommended by the Planning Commission.

Any action on this request would require a simple majority.

Next Steps and Timelines: If the item is approved, the applicant would submit any outstanding information to be consistent with the conditions in the attached resolution and submit a building permit request.

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

4B

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: October 5, 2021

REQUEST: Conditional Use Permit to allow two detached garages on the same property

APPLICANT: Ben Becker

LOCATION: 6180 Cathcart Drive

REVIEW DEADLINE: January 13, 2022

LAND USE CLASSIFICATION: Min Density Residential

ZONING: R-1A

FILE NUMBER: 21.24



REQUEST:

The applicant requests a conditional use permit to construct a new home with two detached garages. Under the plan, the existing home and outbuildings would be demolished.

Notice of the public hearing for the conditional use permit was published in the official newspaper at least 10 days prior to the meeting and mailed to all property owners within 500 feet of the property at least 10 days prior to the meeting.

BACKGROUND

Context: The existing home was constructed around 1900. The original lot was created as part of the Minnewashta Acres plat in 1911. The property as it is today was created through subsequent minor subdivisions for which the city does not have record.

The majority of the adjacent properties are all developed with single-family homes, with the exception of Minnewashta Church and the Lake Minnetonka Regional Trail. The properties to the west, north and northeast are zoned R-1A and the Minnewashta Church is zoned R-1D. The properties to the south are in Chanhassen. The lot is not within a shoreland or floodplain district. A wetland impacts the westerly side of the parcel and the applicant has indicated that they have added buffers as required by the MCWD. Tree

preservation requirements will also apply and would be reviewed with the building permit request. The applicants have not yet provided a tree preservation plan, but their plans indicate few trees would be disturbed for construction.

Applicable Code Sections:

Chapter 1201.03 Subd. 2. d. (5) Subject to the provisions of subdivision (4) above, no permit shall be issued for the construction of more than one private detached garage structure for each detached single-family dwelling, except on the approval of a conditional use permit according to the provisions of § 1201.04 of this chapter.

Chapter 1201.03 Subd. 2. d. (4) (Referred to in the above) For single-family and two-family homes, no accessory building, including attached garages, or combination of accessory buildings but excluding docks shall exceed three in number, nor 1,200 square feet in area in the R 1A, R 1B, R 1C, R 2A, R 2B and R 3A Districts, nor 1,000 square feet in area in the R 1D, R 2C, R 3B and R-C Districts, except by conditional use permit as provided for in § 1201.04 of this chapter. In addition, the following conditions shall apply:

- (a) The total area of accessory buildings shall not exceed the floor area of all stories above grade of the principal structure.
- (b) In no case shall the total area of accessory buildings exceed 10% of the minimum lot area for the district in which the property is located.
- (c) In evaluating the conditional use permit, the city shall take into consideration the location of existing and proposed structures, site drainage and landscaping.
- (d) The architectural character of proposed accessory buildings shall be similar and consistent with other buildings on the site and in the area.
- (e) Properties occupied by nonconforming accessory structures are not allowed to exceed three accessory structures, or to exceed 1,000 square feet or 1,200 square feet of accessory floor area, based upon the district in which they are located.

Impervious Surface Coverage

	Required	Existing	Proposed
Impervious Surface Coverage	33 % (max.)	7.6 %	4.3 %

ANALYSIS

The applicants' narrative is attached and indicates that they propose to remove the home from the lot and construct a new home on the property. The applicants proposed two detached garage structures, one 336 square feet and the other 672 square feet for storage of vehicles. The narrative indicates that the garages have been designed to be compatible with the design of the home and the combined square footage (1,008 square feet) would be less than that of the home (2280 square feet) and less than 4,000 square feet (10 percent of the minimum lot size in the R-1A zoning district).

Conditional Use Permit Criteria:

Conditional use permit applications are subject to both the general conditions in 1201.04 Subd. d. (1) of the zoning regulations as well as the specific requirements listed in 1201.03 Subd. 4 and 5. Below is a summary of the staff review:

- Compliance with the Comprehensive Plan: The applicants have proposed uses consistent with the comprehensive plan on the property.

- Compatibility with the neighborhood: The applicants design of the home would be compatible with the neighborhood as most homes in the area were constructed at widely different eras and have custom designs.
- Potential to overburden public infrastructure/public welfare/endanger health and safety: The applicant's design shifts the driveways further from the offset intersection of Cathcart Drive, 62nd Street West and the Lake Minnetonka Regional Trail. Staff recommend a condition that the portion of the driveway that extends to the intersection be removed with the demolition of the existing home and replaced with turf prior to final inspection of the home.
- Other Code requirements: The applicants would be required to submit all necessary plans to the City prior to issuance of a building permit, including tree preservation and landscaping plans.

RECOMMENDATION

Staff recommends approval, subject to the list of conditions shown below, but acknowledges that the conditional use permit criteria and variance criteria are open to interpretation. Consequently, the Planning Commission could reasonably find otherwise or recommend additional conditions.

Should the Planning Commission recommend approval of the requests, staff recommends that the applicants be required to:

- 1) Acquire all necessary permits prior to construction and submit all necessary documents including, but not limited to, a tree preservation and landscaping plan.
- 2) With the demolition of the home, the applicant shall remove the existing driveway segment that extends in front of the home and connects to the right-of-way at the intersection of 62nd Street and Cathcart Drive. The area must be restored to turf/vegetation prior to the final inspection (weather permitting).

ATTACHMENTS

Location map

Applicants' narrative and plans

Location Map - 6180 Cathcart Drive



August 24, 2021

We are requesting a conditional use permit to allow for the construction of 2 accessory buildings on our property at 6180 Cathcart Drive (Hennepin County property ID # 32-117-23-33-0038, zoning district R-1A). These accessory buildings accompany a single-family residence that we would like to construct on our property. In total we are proposing three structures on the property – a main residence and two accessory buildings. Both accessory buildings are considered detached garages.

Accessory building 1 measures 336 square feet and accessory building 2 measures 672 square feet – totaling a combined 1008 square feet. The main residence is 2280 total square feet - 1000 square feet on floor 1 and 1280 on floor 2.

The building height of accessory building 1 and accessory building 2 is less than 15 feet.

Shorewood city code defines building height as *a distance to be measured from the lowest land grade to the top of a flat roof, to the mean distance (between eaves and peak) of the highest gable on a pitched or hip roof, to the roof deck line of a mansard roof, to the uppermost point on all other roof types. The lowest land grade shall mean the lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the structure and the property line or when the property line is more than five feet from the building, between the building and a line five feet from the building.*

The height of the proposed garages is 12'8 ft above the finished garage floor to the middle of the gable, thus meeting the required height.

The accessory buildings are larger than 100 square feet and subject to all setbacks described for zoning district R-1A properties. The accessory buildings meet these building setback requirements.

Additionally, there is a wetland located on the property, and the accessory buildings meet the setback and buffer zone requirements outlined by the Minnehaha Creek Watershed District.

Each accessory building will be constructed of materials and a design compatible with the general character of the home, as required of the city code for accessory buildings larger than 150 square feet.

Shorewood City Code for zoning district R-1A, allows for up to 3 accessory buildings provided that the total combined square footage does not exceed 1200 square feet. More than 1 detached garage on a property requires approval of Conditional Use Permit – thus the reason for this application.

Our request has a combined square footage of less than 1200 square feet, and as such, is not subject to the “over-sized” accessory building requirements outlined in the city code.

The proposed use of this construction, and its related construction, would be consistent with the policies and provisions of the Comprehensive Plan. The proposed use would be compatible

with present and future land uses in the area and would not tend to or actually depreciate the area in which it is proposed. The proposed use would not overburden the city's service capacity and would be accommodated with existing public services including public streets. The establishment, maintenance or operation of this proposed conditional use would promote and enhance the general public welfare and would not be detrimental to or endanger the public health and safety. The proposed use conforms to the applicable regulations of the district in which it is located and otherwise conforms to the applicable regulations of the city code.

Thanks,

Meghan and Ben Becker
6180 Cathcart Dr.
612-760-1585

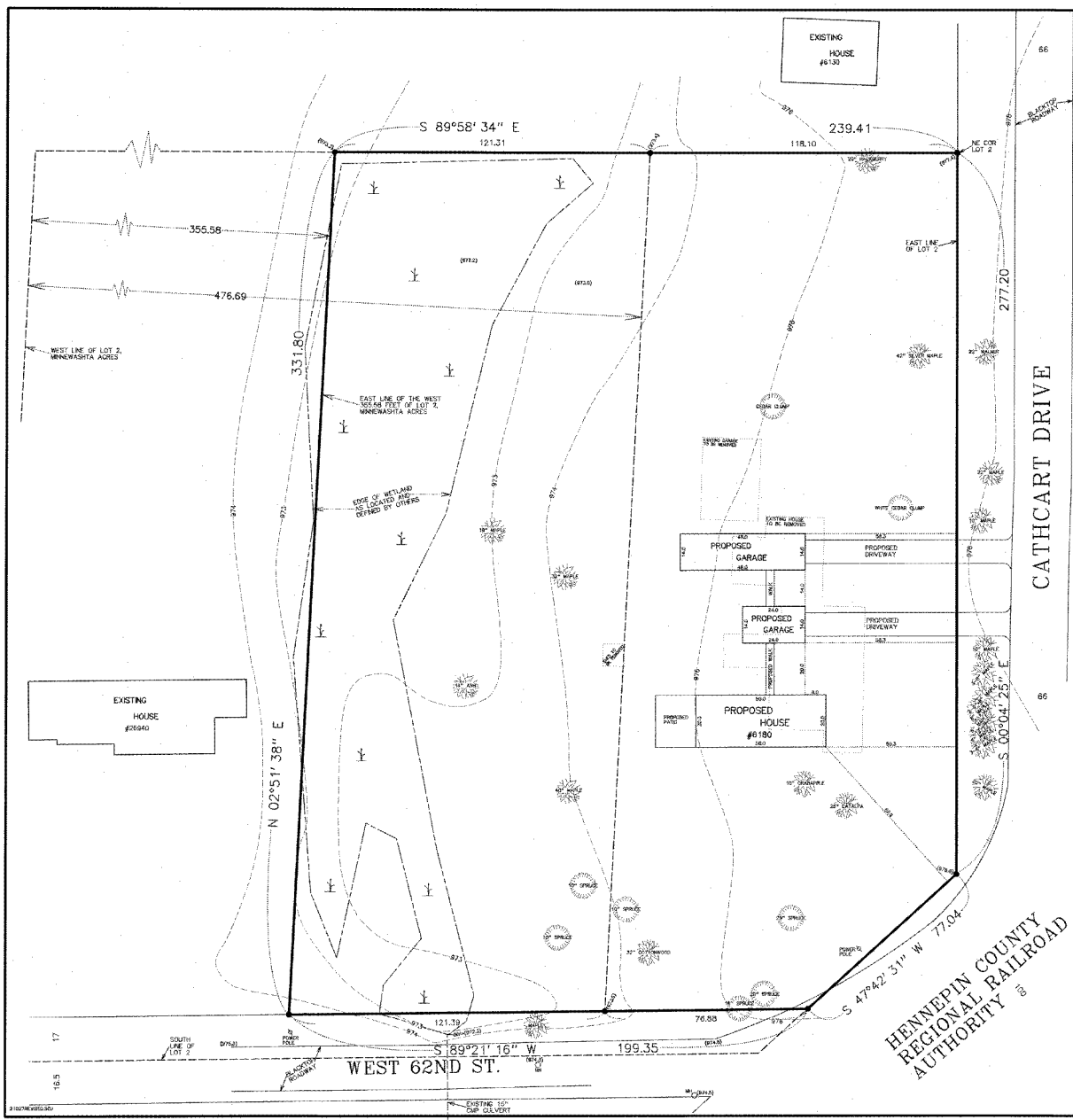
House	sq	2998 SF
Open porch	sq	108 SF
Garage	sq	709 SF
Shed	sq	72 SF
Driveway	sq	<u>2215 SF</u>
Total	sq	6102 SF = 7.60%
Lot area	sq	80,308 SF

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

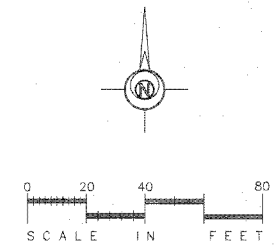
Paul J. Stanley

DATE 7-1-24. MINN. LICENSE NUMBER 72285

[illegible]



CERTIFICATE OF SURVEY FOR
MEGHAN & BEN BECKER
 IN LOT 2, MINNEWASHTA ACRES
 HENNEPIN COUNTY, MINNESOTA



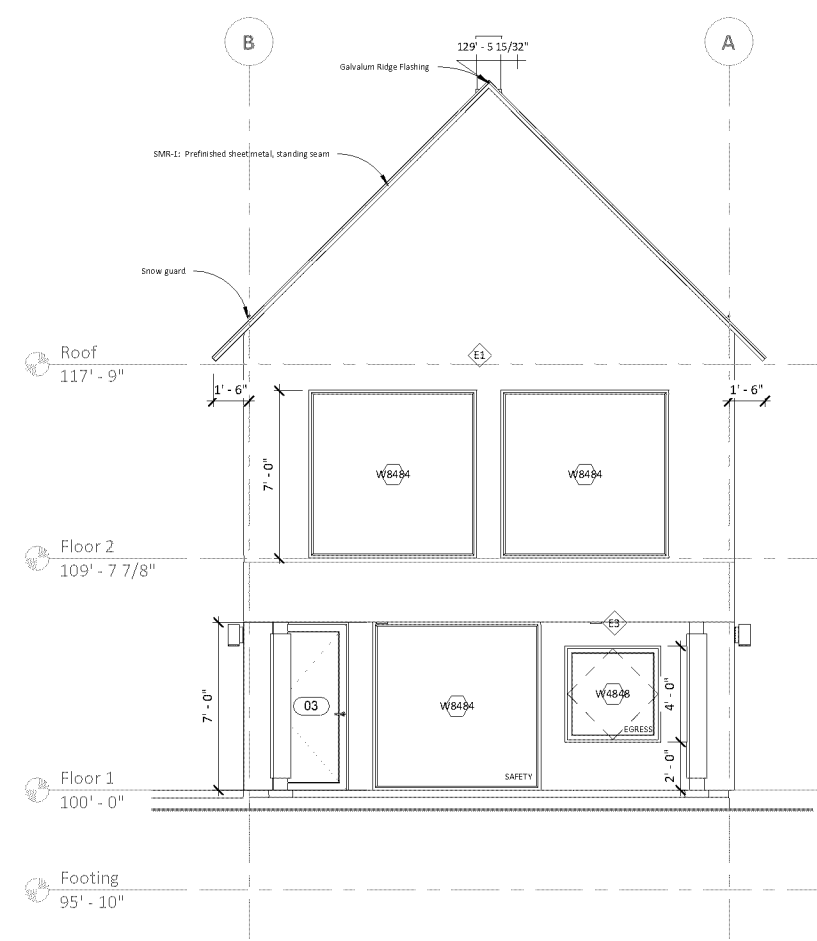
PROPOSED HARDCOVER :
 Lot area = 80,308 Sq. ft.
 Proposed House = 1000 sf
 Proposed patio = 307 sf
 Proposed South garage = 336 sf
 Proposed North garage = 672 sf
 Proposed walks (2) = 107 sf
 Proposed driveways (2) = 525x2 = 1050 sf
 Total = 3472 Sq. ft.
 3472 / 80,308 x 100 = 4.32%

LEGAL DESCRIPTION OF PREMISES :
 The East 121.16 feet of the West 476.69 feet of that part of Lot 2, "Minnewashta Acres, Hennepin County, Minnesota" lying north of the South 17.00 feet thereof.
 AND
 That part of Lot 2, "Minnewashta Acres, Hennepin County, Minnesota", lying east of the West 476.69 feet thereof and north of the South 17.00 feet thereof.

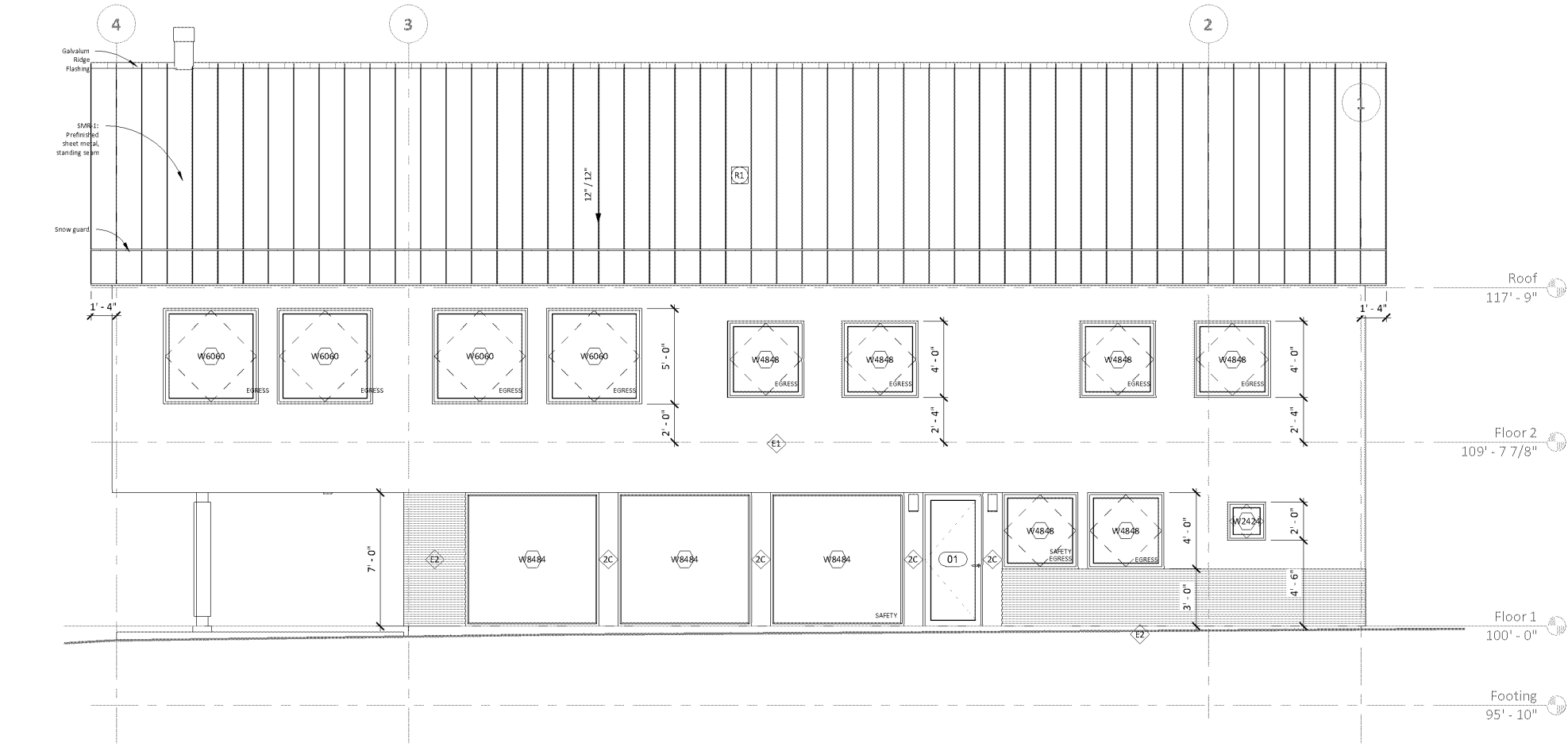
- o : denotes iron marker
 - : denotes iron marker found
 - (908.3) : denotes existing spot elevation, mean sea level datum
 - 917- : denotes proposed spot elevation
 - (910.8) : denotes existing contour line, mean sea level datum
 - 9130- : denotes proposed contour line
- Bearings shown are based upon an assumed datum.

This survey shows the boundaries of the above described property, the location of three existing buildings, to be removed, and the proposed location of three proposed buildings, driveways and grades thereon. It does not purport to show any other improvements or encroachments.

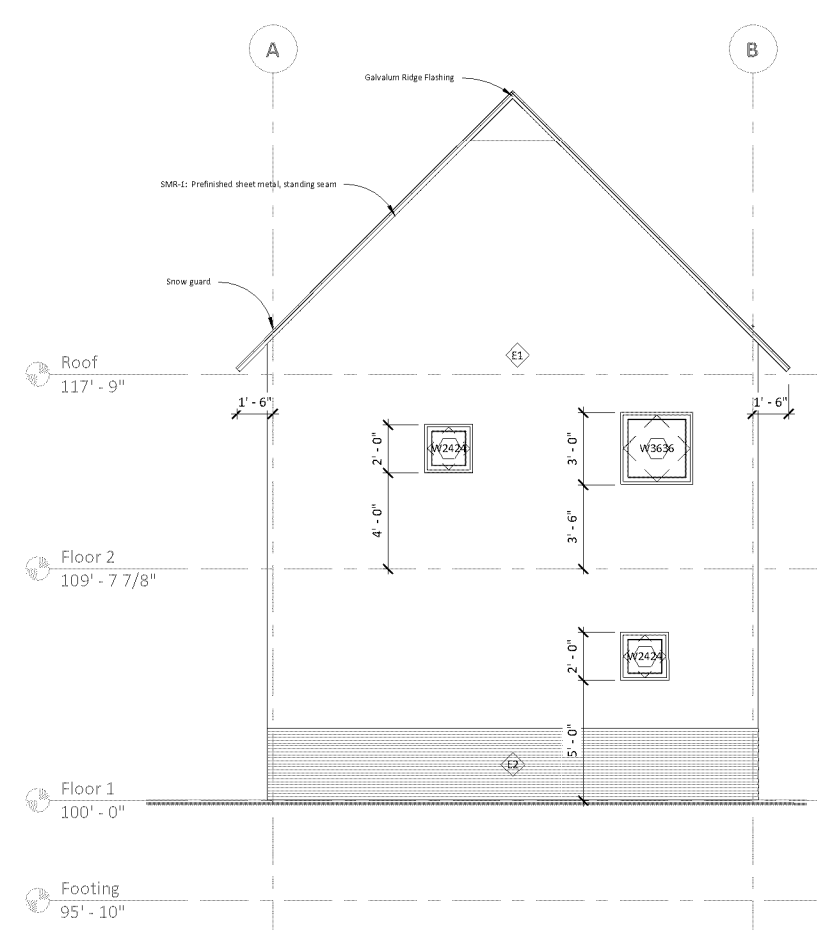
GRONBERG & ASSOCIATES, INC. CIVIL ENGINEERS, LAND SURVEYORS, LAND PLANNERS 445 NORTH WILLOW LONG LAKE, MN 55356 952-473-4141	
DATE 7-1-21 12:00 PM	PROJECT MECHANICAL & ELECTRICAL 1205
DRAWN BY M. S. Gronberg MINNESOTA LICENSE NUMBER 1205	



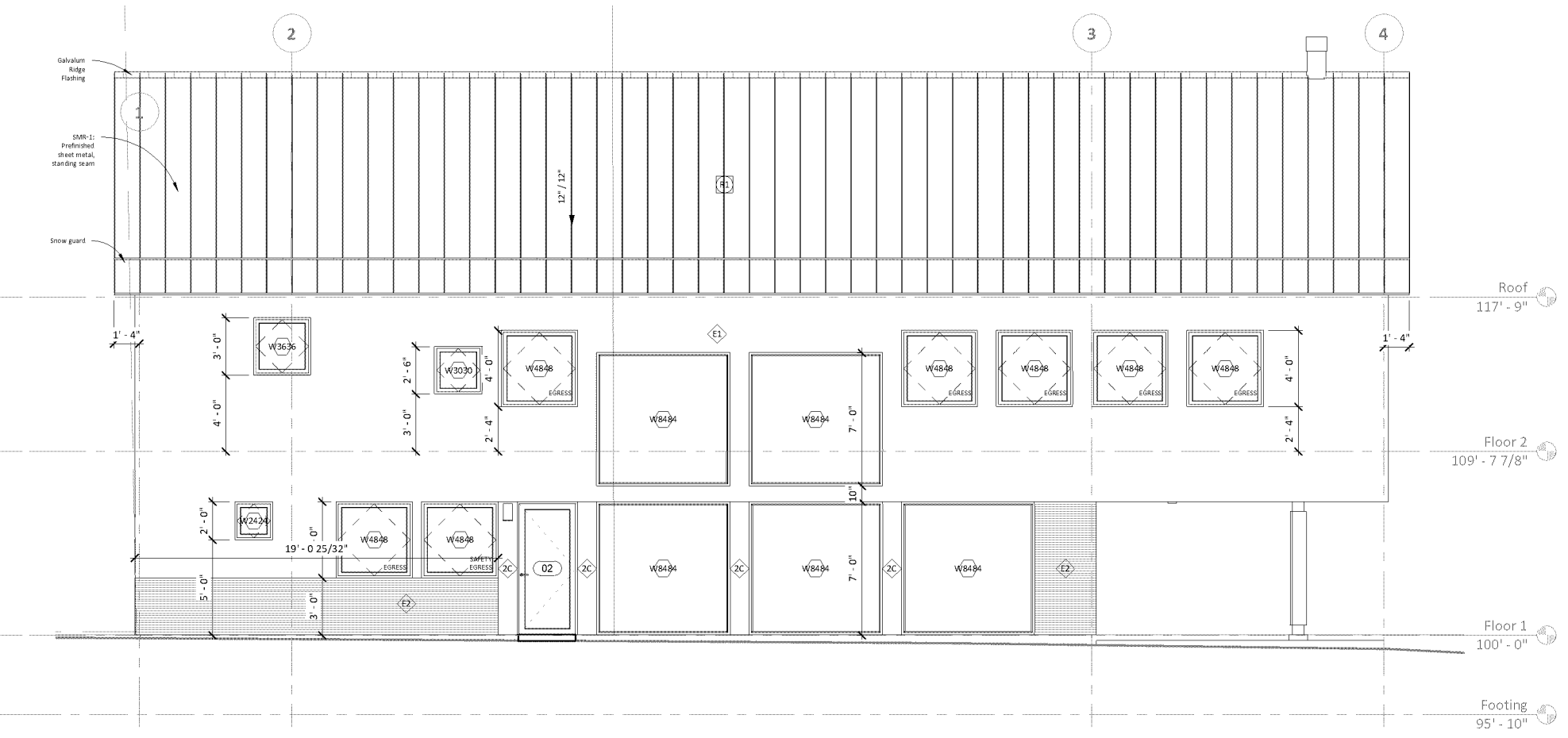
1 WEST ELEVATION
A301 1/4" = 1'-0"



2 SOUTH ELEVATION
A301 1/4" = 1'-0"



4 EAST ELEVATION
A301 1/4" = 1'-0"



3 NORTH ELEVATION
A301 1/4" = 1'-0"

Salmela
architect

630 W. 4th Street Duluth MN 55806
www.salmelaarchitect.com

I hereby certify that this plan, specification, or
report was prepared by me or under my direct
supervision and that I am a duly licensed architect
under the laws of the State of Minnesota.
David Salmela, FAIA
Registration No. # 1800 08.24.2021

NOT FOR
CONSTRUCTION

BECKER

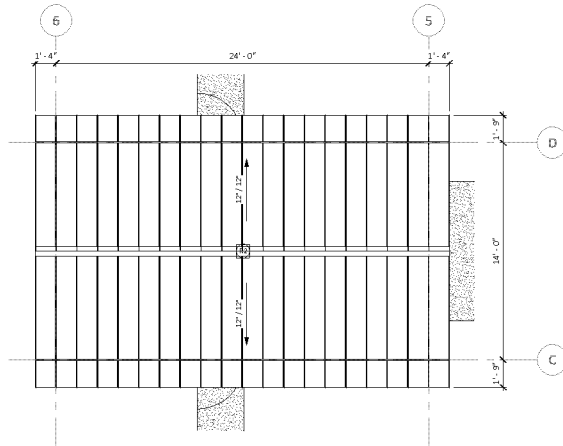
6180 Cathcart Road
Shorewood, MN

REVISIONS:		
No.	Description	Date

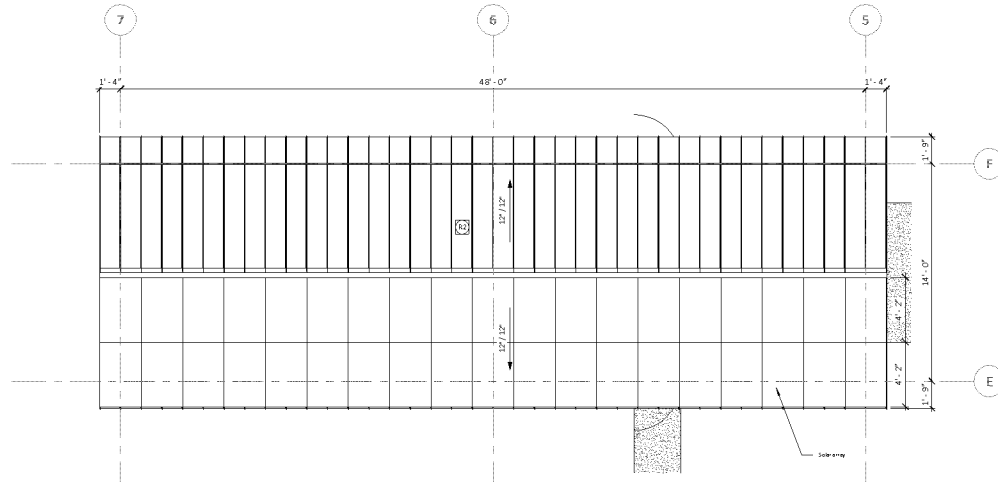
CUP SET
08.24.2021
EXTERIOR
ELEVATIONS - HOUSE

A301

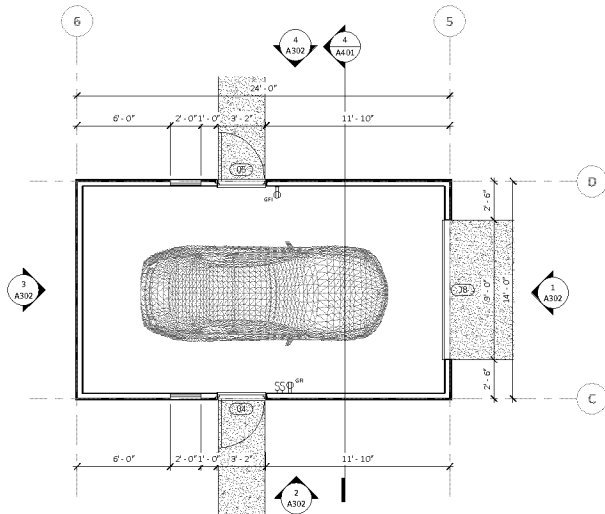
NOT FOR
CONSTRUCTION



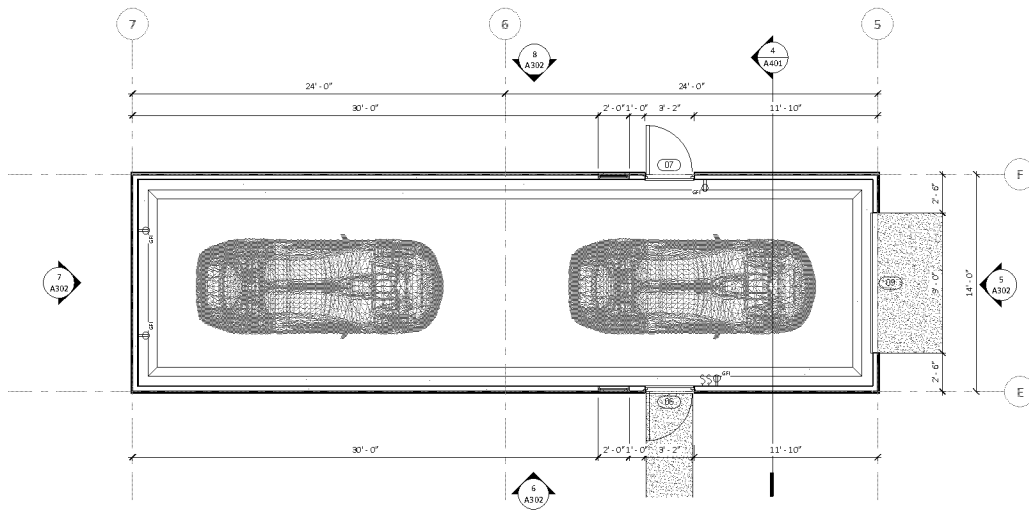
3 Small Garage Roof
A205 1/4" = 1'-0"



4 Large Garage Roof
A206 1/4" = 1'-0"



1 Small Garage Plan
A205 1/4" = 1'-0"



2 Large Garage Plan
A206 1/4" = 1'-0"

BECKER

6180 Cathcart Road
Excelsior, MN

REVISIONS:

No.	Description	Date
1		

PRICING SET
03.03.2021
GARAGE PLANS

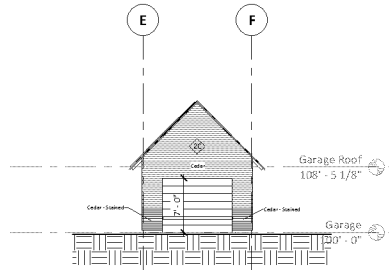
A205

Salmela architect

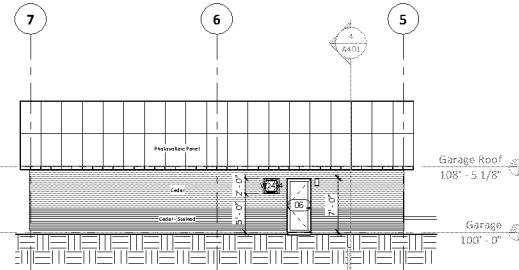
630 W. 4th Street Duluth MN 55806
www.salmelaarchitect.com

I hereby certify that this plan, specification, or
report was prepared by me or under my direct
supervision and that I am a duly licensed architect
under the laws of the State of Minnesota.
David Salmela FAIA
Registration No. # 1807 03.03.2021

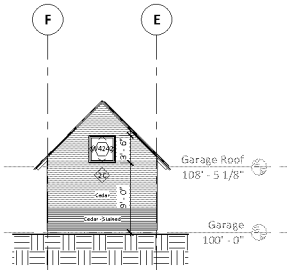
NOT FOR
CONSTRUCTION



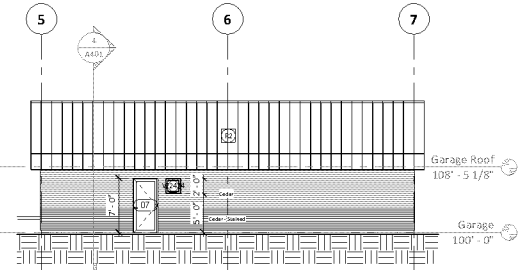
5 LARGE GARAGE - EAST ELEVATION
A302 1/8" = 1'-0"



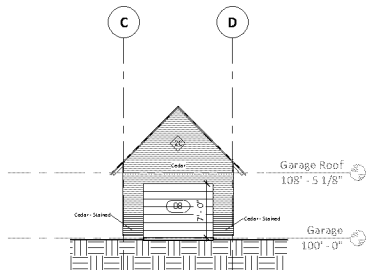
6 LARGE GARAGE - SOUTH ELEVATION
A302 1/8" = 1'-0"



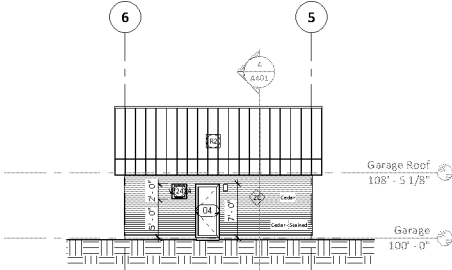
7 LARGE GARAGE - WEST ELEVATION
A302 1/8" = 1'-0"



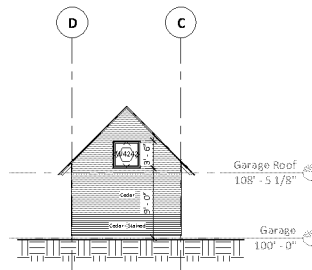
8 LARGE GARAGE - NORTH ELEVATION
A302 1/8" = 1'-0"



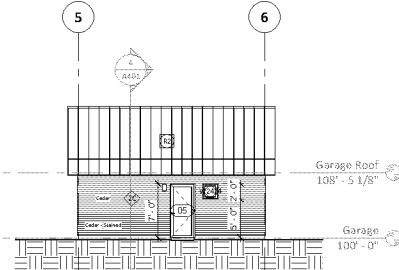
1 SMALL GARAGE - EAST ELEVATION
A302 1/8" = 1'-0"



2 SMALL GARAGE - SOUTH ELEVATION
A302 1/8" = 1'-0"



3 SMALL GARAGE - WEST ELEVATION
A302 1/8" = 1'-0"



4 SMALL GARAGE - NORTH ELEVATION
A302 1/8" = 1'-0"

BECKER

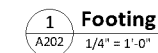
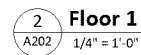
6180 Cathcart Road
Excelsior, MN

REVISIONS:

No.	Description	Date
-----	-------------	------

PRICING SET
03.03.2021
EXTERIOR
ELEVATIONS -
GARAGES

A302



A202

Salmela
architect

630 W. 4th Street Duluth MN 55806
www.salmelaarchitect.com

I hereby certify that this plan, specification, or
report was prepared by me or under my direct
supervision and that I am a duly licensed architect
under the laws of the State of Minnesota.
David Salmela, FAIA
Registration No. # 18000 08.24.2021

NOT FOR
CONSTRUCTION

BECKER

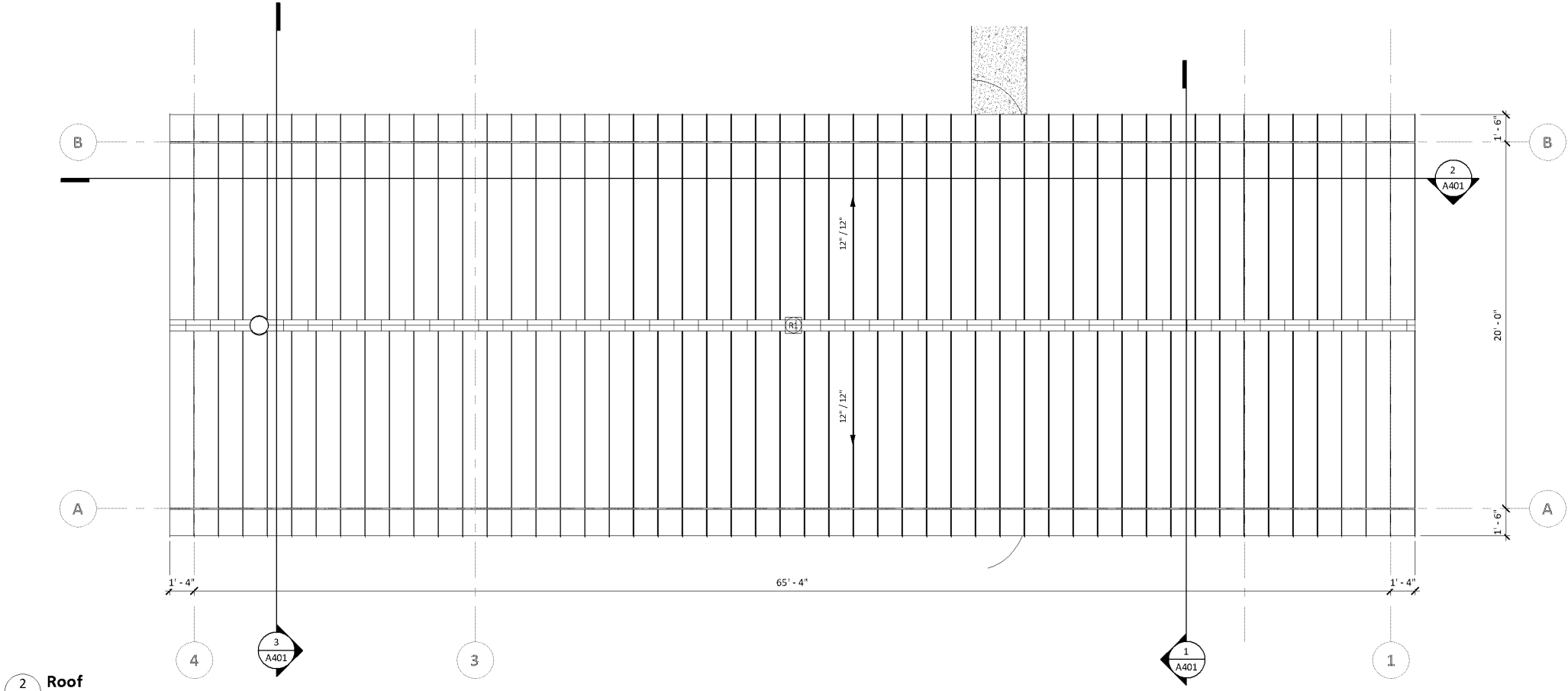
6180 Cathcart Road
Shorewood, MN

REVISIONS:

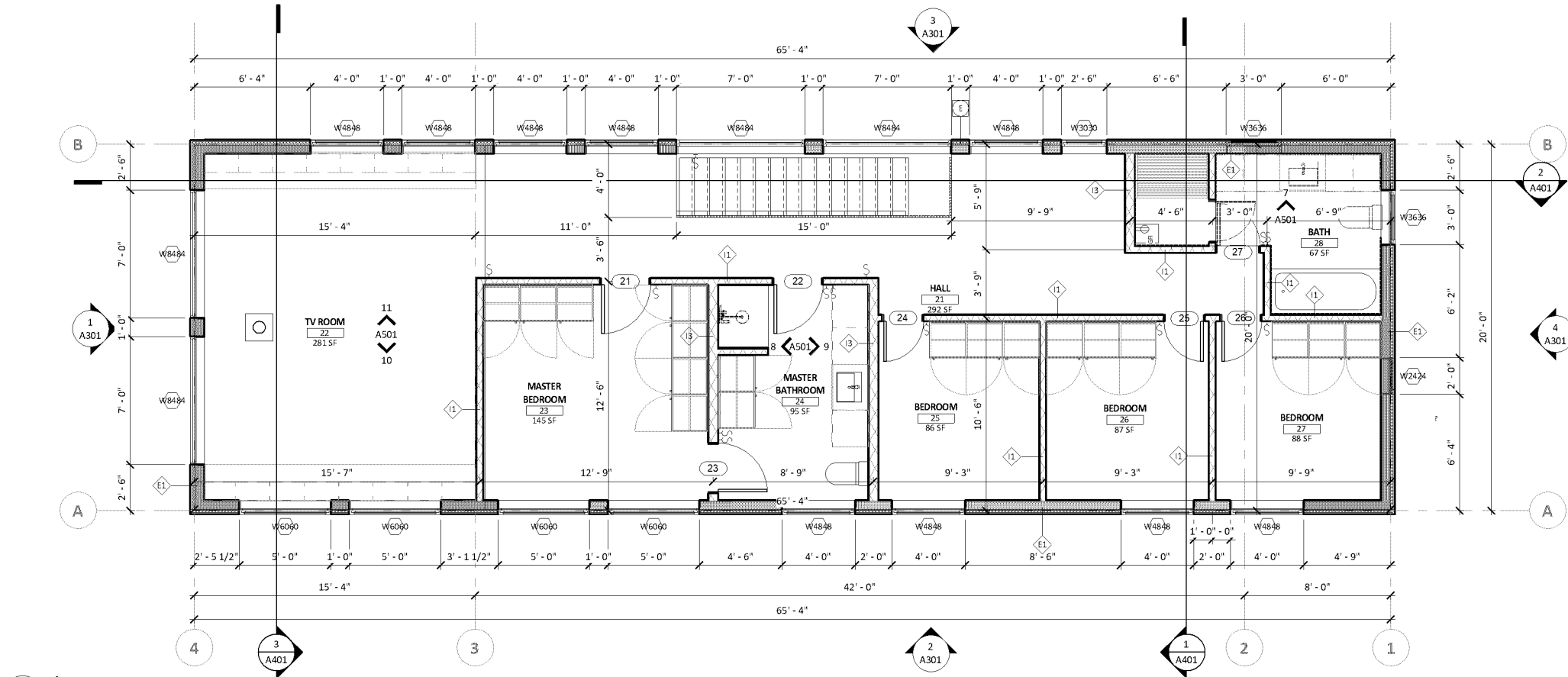
No.	Description	Date
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CUP SET
08.24.2021
HOUSE PLANS

A203



2 Roof
A203 1/4" = 1'-0"



1 Floor 2
A203 1/4" = 1'-0"

**RESOLUTION 21-122
CITY OF SHOREWOOD
COUNTY OF HENNEPIN
STATE OF MINNESOTA**

**RESOLUTION GRANTING A CONDITIONAL USE PERMIT FOR TWO DETACHED
GARAGES AT 6180 CATHCART DRIVE**

WHEREAS, Ben Becker (the “Applicant”) has applied to construct two detached garages where one per each single family home is permitted without a conditional use permit, on the property legally described as:

The east 121.16 feet of the west 476.69 feet of that part of Lot 2, “Minnewashta Acres, Hennepin County, Minnesota” lying north of the south 13.00 feet thereof.
And

That part of Lot 2, “Minnewashta Acres, Hennepin County, Minnesota”, lying east of the West 476.69 feet thereof and north of the south 17.00 feet thereof.

WHEREAS, the Applicant will be removing the existing home and accessory buildings to allow the construction of a new home with two detached garages; and

WHEREAS, after required notice, a public hearing was held and the application reviewed by the Planning Commission on October 5, 2021, the minutes from the meeting are on file at City Hall; and

WHEREAS, the City Council considered the application at its regular meeting on October 25, 2021, at which time the Planning Director’s memorandum and the Planning Commission’s recommendations were reviewed and comments were heard by the City Council from the Applicant, staff and the public; and

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-1A, Single-Family Residential zoning district, which allows two detached garages subject to the approval of a conditional use permit.
2. The applicant’s proposal is identified on plans submitted to the City on August 24, 2021 and September 15, 2021.
3. The applicant’s proposal includes two detached garages with a combined square footage of 1,008 square feet; one is 672 square feet and the other is 336 square feet.
4. The proposed garages do not exceed the floor area of area above grade of the proposed home and are less than 10 percent of the zoning district’s minimum lot size.

CONCLUSIONS

1. The Applicant's request has satisfied the criteria for granting a conditional use permit to allow two detached garages under the Shorewood City Code.
2. The Applicant's plans indicate the new home and garages proposed would be compatible with the neighborhood and would not tend to depreciate the area, subject to the conditions listed below in item 3, specifically the removal of the driveway from the intersection of the public rights-of-way.
3. Based upon the foregoing, the City Council hereby approves a conditional use permit to construct a total of two detached garages, based on the plans submitted August 24, 2021 and September 15, 2021, subject to the following:
 - a. The applicant may not proceed with improvements prior to issuance of required permits.
 - b. With the demolition of the existing home, the applicant shall remove the segment of the existing driveway that extends in from the home and connects to the right-of-way at the intersection of 62nd Street and Cathcart Drive. The area must be restored to turf/vegetation prior to the final inspection (weather permitting).
 - c. The two garage structures shall be constructed with a similar roof style/pitch and similar façade materials as the home and all buildings shall be the same colors.
4. The City Clerk is hereby authorized and directed to record a certified copy of this resolution with Hennepin County.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF SHOREWOOD, MINNESOTA
this 25th day of October, 2021.

Jennifer Labadie, Mayor

ATTEST:

Sandie Thone, City Clerk



City of Shorewood Council Meeting Item

#7D

MEETING TYPE
Regular Meeting

Title / Subject: **Variance to Side Setbacks**

Location: 26020 Birch Bluff Road
Applicant: Gianfranco and Bonnie Cuneo

Meeting Date: October 25, 2021
Prepared by: Emma Notermann, Planning Technician

Review Deadline: January 14, 2022

Attachments: Planning Memorandum from the October 5, 2021 Meeting Resolution

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

At the October 5, 2021 meeting, the Planning Commission voted unanimously to recommend approval of the variance with a small update to the conditions proposed by staff. The conditions recommended are:

- 1) Acquire all necessary permits prior to construction.
- 2) Prior to the issuance of a permit, remove the patio within the setback to the OHWL and restore the area to vegetation.
- 3) Prior to the final inspection for the new garage, remove the shed and deck on the south side of the driveway and restore the area to vegetation.

The applicant/property owner was present at the meeting and spoke in favor of the application.

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

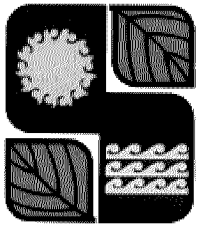
Recommendation / Action Requested: Staff and the Planning Commission recommend approval of the variance request, subject to the conditions in the attached resolution.

Proposed motion: Move to adopt the attached resolution approving a variance for Gianfranco and Bonnie Cuneo for property located at 26020 Birch Bluff Road based on the findings and conditions in the attached resolution.

Any action on this request would require a simple majority.

Next Steps and Timelines: If the item is approved, the applicant could apply for a building permit.

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

5A

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
Marie Darling, Planning Director

MEETING DATE: October 5, 2021

REQUEST: Variances to construct an attached garage and addition to an existing home

APPLICANT: Gianfranco and Bonnie Cuneo

LOCATION: 26020 Birch Bluff Road

REVIEW DEADLINE: January 14, 2022

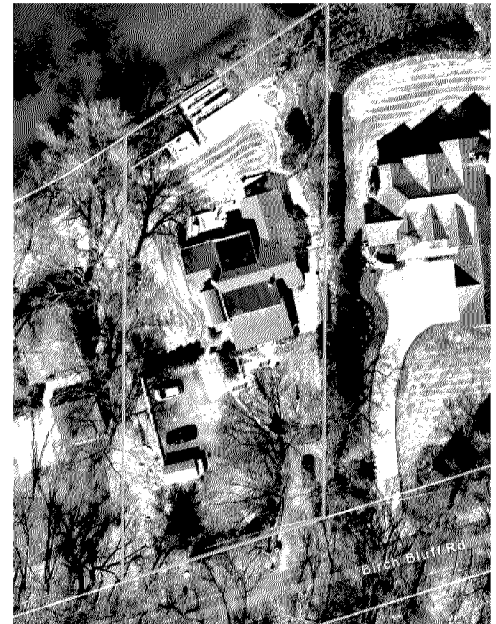
LAND USE CLASSIFICATION: Low Density Residential

ZONING: R-1C/S

FILE NUMBER: 21.25

REQUEST:

The applicant requests a variance to allow a two-story addition to be located 10.3 feet from the west property line, where the code would require 15.7 feet. The combined side-yard setbacks would be 24.6 feet where 30 feet is required.



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.

The original request and notices also included a request for a variance to the impervious surface coverage, but the applicant was able to revise their application to construct the addition to maintain the current nonconforming situation.

BACKGROUND

Context:

The existing home was originally constructed around 1900 with multiple additions after that time. The lot was created as part of the Birch Bluff Upper Minnetonka subdivision recorded in 1881. The lot abuts Lake Minnetonka to the north and is within the shoreland district.

There was a detached garage located roughly in the same location as the proposed and that was demolished in 2013. That garage was 5.3 feet from the east property line.

The adjacent properties are all developed with single-family homes and zoned R-1C/S.

Applicable Code Sections:

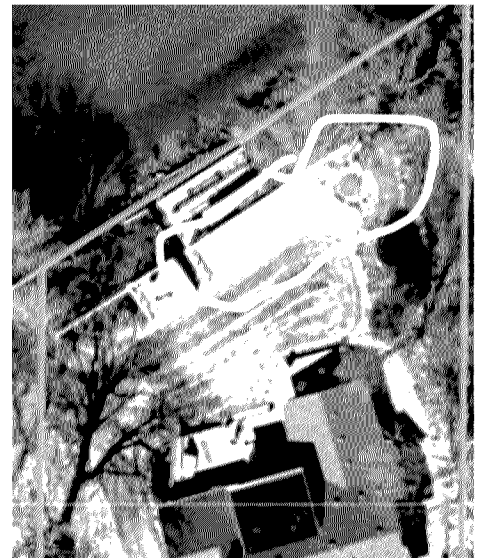
Chapter 1201.03 Subd. 2.u. of the zoning regulations states that the maximum amount of impervious surface coverage on properties within the shoreland district is 25 percent of the lot area.

Chapter 1201.26 Subd. 5.a. of the zoning regulations states that the combined side yard setback for lots abutting the water is 30 feet total with a minimum of 10 feet on each side.

Nonconformities

Since 2018, the previous property owners added a patio and fire pit improvement within the 50-foot setback to the OHWL at the top of steep slopes. The area must be returned to turf. The referenced patio and firepit are shown on the aerial photo. Other decks and improvements that were added between 1969 and 1989 may continue as legally nonconforming structures.

Additionally, in 2013, the previous property owners received a zoning permit for an 8-foot by 15-foot shed on the south side of the driveway to store the contents of the garage. The survey indicates an 8 by 20-foot shed was constructed. Consequently, the shed is nonconforming as well.



Staff will require both improvements removed prior to issuance of a permit.

Impervious Surface Coverage

The impervious surface coverage for the property is currently at 33.5 percent, where a maximum of 25 percent is permitted by the zoning regulations. The property has been over the allowed amount for some time and the City had approved some of the improvements that count toward the additional coverage and others pre-date any permitting or impervious surface coverage requirements. The applicant has designed their proposed addition so that the proposed improvements would not exceed the existing.

ANALYSIS

The applicants' narrative is attached and indicates that they propose to add an addition which contains an attached garage and living space on the second floor. The narrative indicates that the addition design necessitates the variance because of the constraints on the side yard setback. The house is located 14.3 feet from the east side yard, which requires that the west side yard setback be no less than 15.7 feet to reach the combined total side yard setback of 30 feet. The applicants have proposed 10.3 feet from the west property line, which is 5.4 feet less than required. The addition would include about a 900 square foot garage (three car garage with extra storage space) and mudroom on the lower level and recreational space/home gym above.

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 and proposes 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 lack of a garage on a property in Minnesota and the presence of the home on the lot with multiple additions construction prior to modern zoning requirements.
 - a. *Reasonable:* A garage is a reasonable use of the property.
 - b. *Unique Situation vs. Self-Created:* This is a situation unique to this property. The applicants' have purchased a home that was built prior to modern zoning and did not anticipate the need for attached garages, multiple vehicles per property or lake storage.
 - c. *Essential Character:* Homes in the area have widely varying setbacks with many older homes constructed that do not have 30 feet of combined setback between the two side lot lines. The variance if approved, would not alter the essential character of the area.
3. *Economic Considerations:* The applicants have not proposed the variance solely based on economic considerations, but to provide a garage and living space that suits their family's needs.
4. *Impact on Area:* The property owner is not proposing anything that would impair an adequate supply of air to an adjacent property, increase the risk of fire, or significantly increase the impact on adjacent streets. There was previously a smaller garage on the property in a closer to the lot line.
5. *Impact to Public Welfare, Other Lands or Improvements:* The applicants are not proposing anything that would negatively impact the supply of air to an adjacent property, increase the risk of fire or significantly increase the impact on adjacent streets.

6. *Minimum to Alleviate Practical Difficulty:* A two-stall garage is typically adequate to eliminate the practical difficulty of not having a shed. With the location of the home on a lake, more storage is typically desired to avoid having more recreational equipment stored outside on the property. The applicant is proposing a three-stall garage with additional storage space 5.5 feet closer to the property line than permitted and also has a nonconforming shed. Consequently, staff recommends requiring the removal of the shed to reduce the impact of the request on the neighborhood. With this removal, the request would be the minimum to eliminate the practical difficulties.

RECOMMENDATION

Staff recommends approval of the variance application, subject to the list of conditions shown below, but acknowledges that the variance criteria are open to interpretation. Consequently, the Planning Commission could reasonably find otherwise.

Should the Planning Commission recommend approval of the requests, staff recommends that the applicants be required to:

- 1) Acquire all necessary permits prior to construction.
- 2) Prior to the issuance of a permit, remove the patio within the setback to the OHWL and restore the area to turf.
- 3) Prior to the final inspection for the new garage, remove the shed and deck on the south side of the driveway.

ATTACHMENTS

Location map

Applicants' narrative and plans

Correspondence Received



A·SADOWSKI DESIGNS

remodels • new builds • interiors

Property Address:

Gianfranco and Bonnie Cuneo
26020 Birch Bluff Road
Shorewood, MN 55331

1. The variance, and its resulting construction and use, is consistent with the intent of the comprehensive plan and in harmony with the general purposes and intent of the zoning regulations .

We believe the addition of the garage adds a balanced extension to the house and complies with all standard zoning regulations. Given the size of the lot we are constrained at the West side with side yard setbacks resulting in a request for forgiveness on the side yard setback.

2. The applicant has established that there are practical difficulties in complying with this Chapter. Practical difficulties mean: (a) The property owner proposes to use the property in a reasonable manner, but which is not permitted by this Chapter. (b) The plight of the landowner is due to circumstances unique to the property not created by the landowner. (c) The variance, if approved, would not alter the essential character of the locality

Correct for all points listed. We are proposing to add a much-needed garage extension to the existing house while maintaining the original character of the home.

3. The variance would not be based exclusively on economic considerations.

Not at all. There is a major missing component to the house.

4. *The variance shall not impair an adequate supply of light and air to adjacent property,* unreasonably increase the congestion in the public street or increase the danger of fire or endanger the public safety

We are maintaining adequate light, air flow and access to the street. The proposed addition does not impede on any of that.

5. The variance, and its resulting construction or project, would not be detrimental to the public welfare, nor would it be injurious to other lands or improvements in the neighborhood.

Not Applicable to this proposed addition

6. The variance is the minimum variance necessary to address or alleviate the practical difficulties.

Absolutely. We are asking for what we believe to be a reasonable adjustment to the current site and property conditions

17800 Hutchins Drive
Minnetonka, MN 55345
952-303-4230

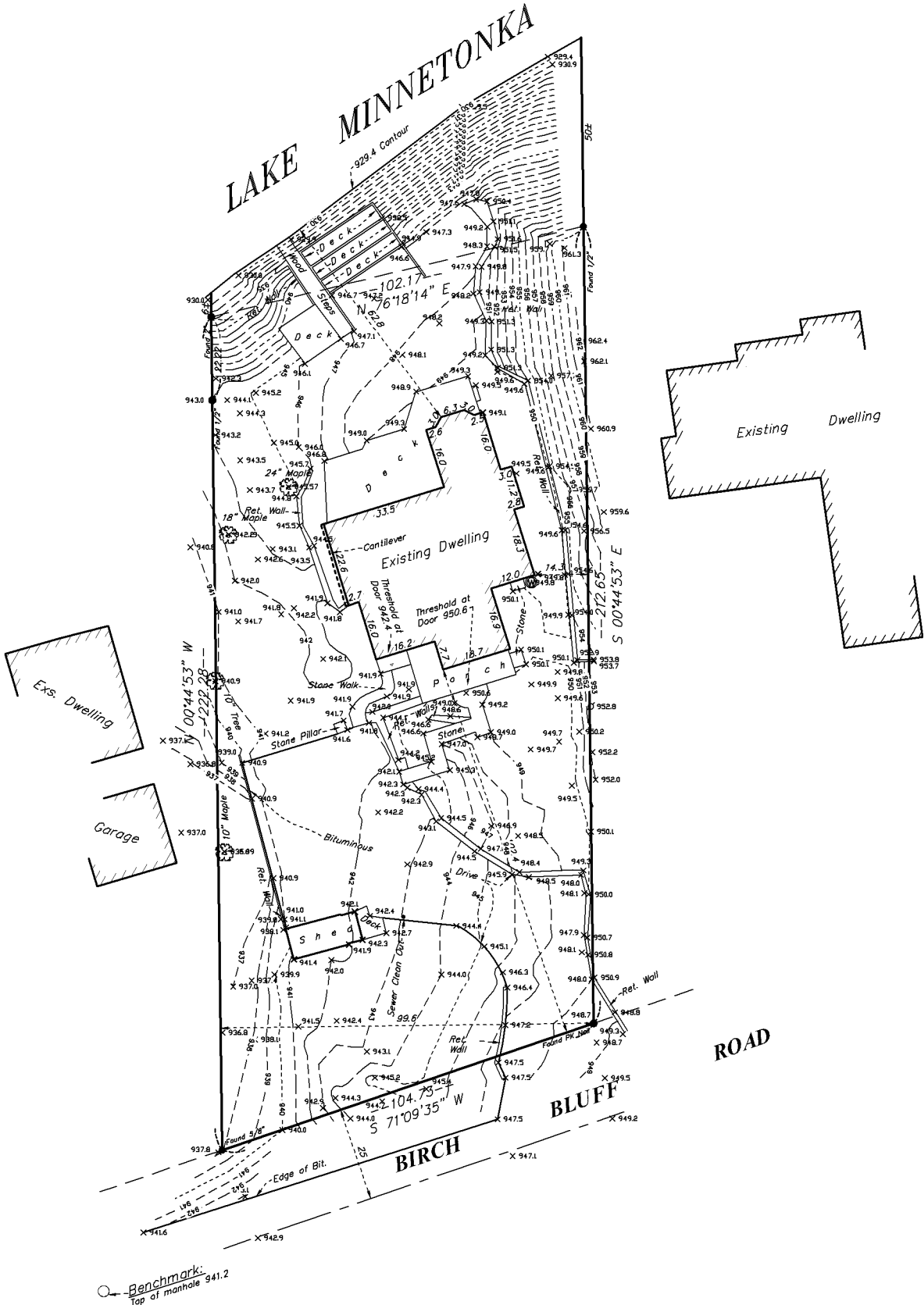
LEGAL DESCRIPTION:
Lot 20, BIRCH BLUFF UPPER MINNETONKA, Hennepin County, Minnesota.

SCOPE OF WORK & LIMITATIONS:

- Showing the length and direction of boundary lines of the legal description listed above. 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 to be included on the survey have been shown.
- Showing the location of observed existing improvements we deem necessary for the survey.
- Setting survey markers or verifying existing survey markers to establish the corners of the property.
- This survey has been completed without the benefit of a current title commitment. There may be existing easements or other encumbrances that would be revealed by a current title commitment. Therefore, this survey does not purport to show any easements or encumbrances other than the ones shown hereon.
- Note that all building dimensions and building tie dimensions to the property lines, are taken from the siding and or stucco of the building.
- Showing and tabulating impervious surface coverage of the lot for your review and for the review of such governmental agencies that may have jurisdiction over these requirements to verify they are correctly shown before proceeding with construction.
- 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 iron survey marker, set, unless otherwise noted.



LEGEND

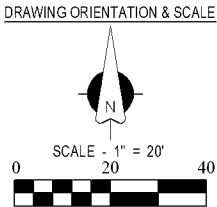
- ☐ = CATCH BASIN
- ⊙ = GAS METER
- ⊙ = FIRE HYDRANT
- ⊙ = POWER POLE
- ⊙ = MANHOLE
- ⊙ = TELEPHONE PED.
- ⊙ = ELEC. TRANSFORMER
- ⊙ = WELL
- ⊙ = GATE VALVE
- ⊙ = LIGHT POLE
- ⊙ = TREE
- X—X— = FENCE LINE
- S— = SANITARY SEWER LINE
- W— = WATER LINE
- G— = GAS LINE
- ST— = STORM DRAIN LINE
- E— = OVERHEAD UTILITY LINE
- ⊙ = CONCRETE SURFACE

EXISTING HARDCOVER

House	2,214 Sq. Ft.
Existing Decks	728 Sq. Ft.
Decks by the lake	414 Sq. Ft.
Bituminous Driveway	3,483 Sq. Ft.
Shed	159 Sq. Ft.
Concrete Surfaces	33 Sq. Ft.
Wood Steps	124 Sq. Ft.
Porch	243 Sq. Ft.
Stone Areas	279 Sq. Ft.
Ret. Walls	556 Sq. Ft.
Cantilever	17 Sq. Ft.

TOTAL EXISTING HARDCOVER 8,250 Sq. Ft.
AREA OF LOT TO OHW 24,630 Sq. Ft.

PERCENTAGE OF HARDCOVER TO LOT 33.5%



CLIENT NAME / JOB ADDRESS

VERONICA GROVER
26020 BIRCH BLUFF ROAD
SHOREWOOD, MN

Advance
Surveying & Engineering, Co.

17917 Highway 7
Minnetonka, Minnesota 55345
Phone (952) 474-7964
Web: www.advsur.com

I HEREBY CERTIFY THAT THIS PLAN, SURVEY OR REPORT
WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION
AND THAT I AM A DULY REGISTERED LAND SURVEYOR
UNDER THE LAWS OF THE STATE OF MINNESOTA.

Thomas M. Bloom
42379
LICENSE NO.
MARCH 24, 2021
DATE

DATE SURVEYED: MARCH 23, 2021

DATE DRAFTED: MARCH 24, 2021

SHEET TITLE

EXISTING CONDITIONS
SURVEY

DRAWING NUMBER

210332 TB
REV 4 - 13

SHEET SIZE

22 X 34

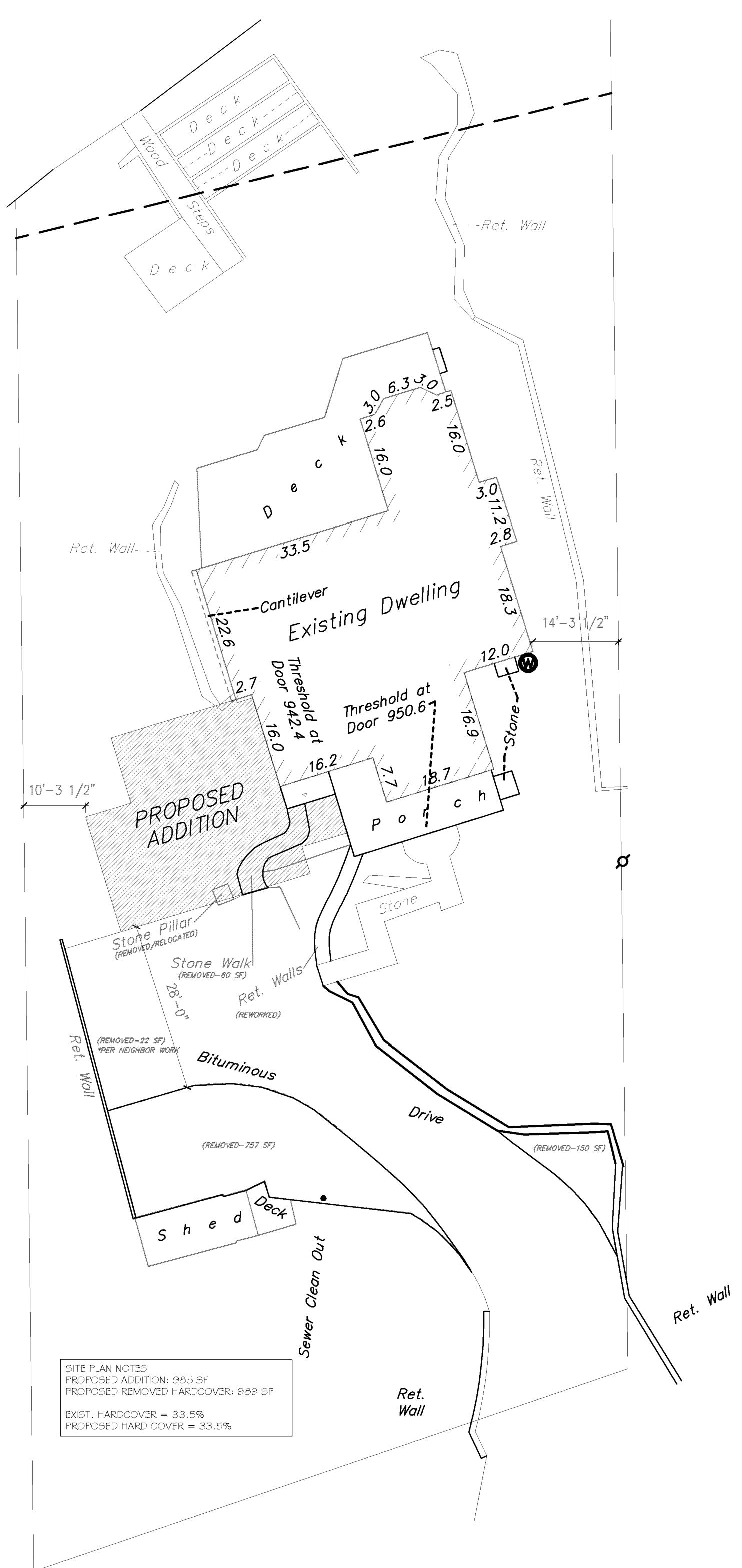
SHEET NO.

S1

SHEET 1 OF 1

ISSUE DATE: 08.24.21
REVISED: 09.23.21

SCALE: $\frac{1}{16}" = 1'-0"$

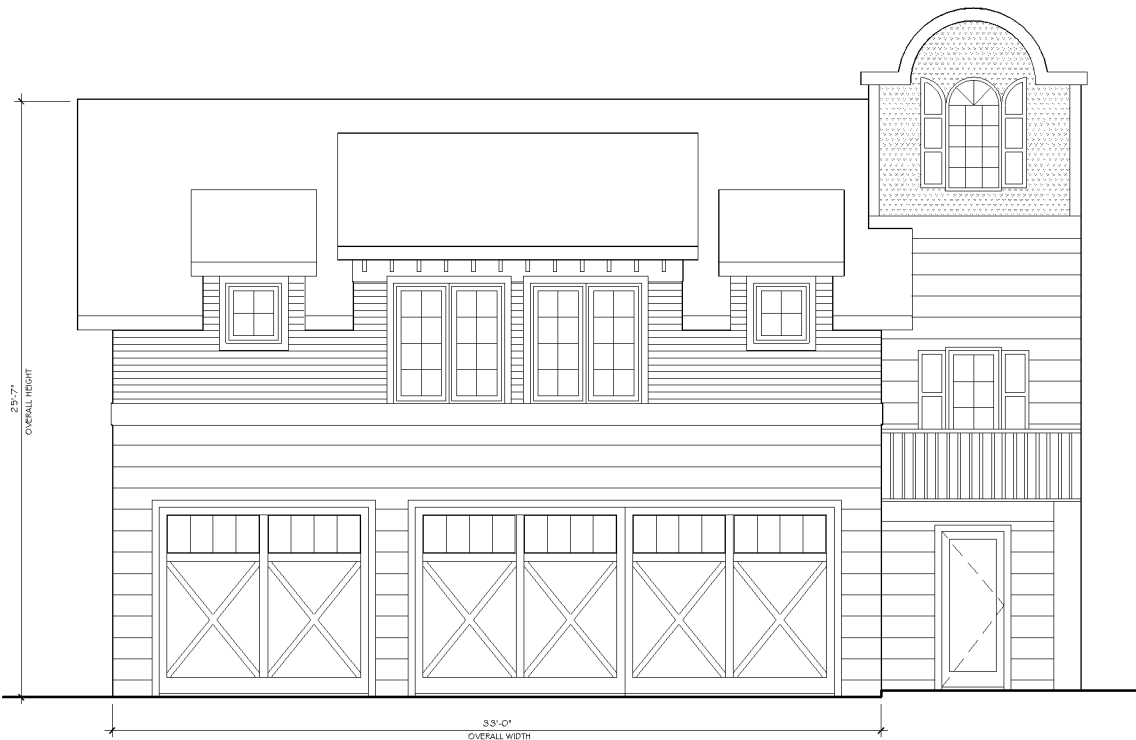


RESIDENCE:
CUNEO RESIDENCE
20620 BIRCH BLUFF ROAD
SHOREWOOD, MN 55331

PROPOSED GARAGE
ADDITION ELEVATIONS

ISSUE DATE: 08.24.21

SCALE: 1/8"=1'-0"



SOUTH ELEVATION



WEST ELEVATION



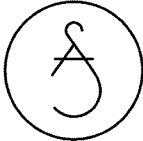
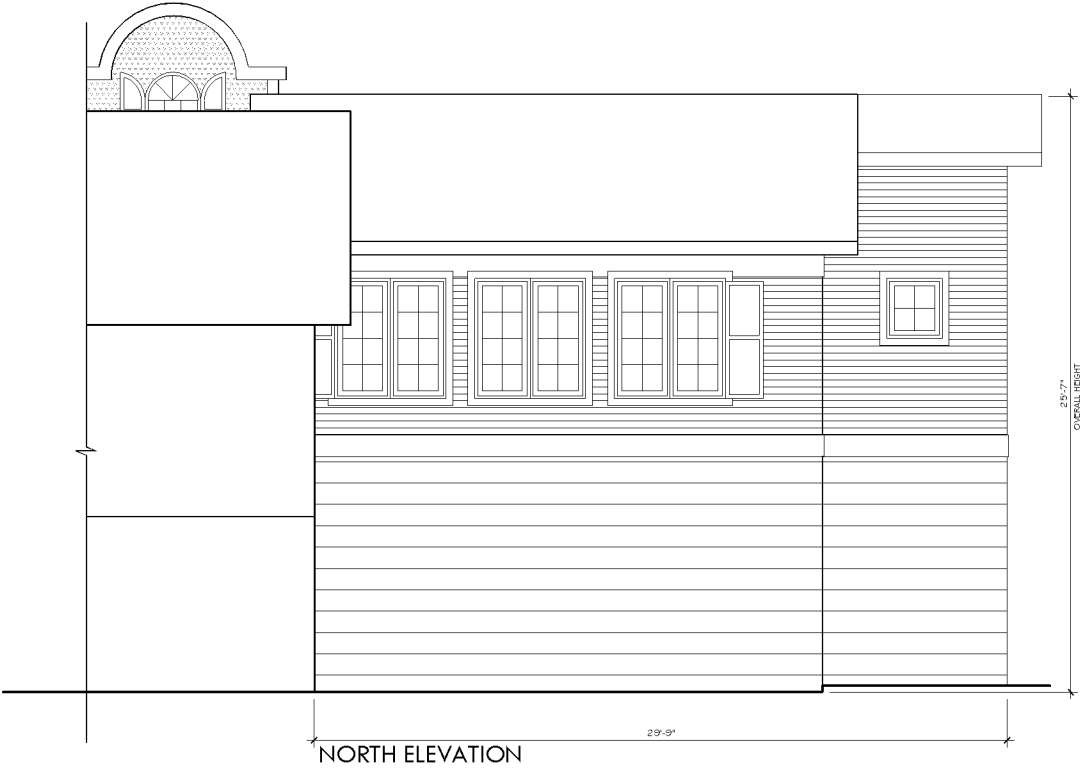
ALL DRAWINGS
COPYRIGHT 2021
A.SADOWSKI DESIGNS, LLC

RESIDENCE:
CUNEO RESIDENCE
20620 BIRCH BLUFF ROAD
SHOREWOOD, MN 55331

PROPOSED GARAGE
ADDITION ELEVATIONS

ISSUE DATE: 08.24.21

SCALE: 1/8"=1'- 0"



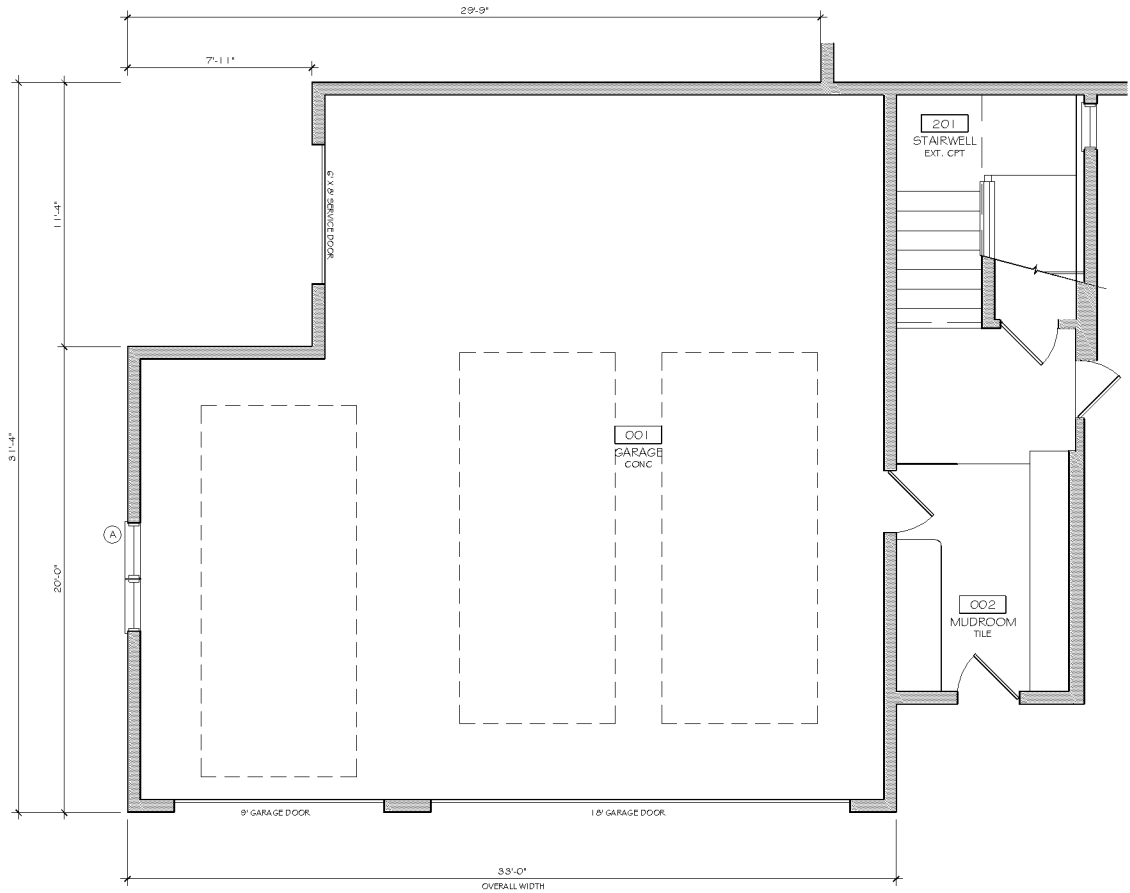
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RESIDENCE:
CUNEO RESIDENCE
20620 BIRCH BLUFF ROAD
SHOREWOOD, MN 55331

PROPOSED GARAGE
ADDITION

ISSUE DATE: 08.24.21

SCALE: $\frac{3}{16}"=1'-0"$

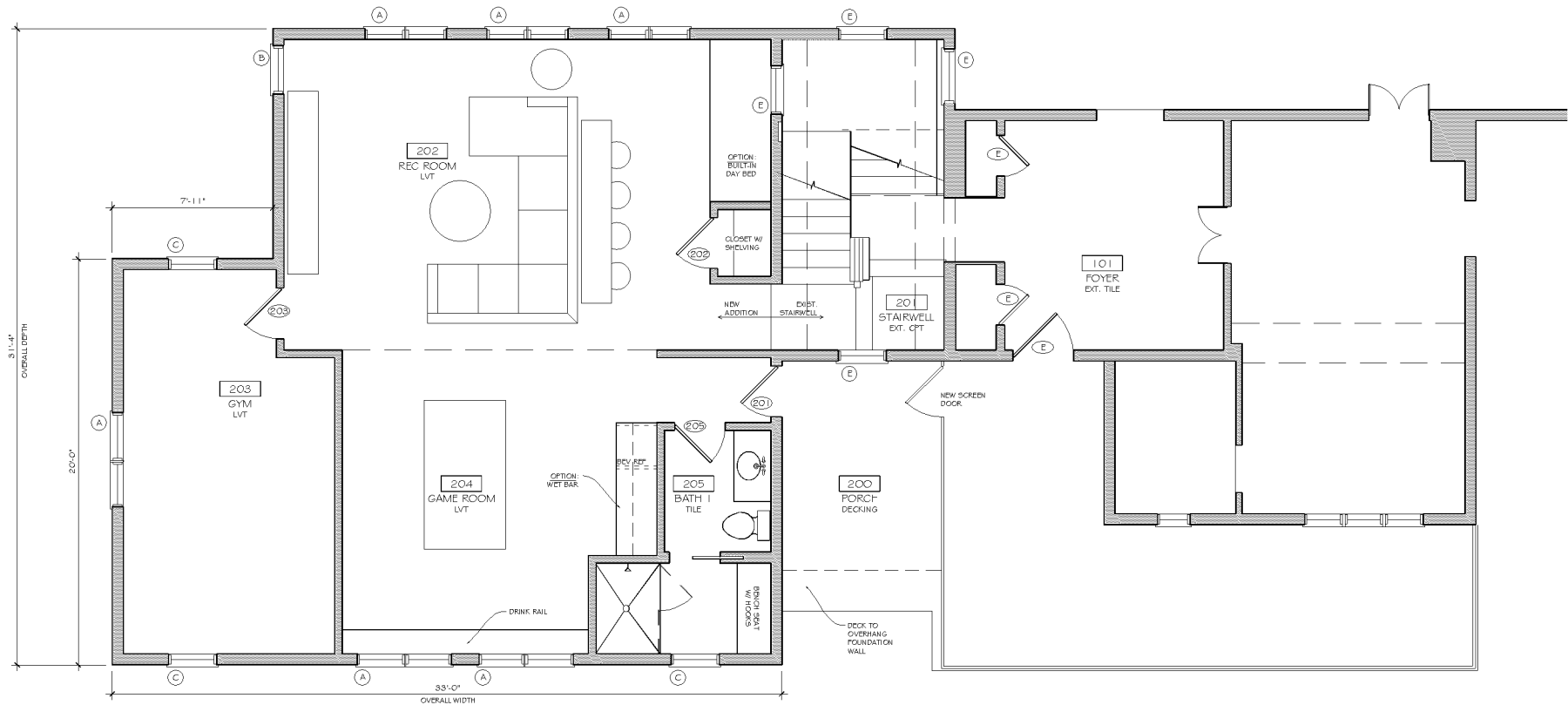


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RESIDENCE:
CUNEO RESIDENCE
20620 BIRCH BLUFF ROAD
SHOREWOOD, MN 55331

PROPOSED 2ND FLOOR
ADDITION

ISSUE DATE: 08.24.21
SCALE: 3/16" = 1'-0"



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A.SADOWSKI DESIGNS, LLC

Marie Darling

From: Bonnie <bonniedogs@comcast.net>
Sent: Sunday, September 26, 2021 8:04 PM
To: Planning
Subject: Cuneo variance

Dear Marie Darling,

We, Tod and Bonnie Carpenter are writing in support of the variance to the side yard setback and impervious surface coverage at 26020 Birch Bluff. The Cueno west property line borders our property at 26050 Birch Bluff.

Kind regards,

Tod and Bonnie Carpenter
26050 Birch Bluff Rd
Shorewood, Mn
55331

Sent from my iPad

October 1, 2021

Planning Department
City of Shorewood
5755 Country Club Road
Shorewood, MN 55331

Dear Madams and Sirs,

We are the owners of 25990 Birch Bluff Road directly east of 26020 Birch Bluff Road owned by Gianfranco and Bonnie Cuneo.

The Cuneo's would like to build an attached two story, 3-car garage with living space above. They are asking for a hard cover variance to increase their hard cover from the standard surface coverage limit of 25%. They indicate their present hardcover is 33.5%.

Part of the Cuneo's hard cover includes a driveway and stonewall, and a portion of that driveway and stonewall is actually on our property.

An easement agreement was signed in this regard between a previous owner and ourselves. That agreement indicated the driveway and stonewall on our property would be removed if the Cuneo's house no longer existed or the driveway was relocated. The easement agreement runs with the land and the Cuneo's were aware of it at the time they purchased the property.

Although the home will not be demolished, the 2 story, 3-car garage is a significant addition to the home and the driveway is being adjusted as portions of it are being removed.

We have suggested to the Cuneo's that as they are removing hardcover along their driveway to accommodate the building of a garage, this would be a good time to remove the part of their driveway and stone fence on our property. We thought we had an agreement with the Cuneo's to do this. We prepared a written agreement to that effect but they have not returned a signed copy to us.

The plans submitted to the planning commission do not indicate a removal of the driveway and wall on our property. We suggest that removing the easement on our property would help to decrease the hard cover issue for the Cuneo's. If in fact, the hard cover on our property was not included in their hardcover calculations, then they are actually exceeding 33.5 % coverage.

Furthermore, the excess hard cover could possibly be reduced further if the Cuneo's relocated their drive way to the west of their property directly in line with the new 3 car garage.

There is significant flooding and accumulation of water just below and west of the Cuneo residence if there is a large amount of rain in the spring. Excess hardcover just exacerbates the situation.

Finally, we are asking that the hearing of this matter be adjourned to a later date. We are leaving for the East Coast on Oct 1 and will not be returning until Oct 11. Hopefully we can reach a written agreement with the Cuneo's before then and if not, we would like to be present and speak to the matter before the planning commission.

If the planning commission is not prepared to adjourn the hearing, and are inclined to approve the hardcover variance, we would ask that it be approved on the condition that the Cuneo's remove their hardcover portion on our property so our Title will be clear of any easements or encroachments.

Respectfully Submitted,

Bonnie McPhee -- 952-237-9023
Jim Prokopanko -- 612-961-3719

**RESOLUTION 2021-123
CITY OF SHOREWOOD
COUNTY OF HENNEPIN
STATE OF MINNESOTA**

**A RESOLUTION APPROVING VARIANCES TO SIDE-YARD SETBACKS FOR
PROPERTY LOCATED AT 26020 BIRCH BLUFF ROAD**

WHEREAS, Gianfranco and Bonnie Cuneo, (the “Applicant”) proposes to add an addition with an attached garage to a home on property legally described as:

Lot 20, BIRCH BLUFF UPPER MINNETONKA, Hennepin County, Minnesota.

WHEREAS, the Applicant has applied for a variance to allow the home to be 10.3 feet from the west property line where a minimum of 10 feet is permitted, with a combined side-yard setback of 24.6 feet where 30 feet is required.

WHEREAS, the Applicant’s request was reviewed by the planning staff, whose recommendation is included in a memorandum for the October 5, 2021 Planning Commission meeting, a copy of which is on file at City Hall; and

WHEREAS, the Planning Commission held a public meeting on October 5, 2021 to review the application, the minutes of the meeting are on file at City Hall; and

WHEREAS, the City Council considered the application at its regular meeting on October 25, 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-1C/S zoning district, which requires all buildings to be set back, as follows: 1) a minimum of 10 feet from the side property line; and 2) a combined side-yard setback of 30 feet (east and west property line setbacks combined)
2. The existing home on the property was constructed prior to modern zoning regulations.
3. 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.
4. 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.

5. Section 1201.05 of the zoning regulations provides that in making the above determination, the City may consider the impact to surrounding properties and to public services.
6. The Applicant's proposal is identified on the application materials and plans submitted on August 24 and 25, 2021 and September 16 and 23, 2021.

CONCLUSIONS

A. Based upon the foregoing, and the records referenced herein, the City Council hereby approves the Applicant's request to construct a new home with a variance to allow a combined side-yard setback of 24.6 feet where 30 feet is required, based on the plans and materials submitted on August 24 and 25, 2021 and September 16 and 23, 2021.

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 the lack of a garage on a property in Minnesota; and would be the minimum request to alleviate the practical difficulties as long as the detached shed is removed from the property and the patio is removed and restored to vegetation. Additionally, that the improvements proposed would not inappropriately impact the area, public welfare or other lands/improvements in the area.

C. The variance approval shall be subject to the following conditions:

1. Prior to beginning any construction at the property, the applicant shall acquire all necessary permits prior to construction.
2. Prior to the issuance of a permit, remove the patio within the setback to the OHWL and restore the area to vegetation.
3. Prior to the final inspection for the new garage, remove the shed and deck on the south side of the driveway.

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 25th day of October, 2021.

Jennifer Labadie, Mayor

Attest:

Sandie Thone, City Clerk



City of Shorewood Council Meeting Item

#4A and 7E

MEETING TYPE
Regular Meeting

Title / Subject: Interior Drainage and Utility Easement – Request for Vacation

Meeting Date: October 25, 2021

Prepared by: Marie Darling, Planning Director

Applicant: Jonathon and Emily Van Wyck

Location: 5530 Howards Point Road

Attachments: Applicants Narrative
Exhibit indicating easement to the vacated
Exhibit indicating easement to be dedicated
Easement
Resolution

Background: During the review of a building permit for the property, the sewer line was discovered to be outside the existing easement.

The easement was originally acquired in 1972 when municipal sewer was extended through the area. On this property, the sewer main is not centered within the easement as shown on the attached exhibit.

As the property is riparian, the DNR was given the required 60-days to review the vacation request and submitted no comments.

The applicants propose to vacate the existing 15-foot easement and dedicate a new 15-foot easement centered over the top of the sewer pipe. The vacation would correct a historic issue and the city would gain accurate easements. The vacation does not affect any other property.



Financial or Budget Considerations: The application fees cover the cost of processing the vacation.

Recommendation / Action Requested: Staff recommends that the attached resolution approving the vacation to be adopted as it is in the city's interest to have the main centered in an easement. The City Engineer reviewed the vacation request and had no concerns.

Next Steps and Timelines: If approved, staff would record the certified resolution and new easement at Hennepin County.

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.*

August 11, 2021

Marie Darling
Planning Director
City of Shorewood
5755 Country Club Road
Shorewood, MN 55331

RE: 5530 Howards Point Road - Vacation of existing sanitary sewer easement, establishing new sanitary easement

Dear Ms. Darling,

This letter serves as a request to vacate certain sanitary sewer easements and granting a new, accurate sanitary sewer easement through our property.

The current easement is situated in such a way that the sanitary sewer is not located within it. The existing sanitary sewer line is further to the south of the property. The newly established easement will be positioned directly above the centerline of the sanitary sewer and will allow access as needed.

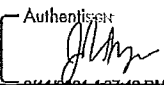
Two exhibits are attached. The Vacation Exhibit shows the current easement to be vacated. The Sewer Easement Exhibit shows where the new easement is to be re-granted.

Through our signatures below, we represent that we are the sole owners of this property and thus our signatures below evidences the agreement of the majority of the property owners to approve of this easement vacation and re-granting.

Sincerely,

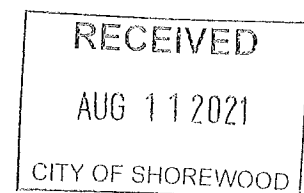
Jonathan G. Van Wyck
Emily C. Van Wyck

Acknowledged and Approved:

Authentisign

8/11/2021 4:37:49 PM CDT
Jonathan G. Van Wyck

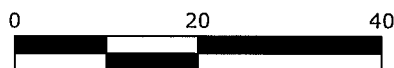
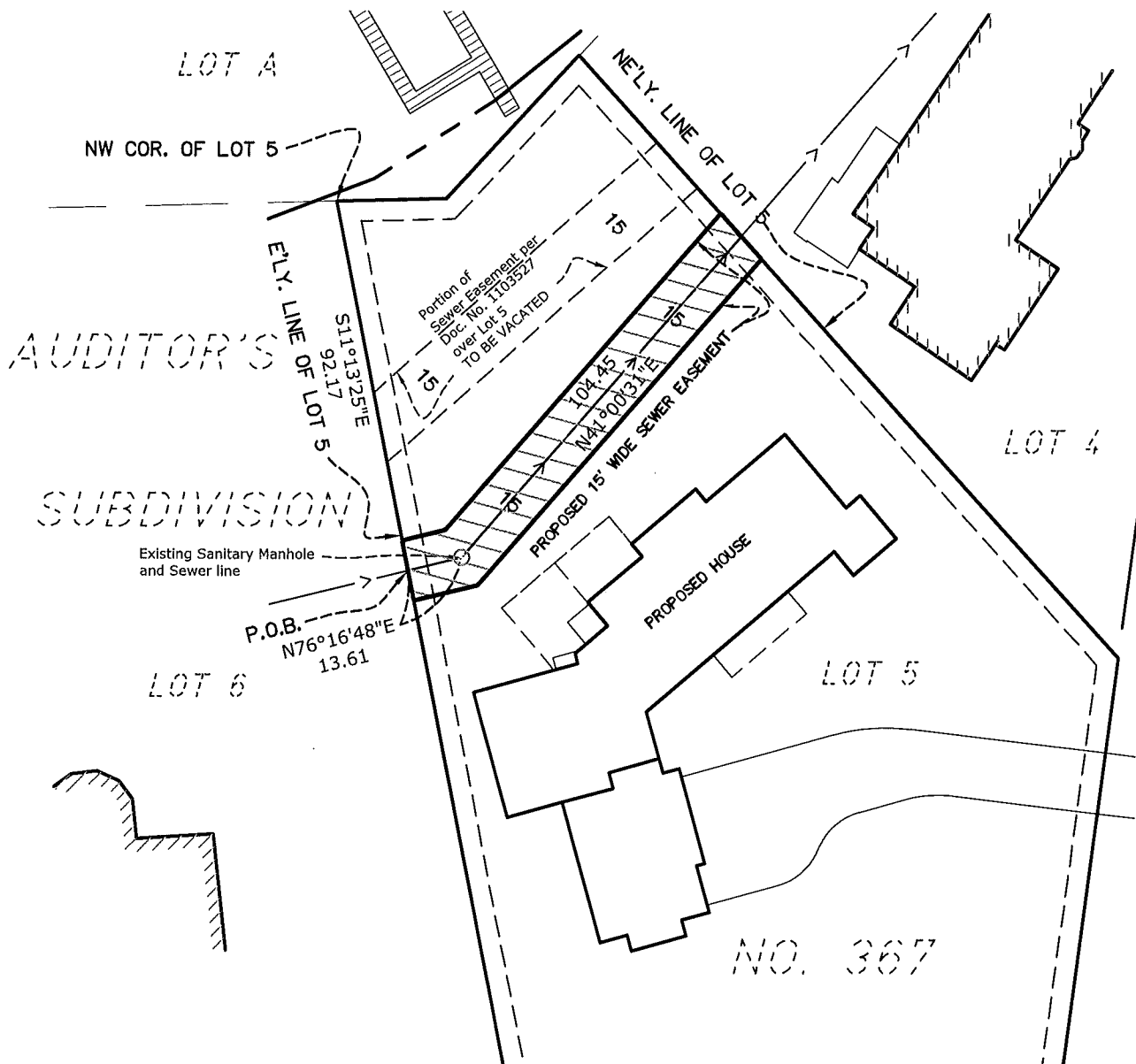
Acknowledged and Approved:

Authentisign
Emily Van Wyck
8/11/2021 3:43:42 PM CDT
Emily C. Van Wyck



City of Shorewood, Hennepin County, Minnesota

the sidelines of said easement shall be shortened or prolonged to begin on said westerly line and terminate on said northeasterly line.



CivilSite

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SHEET 1 OF 1

EASEMENT VACATION EXHIBIT 5530 HOWARD PT. RD.

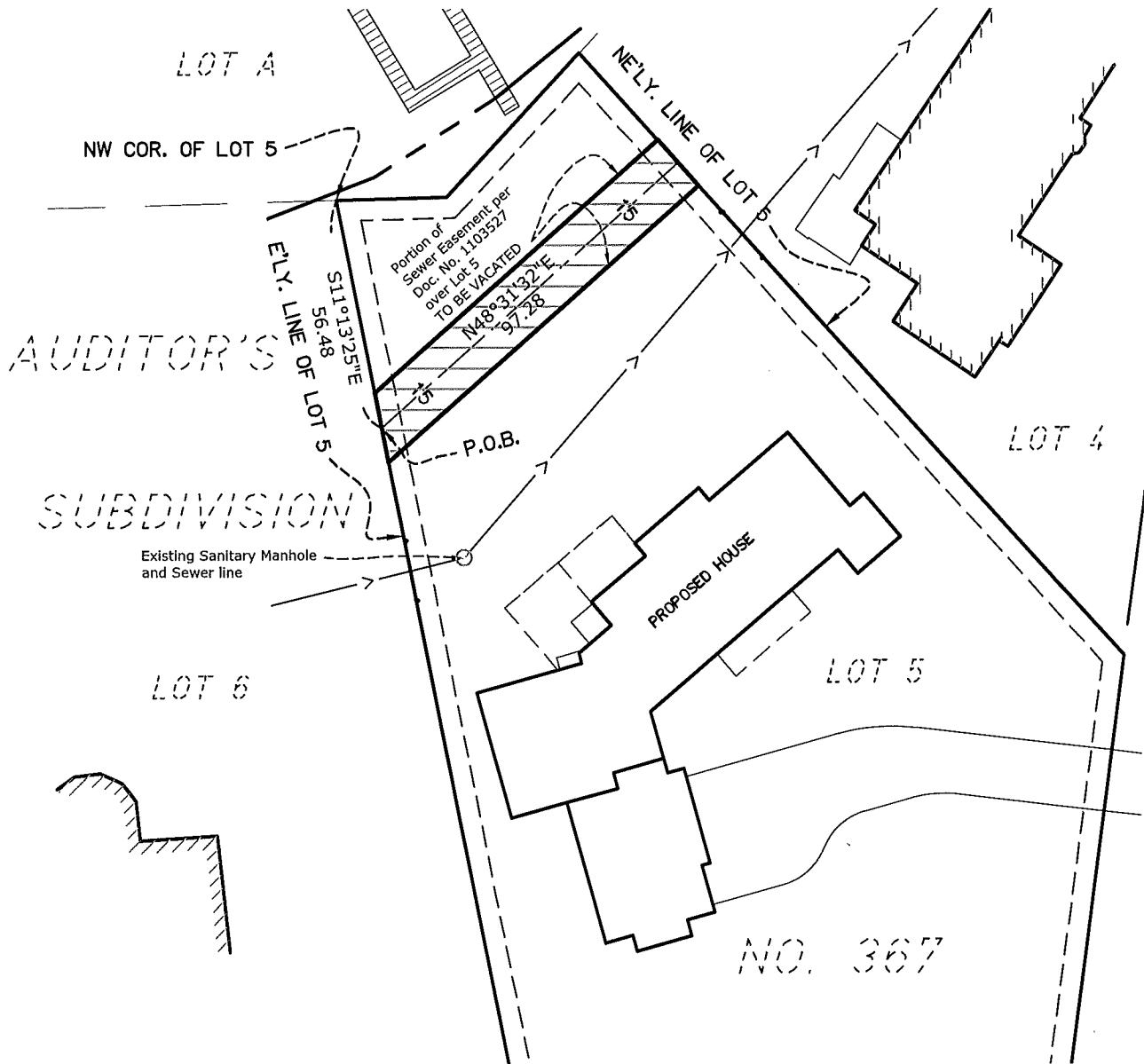
Auditor's Subdivision Number 367

City of Shorewood, Hennepin County, Minnesota

DESCRIPTION

All that portion of the 15.00 foot wide Sanitary Sewer Easement as described in Document No. 1103527, filed in the Office of the Registrar of Titles, Hennepin County, Minnesota, lying within Lot 5, AUDITOR'S SUBDIVISION NUMBER 367, according to the recorded plat thereof, Hennepin County, Minnesota. The center line of said portion lying within Lot 5 being more particularly described as follows:

Commencing at the northwest corner of said Lot 5; thence southerly along the westerly line of said Lot 5 on an assumed bearing of South 11 degrees 13 minutes 25 seconds East for 56.48 feet to the point of beginning of the center line to be described; thence North 48 degrees 31 minutes 32 seconds East for 97.28 feet to the northeasterly line of said Lot 5 and said center line there terminating.



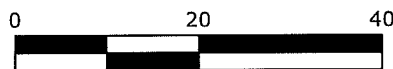
MINNESOTA CERTIFICATION

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

Dated this 9th day of August, 2021

Rory L. Synstallen

Minnesota License No. 44565



SCALE IN FEET

CivilSite

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4931 W. 35TH ST. SUITE 200
ST. LOUIS PARK, MN 55416
CivilSiteGroup.com

Drawn By:TH
Project No. 20298

SHEET 1 OF 1

GRANT OF SEWER EASEMENT

THIS GRANT OF EASEMENT is made on the ____ day of _____, 2021, by Jonathan G Van Wyck and Emily C. Van Wyck, a married couple (Grantors), to the CITY OF SHOREWOOD, a Minnesota municipal corporation (Grantee).

RECITALS

Grantors are the owners in fee simple of real property in the County of Hennepin, Minnesota, which is legally described as follows (the Easement Tract)

Lot 5, Auditor's Subdivision No. 367, Hennepin County, Minnesota; and

Grantee desires to use a portion of the Easement Tract for the construction and maintenance of sewer improvements.

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by Grantors:

1.) Permanent Easement - Grantors hereby grant to Grantee, its successors and assigns, a permanent easement (the Permanent Easement) for drainage and utility purposes over, under, upon and across that portion of the Easement Tract legally described and graphically depicted in Exhibit A. The Permanent Easement shall permanently run with the title to the Easement Tract and shall inure to the benefit of and be binding upon the parties hereto and their respective heirs, successors and assigns, including, but without limitation all subsequent owners of the Easement Tract and all persons claiming under them.

2.) Use of Easement Tract - Grantors hereby agree that they will not perform or allow or cause the construction of any improvements on the Permanent Easement which could damage or obstruct the Permanent Easement or interfere with Grantee's access to or Grantee's right to construct, maintain and repair the utilities on the Permanent Easement.

3.) Warranty of Title - Grantors represent and warrant to Grantee that they are the only owners of fee simple title to the Easement Tract, and that there are no

THIS INSTRUMENT WAS DRAFTED BY:
The Shorewood Planning Department
City of Shorewood
5755 Country Club Road
Shorewood, MN 55331
952-960-7912

NOTARY PUBLIC

EXHIBIT A: Legal Description of Easement:

An easement for sewer purposes over, under and across a portion of Lot 5, AUDITOR'S SUBDIVISION NUMBER 367, according to the recorded plat thereof, Hennepin County, Minnesota. Said easement being a 15.00 foot wide strip of land, the center line of which is described as follows:

Commencing at the northwest corner of said Lot 5; thence southerly along the westerly line of said Lot 5 on an assumed bearing of South 11 degrees 13 minutes 25 seconds East for 92.17 feet to the point of beginning of the center line to be described; thence North 76 degrees 16 minutes 48 seconds East for 13.61 feet; thence North 41 degrees 00 minutes 31 seconds East for 104.45 feet to the northeasterly line of said Lot 5 and said center line there terminating.

the sidelines of said easement shall be shortened or prolonged to begin on said westerly line and terminate on said northeasterly line.

SEWER EASEMENT EXHIBIT 5530 HOWARD PT. RD.

Auditor's Subdivision Number 367

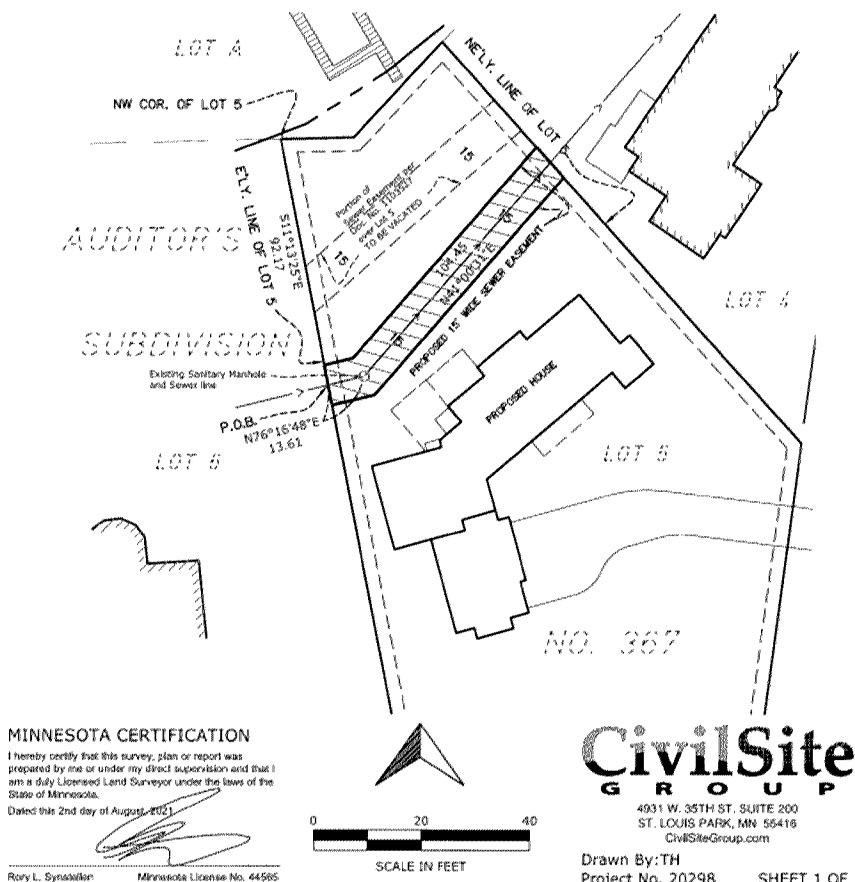
City of Shorewood, Hennepin County, Minnesota

DESCRIPTION

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the sidelines of said easement shall be shortened or prolonged to begin on said westerly line and terminate on said northeasterly line.



**CITY OF SHOREWOOD
RESOLUTION NO. 21-124**

**A RESOLUTION VACATING SEWER EASEMENT
FOR PROPERTY LOCATED AT 5530 HOWARDS POINT ROAD**

RECITALS

WHEREAS, Jonathan G. and Emily C. Van Wyck , (the “Applicants”) owns the property legally described as:

Lot 5, Auditor’s Subdivision No. 367, Hennepin County, Minnesota; and

WHEREAS, the Applicants submitted to the City of Shorewood a petition on August 11, 2021 requesting the vacation of an easement within their parcel (the “Vacation”); and,

WHEREAS, pursuant to Minnesota Statutes §412.851, notice of the Vacation was provided to the Commissioner of the Department of Natural Resources (DNR) with opportunity to comment; and,

WHEREAS, the DNR submitted no reply, objections or proposed restrictions as to the Vacation; and,

WHEREAS, the City of Shorewood requires the dedication of a correct easement centered over the existing sewer main; and,

WHEREAS, notice of public hearing on the proposed Vacation of sewer easement in the City of Shorewood, Hennepin County, Minnesota, was published in the Excelsior/Shorewood edition of the SUN SAILOR NEWSPAPER on the September 30th and October 7th, 2021; and,

WHEREAS, said notice of public hearing was posted on the city’s website and at the Shorewood City Hall; and,

WHEREAS, the City of Shorewood City Council heard all interested parties on the question of the Vacation at a public hearing on the 25th day of October, 2021, in the Council Chambers at the City Hall.

RESOLUTION

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Shorewood, Minnesota that the easements legally described as follows and depicted in Exhibit A is hereby vacated for public sewer purposes:

All that portion of the 15.00 foot wide Sanitary Sewer Easement as described in Document No. 1103527, filed in the Office of the Registrar of Titles, Hennepin County, Minnesota, lying within Lot 5, AUDITOR’S SUBDIVISION NUMBER 367, according

to the recorded plat thereof, Hennepin County, Minnesota. The center line of said portion lying within Lot 5 being more particularly described as follows:

Commencing at the northwest corner of said Lot 5; thence southerly along the westerly line of said Lot 5 on an assumed bearing of South 11 degrees 13 minutes 25 seconds East for 56.48 feet to the point of beginning of the center line to be described; thence North 48 degrees 31 minutes 32 seconds East for 97.28 feet to the northeasterly line of said Lot 5 and said center line there terminating.

NOW THEREFORE BE IT FURTHER RESOLVED, that the City Clerk is directed to record this resolution with the Hennepin County Recorder and Surveyor's Offices in accordance with Minnesota Statutes.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF SHOREWOOD this 25th day of October, 2021.

Jennifer Labadie, Mayor

ATTEST:

Sandie Thone, City Clerk

EXHIBIT A:

EASEMENT VACATION EXHIBIT 5530 HOWARD PT. RD.

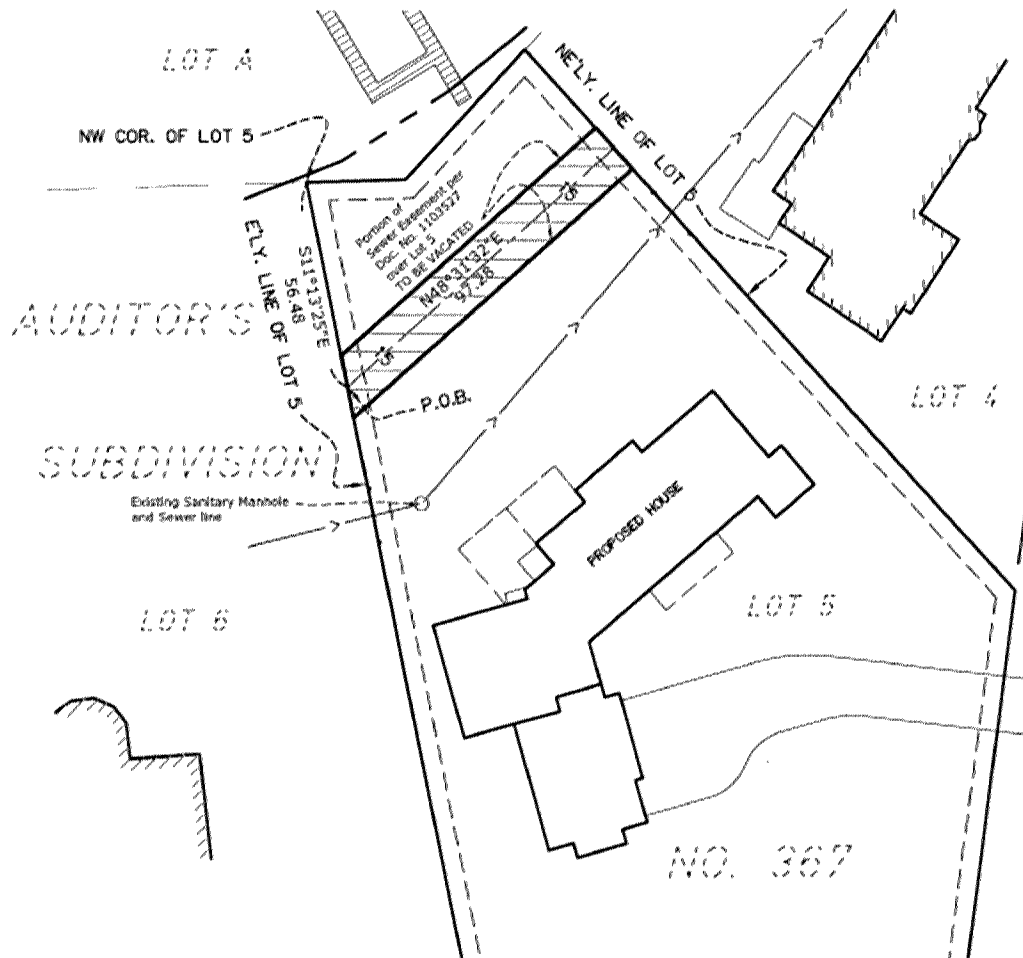
Auditor's Subdivision Number 367

City of Shorewood, Hennepin County, Minnesota

DESCRIPTION

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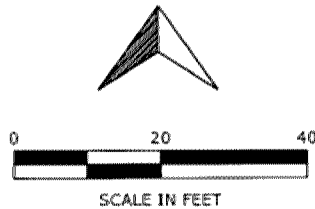
MINNESOTA CERTIFICATION

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

Dated this 9th day of August, 2021

Rory L. Synstaelen

Minnesota License No. 44585



CivilSite
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4831 W. 35TH ST. SUITE 200
ST. LOUIS PARK, MN 55418
CivilSiteGroup.com

Drawn By: TH
Project No. 20298

SHEET 1 OF 1



City of Shorewood Council Meeting Item

#7F

MEETING TYPE
Regular Meeting

Title / Subject: Approve Amendments to the 2040 Comprehensive Plan
Meeting Date: October 25, 2021
Prepared by: Marie Darling, Planning Director
Attachments: Planning Commission Memo for October 5, 2021
Correspondence Received
Resolution

Copies of the 2040 Comprehensive Plan are available on the City's website:
www.ci.shorewood.mn.us under Planning and Building/Comprehensive Plan

Background:

In September of 2019, the City received comments from the Metropolitan Council regarding the City's 2040 Comprehensive Plan. The Metropolitan Council held the City's plan incomplete for several items. Their most impactful comment related to the inadequate amount of land designated as five dwellings per acre. In November of 2020, staff met with the City Council to discuss various approaches to increase the density. Based on the information discussed at that meeting, staff brought changes to the Comprehensive Plan to the Planning Commission at their October 5, 2021 meeting (Report attached).

At that meeting, about 50 residents were present, about a dozen spoke, and many letters were received. The Planning Commission discussed the amendments proposed including the information presented by staff, the City's consultant and the public. They unanimously recommended approval of the items but wanted the staff to present the City Council with options to protect commercial property owners from the impacts of operating as legally nonconforming. Three commercial properties, 23400, 23425, and 23445 Smithtown Road (County Road 19), would eventually be nonconforming if the changes to the land use plan were approved. The properties would need to be rezoned to be consistent with the newly applied higher density land uses that were approved in the Comprehensive Plan.

Nonconforming Uses:

The planning commission requested options to protect the commercial properties so that the existing uses could be allowed to continue indefinitely into the future as conforming uses. Staff have looked at several options:

- a. Keep all three properties as commercial land uses and include a paragraph discussion in the text of the plan that high density could be considered as an option for the future. This would not count as an opportunity area but could provide an indication of how the properties could redevelop in the future.
- b. Keep all three properties as commercial.

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.*

- c. Amend the properties as future high-density land uses and amend the zoning ordinance to either: 1) allow expansion of non-conforming uses with a conditional use permit or 2) allow the existing commercial uses as interim uses in a high-density residential zoning district until a specified trigger is reached.
- d. Amend the properties to future high-density land uses and allow the uses to continue as legally non-conforming uses.

Staff recommends either of the option a., b. or d., and finds either course of action in option c. problematic. The goal of re-guiding the properties would be to transition them to other uses. If the City Council decides that the need to keep these properties as commercial uses over residential uses, the cleanest option would be to keep the properties guided for commercial uses.

As a further concern about option C, staff would remind the City Council that the zoning regulations previously included flexibility for nonconforming uses by conditional use permits in the past. The City lost several lawsuits over such language as they tried to fight unpleasant expansions. Staff finds it prudent to avoid future entanglements with those situations altogether.

Other Issues Raised:

Protect the Shorewood Marina as an important means to allow lake access for those that do not live on the lake. Staff indicated that the Shorewood Marina is already guided for residential uses and the change to medium density would have no impact on the use of the property as a marina. It would continue as a conforming land use within the L-R zoning district.

Re-guiding the properties around Smithtown and along the shore of Lake Minnetonka would not produce affordable housing. Staff responded that the City is required to provide opportunity areas for affordable housing which are defined as those areas allowed to develop at 8 units per acre or greater. The City is not obligated to provide or build such apartments and is not punished if the opportunity areas are not constructed by 2040.

Access to 23400 Smithtown Lane for redevelopment should not occur via Lake Street. The speaker was concerned about redeveloping the dredging company for housing as the only public street frontage in on Lake Street, which would be inadequate for the increase in traffic. Staff respond that the applicant for redevelopment would need to resolve the access issues prior to approval of any redevelopment of the site.

Areas where Mixed Use is applied as the future land use are both problematic traffic areas. Staff responded that that concern is written into the Comprehensive Plan and any future PUD amendments would be required to show that the new development would mitigate traffic issues, fit within the goals

and policies of the city, and be developed in a manner that is consistent with the character of the immediate vicinity.

Why does the Metropolitan Council want to encourage more density when the population is declining?

The population in the Metro area is not declining, it is growing and is projected to continue to grow through 2040. The city's consultant responded that the Metropolitan Council's goal is to decentralize density and encourage growth to occur in areas that are adequately planned to accommodate it in terms of regional infrastructure like sewer, roads, parks, etc.

Has the Metropolitan Council taken into account other multiple family developments elsewhere in the area or the new units in the Minnetonka Country Club? Staff responded that the new apartment building constructed in Tonka Bay satisfied Tonka Bay's requirement, not Shorewood's. The Minnetonka Country Club is too low a density to satisfy the requirement for new housing at five units per acre or greater.

What would a 30 dwelling per acre apartment building look like? A resident was concerned as he had found a photo on the Metropolitan Council's website of a dense development that said it was 28 units per acre (attached). Staff recognized the photo as a Bloomington development and contacted one of the city planners that worked on it. The Bloomington planner indicated the photos shows a high-density residential development with over 60 units per acre, not 28 as labeled. The Bloomington planner was not sure why the Metropolitan Council labeled it as 28 units per acre, unless they included acreage developed with a hotel, strip retail and a grocery store on it as well as the land with the apartments. Although some city's do allow double counting, Shorewood's Comprehensive Plan was not drafted to allow the total acreage on the site to be used in calculating density.

Traffic Issues at Eureka and Highway 7. A resident submitted a letter with a concern for the proposed re-guiding at 25485 Highway 7 from Minimum density residential (.1 to 1 dwelling per acre) to Low Density residential (1-2 dwellings per acre) due to traffic issues at that location. Staff notes that the proposed change would allow one additional dwelling at that location, which would be a negligible increase.

Phase that the Comprehensive Review is in. A resident asked what phase the review of the comprehensive plan is in.

- The Comprehensive Plan review started in 2017 and a number of open houses were held then and a community survey was also done.
- The body of the Comprehensive Plan was drafted and released to the other applicable jurisdictions for their six-month comment period.
- All comments were reviewed and incorporated where necessary.

- In 2019, the Comprehensive Plan was reviewed by the public at a public hearing at the Planning Commission and adopted by the City Council.
- Shortly thereafter, it was submitted to the Metropolitan Council.
- In July of 2019, the City of Shorewood received an incomplete notice of from the Metropolitan Council with a list of items to correct.
- In November of 2019, the mayor and staff met with the City's Metropolitan Council representative and staff to discuss options for the plan.
- Staff and the consultants met and discussed options for the Comprehensive Plan and presented a few options to the City Council at a work session in November of 2020.
- A second public hearing was held on October 5, 2021 at the Planning Commission.

The remaining process to complete the Comprehensive Plan includes:

- Gain approval for the amendments by the City Council
- Provide notice of the amendments to the surrounding jurisdictions and other reviewing jurisdictions.
- Resubmit the plan to the Metropolitan Council and allow them to complete their review.

Financial or Budget Considerations: The City Council has previous budgeted funds for the Comprehensive Plan Update to provide for the costs associated with developing the plan.

Recommendation / Action Requested: Staff recommends reviewing the public testimony and the Planning Commission's discussion, and discuss the approach proposed in each of the areas:

1. The area near County Road 41 and Hwy 7 (Mixed Use)
2. The area near Hwy 7 and Old Market Road (Mixed Use)
3. The area on both sides of Smithtown Road near the border with Excelsior (High Density)

Staff and the Planning Commission recommend adoption of the attached resolution approving the plan subject to the Metropolitan Council's review and comment pursuant to State Statute and authorizes staff to submit the plan to the Metropolitan Council and the reviewing jurisdictions.

Action on this item requires a simple majority vote.



CITY OF
SHOREWOOD

4C

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: October 5, 2021

RE: **Discussion of Amendments to the Comprehensive Plan**

Background

As introduced at the August 3, 2021 Planning Commission meeting, the City received review comments from the Metropolitan Council some time back and the most impactful comments were the need to allow the potential to add an additional 155 households between 2018 and 2040. To create these 155 dwellings, the City needs to allocate properties with density greater than five dwellings per acre and at a density high enough (8 dwellings per acre or more) to produce 48 affordable dwellings.

The previous draft proposed meeting the need for more homes and higher density through joint housing projects with other small lake communities that share the same market area. However, in subsequent meetings, Metropolitan Council staff indicated that approach is not consistent with statutory requirements. The previous draft also proposed increasing density ranges to provide the required housing. The City also addressed this need by adjusting the allowed densities of two land use classifications: Low to Medium Density (now 3-6 dwellings per acre) and Medium Density (now 6-8 dwellings per acre). These changes were not enough to satisfy the requirements.

As a result, the City's consultants came up with some alternatives and discussed those options with the City Council in November of 2020, see the attached memo. The Consultants incorporated council direction into the plan, which is attached for your review along with a response letter. The draft plan meets the Metropolitan Council's direction.

The changes include the creation of a new land use "Commercial Mixed Use". The concept of this new land use would be to preserve the right to continue the commercial uses on the site but allow for the opportunity to add residential to the properties as long as the development can mitigate any traffic issues and is appropriate for the context of the area. The specific language included in the Comprehensive Plan is included on the next page.

The following is an excerpt from p. 120 of the Comprehensive Plan:

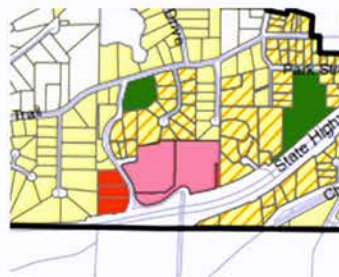
Commercial Mixed Use. While the City aims to maintain vibrant commercial areas to serve community residents, certain commercial areas have been identified as being appropriate for the Commercial Mixed Use designation. The City has identified certain key existing commercial areas that are capable of providing for housing units in conjunction with maintaining commercial activity. These housing units would provide adequate density to aid in increasing the commercial customer base while also providing for a greater range of housing choice within the community.

These sites may merit redevelopment into mixed use, provided the development plan is appropriate for the context of the area, traffic issues are properly mitigated, and it fits within the goals and policies of the City. The City requires a minimum of 50% of the site to be maintained as a Commercial land use, to continue the important commercial presence within these areas.

Residential uses with a minimum of 15 units per acre and a maximum of 30 units per acre shall be used for a minimum of 40% of the site, provided it can be established in a manner that is consistent with the character of the immediate vicinity.

The new Commercial Mixed Use land use is proposed to be applied to the following parcels (see graphic to the right):

- 23470-23800 State Highway 7 (Cub Foods and the attached shopping center)
- 19905-19625 State Highway 7 (Holiday/shopping center easterly to New Horizon Day Care)



Cub Foods and Adjacent Shopping Center at Hwy 7 and CR 41

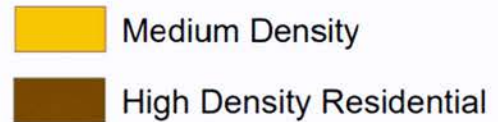


Commercial properties along Hwy 7 East of the Old Market Intersection



The amendments also include the following changes:

- Included the following properties as high density (8-30 dwellings per acre):
 - 23400 Smithtown Road (dredging company)
 - 23425 County Road 19 (storage building)
 - 23445 County Road 19 Garden Spot (garden sales and greenhouse)
- Including the following properties as medium density (6-8 dwellings per acre):
 - 23500 Smithtown Road (Shorewood Yacht Club)



Finally, one “Housekeeping” Change:

- To be consistent with other parcels in the area: 25485 State Highway 7 (from Minimum Density to Low Density)

Staff would request the Planning Commission review the changes and discuss these approaches.

NOTICE OF THE AMENDMENTS:

Each property owner was sent a letter regarding the changes about six weeks prior to this meeting. The amendments were published in the official newspapers about 10 days prior to this meeting. Mailed notice was sent to all property owners within 500 feet of each property about 10 days in advance of this meeting.

ATTACHMENTS:

Future Land Use Map

City Council memo for November 23, 2020

Minutes from the City Council work session on November 23, 2020

Draft Response to the Metropolitan Council dated July 29, 2021

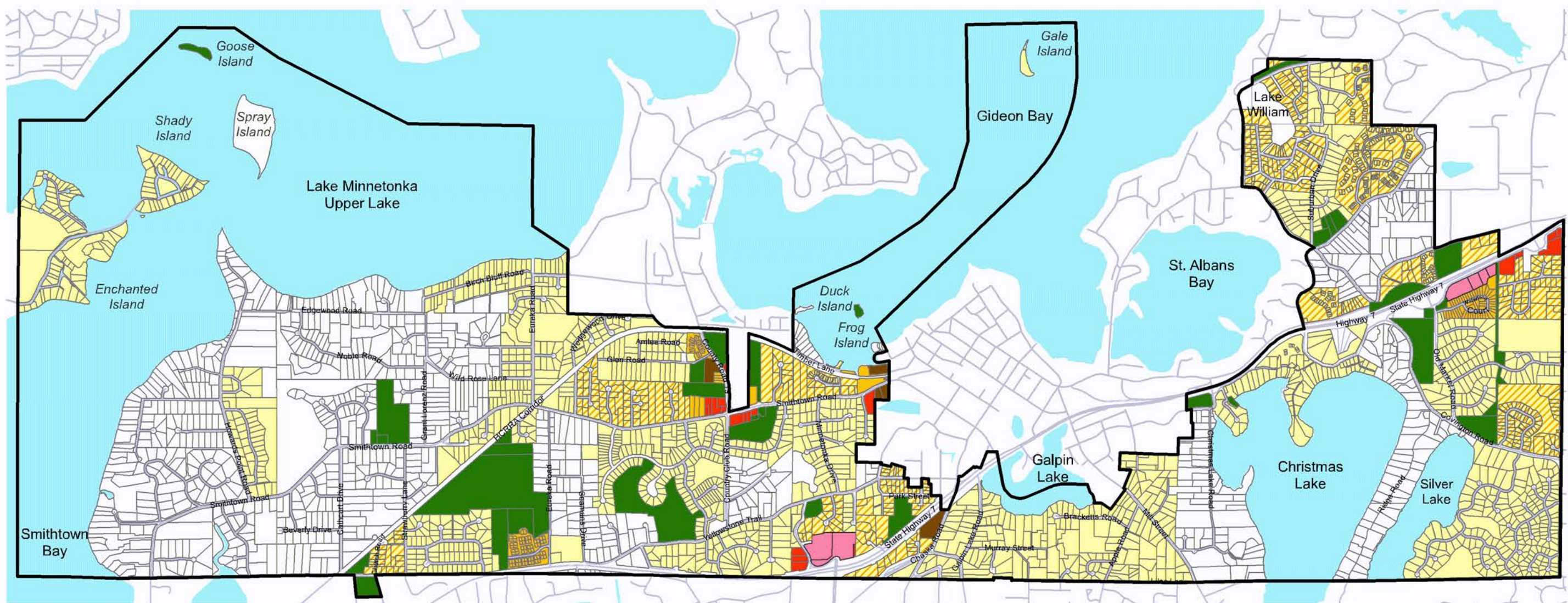
Comprehensive Plan <http://www.ci.shorewood.mn.us/CompPlan> (not case sensitive) (Paper copy not included, please use this link to Website)

Correspondence Received




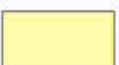





Future Land Use

City of Shorewood

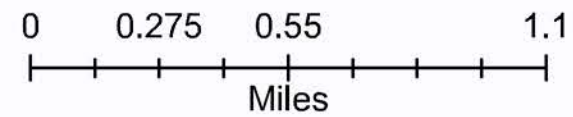
2040 Comprehensive Plan



Future Land Use

- | | | |
|--|--|---|
|  Minimum Density Residential |  High Density Residential |  City Boundary |
|  Low Density Residential |  Commercial | |
|  Low to Medium Residential |  Commercial-Mixed Use | |
|  Medium Density |  Public/ Semi- Public; Public/Semi-Public | |

Map created: December 2020
Data: NAC, MNDNR, Metropolitan Council



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City of Shorewood Council Meeting Item

#2

MEETING TYPE
Worksession

Title / Subject: 2040 Comprehensive Plan Discussion
Meeting Date: November 23, 2020
Prepared by: Marie Darling, Planning Director
Attachments: NAC Response Letter to Metropolitan Council
Strikeout/Underscore Version of Land Use Chapter
Final Draft Version of Land Use Chapter

A copy of the 2040 Comprehensive Plan sent to the Metropolitan Council last summer is available on the City's website

Background:

The City's consultants have finalized the revisions necessary to resubmit the Plan to the Metropolitan Council. For most of the revisions, the changes are minor; and staff did not include a full copy of the plan for your review this evening. The most significant changes to the Comprehensive Plan were made to the land use chapter, with those changes repeated in the housing chapter. Due to the length of the Chapters and the amount of repetition, staff did not include the housing chapter language in your packet this evening.

The significant changes to the land use chapter include amending the land use map and the text in the following areas per the previous Council direction:

- 19905 State Highway 7: A paragraph was added within the text of the land use chapter indicating that this site is a mixed-use site. (P. 115 of the strikeout/underscore version of the land use chapter)
- 23400, 23425 and 23445 Smithtown Road were changed from Commercial to High Density Residential
- Changes to the tables throughout the chapter to be consistent with the land use map.

The Metropolitan Council's direction was to add enough locations to produce 155 dwelling units and 48 units of affordable housing. Both need to be at a density of 5 units per acre or greater.

Using the Metropolitan Council's calculations, these sites, plus other properties classified for a density over five units to the acre would produce 95 of the required dwellings including 30 of the required 48 affordable housing units. In a meeting held between the Mayor, City Staff and the Metropolitan Council staff and appoint representative, the Met Council staff also told the City that the city could be complete but not compliant in this regard. However, staff could also include the Shopping Center at Hwys 41 and 7 as a mixed-use site, which would bring the numbers even closer to meeting the requirements.

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 would like direction on the following:

1. Are the changes that were directed by Council adequate as shown on the map? Or should staff include the shopping center property at Hwys 41 and 7 as mixed use to approach the original direction of the Metropolitan Council?
2. Level of review with the public: The changes to the land use map are not required to be reviewed again by the public. However, they are substantial changes and staff recommends allowing some public notice and public comment, even if it is a generic notice regarding the review of the final document changes. Notice also could include the City of Excelsior, residents within 500 feet of the affected properties, etc.

MINUTES

1. CONVENE CITY COUNCIL WORK SESSION MEETING

Mayor Zerby called the meeting to order at 6:00 P.M.

A. Roll Call

Present. Mayor Zerby; Councilmembers Johnson, Labadie, Siakel, and Sundberg; City Administrator Lerud; Planning Director Darling; Director of Public Works Brown; City Engineer Budde, and Nate Sparks, Northwest Associated Consultants (NAC)

Absent: None

B. Review and Adopt Agenda

Johnson moved, Siakel seconded, approving the agenda as presented. Roll Call Vote: Ayes – all. Motion passed 5/0.

2. Comprehensive Plan Discussion

Planning Director Darling explained that the City's consultants have finalized the revisions needed in the 2040 Comprehensive Plan. She stated that most of the changes are relatively minor. She stated that staff wanted to have one more informal meeting to discuss the more substantive changes needed in the Land Use map. She stated that the Met Council had sent back the Comprehensive Plan to the City stating that there needed to be more opportunities to produce one hundred fifty-five more dwelling units including more opportunities to provide forty-eight more units of affordable housing. She noted that the City already held public hearings on the Comprehensive Plan, however there will be changes made to the Land Use map, which infers some property rights. She stated that she feels it may be appropriate to notify property owners within five hundred feet of the properties proposed as changes and staff will also meet individually with the property owners. She noted that staff is looking for direction from Council on whether they would like them to hold a full public hearing at the Planning Commission or if bringing the changes to the December 14, 2020 Council meeting would be adequate.

Nate Sparks, NAC, gave an overview of the information included in the Comprehensive Plan and explained how the City made the calculations. He gave a brief explanation of the staging plan and noted the possibility of certain areas being designated as mixed use in order to come up to the numbers determined by the Met Council. He stated that some of these areas could be included but the likelihood of them actually being developed is questionable because some of them are fairly successful business areas where the economic incentive for this is not necessarily present. He reviewed the proposed changes in the Comprehensive Plan surrounding affordable housing.

CITY OF SHOREWOOD WORK SESSION COUNCIL MEETING MINUTES

NOVEMBER 23, 2020

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Councilmember Johnson noted that he is inclined to include parcels seven and forty-one as mixed use. He stated that he would support taking out the Shorewood Yacht Club property as well as the ones across Smithtown.

Planning Director Darling noted that the parcel shown is the dredging company.

Councilmember Siakel stated that she thinks it makes the most sense to put the most density along corridors. She asked about the businesses off of Vine Hill Road and asked if that was considered mixed use.

Councilmember Johnson stated that he believes that this is mixed use and would consider from Valvoline to Holiday as potential mixed use.

Mayor Zerby stated that he would go further to the self-storage facilities.

The Council discussed the issues related to access for the dredging company.

Councilmember Johnson stated that he would like to clear up the border issues with Excelsior and then revisit this topic.

Councilmember Labadie stated that she would agree with Councilmember Johnson and asked Planning Director Darling for her opinion.

Planning Director Darling stated that the reason the dredging company was originally included was because the property owner is interested in redeveloping it for residential uses and have been softly marketing the property.

Councilmember Labadie asked if that would cause issues with the neighboring property that is divided between two cities.

Planning Director Darling explained that the complication would be more of a social complication rather than a land use complication.

Mayor Zerby noted that this is a long-range plan and not for the next year or two. He stated that he thinks this is a City-wide topic and deserves public input. He stated that he would propose a public hearing at the Planning Commission and invite residents to give their input.

Councilmember Sundberg stated that she agreed and asked if the resident comments would be shared with the Met Council.

Planning Director Darling stated that her understanding is that if it is a public meeting, the comments have to be shared with Met Council.

Councilmember Sundberg stated that she thinks it would be good for the Met Council to get the public comments.

Councilmember Siakel stated that she disagreed about holding a public hearing, because this has already been provided to the public and there has not been much feedback surrounding redevelopment. She stated that the City rarely has anybody give feedback and the Comprehensive Plan is usually used as a reference to prevent change or as opposition to a

CITY OF SHOREWOOD WORK SESSION COUNCIL MEETING MINUTES

NOVEMBER 23, 2020

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development. She stated that she thinks a public hearing at the Planning Commission will create more work for staff with the ultimate result being the same as if they had not held the public hearing. She stated that she is comfortable moving forward at a Council meeting.

Mayor Zerby stated that he disagreed because the information being reviewed tonight is new and the public has not seen this yet.

Councilmember Siakel reiterated that she does not think the results will be any different.

Councilmember Labadie stated that she agreed with both Mayor Zerby and Councilmember Siakel. She stated that she does not think the result will be any different, but feels the right thing to do is to make the process transparent and give people the opportunity to give feedback.

Councilmember Sundberg stated that she does not see any harm in proceeding with a public hearing.

Councilmember Johnson suggested that Planning Director Darling put a blurb in the newsletter. He asked if the Council wants to consider adding the adjacent parcels along the Highway 7 corridor and noted that including these properties may get the City where they need to be according to the Met Council.

Mayor Zerby stated that he does not like the phrase "need to be" and noted that the City has spoken with the Met Council who indicated that it would be all right if the City submitted a proposal that did not meet all of their requirements. He stated that he thinks the numbers are a bit arbitrary and thinks the City does not need to strive to get where it "needs to be", but just to do the right thing.

Councilmember Johnson stated that when he drives by that area, he thinks it would be a great place for a restaurant with some apartments above.

Mayor Zerby stated that he would agree, but feels the intersections need to be examined more thoroughly.

Planning Director Darling asked if the Council would like staff to add a 'Mixed Use' category and include them on the map or just continue keeping them in the text of the document.

Mr. Sparks stated that if the City created something that allowed mixed use in commercial areas, it would meet what the Met Council says the parameters are for the City. He stated that they would also define what the City considers mixed use and could potentially reject sites that don't work because of transportation or access issues. He noted that there are both vertical and horizontal options for mixed use and gave examples of horizontal mixed-use projects in the City of Mound.

Councilmember Johnson stated that he would support that idea.

Mayor Zerby stated that he likes the idea of adding a percentage to the amount of commercial and residential allowed as suggested by Mr. Sparks.

Councilmember Johnson asked if there was a conclusion around including the dredging company.

There was Consensus from the Council to include the dredging company.

Planning Director Darling asked if the Council was comfortable including the Garden Patch site and the small storage building.

There was Consensus of the Council to include those locations.

3. ADJOURN

Johnson moved, Sundberg seconded, Adjourning the City Council Work Session Meeting of November 23, 2020, at 6:36 P.M. Roll Call Vote: Ayes – all. Motion passed 5/0.

ATTEST:

Scott Zerby, Mayor

Sandie Thone, City Clerk



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MEMORANDUM

TO: Shorewood Planning Commission and City Council

FROM: Nate Sparks, Consulting Planner

DATE: July 29, 2021

RE: Shorewood - 2040 Comprehensive Plan

BACKGROUND

Based on Metropolitan Council comments, a revised version of the Land Use Plan chapter of the draft plan was created for review. The City Council reviewed the revisions at the November 23, 2020 work session. Based on the discussion at the work session, some minor modifications were made to meet the remaining requirements from the Metropolitan Council.

PLAN CHANGES

The Land Use Plan was slightly adjusted to include specific parcels that are identified for potential future development and the minimum number of housing units that can be provided (Pages 122-123).

Some of the parcels are commercial in nature being reclassified as residential. Others are residential but have the land area and capacity for new development. These properties provide for new units that can be used to come close to meeting the required forecasts.

Additionally, there was a new land use designation added to the plan, called "Commercial-Mixed Use." This designation allows for the potential introduction of housing units to certain specified commercial areas. This allowed for the plan to provide the number of units and density required by the Metropolitan Council.

The Metropolitan Council requested that the City provide 155 new units of housing at 5 units per acre. The plan now meets these standards.

The Metropolitan Council also requested that the City provide 48 units at a minimum of 8 units per acre to qualify as meeting the affordable housing requirements. With the provided areas of high density and mixed use, the plan now meets this standard.

RESPONSE TO MET COUNCIL

The following is a summary of stated “required information” (necessary in order to deem the Plan complete) as well as a City response which describes the changes which have been made to the updated version of the Comprehensive Plan or provides related comments.

WASTEWATER

The City must include a copy or copies of intercommunity service agreements entered into with an adjoining community, or language that confirms the Council’s understanding that the communities reimburse each other for the municipal wastewater charges that each will occur by receiving flow from the adjacent community; including a map of areas covered by the agreement.

Response. The agreements will be attached as Appendix G to the plan. The plan will reference reimbursement policies between the cities.

TRANSPORTATION

Transit. The Plan must be revised to include a full description of Shorewood’s Transit Market Areas (TMA), which include both TMA 4 and TMA 5, which includes the portion of the City west of Eureka Road.

Response. The Transportation Section is updated to include references to all Transit Market Areas in the City on page 180.

Advisory Comment

The Plan should include reference to Metro Mobility or Transit Link in the transit section. Both are available in Shorewood, and the document should directly mention these dial-a-ride services.

Response. The two dial-a-ride services mentioned above have been referenced in the Transit section of the Plan on page 180.

Bicycling and Walking. The Tier 1 and 2 Regional Bicycle and Transportation Network (RBTN) corridors / alignments must be mapped in the Plan. The RBTN could be added to the local park and trail system map or provided in a separate map identifying the. The RBTN GIS file can be located here:

<https://gisdata.mn.gov/dataset/us-mn-state-metc-trans-regional-bike-trans-netwrk>.

Response. The proper Regional Bicycle and Transportation Network corridors/alignments are illustrated on the updated Regional Parks and Trails map on page 46.

PARKS

The Plan must describe, map and label the Lake Independence Extension Regional Trail Search Corridor. A description of the Lake Independence Extension Regional Trail Search Corridor is available on page 34 of Shorewood's 2015 System Statement, and available online at:

https://metro council.org/Communities/Planning/Local-Planning-Assistance/System-Statements/System-Statements/02395877_Shorewood_2015SS.aspx.

A map of the Regional Parks System in the City, including the regional trail search corridor, appears on page 36 of Shorewood's System Statement.

City Response. The Regional Parks System map (prepared by the Metropolitan Council) which includes the Lake Independence Extension Regional Trail Search Corridor has been added to the Plan as a new map which illustrates regional Parks and trails in both the City of Shorewood and surrounding areas on page 46.

The Plan must also include a capital improvement program for parks and open space facilities as part of the implementation section.

City Response. The City's capital improvement program, which includes specific programs for parks and open space has been attached to the Plan as Appendix C.

FORECASTS

The Land Use Chapter must include an analysis specifying what quantities of land will be developed over the next two decades, and at what densities. While the Plan includes a map of vacant and undeveloped land supply, estimated at 202 acres, there is not enough information in the Plan to determine that the land supply accommodates the growth forecast (155 additional households during 2018-2040). A housing capacity and staging table needs to be added to the Plan.

City Response. The staging plan is on Page 123 depicting the number of units provided. Pages 122-123 depict the specific parcels with the future units associated.

The Council requires some measure of employment-bearing land use intensity for commercial and industrial land uses to be added to the Plan. Acceptable measurements of intensity include Floor Area Ratio (FAR), or building footprint coverage, or jobs per acre, or setback and height restrictions. Any of these would meet the requirement of measuring of employment-bearing land use intensity.

City Response. The City is not increasing the commercial and industrial properties within the plan, as the City is currently meeting the employment forecasts.

Advisory Comments

Council staff find that recent employment growth and population growth have significantly exceeded what was expected in the current decade. The City can request that the employment numbers be increased with the Plan update. Council staff recommend adding +200, +300, and +400 population respectively to each of the 2020, 2030, and 2040 forecasts. The households number can remain as is.

Further, we recommend resetting the employment forecast to 1,600 jobs for each of the future forecast years; Shorewood reached 1,600 jobs in 2018.

Shorewood								
	Census	Previous Council Forecasts			Estimates	Council staff recommendation		
	2010	2020	2030	2040	2018	2020	2030	2040
Population	7307	7400	7500	7600	7693	<u>7600</u>	<u>7800</u>	<u>8000</u>
Households	2658	2800	2910	3000	2845	2800	2910	3000
Employment	1113	1300	1340	1400	1600	<u>1600</u>	<u>1600</u>	<u>1600</u>

Response. The City accepts the revised forecasts and uses these assumptions in the revised version of the Land Use Plan.

LAND USE

Community Designation. *The Plan must include a map acknowledging the City's regional Community Designation as Suburban. The Plan does acknowledge the overall density expectations for Suburban Communities at five units per acre, but the Community Designation Map is not included. The map is available on the City's Community Page of the Local Planning Handbook.*

Response. The Community Designation map has been added to the Plan on page 111.

Existing Land Use. *The Existing Land Use table states 2016 land uses and the Existing Land Use map states 2017 land uses. This information must be consistent.*

Response. The Existing Land Use table has been modified to be convey 2017 information such that the table and map are consistent and is included on page 127.

Right-of-way is included on the table and not in the map legend. This information must be represented consistently.

Response. Right-of-way has been added to the legends on both the Existing Land Use map and the Land Use Plan on pages 116-117.

Future Land Use

Land use categories must include types of allowed uses and include a description of allowable housing types such as single family, detached, duplexes, townhomes, etc.

Response. The land use categories in the previously submitted version of the Plan and the revised Plan both reference types of allowable uses and housing types. Further clarification of this has been added on pages 118-120.

The Plan must address missing information or resolve inconsistencies within the Plan regarding the density ranges for planned land uses.

Response. This has been included in the revised Land Use Plan. There are no longer inconsistencies. It may be found on pages 118-120

The Plan should provide a table of identified redevelopment or new development areas that includes future land uses, acreages, density ranges, and total residential units in 10-year increments.

- *The narrative describes areas that could be developed for residential or a mix of uses and also need to identify a timeframe.*
- *The narrative describes areas for potential high-density residential development and needs to assign a timeframe and depict these areas on a map.*

Response. A table with staging has been added to the revised Land Use Plan on page 123.

For mixed used districts, the Plan must include estimates of the percentage of land that would be used as residential.

- *These percentages should reflect the Plan's flexibility in defining mixed use districts as either vertical mixed use (e.g., 100% residential with integrated non-residential uses) or some combination of a horizontal mix of uses (e.g., 50% of parcels developed as residential).*
- *For example, the narrative describes two areas that could be developed with a mix of uses on page 114. The section should include the share and density ranges for those uses.*

Response. The description of the Commercial Mixed Use designation can be found on page 120.

Advisory Comment

Staff encourages the City to develop a table that simplifies and clarifies the future land use analysis and policy, and one that would fulfill the Plan requirements. Information could be added to the Existing and Proposed Land Uses table on page 120. These elements include the following:

- *Guiding land use*
- *Acreage anticipated to develop*
- *% of land anticipated to develop as residential*
- *Timeframe (e.g., 2021-2030)*

Response. A revised land use table is included with a diagram showing parcels included for meeting the forecasts and is on pages 122-123.

Density Calculations

More information is needed to determine the average net residential density for the City. The Plan must identify where forecasted residential growth will happen on the Future Land Use Map or a separate map showing expected new development and re-developed areas and focusing on areas of change. Show which planned land uses have changed from the City's previously approved plan and where new land uses (change or development intensity) are planned/expected. This information must match the future land use table recommended above.

Response. This has been included in the revised Land Use Plan. The City is delivering new development at the required levels (over 5 units per acre) as demonstrated on page 123.

Staged Development and Redevelopment

A staging table noting the number of acres potentially available for development within each 10-year planning period must be included in order to clarify the City's

ability to meet the minimum required density for a Suburban Community of five units per acre.

Response. A staging plan is included on page 123.

Identify potential local infrastructure impacts for each 10-year increment.

Response. The plan has been revised to account for this on page 169.

Demonstrate that the City is capable of providing services and facilities that accommodate its planned growth in the included a capital improvement plan or similar document.

Response. The capital improvement plan is attached as Appendix C.

The staging plan or likely development phasing must be consistent with the volume of anticipated sewer flow identified in the City's Local Comprehensive Sewer Plan.

Response. This is revised in the Sewer Plan on page 194.

HOUSING

Existing Housing Need

Plans must provide the number of existing housing units that are affordable within each of the three bands of affordability (less than 30% Area Median Income (AMI), 31-50% AMI, and 51-80% AMI).

Response. The number of housing units for the three bands of affordability have been added to the Housing Plan on page 137.

Plans must state the number of publicly subsidized or income-restricted housing units available within the City, even if that number is zero.

Response. The number of publicly subsidized or income-restricted housing units available within the City, has been added to the Housing Plan on page 136.

Plans must provide the number of existing households that are housing cost burdened within each of the three bands of affordability.

Response. The number of existing households that are housing cost burdened within each of the three bands of affordability have been indicated in the Housing Plan on page 136.

Maintenance and senior housing options have been identified as existing housing needs. Once the missing data is provided, the Plan should consider if they reveal any additional existing housing needs. Once existing housing needs are clearly stated, a description of all widely recognized tools Shorewood would consider using to address those needs, and in what circumstances, is required for the Plan to be complete.

Response. Within the Housing Plan, the description of housing tools has expanded in a manner similar to the example provided by the Metropolitan Council on pages 140-145.

Projected Housing Need

Land guided to address Shorewood's 2021-2030 allocation of affordable housing is not sufficiently described for review. A staging table noting the number of acres available or likely to develop within the Medium Density Residential and the High Density Residential land uses in the 2021 decade is necessary to determine if sufficient land is guided to address Shorewood's allocation.

Response. As explained on page 137, the City is providing the affordable housing units in a manner consistent with regional policy.

Implementation Plan

The Plan must describe and provide policy direction on what available housing tools it is likely or unlikely to use with respect to identified housing needs. As a reminder, housing needs include those identified through the existing housing assessment narrative and the affordable units allocated between 2021 and 2030. This includes tools that are not locally controlled but require local support, application or administration to be successfully used. Tools mentioned by the Plan that don't adequately describe the circumstances of their use include:

- *Tax Increment Financing*
- *Hennepin County's Affordable Housing Incentive Fund (AHIF)*
- *Hennepin County HOME funds*

Referring to the Local Planning Handbook's list of recognized housing tools does not meet the requirement to describe and consider available housing tools to meet identified housing needs. As a reminder, housing needs include those identified through the existing housing assessment narrative and the affordable units allocated between 2021 and 2030. Tools not mentioned in the Plan include:

- *Tax Abatement*
- *Housing bonds*

- *Fair Housing Policy*
- *Participation in housing-related organizations, partnerships, and initiatives (basically committing to ongoing education about housing tools available to meet housing needs)*
- *City support or direct application to specific resources within the Consolidated RFP put out by Minnesota Housing*
- *Preservation of naturally occurring affordable housing, including partnership with Homes Within Reach to create land trust homes in Shorewood, local 4d tax incentives, Housing Improvement Areas, and promoting/supporting/applying for resources to preserve naturally occurring affordable housing such as MN Housing, Greater Minnesota Housing Fund's NOAH Impact Fund, and others.*

Staff has provided an example of another community's housing implementation table that meets the requirements of the Metropolitan Land Planning Act and is consistent with Council housing policy, in case it is helpful.

Response. As previously indicated, a description of housing tools is provided in the Housing Plan. The description is presented in a manner similar to that provided by the Metropolitan Council on pages 140-145.

Advisory Comment

Both pages 74 and 137 include policy direction to encourage owner-occupied housing. This policy could be considered exclusionary. Council staff encourage the City to consult with their attorney to consider if this statement leaves the City vulnerable to a Fair Housing complaint under the Fair Housing Act.

Response. These comments were removed.

WATER SUPPLY

The City must attach the final local water supply plan template, as submitted to DNR, as an attachment to the Plan so that all components of the Plan are accessible together.

Response. The plan has been attached as Appendix E.

COMMUNITY WATSEWER AND SUBSURFACE SEWAGE TREATMENT SYSTEMS

The Plan indicates that there are four individual SSTS and no public or privately-owned Community Wastewater Treatment Systems in operation in the City. Text on page 52 of the Plan states that SSTS locations "are shown on the map on the following page" of the document, however a map depicting the locations of operating

SSTS in the City was not found in the Plan. The Plan needs to be revised to contain the referenced map.

Response. The ISTS map has been inserted into the Plan on page 56.

The Hennepin County Plan indicates that the City has delegated the responsibility of permitting, inspection, maintenance management, and compliance enforcement of remaining SSTs in the City in accordance with Hennepin County Ordinance 19. The Plan is silent on this issue and needs to have text added to the Plan to either confirm that the County actively oversees the City's SSTS program, or detail how the City oversees its SSTS maintenance management program.

Response. This has been included on page 55.

AGGREGATE RESOURCES

The Plan is silent on the presence of aggregate resources in the City. The Council's aggregate resources inventory information contained in Minnesota Geological Survey Information Circular 46 indicates there are no known viable aggregate resource deposits available for extraction within the City. The Plan needs to be revised to include this information.

Response. Plan has been revised to state that there are no known viable aggregate resource deposits available for extraction within the City on page 18.

IMPLEMENTATION

Define a timeline as to when actions will be taken to implement each required element of the Plan.

Response. This has been included beginning on page 233.

The Plan must include a Capital Improvement Program (CIP) for transportation, sewers, parks, water supply, and open space facilities. Specify the timing and sequence of major local public investments.

Response. The City's capital improvement program, which includes specific programs for parks and open space has been attached to the Plan as Appendix C.

The CIP must align with development staging identified in other parts of the Plan and include budgets and expenditure schedules.

Response. This has been included as Appendix C.

Include your local zoning map and zoning category descriptions. Identify what changes are needed to ensure zoning is not in conflict with the new land use plan and consistent with regional system plans and policies.

Response. The City's zoning map and zoning district descriptions have been inserted into the Plan, followed by the zoning map. This is found on pages 22-26.

REQUESTED ACTION

City Officials need to review the plan changes and direct Staff to resubmit the plan for final approval.

Marie Darling

From: Kurt <khwehrmann@gmail.com>
Sent: Monday, September 27, 2021 6:54 PM
To: Planning
Cc: Kristi Luger
Subject: Land use changes 23400/23500 Smithtown Road

Comments for the October 5, 2021 Shorewood Planning Commission Meeting

RE: Parcels 23400/23500 Smithtown Road

I am all for growth and higher density if it is planned well. However, I am very concerned about the existing access to West Lake Street from 23400 Smithtown Road.

Prior to granting density changes two things must happen. The first is creating access for these properties directly to County Road 19. The second is closing the current access to West Lake Street indefinitely. Furthermore, the City of Shorewood, Metropolitan Council and the City of Excelsior need to ensure that the responsibility of both creating the County Road 19 access and closure of the West Lake Street access are in place in order to remove this burden from anyone who owns or develops this land.

Your time is appreciated.
Kurt

Kurt Wehrmann
444 West Lake Street
Excelsior, MN 55331-1749
iPhone: 612-968-6200
KHWehrmann@gmail.com

Marie Darling

From: Courtney Suter <courtney.suter@gmail.com>
Sent: Sunday, September 26, 2021 7:48 PM
To: Planning
Cc: Brian Suter
Subject: Eureka and Hwy 7

Hello

As you are likely aware there was a fatal traffic accident this summer on the corner of highway 7 and Eureka. This intersection continues to be a dangerous and hazardous corner as there is much congestion and bad visibility during peak hours - morning & afternoon school traffic as well as coming/going from the nearby soccer & baseball fields especially on weekends when there are tournaments or games. As a home owner in this area I am concerned about expansion and development plans along Eureka until traffic issues at this intersection are addressed. Can you please provide any updates as to what, if anything, is being reviewed and developed for this corner?

We received a notice for the comprehensive plan for the property at 25485 Highway 7 to become Medium Density. I would like to publicly voice concern for this change, as it relates to future developments, understanding that no development is proposed at this time.

However, I hope the city is taking account the loss of a young life and seriously considering improvements to this corner to make our community safer and less chaotic for all drivers.

Thank you for your consideration,

Courtney Suter

September 28, 2021

Davis Family, LLC
805 Enterprise Dr. E. Ste. G
Belle Plaine, MN 56011

Subject: Objection to change the land use of 23425 C.R. 19 (Smithtown Road) PID 34-117-23-24-0040

Marie Darling, AICP, Planning Director
Shorewood Planning Commission
5755 Country Club Road
Shorewood, MN 55331

Dear Ms. Darling and Shorewood Planning Commission,

Davis Family, LLC received correspondence from Ms. Darling dated August 20, 2021 providing notice of an upcoming public hearing to change to the comprehensive plan land use map, affecting the property located at 23425 C.R. 19 (Smithtown Road).

This letter states the proposed change would amend the land use from Commercial Service District to High Density Residential.

Let this letter serve as the property owner's formal objection to the proposed change in land use affecting the property located at 23425 C.R. 19 (Smithtown Road) PID 34-117-23-24-0040.

The proposed change by the Shorewood Planning Commission and Metropolitan Council is in direct opposition of the property owner's continued use and enjoyment of the property. This change would limit the rights of the property owner, detract business development, limits gathering resident input, and ignores the desires of residents on matters that impact them. All of these outcomes are contrary to the "visionary outcomes" stated in the City of Shorewood's Strategic Plan.

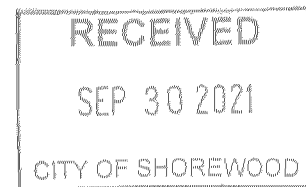
Therefore, it is in the best of interest of the property owner, the City of Shorewood and its residents to oppose the proposed change in land use.

Sincerely,

A handwritten signature in cursive script that reads "Joel Peters".

Joel Peters
Davis Family, LLC

Sept. 30, 2021



To: Marie Darling, AICP
All Planning Commission Members
All City Council Members

From: Tom & Cathy Lingo
Owners
23445 Smithtown Rd.
Excelsior
The Garden Patch

You have proposed to change the Zoning for 23445 Smithtown Rd. from Commercial To High Density Residential.

There are many drawbacks for our 23445 Smithtown Rd. property that you would like To use for residential housing. It is located along Hwy. 19 in Shorewood. Hwy. 19 is a Very, very busy highway filled with trucks of all sizes ~ several thousand cars and trucks Per day. It is very, very noisy. Many days the air is polluted with car and truck exhaust. It is dangerous for any pedestrian use and very dangerous for families with children who Would live close to it. Only businesses surround this piece of land and it is like living in A commercial area ~ because all the land around it is commercial.

Water drainage is a big problem. It is officially in a Federal Floodplain. We were Required to purchase Federal Flood Insurance when we first started our business. Also, the Land is still flooding in every heavy rain. A big problem is the high water table. Much of the Land has only a 3 ft. water table and that prevents the land from being stable, and draining Well. Another problem is the large culvert that drains Studer Pond under Hwy. 19 to Lake Minnetonka. There is a permanent easement which cuts a large piece of the property Off from the East side of the land. That shrinks the amount of land that is available for Housing. Nothing can be built above this culvert or too close to it. It's a 20 foot easement, and If there is a problem with the culvert at any location from the start of the culvert over to the spot That it drains to go into Lake Minnetonka, the city has the legal right to dig up the culvert at any spot and repair it. If any structure is in the way, it would be removed. This is the same culvert That was repaired in August for the Mary's Lake project. Since that time we now have a new Access requirement that the city needs the land open and available for checking and repairing The culvert at any time. This means that more land is not available for building, ever.

This parcel of land is not a good spot for residential homes. The purpose of high Density housing is to provide housing for new growth in the community ~ accessible and Affordable. Land that is this close to Lake Minnetonka has high land value and high Property taxes. The parcel has only a small portion that is suitable for building and only a Few units could fit. This parcel could not support accessible or affordable housing because The usable portion of the parcel is too small and the value is too high. A much better Solution to the housing problem would be to find a larger acreage further from the lake that Is not developed and a lower price for the land. An area like the Town Houses by Freeman Park Close to Hwy. 7 would be a good example. This sort of development meets all housing needs. It has been very popular and it can accommodate more types of housing such as duplexes, Smaller individual homes, four plexes, and town homes. Housing would be a much better Value in a different undeveloped area.

Another consequence of the proposed Zoning change is that the value of our land would Drop considerably and we would not be compensated for the loss. Also, while we are Operating our business, The Garden Patch, we could not make any changes to the buildings Or add any improvements because they would not be allowed in the new zoning. We would Have no options for other uses in the future of the business and the land..

We feel that our property does not offer enough safe and enjoyable space for residential Use. There are just too many restrictions and problems. The needs of a growing community Are best served in other undeveloped residential, lower valued land..

Thank you.

4C

Marie Darling

From: Peter W. Johnson <peterj@peterwjohnson.com>
Sent: Tuesday, October 5, 2021 3:12 PM
To: Marie Darling
Cc: Gabriel Jabbour
Subject: Reclassification of properties at 23400 and 23500 Smithtown Road

Ms. Darling, As we discussed, I represent the ownership of the above properties. Specifically, I represent Gabriel Jabbour and his companies. The property owner has no objection to the proposed reclassification. However, it is critically important that the current uses be allowed to continue to operate into the future without restrictions arising from the reclassification. The marina (23400) operates under an annual renewable license and both properties operate under a CUP. It is expected that those operations will continue indefinitely into the future. If a change should be required to the current license or CUP in the future, my client's property right to maintain a use should not be impaired by the proposed reclassification. Thank you.

We intend to attend the meeting this evening and would be happy to elaborate on this point should the Planning Commission have questions.

--

Peter W. Johnson
5085 Highview Place
Greenwood, Minnesota 55331
peterj@peterwjohnson.com
Phone: 612-741-1907

----- This e-mail and any attachments are intended solely for the addressee(s), is confidential, and may be subject to attorney/client and/or work product privileges. If you are not the intended recipient, or if this email has been addressed to you in error, please immediately alert the sender by reply e-mail and then delete this message and its attachments. Do not forward, distribute or copy this message and/or any attachments. Do not disclose the contents or take any action in reliance on this email or any attachments. Nothing in this email creates or modify a binding contract to purchase/sell real estate. Unless expressly represented otherwise, the sender of this email does not have the authority to bind a client buyer or seller to a contract via written or verbal communications including, but not limited to, this email communication.

4C

Marie Darling

From: (null) (null) <dsegner@yahoo.com>
Sent: Tuesday, October 5, 2021 3:57 PM
To: Planning
Subject: 10/5/21 Public hearing Planning Commission mtg

Re: properties 23425/23445/23400/23500 Smithtown Road To Planning Commission, Mayor and City Counsel: To change any commercial space on the shoreline to private residential space is problematic, resulting in even less non-residential properties available on Lake Minnetonka. There is little access left leaving the shoreline even more restricted. Another major concern is the CR19 traffic congestion that would occur in direct correlation to high density residential use. The sharp corner at CR 19 is already a concern and would only become a bigger issue if changed to high density housing. The Regional Trail crossing would now become an issue with added vehicular traffic.

This zoning change would shoehorn housing into an already congested area.

It would be in the best interest of all neighbors (commercial and residential) for the city to oppose the proposed change in land use.

Thank you for your consideration,
Doug and Ann Segner
423 Lafayette Ave, Excelsior MN

Sent from my iPhone

Marie Darling

YC

From: Paul Kobs <paulkobs@gmail.com>
Sent: Tuesday, October 5, 2021 3:39 PM
To: Marie Darling; Planning
Subject: City of Shorewood proposed changes to 23500 Smithtown Road

Hello Marie, I will be present tonight at the meeting and would like to read this statement. Providing ahead of time so that you can distribute to the Planning Commissioners.

Subject: City of Shorewood proposed changes to 23500 Smithtown Road

Comments for the October 5th, 2021 City of Shorewood Planning Commission Meeting

My name is Paul Kobs. I reside at 5585 Timber Lane with my fiancé and we are expecting our first child in December of this year.

My first comment is related to the proposed rezoning of the property located at 23500 Smithtown Road. By definition of the 2040 Shorewood Comprehensive Plan, City marinas "are viewed as **community amenities**" (p. 119) and "should **continue to function** as they have in the past" (p. 126). This property provides access to Lake Minnetonka, which "is of **prime importance to the citizens** of the community and their lifestyle" (p. 17). The plan also contains the following statements in support of **community access to Lake Minnetonka**:

- "Lake Minnetonka is the single largest park and recreational facility for use by Shorewood's citizens, **providing an opportunity for access** to that facility is, in the opinion of the city, **an adjunct of zoning** by the city" (p. 23).
- "Lake Minnetonka shall be considered a **community recreational facility** and appropriate actions shall be taken to permit **utilization of the lake by all City residents**" (p. 88).

My second comment is in reference to the proposed zoning changes as a whole. Page 139 of the 2040 Shorewood Comprehensive plan shows that of the approximately 120 homes with Lake Minnetonka lakeshore property, all have an estimated market value at or exceeding \$1M. Changing the zoning of these properties will all but guarantee similar land value, **restricting lake access** only to families that can afford \$1M+ lakeshore property and **removing community access to Shorewood's most valuable natural resource**.

My third and final comment questions the accuracy of city communications regarding these proposed changes. 23500 Smithtown is **NOT** currently zoned low to medium density residential as communicated in the Public Hearing Notice. Posted on the City website and confirmed via email yesterday with Marie Darling, the current zoning of 23500 Smithtown is L-R Lakeshore Recreational. There is only **one property in all of Shorewood zoned L-R**, which demands that we consider any proposed changes to this property with a heightened degree of sensitivity. Page 23 of the plan, states "L-R Lakeshore Recreational District is intended to recognize the desirability for areas to serve the **lakeshore recreational needs of the city**." What was communicated to the public as a seemingly small change from low to medium density residential, actually has a much more profound implication of changing to a different zone entirely.

To be clear, I am in **strong support of the Shorewood Yacht Club**, Tonka Bay Marina and the services they provide through this community amenity. They have exhibited thoughtful leadership to bring increased safety measures to this community asset through the installation of new docks so that it may continue to operate for many years into the future.

I am in strong opposition to the proposed zoning changes. These changes would ***strip a community amenity from our residents*** and ***negatively impact community access*** to Lake Minnetonka. These proposed changes would be in ***direct contradiction*** to the goals and objectives of the plan as referenced above. Most importantly, these changes would be surrounded in a veil of ambiguity through ***imprecise communication***.

In closing, I shall practice leadership through vulnerability. I might not ever be able to afford lakeshore property. As a nearly lifelong Shorewood resident, communities like Howard's Point Marina and the Upper Minnetonka Yacht Club, amongst many others, were a cherished part of my childhood. Access to Lake Minnetonka made me the person I am today and my fear is that I won't be able to give these same experiences to my son.



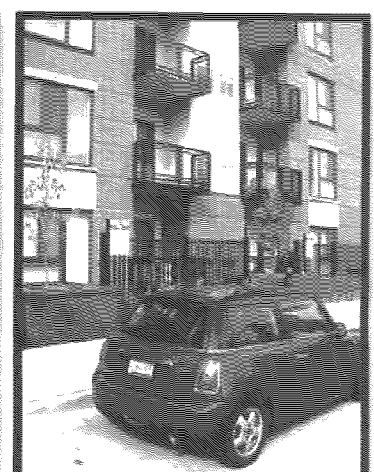
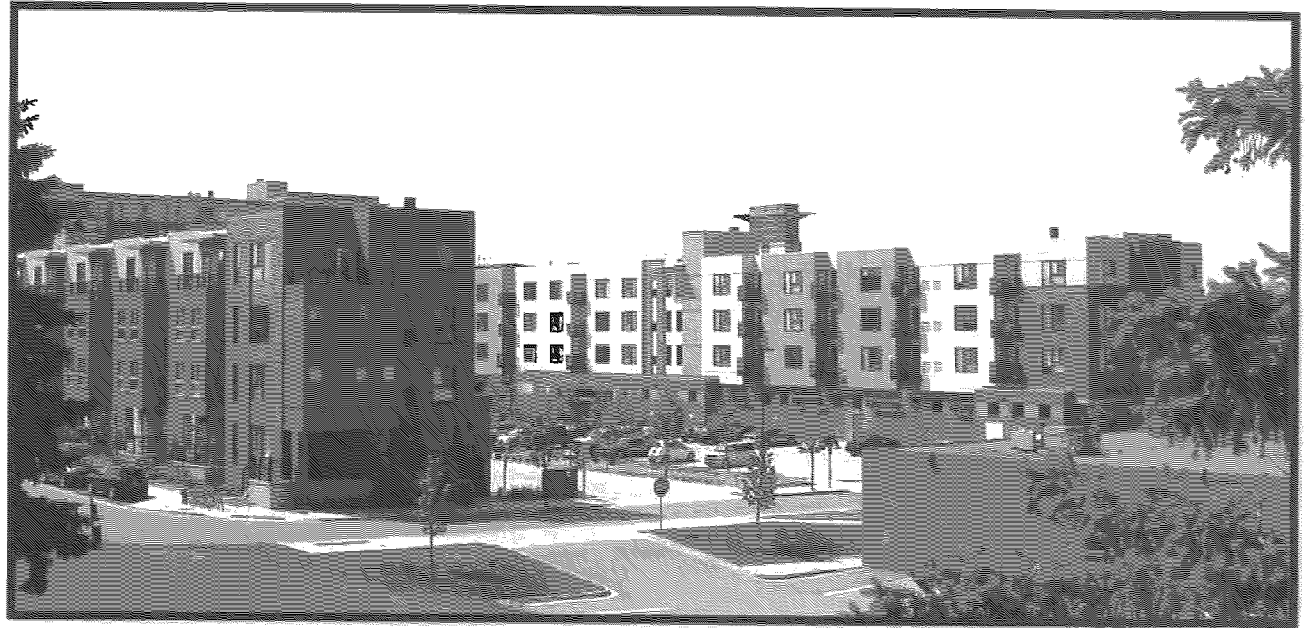
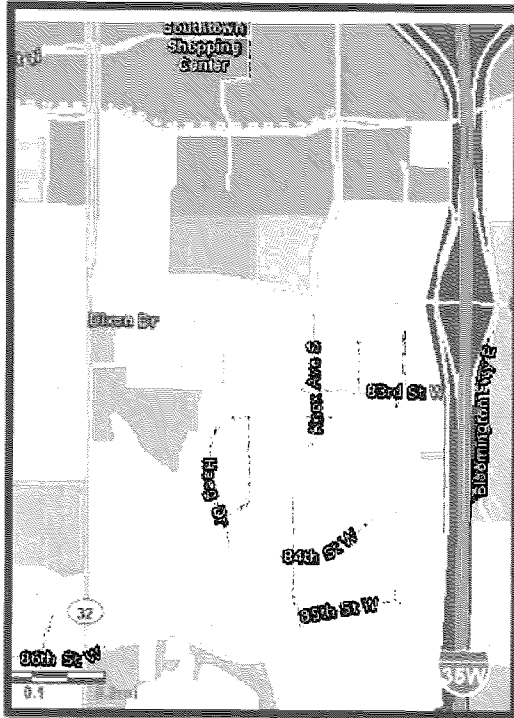
Density of Development

Suburban 28 units per acre mixed use

Submitted October 5, 2021

By Bob Skinner

19880 Waterford Ct

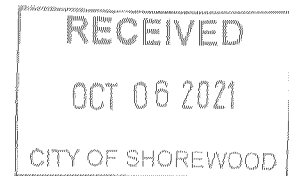




CITY OF CHANHASSEN

Chanhassen is a Community for Life - Providing for Today and Planning for Tomorrow

October 4, 2021



Marie Darling, Planning Director
City of Shorewood
5755 County Club Road
Shorewood, MN 55331

Re: City of Shorewood 2040 Comprehensive Plan Land Use Amendments

Dear Ms. Darling:

None of the proposed amendments should have a significant impact on the City of Chanhassen. The amendment at Highways 7 and 41 may have a positive impact on the commercial development at the Seven and Forty-One Center.

While not requested, we should sign off as having no further comments.

23470 Highway 7
25485 Highway 7
23800 Highway 7
19905 Highway 7
19765 Highway 7
19685 Highway 7
19625 Highway 7
23425 Smithtown Road
23445 Smithtown Road
23400 Smithtown Road
23500 Smithtown Road

☒ I acknowledge receipt of the above-cited Comprehensive Plan amendment notifications and waive further review/comment on the amendments.

Sincerely,

Kate Aanenson AICP
City of Chanhassen Community Development Director

Marie Darling

From: Marie Darling
Sent: Thursday, October 7, 2021 11:51 AM
To: Patrick Foss
Cc: Kurt
Subject: RE: 2040 Comprehensive Plan & Density Adjustments

Thanks for your comments. I'll answer your questions in the same order as you provided them.

1. The Metropolitan Council defines affordable housing based on the regional incomes and household sizes. The dollar numbers change from time to time and you can search on their website for them.

For Comprehensive Plans, the Metropolitan Council accepts opportunity areas of eight units per acre to satisfy that requirement.

2. No. There are many lakes that have no dredging company located conveniently on them. That service is provided by public and private lake access.
3. The Metropolitan Council is tasked with reviewing plans for consistency with regional goals. The City of Shorewood is required to submit a Comprehensive Plan every 10 years for their review.
4. The property owner would need to sort out that question prior to proposing a development. I expect that there would be multiple levels of government involved in reviewing any proposals for new development.

A copy of this email and my response will be provided to the City Council.

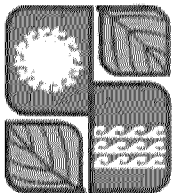
Marie Darling

Planning Director

952-960-7912
mdarling@ci.shorewood.mn.us

City of Shorewood
5755 Country Club Road
Shorewood, MN 55331

MN Data Practices Notification: Pursuant to MN Data Practices Chapter 13 all government data including email communications is presumed to be public unless there is a specific state statute, federal law, or temporary classification that classifies it otherwise.



CITY OF
SHOREWOOD

www.ci.shorewood.mn.us

From: Patrick Foss <pfoss@thinktalent.net>
Sent: Wednesday, October 6, 2021 1:32 PM
To: Marie Darling <MDarling@ci.shorewood.mn.us>
Cc: Kurt <khwehrmann@gmail.com>
Subject: 2040 Comprehensive Plan & Density Adjustments

I would like to submit the following questions regarding the proposed density changes:

1. How does the city define and propose to maintain 'affordable dwellings?' This topic came up in Excelsior and was akin to a winning lottery ticket for those lucky enough to be the first owners. In what is one of, if not the most, affluent cities in the state – how do you manage this housing stock to be attainable for the long-term?
2. Has there been any consideration to how the lake would be maintained if the dredging company were no longer there to service the various needs?
3. Are there any requirements in the plan or is this primarily a consulting exercise to pose options? I understand the desire to increase housing stock, but it seems the dredging company and marina are not good prospects.
4. How will the access, to those two lots in particular, be sorted out over the trail? This is already a dangerous crossing for bikers and I don't believe any meaningful development can be considered without solving for the access.

I am hoping to attend the meeting, but in the event I can't I would like to see if there are answers to the above questions.

Thanks

Patrick Foss
456 Lafayette Avenue
Excelsior, MN 55331

Marie Darling

From: Marie Darling
Sent: Thursday, October 7, 2021 12:35 PM
To: a q
Cc: Emma Notermann
Subject: RE: Land use of Commercial/Lakeshore Rec properties on Smithtown Road

Thanks for your very thoughtful comments, Anna. I did have a typo in the letter, and I apologize for it. The letter needed to be received by October 5th to be reviewed by the Planning Commission before their meeting. However, your comments will be provided to the City Council so that they have them when they meet to discuss the issues on October 25, 2021.

Just a few points of clarifying information:

1. This is not the only area that is proposed for higher density housing. Two other areas are also proposed – the Shopping Center at Hwy 7 and Old Market and the Shopping Center at Hwy 7 and CR 41. The difference being that we are proposing a new mixed use land use category for those areas.
2. The wetlands are not in danger. They are protected by the Wetland Conservation Act.

Again, thanks for your comments.

Marie Darling

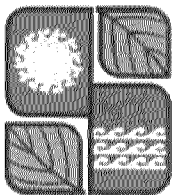
Planning Director

952-960-7912

mdarling@ci.shorewood.mn.us

City of Shorewood
5755 Country Club Road
Shorewood, MN 55331

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CITY OF
SHOREWOOD

www.ci.shorewood.mn.us

From: a q <anna.quady@gmail.com>
Sent: Thursday, October 7, 2021 11:57 AM
To: Planning <planning@ci.shorewood.mn.us>
Subject: Land use of Commercial/Lakeshore Rec properties on Smithtown Road

Greetings, I'm Anna Quady at 23675 Smithtown Road. I live several lots west of what would be the proposed affected parcels.

The mailer said you'd accept comments by Oct 7 at 4:00 PM. This is after the planning council meeting, so I hope this is right.

This change would have a pretty big impact on me since I am very close, and I frequent the commercial properties that are already there. Adding "Middle" housing (medium/high density) could be a good opportunity for Shorewood if done well.

I request that you consider spreading these density changes out more across the currently zoned single-family areas, and cultivate the walkability and commercial property in Shorewood to decrease traffic and increase property values.

1. **CONCENTRATION OF HIGH DENSITY HOUSING IN ONE AREA IS BAD**- Right now the proposals are to concentrate this med/high density housing into a couple small areas. **This is the exact opposite of what the Met Council is trying to do on a regional scale!** They are trying to go from the concentrated high density to spreading it out across the suburbs. Let's take that thought and apply it to Shorewood as well. Intersperse it within the large swaths of single family housing, of which Shorewood is primarily composed. **If there are zoning issues in doing this we need to change the zoning policies.** We can't control what the Met Council requires, but we can control our policies, and they should work for us, not against us. Let's take the time to do this in the best way possible and **not create more of the same problems** that the Met Council is now trying to correct.

Some of the logic behind these spots that were chosen is that they are on busy roads - like it's ok to make them busier and more dangerous. Again, let's spread the traffic out to quieter areas instead of concentrating it. The Smithtown road properties are located on a curve in the road where increased traffic would make the road even more crazy and dangerous, and the more places that are developed, the worse it would be.

2. **PRESERVATION OF RARE COMMERCIAL PROPERTY, LIMITED LAKESHORE AND WETLANDS** - Right now there is very little commercial property in Shorewood. **There should be more, not less.** Everyone should be able to walk/bike to a commercial area. The commercial properties that are currently there should be recognized as the treasures they are. On the Existing Land Use Map - page 25 on the comprehensive plan, there are parcels of land that are zoned single family but currently don't have anything on them. **Please consider these** instead of all of the current commercial properties. This would not displace anything that is already there, and **already an asset** to the community.

23500 is the only Lakeshore/Recreational zoned place in Shorewood, and is also a wetland. This is an important cleaner for Lake Minnetonka. According to the Minnehaha Watershed District maps, all of the runoff, pet waste, pesticides, fertilizer, road pollution from the neighborhood between Minnetonka Drive and 19 goes into a pond, which then goes through a culvert to this wetland. These small wetlands are really important filters for the lake, and help keep it clean. If Lake Minnetonka is considered one of Shorewood's assets, then this should be considered a way to protect this asset. A building where the wetland used to be would be a double whammy, it would remove an important filter for Minnetonka, and would create more pollution that goes directly into the lake. Plus it's really beautiful, and a pleasure to walk past on the trail. **Preserve this rare parcel!**

3. **WALKABILITY - Medium/high density housing, when mixed with commercial, can be really good, and create healthy, thriving, safe neighborhoods when done well.** You see this a lot in European cities, where people live in medium/high density cities and can walk or bike to cafés, grocery stores, shops, schools etc. Unfortunately in the US this is not very common. High density it is often poorly done. In part because developers have to fight so hard to get something approved that they build something as extreme as they can to make a profit. No thought is put into walkability, everything becomes uglier, worse for the environment, and more dangerous for drivers, pedestrians and bikers. Which people hate and then fight really hard against. It's a vicious cycle.

For example - I think a yacht club that also had places to live would be unique and interesting and would increase Shorewood's value as a city, while still maintaining the yacht club. It'd be on the trail and walkable to lots of places, but it seems like current zoning and land-use would not even make this possible. This goes back to my point in #1, if we have to make changes to zoning policies, let's do that to create the city we want!

People love to be able to walk or bike places, but it's not at the forefront of people's minds because we are so used to needing cars. But walkability greatly increases property values, and if you build it, they will walk (or bike). Shorewood, like most suburbs, is car-dependent. Excelsior is somewhat an exception to this, which we could leverage by **extending walkability** around Shorewood and into Excelsior. One of the intense concerns people have with development is the impact on traffic. If we cultivated walkability in Shorewood neighborhoods, this could somewhat alleviate that issue.

I can and do walk to Excelsior almost every day to do grocery shopping, library, etc. but I almost never walk to the commercial area in Tonka Bay because, although it is the same distance, I would have to go along 19 which is horrible and dangerous. I rarely use my car and the more people that are able to do this because they live within walking/biking distance with **good infrastructure**, the better, and some of these concerns about traffic could be alleviated. I foresee this is that is going to have to take place in the future. We will **have** to become less dependent on cars for climate reasons.

Thank you for your consideration. I love Shorewood and I have faith that it can remain a great place to live and we can make it even better. I welcome any comments, questions or thoughts you may have.

Best regards,

Anna Quady

**RESOLUTION 21-125
CITY OF SHOREWOOD
COUNTY OF HENNEPIN
STATE OF MINNESOTA**

**A RESOLUTION APPROVING AMENDMENTS TO THE
2040 SHOREWOOD COMPREHENSIVE PLAN AND AUTHORIZING
SUBMISSION OF THE AMENDED PLAN TO THE METROPOLITAN COUNCIL**

WHEREAS, the City of Shorewood is a municipal corporation organized and existing under the laws of Minnesota; and

WHEREAS, the City of Shorewood is required by Minnesota Statutes and the Metropolitan Council to adopt and update its Comprehensive Plan on a periodic basis; and

WHEREAS, the City of Shorewood has prepared a draft Comprehensive Plan intended to meet the requirements imposed by Minnesota Statutes 473.864 and the Metropolitan Council's guidelines; and

WHEREAS, the City conducted a public hearing on October 30, 2018 relative to the adoption of the Comprehensive Plan and considered all received public comments; and

WHEREAS, pursuant to Statute, the amendments to the Comprehensive Plan were distributed to affected governmental units for review and comment; and

WHEREAS, the City Council reviewed recommendations and public comments and has reviewed the Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED that the Shorewood City Council approves the 2040 Comprehensive Plan subject to the review and comment by the Metropolitan Council, pursuant to Minnesota Statutes.

BE IT FURTHER RESOLVED that the Shorewood City Council authorizes staff to send the 2040 Comprehensive Plan to the Metropolitan Council.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF SHOREWOOD this 25th day of October, 2021.

Jennifer Labadie, Mayor

ATTEST:

Sandie Thone, City Clerk



City of Shorewood Council Meeting Item

#7G

MEETING TYPE
Regular Meeting

Title / Subject: **Variance to Impervious Surface Coverage and OHWL Setback**

Location: 5655 Merry Lane
Applicant: City of Shorewood

Meeting Date: October 25, 2021
Prepared by: Marie Darling, Planning Director

Attachments: Planning Memorandum from the October 5, 2021 Meeting
 Minutes from the Parks Commission meeting of August 10, 2021
 Parks Memorandum from the August 10, 2021 Meeting
 Correspondence Received
 Resolution

Background: See attached memorandums for detailed background on this request.

The application includes two variance requests:

- A variance to allow a new concrete pad to be installed 40 feet from the OHWL where 75 feet is required
- A variance to allow a .3 percent increase in impervious surface coverage to accommodate the new pad, for a total of 64.8 percent coverage where 25 percent is allowed

At their August 10, 2021 meeting, the Parks Commission reviewed two alternative locations for the decontamination equipment pad and recommended the location shown on the attached plans.

At the October 5, 2021 meeting, the Planning Commission recommended approval of the request for the Parks Commissions preferred location subject to the condition that the City acquire all necessary permits. One person requested to speak and submitted a letter (attached). The resident's primary concern was about the noise the decontamination equipment makes while it is being used. He suggested an alternative location.

Alternative Location

The speaker's preferred location would be on the south side of the same parking island. The benefits to this location would be that it is farther back from the lake and would require a lesser variance to the OHWL. The constraints for the proposed location include the following:

- A small corner of that landscape island is off the city property and onto the Christmas Shore HOA property.
- The location is closer to the adjacent properties to the south and west than the current location.

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 speaker's preferred location could reduce the noise levels for their home, but the location is closer to other homes that are already closer to the decontamination equipment.
- The speaker's preferred location would require backing into the space with the equipment, which is more challenging than the location proposed as it would allow for drive-in/drive-out location.

Noise Concerns

After the meeting, staff arranged to do a noise test on the equipment to determine if it is currently operating in violation of the city's noise ordinance. We tested the equipment in three locations at the edge of the property on the north south and west sides for ambient noise, with the vacuum operating and with the sprayer operating. Staff found that equipment is functioning under the maximum noise levels.

Financial or Budget Considerations: The application fees are adequate to cover the cost of processing the request. The cost of the project would be sent to the City Council for review separately.

Recommendation / Action Requested: Staff and the Planning Commission recommend approval of the variance request, subject to the conditions in the attached resolution.

Proposed motion: Move to adopt the attached resolution approving variances for a new concrete pad for decontamination equipment for the City of Shorewood for property located at 5655 Merry Lane based on the findings and conditions in the attached resolution.

Any action on this request would require a simple majority.

Next Steps and Timelines: If the item is approved, staff would complete the plans and request estimates from contractors.



CITY OF
SHOREWOOD

5B

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: October 5, 2021

REQUEST: Variances to impervious surface coverage and setback to Christmas Lake

APPLICANT: City of Shorewood

LOCATION: 5655 Merry Lane

LAND USE CLASSIFICATION: Public/Semi-Public

ZONING: R-1A/S

FILE NUMBER: 21.26

REQUEST:

The City of Shorewood requests two variances to allow placement of a concrete pad for AIS equipment:

- A variance to allow the pad to be located 40 feet from the OHWL (ordinary high water level) of Christmas Lake where 75 feet is required
- A variance to allow about 64.8 percent impervious surface coverage where the maximum allowed is 25 percent. The current impervious surface coverage on the property is about 64.5 percent.



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

Context: The existing property was acquired by the City in 1969 and the boat launch was reconstructed to generally the same form as it currently exists in around 1989. Aquatic Invasive Species (AIS) inspections have been provided on the site since 2013.

The adjacent properties are all developed with single-family homes and zoned R-1A.

ANALYSIS

The project narrative is attached and indicates that the city proposes to add a new pad in an existing parking island to store AIS decontamination equipment. Currently the equipment is stored in one of the parking spaces, which are in high demand for vehicle/trailer use. The proposed locations for the pad are limited by the proximity to the lake and the necessary turning radii for vehicles with trailers that must pass through the site.

The proposed location for the concrete pad was reviewed by the Parks Commission August 10th of this year and this location was the recommended spot for the new pad based on limited impact of the location on the neighbors, trees and water quality.

Although within the existing parking lot, the proposed pad would be within the 75-foot required setback from the Lake and would increase the amount of impervious surface coverage on the property.

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 City of Shorewood would continue to use the property for public purposes which would be consistent with the intent of both the Comprehensive Plan and zoning ordinance.
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 usual purpose of the property.
 - a. *Reasonable:* Use of the AIS equipment pad is a reasonable use on a public lakefront property.
 - b. *Unique Situation vs. Self-Created:* The situation is unique as the boat launch and parking area were originally installed to benefit the public; and the AIS decontamination is necessary to protect the water quality of the lake.
 - c. *Essential Character:* The proposed addition would not be out of character for the neighborhood. The additional parking space that will be available when the decontamination equipment is moved is beneficial to allow for one additional trailer/vehicle to park at the site.
3. *Economic Considerations:* The city has not proposed the variance solely based on economic considerations, but to make use of all the available parking spaces on the site.
4. *Impact on Area:* The city 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.
5. *Impact to Public Welfare, Other Lands or Improvements:* Staff finds the proposed addition would not be detrimental to the public welfare.

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 proposed variances meet 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 prior to construction.

ATTACHMENTS

Location map

Project narrative and plans

5655 Merry Lane Location Map



Project Narrative

The Christmas Lake Boat Landing parcel PID: 3511723130038 is zoned R-1A. Permitted uses within R-1A includes public parks, public playgrounds public recreational areas, and public wildlife areas.

The existing parking lot includes seven car & trailer parking stalls and vehicles enter/exist in a clockwise direction within the parking lot. The DNR and the Christmas Lake HOA coordinate to keep aquatic invasive species (AIS) out of Christmas Lake by monitoring the public boat landing and providing a cleaning station to inspect and remove AIS.

The current cleaning station needs to be located near the entrance so that vehicles/boats can be cleaned prior to using the boat landing. The cleaning system requires a small trailer. The trailer is currently parked in one of the seven available car & trailer parking spaces therefore making it unusable to the public. Demand for the boat launch area is increasing and staff were tasked with looking for options to allow for another location for the trailer.

The goal is to create a usable space to allow the cleaning trailer to be located out of the stalls so that all seven car & trailer parking stalls can be used by the public. The existing parking lot is located 9 feet from the Ordinary High-Water Level (OHWL) at its closest point and averages about 15 feet.

Christmas Lake is classified as Recreational Development and there are two variances being proposed.

In researching new locations for the AIS trailer, staff reviewed two options. One along the drive-aisle and the proposed location in an existing parking lot island.

At their August 10, 2021 meeting, the Parks Commission reviewed the two options and selected the parking lot island as the preferred location because the other option included creating a pad that would have been nearly up to the OHWL of the Lake, involved more tree removal and would have been even closer to the homes to the north.

The proposed location would be within an existing parking lot island as shown on the attached plans. A 300 square foot concrete slab would be installed in a location that would be 40 feet from the OHWL of Christmas Lake, maximizing the distance to the shoreland. One tree would need to be removed along with some adjustments to the existing storm sewer.

Two variances are required with this option:

Variance 1: 1201.26, Subd 5a3 – 75-foot setback from OHWL using an existing parking island to create a new concrete slab. Although within the existing parking lot, the location is 40 feet from the OHWL where 75 feet is required.

Variance 2: 1201.26, Subd 5a5 – Max 25% impervious surface area

The existing parcel is 0.62 acres and currently has impervious on the site at 17,200 SQ FT or 0.400 acres and is at 64.52%. The concrete pad will add 300 SQ FT of new impervious bringing the site total to 17,500 SQ FT (0.402 acres) or 64.84%.

Variance Criteria:

The proposal is consistent with the intent of the Comprehensive Plan and Zoning Ordinance to provide a public boat launch at this property and to maximum the number of parking spaces.

There are practical difficulties related to the request, including:

- Providing a concrete pad for the AIS equipment is a reasonable use to protect the lake at the boat launch.
- The situation is unique to this property that were not created by the City. The desire to have a public access on Christmas Lake is beneficial to all residents of Shorewood and the public.
- The selected option is a minor addition to the property and the least impactful. Driving by the improvements would not be noticeable to the traveling public, but would allow for one less trailer circling through the area waiting for an open parking space.

The variances would not be based exclusively on economic considerations but to maximize the number of existing parking spaces and protect the lake to the extent possible.

The variances would not impair an adequate supply of light and air to adjacent property, cause any additional congestion to the public street or increase the danger of fire or public safety.

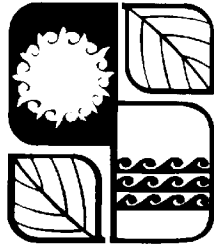
The variances as proposed would not be detrimental to the public welfare, nor would it be injurious to other lands or improvements in the neighborhood.

The variances as proposed would result in the least amount of change to the site to relocate the equipment out of one parking space and minimize the requests for setback and impervious surface coverage.

B. Review Improvements for Christmas Lake Public Landing

City Engineer Budde stated that the HOA around Christmas Lake reached out to the City to try to do some improvements to their boat launch access. He reviewed their process for removal of aquatic invasive species. He stated that they would like to create a concrete pad for the equipment which would free up a parking space. He presented the two options for placement of the concrete and the trees that would be impacted with both options.

Heinz moved to recommend placement of the Christmas Lake Boat Landing enhancement of putting the concrete pad on the center line, option 2. Gallivan seconded the motion. Motion carried 4-0.



CITY OF SHOREWOOD

5755 Country Club Road • Shorewood, Minnesota 55331 • 952-960-7900
Fax: 952-474-0128 • www.ci.shorewood.mn.us • cityhall@ci.shorewood.mn.us

To: Park Commission

From: Andrew Budde – City Engineer

Meeting Date: August 10, 2021

Re: Christmas Lake Boat Landing

The Christmas Lake Home Owners Association (HOA) has reached out to the city requesting assistance in constructing a concrete pad to locate their Aquatic & Invasive Species (AIS) cleaning equipment at the Christmas Lake boat landing. Currently, the AIS cleaning equipment is located within one of the seven existing car and trailer parking stalls. Providing a dedicated concrete pad for the AIS cleaning equipment will make all of the parking stalls available to boaters and lake users.

Staff has discussed potential options with the HOA and gathered information such as a wetland delineations and topographic survey to help advance the design and decision making process. Two overall options have been evaluated and are discussed in more detail below.

Option 1: Pad North of Parking Lot

This option proposes a 12 foot by 24 foot concrete pad to extend off of the north edge of the parking lot. This option would require a small boulder wall around the perimeter to hold up the pad. Several trees and some brush in the area will need to be removed in order to facilitate construction. This option will be within 7 feet of the water surface at it closest point.

Option 2: Pad within Island

This option would incorporate the concrete pad within the center island of the parking lot. The center island is currently lower than the parking lot and allows storm water to route through it to the lake. This option would require the removal of an ash tree and some clusters of buckthorn. The existing culvert that drains through the center island will need to be extended.

Both options will require two variances. The first variance is required due to the proposed improvements being within the 75 foot setback from the Ordinary High Water Level of the lake. The second variance is due to the impervious surface being over 25% of the lot area. The impervious surface is currently 51.3% and would increase to 51.7% or 0.4%.

The HOA and staff recommend Option 2. Staff is looking for feedback and input on the project.

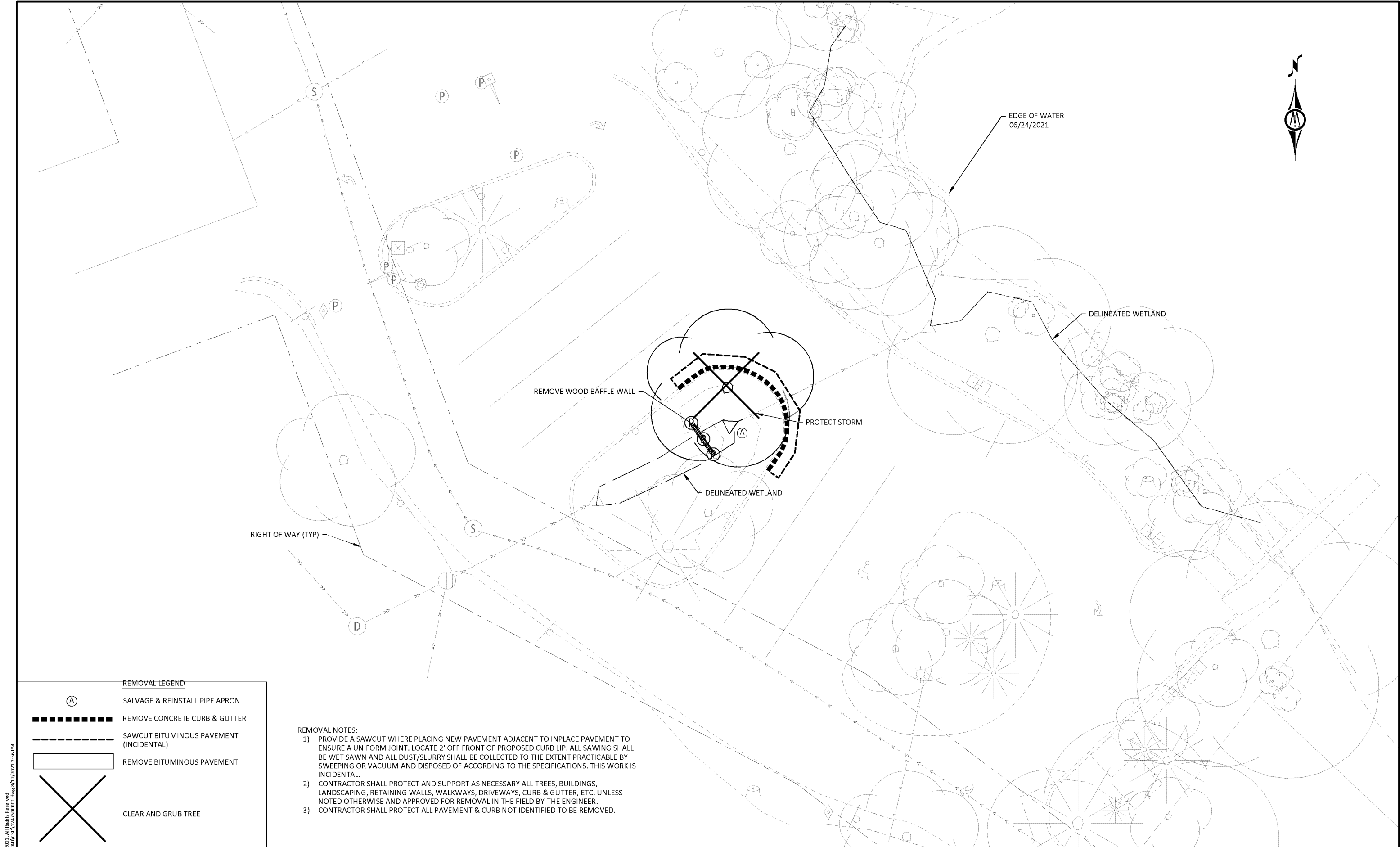


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AUGUST 2021





REMOVAL LEGEND

- (A) SALVAGE & REINSTALL PIPE APRON
- REMOVE CONCRETE CURB & GUTTER
- SAWCUT BITUMINOUS PAVEMENT (INCIDENTAL)
- REMOVE BITUMINOUS PAVEMENT
- CLEAR AND GRUB TREE

REMOVAL NOTES:

- 1) PROVIDE A SAWCUT WHERE PLACING NEW PAVEMENT ADJACENT TO INPLACE PAVEMENT TO ENSURE A UNIFORM JOINT. LOCATE 2' OFF FRONT OF PROPOSED CURB LIP. ALL SAWING SHALL BE WET SAWN AND ALL DUST/SLURRY SHALL BE COLLECTED TO THE EXTENT PRACTICABLE BY SWEEPING OR VACUUM AND DISPOSED OF ACCORDING TO THE SPECIFICATIONS. THIS WORK IS INCIDENTAL.
- 2) CONTRACTOR SHALL PROTECT AND SUPPORT AS NECESSARY ALL TREES, BUILDINGS, LANDSCAPING, RETAINING WALLS, WALKWAYS, DRIVEWAYS, CURB & GUTTER, ETC. UNLESS NOTED OTHERWISE AND APPROVED FOR REMOVAL IN THE FIELD BY THE ENGINEER.
- 3) CONTRACTOR SHALL PROTECT ALL PAVEMENT & CURB NOT IDENTIFIED TO BE REMOVED.

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

PHILIP J. SCHRUPP
LIC. NO. 54198 DATE MM/DD/YYYY



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CITY OF SHOREWOOD
CHRISTMAS LAKE BOAT LANDING
EXISTING CONDITIONS & REMOVAL PLAN

SHEET
C1.03

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DRAFT

CONSTRUCTION LEGEND



6" CONCRETE WALK



BITUMINOUS PATCH



CONCRETE RIBBON CURB



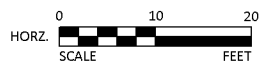
INSTALL SALVAGED APRON



15" RCP STORM SEWER

STORM NOTES:

- 1) CONTRACTOR SHALL BREAK THE PIPE JOINTS TO BETTER ALIGN THE PROPOSED STORM SEWER TO BE CENTERED IN ISLAND.



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PHILIP J. SCHRUPP
LIC. NO. 54198 DATE MM/DD/YYYY



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CITY OF SHOREWOOD
CHRISTMAS LAKE BOAT LANDING
CONSTRUCTION PLAN

SHEET

C1.05

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EXISTING TOPOGRAPHIC SYMBOLS

	ACCESS GRATE		REGULATION STATION GAS
	AIR CONDITION UNIT		SATELLITE DISH
	ANTENNA		SIGN NON TRAFFIC
	AUTO SPRINKLER CONNECTION		SIGN TRAFFIC
	BARRICADE PERMANENT		SIGNAL CONTROL CABINET
	BASKETBALL POST		SOIL BORING
	BENCH		SIREN
	BIRD FEEDER		TELEPHONE BOOTH
	BOLLARD		TILE INLET
	BUSH		TILE OUTLET
	CATCH BASIN RECTANGULAR CASTING		TILE RISER
	CATCH BASIN CIRCULAR CASTING		TRANSFORMER-ELECTRIC
	CURB STOP		TREE-CONIFEROUS
	CLEAN OUT		TREE-DEAD
	CULVERT END		TREE-DECIDUOUS
	DRINKING FOUNTAIN		TREE STUMP
	DOWN SPOUT		TRAFFIC ARM BARRIER
	FILL PIPE		TRAFFIC SIGNAL
	FIRE HYDRANT		TRASH CAN
	FLAG POLE		UTILITY MARKER
	FLARED END / APRON		VALVE
	FUEL PUMP		VALVE POST INDICATOR
	GRILL		VALVE VAULT
	GUY WIRE ANCHOR		VAULT
	HANDHOLE		VENT PIPE
	HANDICAP SPACE		WATER SPIGOT
	IRRIGATION SPRINKLER HEAD		WELL
	IRRIGATION VALVE BOX		WETLAND DELINEATED MARKER
	LIFT STATION CONTROL PANEL		WETLAND
	LIFT STATION		WET WELL
	LIGHT ON POLE		YARD HYDRANT
	LIGHT-GROUND		
	MAILBOX		

PROPOSED TOPOGRAPHIC SYMBOLS

	CLEANOUT
	MANHOLE
	LIFT STATION
	STORM SEWER CIRCULAR CASTING
	STORM SEWER RECTANGULAR CASTING
	STORM SEWER FLARED END / APRON
	STORM SEWER OUTLET STRUCTURE
	STORM SEWER OVERFLOW STRUCTURE
	CURB BOX
	FIRE HYDRANT
	WATER VALVE
	WATER REDUCER
	WATER BEND
	WATER TEE
	WATER CROSS
	WATER SLEEVE
	WATER CAP / PLUG
	RIP RAP
	DRAINAGE FLOW
	TRAFFIC SIGNS

SURVEY SYMBOLS

	BENCHMARK LOCATION
	CONTROL POINT
	MONUMENT FOUND
	CAST IRON MONUMENT
	STONE MONUMENT

EXISTING TOPOGRAPHIC LINES

	RETAINING WALL
	FENCE
	FENCE-DECORATIVE
	GUARD RAIL
	TREE LINE
	BUSH LINE

SURVEY LINES

	CONTROLLED ACCESS
	BOUNDARY
	CENTERLINE
	EXISTING EASEMENT LINE
	PROPOSED EASEMENT LINE
	EXISTING LOT LINE
	PROPOSED LOT LINE
	EXISTING RIGHT-OF-WAY
	PROPOSED RIGHT-OF-WAY
	SETBACK LINE
	SECTION LINE
	QUARTER LINE
	SIXTEENTH LINE
	TEMPORARY EASEMENT

EXISTING UTILITY LINES

	FORCEMAIN
	SANITARY SEWER
	SANITARY SERVICE
	STORM SEWER
	STORM SEWER DRAIN TILE
	WATERMAIN
	WATER SERVICE

PROPOSED UTILITY LINES

	FORCEMAIN
	SANITARY SEWER
	SANITARY SERVICE
	STORM SEWER
	STORM SEWER DRAIN TILE
	WATERMAIN
	WATER SERVICE
	PIPE CASING

GRADING INFORMATION

	EXISTING CONTOUR MINOR
	EXISTING CONTOUR MAJOR
	PROPOSED CONTOUR MINOR
	PROPOSED CONTOUR MAJOR
	PROPOSED GRADING LIMITS / SLOPE LIMITS
	PROPOSED SPOT ELEVATION
	RISE:RUN (SLOPE)

HATCH PATTERNS

	BITUMINOUS		GRAVEL
	CONCRETE		

EXISTING PRIVATE UTILITY LINES

NOTE:
EXISTING UTILITY INFORMATION SHOWN ON THIS PLAN HAS BEEN PROVIDED BY THE UTILITY OWNER. THE CONTRACTOR SHALL FIELD VERIFY EXACT LOCATIONS PRIOR TO COMMENCING CONSTRUCTION AS REQUIRED BY STATE LAW. NOTIFY GOPHER STATE ONE CALL, 1-800-252-1166 OR 651-454-0002.

THE SUBSURFACE UTILITY INFORMATION IN THIS PLAN IS UTILITY QUALITY LEVEL D UNLESS OTHERWISE NOTED. THIS UTILITY LEVEL WAS DETERMINED ACCORDING TO THE GUIDELINES OF CI/ASCE 38-02, ENTITLED "STANDARD GUIDELINES FOR THE COLLECTION AND DEPICTION OF EXISTING SUBSURFACE UTILITY DATA"

	UNDERGROUND FIBER OPTIC
	UNDERGROUND ELECTRIC
	UNDERGROUND GAS
	UNDERGROUND COMMUNICATION
	OVERHEAD ELECTRIC
	OVERHEAD COMMUNICATION
	OVERHEAD UTILITY

UTILITIES IDENTIFIED WITH A QUALITY LEVEL :

LINE TYPES FOLLOW THE FORMAT: UTILITY TYPE - QUALITY LEVEL
EXAMPLE: GA GA UNDERGROUND GAS, QUALITY LEVEL A
UTILITY QUALITY LEVEL (A,B,C,D) DEFINITIONS CAN BE FOUND IN CI/ASCE 38-02.

UTILITY QUALITY LEVELS:

QUALITY LEVEL D: PROVIDES THE MOST BASIC LEVEL OF INFORMATION. IT INVOLVES COLLECTING DATA FROM EXISTING UTILITY RECORDS. RECORDS MAY INCLUDE AS-BUILT DRAWINGS, DISTRIBUTION AND SERVICES MAPS, EXISTING GEOGRAPHIC INFORMATION SYSTEM DATABASES, CONSTRUCTION PLANS, ETC.

QUALITY LEVEL C: INVOLVES SURVEYING VISIBLE SUBSURFACE UTILITY STRUCTURES SUCH AS MANHOLES, HAND-HOLES, UTILITY VALVES AND METERS, FIRE HYDRANTS, PEDESTALS AND UTILITY MARKERS, AND THEN CORRELATING THE INFORMATION WITH EXISTING UTILITY RECORDS TO CREATE COMPOSITE DRAWINGS. INCLUDES QUALITY LEVEL D ACTIVITIES.

QUALITY LEVEL B: INVOLVES DESIGNATING THE HORIZONTAL POSITION OF SUBSURFACE UTILITIES THROUGH SURFACE DETECTION METHODS AND COLLECTING THE INFORMATION THROUGH A SURVEY METHOD. INCLUDES QUALITY LEVEL C AND D TASKS.

QUALITY LEVEL A: PROVIDES THE HIGHEST LEVEL OF ACCURACY. IT INVOLVES LOCATING OR POTHOLING UTILITIES AS WELL AS ACTIVITIES IN QUALITY LEVELS B, C, AND D. THE LOCATED FACILITY INFORMATION IS SURVEYED AND MAPPED AND THE DATA PROVIDES PRECISE PLAN AND PROFILE INFORMATION.

ABBREVIATIONS

A	ALGEBRAIC DIFFERENCE	GRAV	GRAVEL	RSC	RIGID STEEL CONDUIT
ADJ	ADJUST	GU	GUTTER	RT	RIGHT
ALT	ALTERNATE	GV	GATE VALVE	SAN	SANITARY SEWER
B-B	BACK TO BACK	HDPE	HIGH DENSITY POLYETHYLENE	SCH	SCHEDULE
BIT	BITUMINOUS	HH	HANDHOLE	SERV	SERVICE
BLDG	BUILDING	HP	HIGH POINT	SHLD	SHOULDER
BMP	BEST MANAGEMENT PRACTICE	HWL	HIGH WATER LEVEL	STA	STATION
BR	BEGIN RADIUS	HYD	HYDRANT	STD	STANDARD
BV	BUTTERFLY VALVE	I	INVERT	STM	STORM SEWER
CB	CATCH BASIN	K	CURVE COEFFICIENT	TC	TOP OF CURB
C&G	CURB AND GUTTER	L	LENGTH	TE	TEMPORARY EASEMENT
CIP	CAST IRON PIPE	LO	LOWEST OPENING	TEMP	TEMPORARY
CIPP	CURED-IN-PLACE PIPE	LP	LOW POINT	TNH	TOP NUT HYDRANT
CL	CENTER LINE	LT	LEFT	TP	TOP OF PIPE
CL	CLASS	MAX	MAXIMUM	TYP	TYPICAL
CLVT	CULVERT	MH	MANHOLE	VCP	VITRIFIED CLAY PIPE
CMP	CORRUGATED METAL PIPE	MIN	MINIMUM	VERT	VERTICAL
C.O.	CHANGE ORDER	MR	MID RADIUS	VPC	VERTICAL POINT OF CURVE
COMM	COMMUNICATION	NIC	NOT IN CONTRACT	VPI	VERTICAL POINT OF INTERSECTION
CON	CONCRETE	NMC	NON-METALLIC CONDUIT	VPT	VERTICAL POINT OF TANGENT
CSP	CORRUGATED STEEL PIPE	NTS	NOT TO SCALE	WM	WATERMAIN
DIA	DIAMETER	NWL	NORMAL WATER LEVEL		
DIP	DUCTILE IRON PIPE	OHW	ORDINARY HIGH WATER LEVEL		
DWY	DRIVEWAY	PC	POINT OF CURVE	AC	ACRES
E	EXTERNAL CURVE DISTANCE	PCC	POINT OF COMPOUND CURVE	CF	CUBIC FEET
ELEC	ELECTRIC	PE	PERMANENT EASEMENT	CV	COMPACTED VOLUME
ELEV	ELEVATION	PED	PEDESTRIAN, PEDESTAL	CY	CUBIC YARD
EOF	EMERGENCY OVERFLOW	PERF	PERFORATED PIPE	EA	EACH
ER	END RADIUS	PERM	PERMANENT	EV	EXCAVATED VOLUME
ESMT	EASEMENT	PI	POINT OF INTERSECTION	LB	POUND
EX	EXISTING	PL	PROPERTY LINE	LF	LINEAR FEET
FES	FLARED END SECTION	PRC	POINT OF REVERSE CURVE	LS	LUMP SUM
F-F	FACE TO FACE	PT	POINT OF TANGENT	LV	LOOSE VOLUME
FF	FINISHED FLOOR	PVC	POLYVINYL CHLORIDE PIPE	SF	SQUARE FEET
F&I	FURNISH AND INSTALL	PVMT	PAVEMENT	SV	STOCKPILE VOLUME
FM	FORCEMAIN	R	RADIUS	SY	SQUARE YARD
FO	FIBER OPTIC	R/W	RIGHT-OF-WAY		
F.O.	FIELD ORDER	RCP	REINFORCED CONCRETE PIPE		
GRAN	GRANULAR	RET	RETAINING		

DRAFT

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PHILIP J. SCHRUPP
LIC. NO. 54198 DATE MM/DD/YYYY



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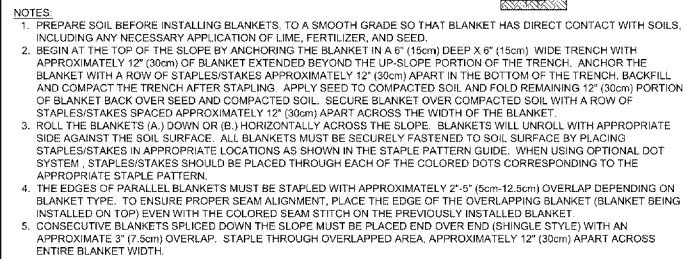
CITY OF SHOREWOOD	SHEET
CHRISTMAS LAKE BOAT LANDING	
LEGEND	C1.02



INLET PROTECTION - CATCH
BASIN INSERT AFTER PAVING

Special Details

Date:	JAN. 2016	ERO-06
Revised:		



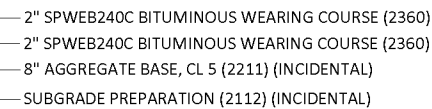
NOTE:
*IN LOOSE SOIL CONDITIONS, THE USE OF STAPLE OR STAKE LENGTHS GREATER THAN 6" (15cm) MAY BE NECESSARY TO PROPERLY SECURE THE BLANKETS.



EROSION CONTROL BLANKET INSTALLATION

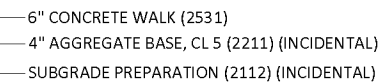
Special Details

Date.	JAN. 2016	ERO-10
Revised		



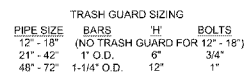
TYPICAL STREET SECTION

NOT TO SCALE



6" CONCRETE WALK

NOT TO SCALE



FLARED END SECTION
AND TRASH GUARD

Special Details

Date:	JAN. 2016	STO-08
Revised:		



BEDDING METHODS FOR RCP AND DIP

Special Details

Date:	JAN. 2016	BED-02
Revised:		

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PHILIP J. SCHRUPP
LIC. NO. 54198 DATE MM/DD/YYYY



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CITY OF SHOREWOOD

CHRISTMAS LAKE BOAT LANDING

CONSTRUCTION DETAILS

SHEET

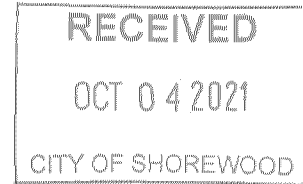
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5B

Date: October 4, 2021

To:
City of Shorewood
5755 Country Club Road
Shorewood, MN 55331
952.960.7900
planning@ci.shorewood.mn.us



From:
Peter Lehman
21285 Radisson Road
Shorewood, MN 55331

Subject:
Public hearing input to the City of Shorewood's application for:
Variance to impervious surface coverage and setback to Christmas Lake

Background:
Since 1986, I have continuously lived next to the subject property which became the newly constructed public access in the 1989 timeframe.

The Aquatic Invasive Species (AIS) decontamination equipment (i.e. hot water power pressure washer) was installed a number of years ago and is manned by an employee/subcontractor during the hours of 6 AM to 10 PM. During that time the equipment can be operated to perform its function to prevent invasive species from entering the lake by decontaminating boats and trailers launched and removed from the lake.

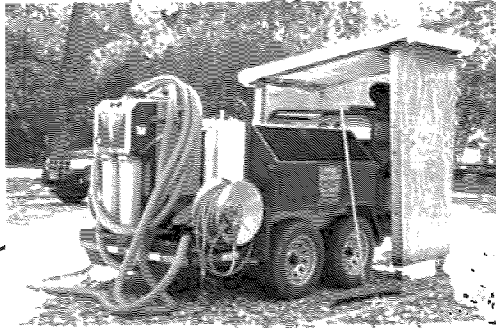
Noise Pollution:
A downside to the equipment operation is that the gas engine and diesel heater used to operate the equipment, as well as, the noise from the spraying action, is very loud and is a nuisance to those of us that live near it. We have tolerated that noise as we recognize the importance of its function. A make shift wheeled cover was built to 'help' reduce the noise pollution but it's effectiveness could be enhanced.

Recommendation:
As the City of Shorewood is proposing a more 'permanent' location to place the equipment, I recommend that it be placed farthest from the lake as is reasonable to help reduce the noise from the equipment for the benefit of those that live near enough to hear it.

Please find attached an "Option-B" that moves the proposed parking pad for the AIS equipment westerly within the same parking lot island. The proposed placement is 77 feet (vs. 40 feet) from the lake, moving it beyond the 75 ft. setback requirement eliminating one variance from the city's application. In addition, 'greenspace' around the pad is proposed which may help with sound transmission and aesthetics.

In addition to the direct benefit of the immediate neighbors, myself included, the sound does travel unencumbered across the lake and the farther from the lake the equipment can be placed, the greater the tangible benefit for our extended neighborhood.

Regards,
Peter Lehman



Proposed Option B: 10' x 23' pad
77' from high water mark

No setback variance from

OHWL Required

AIS Decontamination Equipment is LOUD gas and diesel powered, farther from lakeshore, less noise pollution for Neighbors and North Bay (sound travels efficiently over water).

Christmas Lake

Parallel to existing parking stalls

POSSIBLE PARKING LOCATIONS

MATCH EXISTING CURB & GUTTER

DELINEATED WETLAND

MARY LAKE TRAILER CLEANING OCCUPANCY

Option to create visual green screen for unsightly equipment

Island has natural 'pad' farther from 'delineated wetland'

CONSTRUCTION NOTES:

- 1) BITUMINOUS STREET PATCH SHALL MATCH EXISTING BITUMINOUS PAVEMENT SECTION.
- 2) CONCRETE CURB & GUTTER SHALL HAVE A TOTAL RISE FROM THE GUTTER TO BACK OF CURB OF NO MORE THAN 0.5'.
- 3) RESTORE DISTURBED TURF AREA WITH MIXED BIRD MIX 85-845 AT AN APPLICATION RATE OF 50 LBS/AC.
- 4) SITE GRADING UNITS SHALL BE APPROVED BY THE ENGINEER.

CONSTRUCTION LEGEND:

- 6" CONCRETE WALK
- BITUMINOUS PATCH
- CONCRETE RIBBON CURB
- METAL GALVANIZED APRON
- 24" RCP STORM SEWER

STORM NOTES:

- 1) CONTRACTOR SHALL BREAK THE PIPE JOINTS TO BETTER ALIGN THE PROPOSED STORM SEWER TO BE CENTERED IN ISLAND.

Modified From Original

DRAFT



PROJECT LOCATION
DATE: 2/28/2023
BY: [Signature]



5000 SHOREWOOD BLVD. SUITE 200
CHICAGO, ILLINOIS 60630
Phone: (773) 466-0288
Email: info@boltonmenk.com
www.boltonmenk.com

NO.	DATE	DESCRIPTION
1	2/28/23	ISSUED FOR PERMIT
2		
3		
4		
5		

CITY OF SHOREWOOD
CHRISTMAS LAKE BOAT LANDING
CONSTRUCTION PLAN

Sheet
C1.05

**RESOLUTION 2021-126
CITY OF SHOREWOOD
COUNTY OF HENNEPIN
STATE OF MINNESOTA**

**A RESOLUTION APPROVING VARIANCES TO ALLOW A CONCRETE PAD TO BE
INSTALLED FOR PROPERTY LOCATED AT 5655 MERRY LANE**

WHEREAS, the City of Shorewood, (the "Applicant") proposes encroachments beyond the current footprint of the improvements on property legally described as:

That part of Lot 2 Auditor's Subdivision Number 246 and lot 146 of Auditors Subdivision Number 120 described as follows:

Beginning at the southwesterly corner of said Lot 2, thence northerly along the westerly line thereof 120 feet, thence easterly parallel with the southerly line thereof 90 feet, thence southerly 45 degrees 13 minutes easterly to the shore of Christmas Lake, thence southerly along said shore to its intersect with a line described as commencing at the northeast corner of Section 35, thence south along the east line thereof 103 feet to point of beginning of line to be described, thence deflected right 37 degrees 15 minutes 48 seconds distance 2224.14 feet and there terminating, thence southwesterly along the last described line to a point of termination, thence deflected right 88 degrees distance 75 feet thence northwesterly to the point of beginning.

WHEREAS, the Applicant has applied for a variance to allow a concrete pad to be installed 40 feet from the ordinary high water level (OHWL) of Christmas Lake where 75 feet is required and a variance to allow 64.8 percent impervious surface coverage where the maximum allowed is 25 percent; and

WHEREAS, the Applicant's request was reviewed by the planning staff, whose recommendation is included in a memorandum for the October 5, 2021 Planning Commission meeting, a copy of which is on file at City Hall; and

WHEREAS, the Planning Commission held a public meeting on October 5, 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 October 25, 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 along the shore of Christmas Lake where the zoning regulations require all structures to be set back 75 feet from the OHWL of any recreational development Lake, like Christmas Lake.
2. The boat landing was constructed on this site to increase public access to the lake.
3. To protect the quality of the lake, decontamination is required for all boats that access the lake.
4. 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.
5. 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.
6. The Applicant's proposal is identified on the application materials and plans included with the materials for the October 25, 2021 meeting.

CONCLUSIONS

- A. Based upon the foregoing, and the records referenced herein, the City Council hereby approves the Applicant's request to install a concrete pad and related improvements 40 feet from the OHWL setback.
- 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 the need to provide public access to the lake and protect the lake from aquatic invasive species. The concrete pad is a reasonable request and would free up an additional parking space for another vehicle/trailer. Additionally, that the improvements proposed would not inappropriately impact the area, public welfare or other lands/improvements in the area.
- C. The variance has been approved with the condition that the applicant acquire all necessary permits prior to construction.
- 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.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF SHOREWOOD, MINNESOTA
this 25th day of October, 2021.

Jennifer Labadie, Mayor

Attest:

Sandie Thone, City Clerk



City of Shorewood Council Meeting Item

Title/Subject: Amendments to City Code for Commercial Animal Breeders

Applicant: City of Shorewood

Meeting Date: October 25, 2021

Prepared By: Marie Darling, Planning Director

Attachments: Redlined Draft of the Amendments
Ordinance
Resolution for Summary Publication

Background: On July 12, 2021, the City Council adopted a four-month moratorium on dog breeding and directed staff to research the activity as a use and advise if changes to City Code are necessary based on the research and potential impacts to the community.

Staff reviewed the regulations in the following communities: Anoka, Chanhassen, Chaska, Eden Prairie, Inver Grove Heights, Maple Grove, Minnetrista, Plymouth, Ramsey, Victoria, and Woodbury.

Research Summary: Below is a quick summary of how other cities regulate commercial dog breeders:

- Minimum lot size of 1 acre in residential districts: Chanhassen
- Restrict the use to a large-lot, residential zoning district: Ramsey, Woodbury
- Restrict to agricultural zoning districts: Inver grove heights, Plymouth, Victoria
- Require substantial setbacks 125-1000 feet for structures or enclosures to any property lines adjacent to residential uses: Chanhassen, Inver Grove Heights, Victoria

Conclusion from research:

Commercial breeding operations are typically restricted to residential areas on large lots where greater setbacks to other residential properties and wetland/other protected waters can be provided to offset the negative impacts of noise, smells, contaminated run-off, etc.

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.*

What does Shorewood already allow?

Shorewood currently allows two adult dogs, subject to licensing requirements. An owner may request a multiple dog license to allow up to four adult dogs. Offspring are not restricted until they reach a specific age. Anyone can currently sell their dog's puppies without a license or permit from the city.

The zoning regulations already limit commercial kenneling to veterinary clinics.

Purpose of the Proposed Amendments:

- Recognize that Shorewood is built out. There are no agricultural areas and few properties large enough to include substantial setbacks to control the negative impacts of commercial animal breeding.
- Continue to allow people who own pets to breed them as they are currently allowed to do.
- Define what commercial animal breeders are and set the same limits on any commercial breeding operation as would apply to any Shorewood resident that has pets. The limits are:
 - Dogs: two dogs or four dogs with a multiple kennel license
 - Cats: three cats unless the applicant has a special home occupation license for kenneling/boardng
 - Horses/Ponies: three maximum and .5 acres per each allowed animal
 - Urban Farm Animals: six
 - Other animals: None.

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.

Recommended Action: Staff recommends approval of the ordinance amendment.

Proposed Motions:

Motion to approve ordinance 584 amending Chapter 701 (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.

ORDINANCE 584

CITY OF SHOREWOOD COUNTY OF HENNEPIN STATE OF MINNESOTA

AN ORDINANCE APPROVING AN AMENDMENT TO SHOREWOOD CITY CODE CHAPTER 701 (ANIMALS)

Section 1: City code Chapter 701.02 (DEFINITIONS) is hereby added to and amended as follows:

701.02 DEFINITIONS.

COMMERCIAL BREEDER. A person or business that owns, keeps, congregates, or confines animals for breeding and sales.

COMMERCIAL KENNEL. A kennel for boarding and breeding or selling dogs for a profit. A place where any number of dogs are kept, congregated or confined while providing veterinary care and indoor boarding.

Section 2: City Code Chapter 701.03 (REGISTRATION AND LICENSING REQUIREMENTS) is hereby amended as follows.

701.03 REGISTRATION AND LICENSING REQUIREMENTS.

Subd. 1. *Licensure required.* All dogs over the age of six months kept in this city, including those allowed by multiple dog license, shall be licensed and registered by the owner with the city. The fee for the license and registration shall be as shown in the Master Fee Schedule adopted by the City Council~~set by ordinance of the City Council~~. License applications shall be made at the office of the City Clerk on city forms setting forth the name and address of the owner, the name, breed, age, color, and gender of the dog, and such other information as may be considered necessary by the city. Applicants shall provide proof that each dog has current vaccination against rabies. License tags, if issued at the election of the city, shall be securely attached around the dog's neck at all times during the license term. If the tag is lost or stolen, the owner may obtain a duplicate license and tag upon payment of a fee as shown in the Master Fee Schedule adopted by the City Council~~set by ordinance of the City Council~~.

Subd. 2. *Term of license.* See § 701.19 of this code.

Subd. 3. *New residents of city.* Any person who moves into and becomes a resident of the city and who owns a dog within the city shall cause the same to be registered and licensed as provided hereinbefore within a period of not more than 30 days after becoming a resident of the city.

Subd. 4. *Transfer of license.* The license of any dog, licensed by the city, may be transferred to a new owner of the licensed dog for the duration of that license. The transfer is when the information regarding the new owner is filed with the City Clerk. The fee for license transfers shall be shown on the Master Fee Schedule adopted by the City Council~~set by ordinance of the City Council.~~

Subd. 5. *Revocation.* Any person making any false statement on any license application required by this section shall be guilty of a misdemeanor. The City Clerk shall revoke any license issued under this section if the owner has made any false statement on the license application. No refund of any fees shall be due to the licensee whose license has been revoked.

Subd. 6. *Reinstatement.* Any person whose license has been revoked under this section may reapply for such license after all deficiencies have been corrected. Any person making application after any revocation shall follow the procedures set out for the initial issuance of the license and shall pay the fees in the full amount that would be required for an original license.

701.06 LIMITATIONS ON NUMBER OF DOGS.

Within the limits of the city, no person may own, keep, harbor, or maintain more than two dogs over the age of six months unless a multiple dog license is first obtained from the city. See § 701.19 of this code for multiple dog license requirements.
(Ord. 504, passed 10-28-2013)

Section 3: City code Chapter 701.08 (Animal Breeders and Dealers) is hereby amended as follows:

701.08 ANIMAL BREEDERS AND DEALERS.

No person, firm, or corporation shall establish, maintain, conduct, or operate as a commercial breeder of any animal within this City in violation of Chapter 701.06, Chapter 701.07, Chapter 705.05 Subd. 2, or Chapter 702.06; act as a breeder of any animal that is prohibited within the city by other chapter of City Code; or establish, maintain, conduct, or operate as a commercial kennel within this City in violation of Chapter 1200 (Zoning Regulations). ~~commercial kennel or operate as a breeder or dealer of any animal within this city without first obtaining approval by the City Council.~~

Section 4: City code Chapter 701.19 (APPENDICES) is hereby amended as follows:

701.19 APPENDICES.

Subd. 1. *Dog license period.* The license period shall be for the whole or unexpired portion of the year ending on the ensuing December 31.

Subd. 2. *Multiple dog license requirements.*

a. Within the limits of the city, no more than two dogs over the age of six months shall be allowed in any household unless the owners shall first obtain a multiple dog license. This license shall allow an owner to keep up to four dogs over the age of six months. Any person desiring a multiple dog license shall make written application upon a form prescribed by and containing the information as required by the city. Every owner is required to keep a valid, individual license tag securely fastened to the dog's collar or harness. The owner shall pay a fee for the multiple dog license as provided in § 1302 of this code shown in the Master Fee Schedule adopted by the City Council. This license shall be valid for the period of one year, beginning on January 1 and ending on December 31, and is nontransferable. The application shall contain the following information:

(1) The number of dogs over the age of six months to be maintained on the premises;

(2) A description of the real estate property upon which the animals will be kept;

(3) Written authorization for the city to inspect the premises which shall be valid for the length of the license. Application for a renewal license shall be inspected upon receipt of complaints. The inspection shall be to confirm compliance with the following criteria:

(a) If an outdoor multiple dog shelter is provided, it must be constructed of suitable material to maintain and secure the keeping of dogs and to allow for sufficient space for the dogs. Standards for adequate shelter for dogs is specified in M.S. § 343.40 and is adopted by reference, including any amendments to that section. The space must be inspected and approved by the Animal Enforcement Officer. All surfaces must be constructed of material to provide for proper cleaning, drainage and maintenance and needs of the dogs. Multiple dog structures must be located within the prescribed setback requirements for the property and shall be located at least ten feet from the property boundary. All fences shall be located entirely upon the property of the fence owner. No boundary line fence shall be erected closer than three feet to an existing parallel boundary line fence;

(b) Owners must ensure that dogs kept on a licensed premises do not create a nuisance by excessive barking or by creating unsanitary conditions.

(4) Notification of any prior violations during the previous licensing period.

b. *Denial of license.* The city may deny any license request based upon one or more of the following:

(1) The Animal Enforcement Officer finds the multiple dog facilities inadequate;

(2) Conditions of the license are not met;

(3) A nuisance condition is found to be created by the dogs or owner; or

(4) The multiple dog facility creates a public health and safety hazard or has placed the animals in an unreasonable endangerment. The city shall investigate all complaints and may issue a citation for violations. After a complaint has been received and found to be valid regarding a multiple dog license, the holder of the license shall appear before the City Council to state or explain their position. The appearance shall be within 30 days of the initial complaint and after notification of all contiguous property owners. The City Council will then decide the status of the license.

c. *Exceptions.*

(1) An applicant may apply to the City Council for an exception to the maximum number of dogs allowed per property.

(2) This section shall not apply to nonresidents or dogs kept within the city for less than 30 continuous days.

d. *Revocation of multiple dog license.* In addition to any other sanctions herein provided, violation of any of the terms of this chapter shall be grounds for termination of the privilege of keeping up to four dogs, and the license may be revoked. Revocation may occur for a violation attributable to any dog kept by the owners.

Subd. 3. *Animal nuisances.* It shall be considered a nuisance for any animal to bark excessively, continuously or untimely, to chase vehicles, defile or destroy any property, public or private, or to defecate in or upon public property or the property of another without being cleaned up immediately by the person in charge of the animal. The person having custody of the dog is responsible for disposing of the dog feces in a sanitary manner. Failure on the part of the owner or custodian to prevent his animals from committing an act of nuisance shall subject the owner or custodian to the penalty hereinafter provided.

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

Section 5. That Ordinance 584 Amending Shorewood City Code, Chapter 701 (Animals) has been hereby approved and adopted.

Section 6. This Ordinance 584 adopting the Amendment to City Code, Chapter 701 (Animals) shall take effect upon publication in the City's official newspaper.

**ADOPTED BY THE CITY COUNCIL OF THE CITY OF SHOREWOOD, MINNESOTA
this 25th day of October, 2021.**

JENNIFER LABADIE, MAYOR

ATTEST:

SANDIE THONE, CITY CLERK

ORDINANCE 584

CITY OF SHOREWOOD COUNTY OF HENNEPIN STATE OF MINNESOTA

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Subd. 2. *Term of license.* See § 701.19 of this code.

Subd. 3. *New residents of city.* Any person who moves into and becomes a resident of the city and who owns a dog within the city shall cause the same to be

registered and licensed as provided hereinbefore within a period of not more than 30 days after becoming a resident of the city.

Subd. 4. *Transfer of license.* The license of any dog, licensed by the city, may be transferred to a new owner of the licensed dog for the duration of that license. The transfer is when the information regarding the new owner is filed with the City Clerk. The fee for license transfers shall be shown on the Master Fee Schedule adopted by the City Council.

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Section 4: City code Chapter 701.19 (APPENDICES) is hereby amended as follows:

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Subd. 2. *Multiple dog license requirements.*

a. Within the limits of the city, no more than two dogs over the age of six months shall be allowed in any household unless the owners shall first obtain a multiple dog license. This license shall allow an owner to keep up to four dogs over the age of six months. Any person desiring a multiple dog license shall make written application upon a form prescribed by and containing the information as required by the city. Every owner is required to keep a valid, individual license tag securely fastened to

the dog's collar or harness. The owner shall pay a fee for the multiple dog license as shown in the Master Fee Schedule adopted by the City Council. This license shall be valid for the period of one year, beginning on January 1 and ending on December 31, and is nontransferable. The application shall contain the following information:

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(a) If an outdoor multiple dog shelter is provided, it must be constructed of suitable material to maintain and secure the keeping of dogs and to allow for sufficient space for the dogs. Standards for adequate shelter for dogs is specified in M.S. § 343.40 and is adopted by reference, including any amendments to that section. The space must be inspected and approved by the Animal Enforcement Officer. All surfaces must be constructed of material to provide for proper cleaning, drainage and maintenance and needs of the dogs. Multiple dog structures must be located within the prescribed setback requirements for the property and shall be located at least ten feet from the property boundary. All fences shall be located entirely upon the property of the fence owner. No boundary line fence shall be erected closer than three feet to an existing parallel boundary line fence;

(b) Owners must ensure that dogs kept on a licensed premises do not create a nuisance by excessive barking or by creating unsanitary conditions.

(4) Notification of any prior violations during the previous licensing period.

b. *Denial of license.* The city may deny any license request based upon one or more of the following:

(1) The Animal Enforcement Officer finds the multiple dog facilities inadequate;

(2) Conditions of the license are not met;

(3) A nuisance condition is found to be created by the dogs or owner; or

(4) The multiple dog facility creates a public health and safety hazard or has placed the animals in an unreasonable endangerment. The city shall investigate all complaints and may issue a citation for violations. After a complaint has been received and found to be valid regarding a multiple dog license, the holder of the license shall appear before the City Council to state or explain their position. The appearance shall be within 30 days of the initial complaint and after notification of all contiguous property owners. The City Council will then decide the status of the license.

c. *Exceptions.*

(1) An applicant may apply to the City Council for an exception to the maximum number of dogs allowed per property.

(2) This section shall not apply to nonresidents or dogs kept within the city for less than 30 continuous days.

d. *Revocation of multiple dog license.* In addition to any other sanctions herein provided, violation of any of the terms of this chapter shall be grounds for termination of the privilege of keeping up to four dogs, and the license may be revoked. Revocation may occur for a violation attributable to any dog kept by the owners.

Subd. 3. *Animal nuisances.* It shall be considered a nuisance for any animal to bark excessively, continuously or untimely, to chase vehicles, defile or destroy any property, public or private, or to defecate in or upon public property or the property of another without being cleaned up immediately by the person in charge of the animal. The person having custody of the dog is responsible for disposing of the dog feces in a sanitary manner. Failure on the part of the owner or custodian to prevent his animals from committing an act of nuisance shall subject the owner or custodian to the penalty hereinafter provided.

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

Section 5. That Ordinance 584 Amending Shorewood City Code, Chapter 701 (Animals) has been hereby approved and adopted.

Section 6. This Ordinance 584 adopting the Amendment to City Code, Chapter 701 (Animals) shall take effect upon publication in the City's official newspaper.

**ADOPTED BY THE CITY COUNCIL OF THE CITY OF SHOREWOOD, MINNESOTA
this 25th day of October, 2021.**

JENNIFER LABADIE, MAYOR

ATTEST:

SANDIE THONE, CITY CLERK

RESOLUTION 21-127

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

**A RESOLUTION APPROVING THE PUBLICATION OF
ORDINANCE 584 REGARDING CITY CODE ORDINANCE AMENDMENTS RELATED
TO ANIMAL BREEDERS**

WHEREAS, at a duly called meeting on October 25, 2021, the City Council of the City of Shorewood adopted Ordinance No. 584 entitled "AN ORDINANCE APROVING AN AMENDMENT TO SHOREWOOD CITY CODE CHAPTER 701 (ANIMALS)"; and

WHEREAS, the City Council adopted a lengthy ordinance amending City Code Chapter 701 to amend regulations related to animals; 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 SHOREWOOD:

1. The City Council finds that the above title and summary of Ordinance No. 584 clearly informs the public of the intent and effect of the Ordinance.
2. The City Clerk is directed to publish Ordinance No. 584 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 25th day of October, 2021.

Jennifer Labadie, Mayor

Attest:

Sandie Thone, City Clerk



City of Shorewood Council Meeting Item

#10A.1

MEETING TYPE
Regular

Title / Subject: 3rd Quarter 2021 General Fund Budget Report

Meeting Date: October 25, 2021

Prepared by: Joe Rigdon, Finance Director

Reviewed by: Greg Lerud, City Administrator

Attachments: General Fund Budget Report

Policy Consideration:

A General Fund budget summary report is provided to the City Council for review on a quarterly basis.

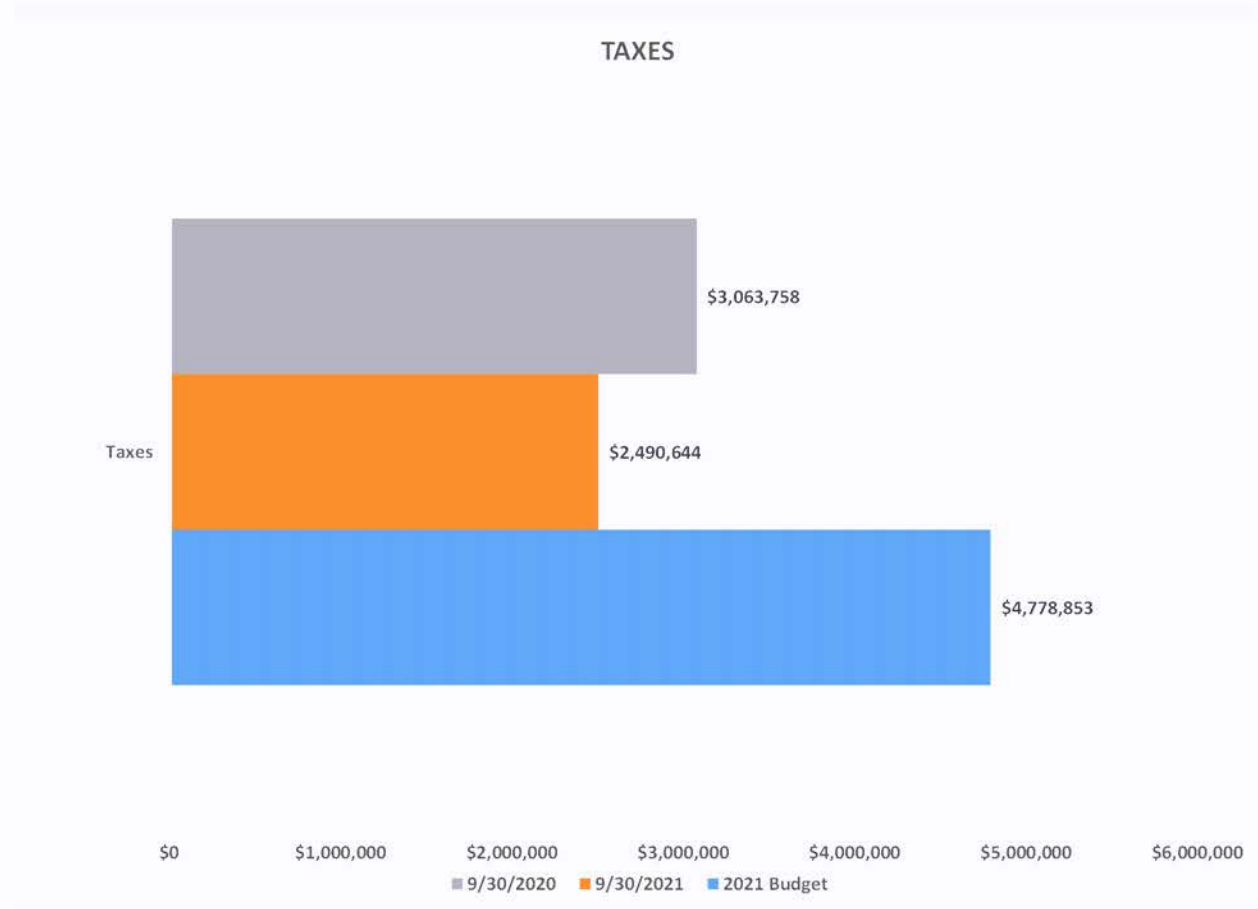
Background:

The following information describes the unaudited financial results of the City's General Fund as of September 30, 2021. Comparisons between year-to-date amounts through September for revenues and expenditures are included to assist in gauging fund performance.

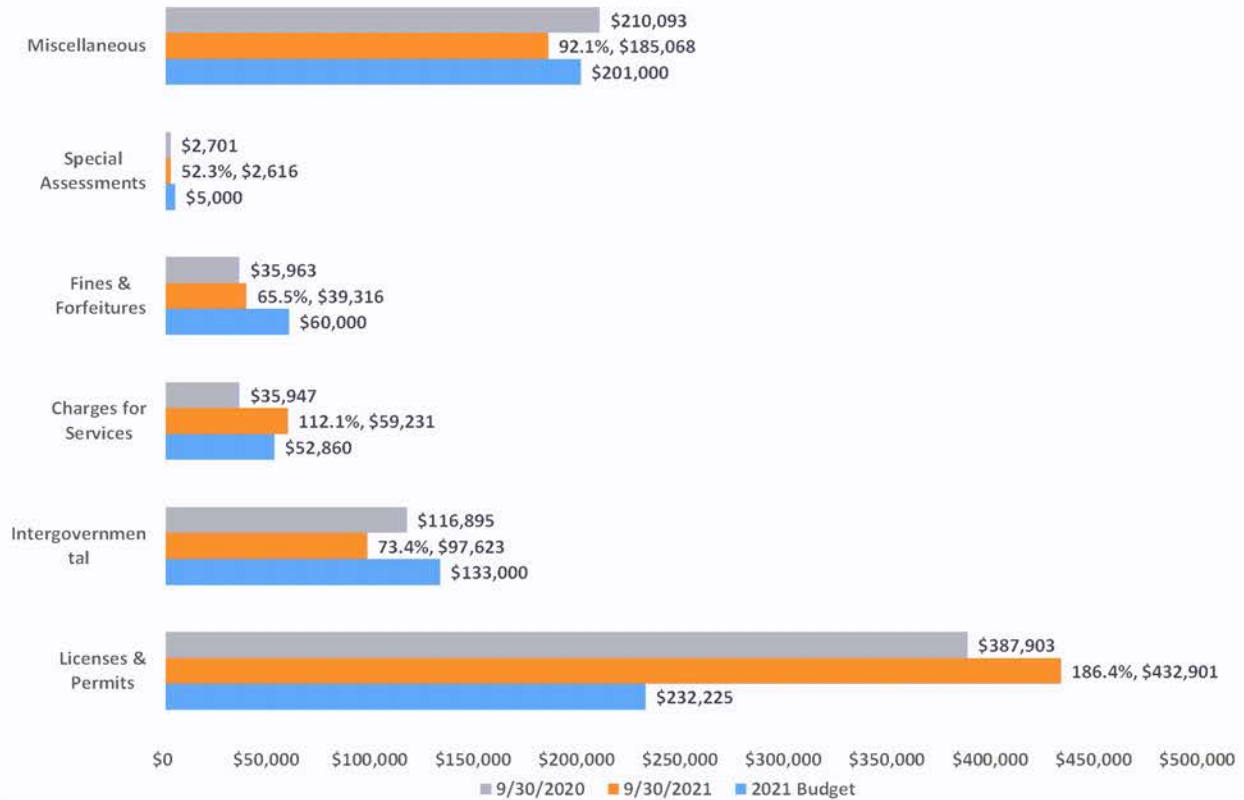
General Fund

Revenues:

Through September 30, 2021, property tax revenues for the General Fund were \$2,490,644, or 52.1% of the budgeted tax levy. First half property taxes received from Hennepin County consisted of an advance of funds in June, with the remainder received in July. The second half property taxes will be received in December 2021.

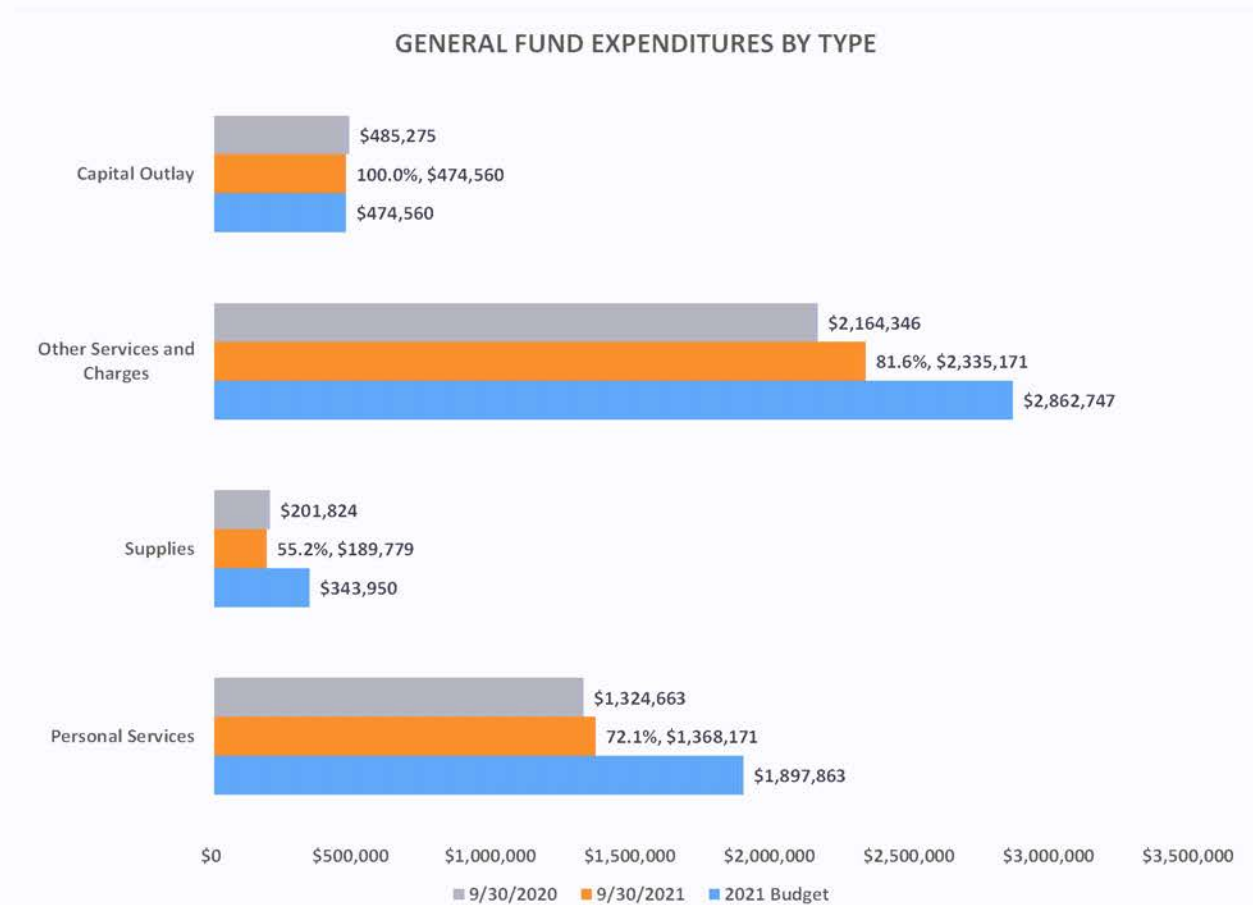


GENERAL FUND NON-TAX REVENUES



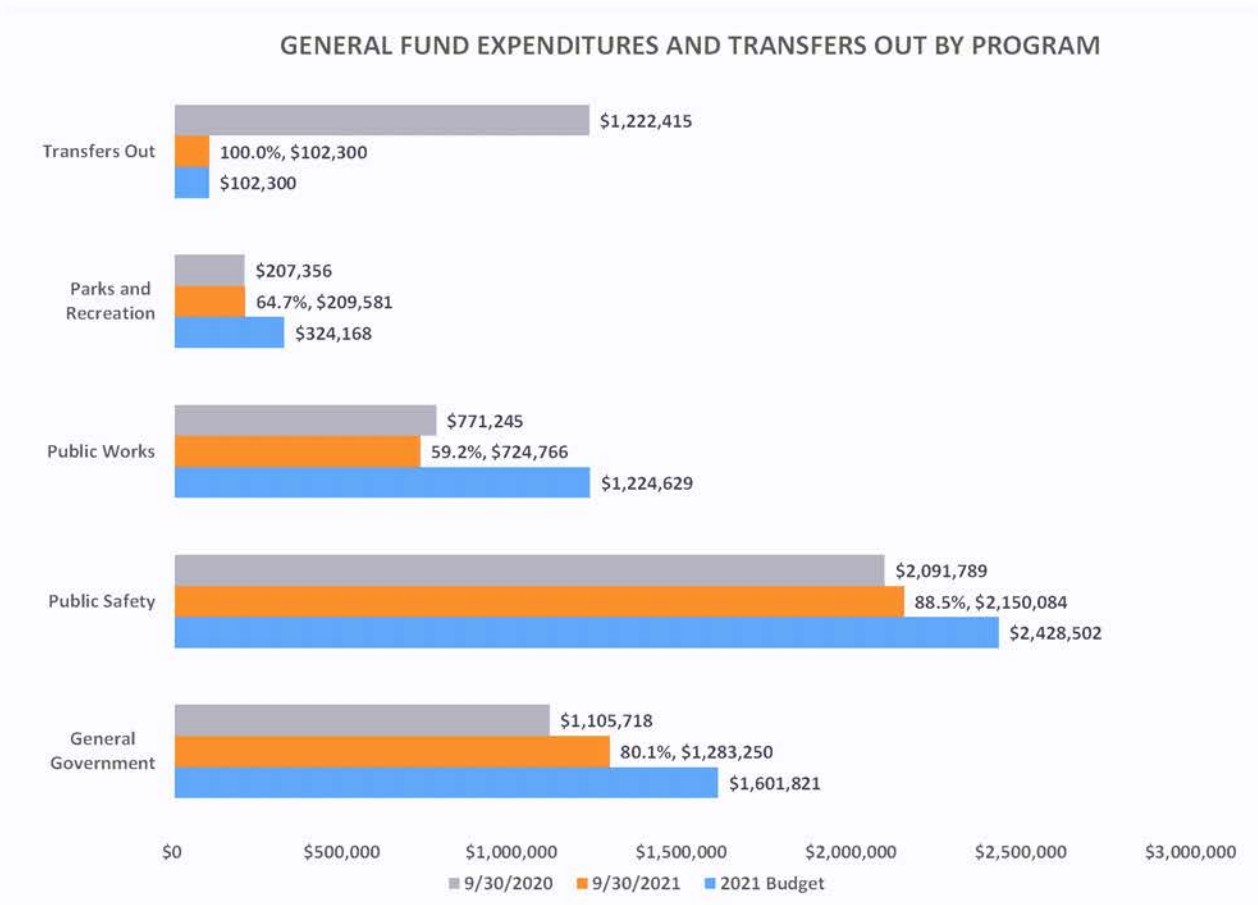
- Licenses and permits amounted to 186.4% of budget, or \$432,901 through September of 2021. The majority of the revenue consisted of building permits and plan check fees. As a comparison, licenses and permits revenues through September of 2020 were \$387,903.
- Intergovernmental revenues were \$97,623 through 09/30/21, as compared to \$116,895 through 09/30/20.
- Miscellaneous revenues totaled \$185,068 through 09/30/21. Antenna rent is the largest component. No investment interest earnings are typically allocated to the General Fund until the fourth quarter.
- Total General Fund revenues (excluding transfers in) amounted to \$3,307,399, or 60.5% of budget through 09/30/21. Revenues through September for 2021 were substantially lower than prior year revenues through September 2020, due to the following:
 - Through 2020, the City certified its entire property tax levy as revenue to the General Fund. Subsequent transfers out were made from the General Fund to various capital projects and debt service funds. Commencing in 2021, the City levied taxes directly to capital and debt funds, thereby reducing General Fund tax revenues as well as eliminating the majority of the transfers out.

Expenditures by Type:



- General Fund personal services (including salaries and benefits) were at 72.1% of the annual budget through the third quarter of 2021. This amounted to a 3.3% increase over the third quarter of 2020.
- Supplies expenditures through September 2021 were 55.2% of the 2021 budget.
- Other services and charges were 81.6% of the 2021 budget.
- Capital outlay expenditures were 100.0% of budget through the third quarter, resulting from the payment timing for the capital portion of the police and fire contracts in 2021. Capital expenditures were 2.2% less, when compared through the same period of the prior year.

Expenditures by Program:

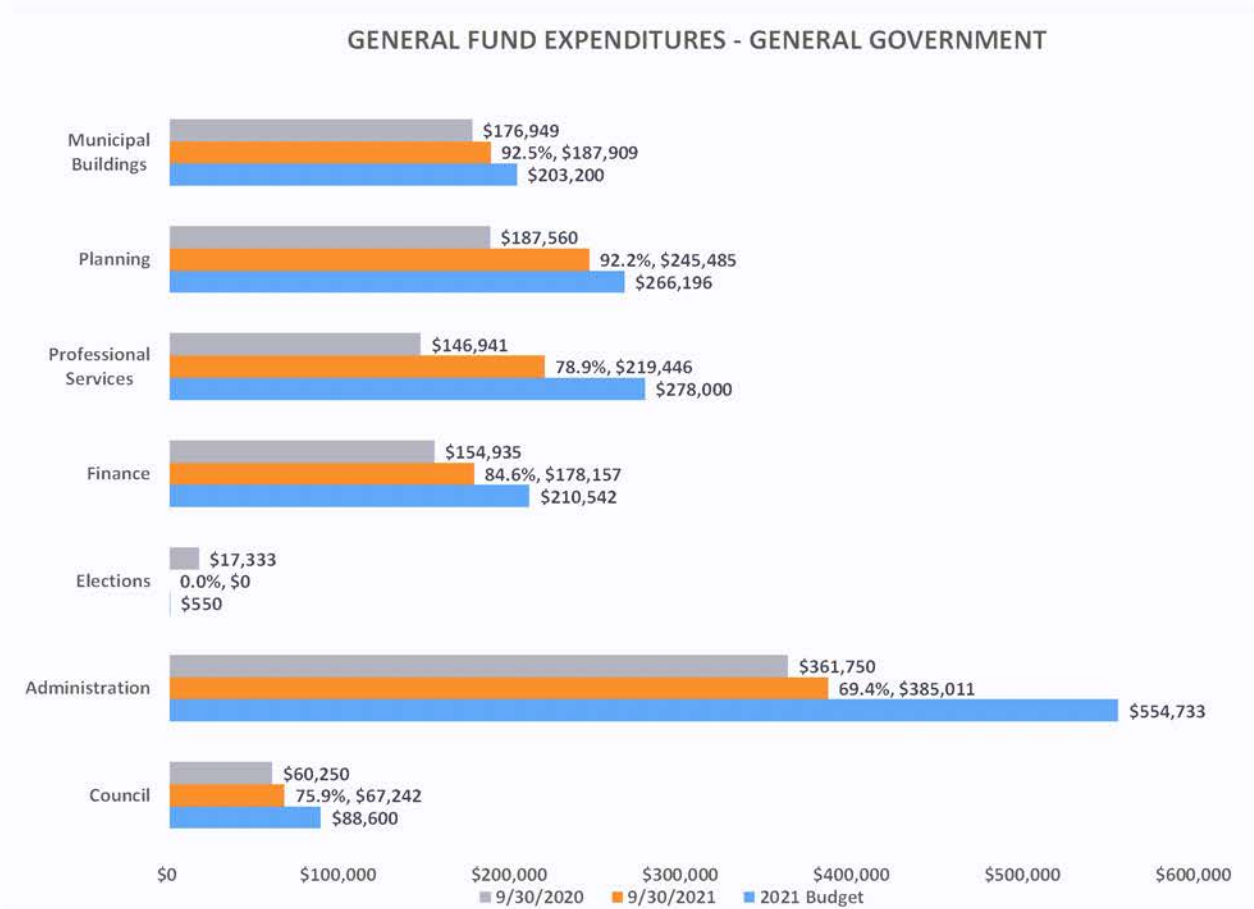


- General government expenditures through September 2021 were \$1,201,366 (80.1% of budget), or 16.1% higher than 2020.
 - Timing difference for County assessor's payment
 - A comparative increase in planning wages and benefits expenditures occurred in the first half of 2021 due to a planning position being open in the first half of 2020.
 - Code enforcement legal costs incurred
 - Purchase of building permit software in 2021
- Public safety expenditures were \$1,821,377 through 09/30/21 (88.5% of budget), increasing 2.8% through 09/30/20.
 - Police increase of 2.9%; Fire increase of 2.0%; Protective Inspections increase of 6.7%.
- Public works expenditures totaled \$918,472 through 09/30/21 (59.2% of budget), decreasing 6.0% from the prior year.

- Parks and recreation expenditures amounted to \$209,581 through September 2021, a 1.1% increase from 2020.
- Budgeted transfers out to other funds were \$102,300 through September 2021, as compared to \$1,222,415 through September 2020.
 - Through 2020, the City certified its entire property tax levy as revenue to the General Fund. Subsequent transfers out were made from the General Fund to various capital projects and debt service funds. Commencing in 2021, the City levied taxes directly to capital and debt funds, thereby reducing General Fund tax revenues as well as eliminating the majority of the transfers out.
- The General Fund exhibited an overall 4.6% increase in expenditures (excluding transfers out) from \$4,176,108 through 09/30/20 to \$4,367,681 through 09/30/21.

Expenditures by Department:

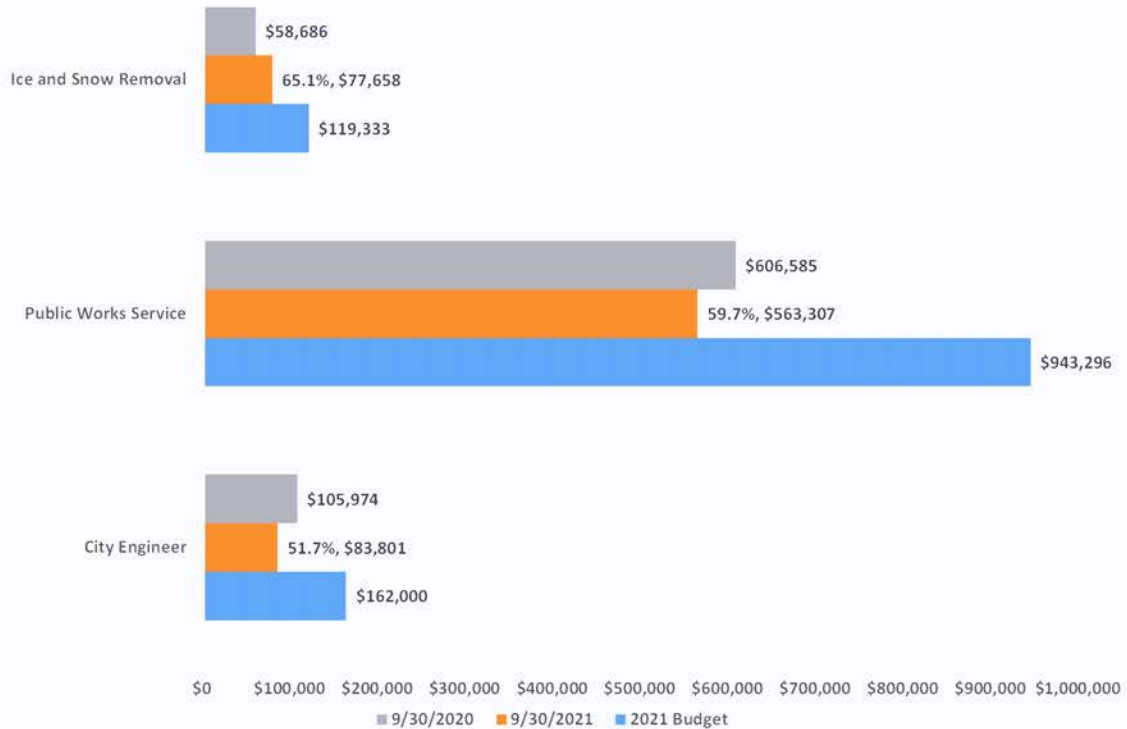
The following charts include expenditure information for individual departments through the third quarter of 2021.



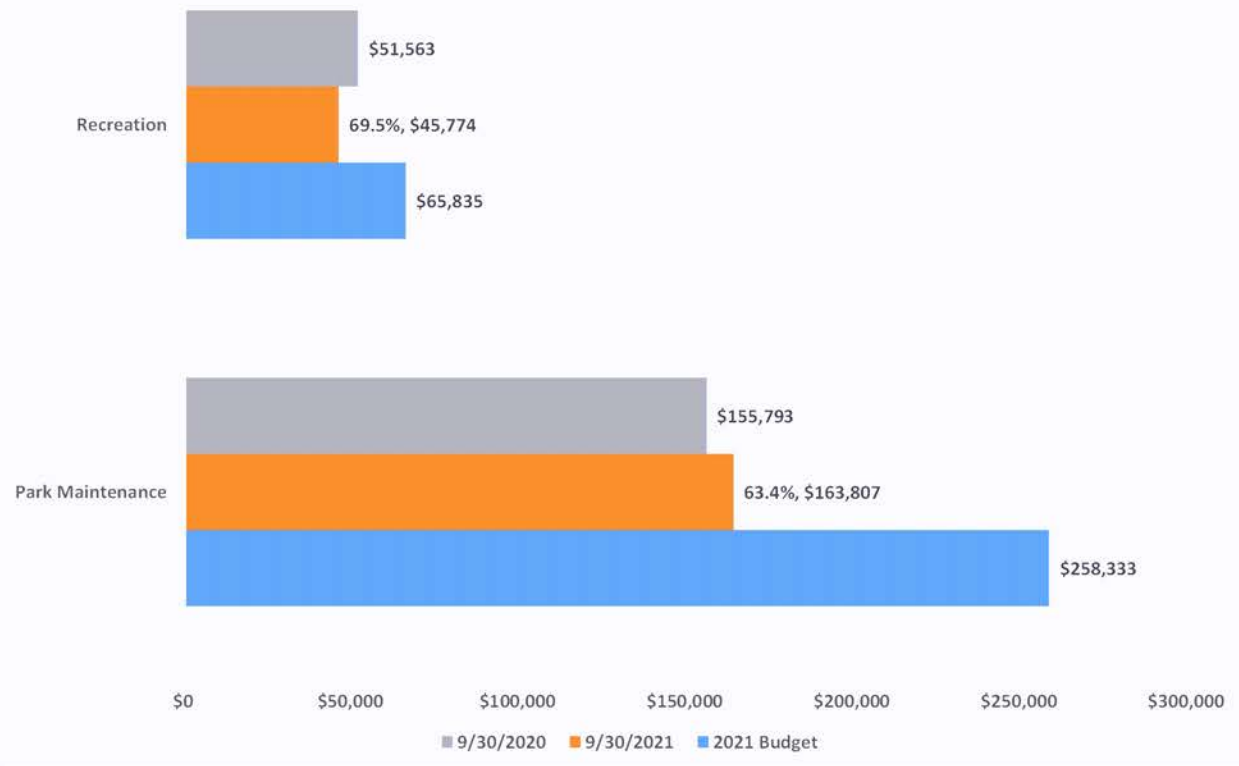
GENERAL FUND EXPENDITURES - PUBLIC SAFETY



GENERAL FUND EXPENDITURES - PUBLIC WORKS



GENERAL FUND EXPENDITURES - PARKS AND RECREATION



Financial or Budget Considerations:

This report is intended to provide budget to actual and comparative financial information for the General Fund.

Recommendation / Action Requested:

Staff recommends that the City Council accept the quarterly budget report.

Next Steps and Timeline:

The General Fund budget report for 4th quarter 2021 will be prepared and distributed in 2022.

Connection to Vision / Mission:

The review of periodic reporting of financial information is a component of sound financial management.



#10A.2

MEETING TYPE
Regular

City of Shorewood Council Meeting Item

Title / Subject: Investments 3rd Quarter 2021 Report

Meeting Date: October 25, 2021

Prepared by: Joe Rigdon, Finance Director

Reviewed by: Greg Lerud, City Administrator

Attachments: Third Quarter 2021 Investments Spreadsheets

Policy Consideration:

An investment report is provided to the City Council for review on a quarterly basis.

Background:

The following information describes the unaudited investment activity of the City's funds as of September 30, 2021.

The City's investment policy, modified 3/24/2013, indicates that an investment report shall be prepared at least quarterly, including a management summary.

General Objectives:

The primary objectives, in priority order, of investment activities are safety, liquidity, and yield.

1. Safety:

Safety of principal is the foremost objective of the investment program. Investments shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio. The objective is to mitigate credit risk and interest rate risk. Credit risk is the risk of loss due to the failure of the security issuer or backer. Interest rate risk is the risk that the market value of securities in the portfolio will fall due to changes in market interest rates.

2. Liquidity:

The investment portfolio shall remain sufficiently liquid to meet all operating requirements that may be reasonably anticipated. This is accomplished by structuring the portfolio so that securities mature concurrent with cash needs to meet anticipated demands.

3. Yield:

The investment portfolio shall be designed with the objective of attaining a market rate of return through budgetary and economic cycles, taking into account the investment risk constraints and liquidity needs.

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.*

Authorized and Suitable Investments:

Minnesota Statute 118A.04 lists the types of investments that public funds may be invested in. The City's investment policy is narrower than the statute, and includes the following permissible investments:

- United States securities:

Governmental bonds, notes, bills, mortgages (excluding high-risk mortgage-backed securities), and other securities, which are direct obligations or are guaranteed or insured issues of the United States, its agencies, its instrumentalities, or organizations created by an act of Congress.

- State and local securities:

Any security which is a general obligation of any state or local government with taxing powers which is rated "A" or better by a national bond rating service.

Any security which is a revenue obligation of any state or local government with taxing powers which is rated "AA" or better by a national bond rating service.

- Commercial paper:

Commercial paper issued by United States corporations or their Canadian subsidiaries that is rated in the highest quality category by at least two nationally recognized rating agencies and matures in 270 days or less.

- Time deposits:

Time deposits that are fully insured by the Federal Deposit Insurance Corporation (FDIC) or by the National Credit Union Administration (NCUA).

- Minnesota joint powers investment trust (4M Fund):

Investments are restricted to securities described in Minnesota Statutes 118A.04 and 118A.07, subdivision 7.

Diversification:

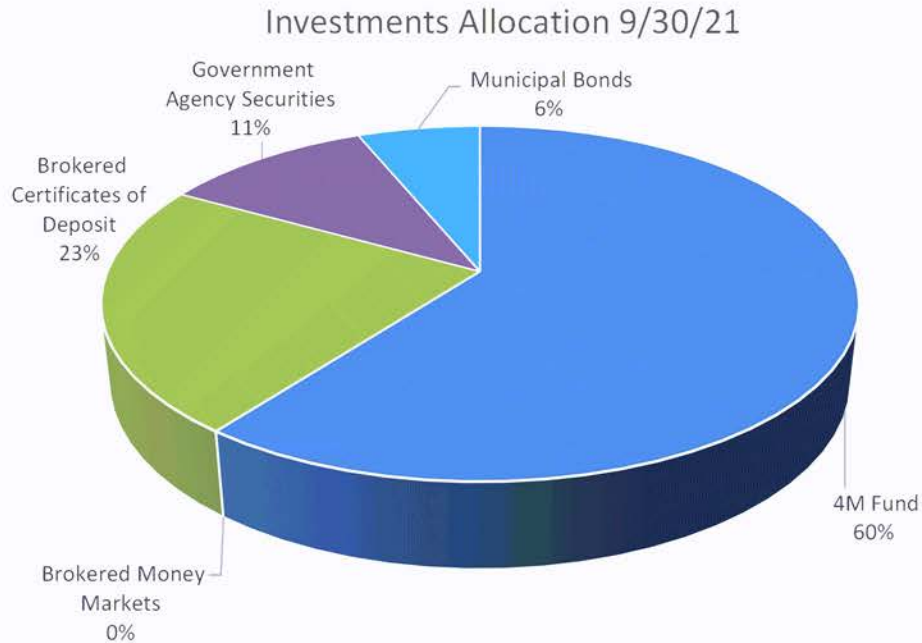
The City shall attempt to diversify its investments according to type and maturity. The portfolio may contain both short-term and long-term investments. The City will attempt to match its investment maturities with anticipated cash flow requirements. The City's investment policy includes the following restrictions:

- No more than 30% of the total investments should extend beyond 5 years.
- No investment should extend beyond 15 years.
- No more than 10% of the total investments shall be commercial paper.

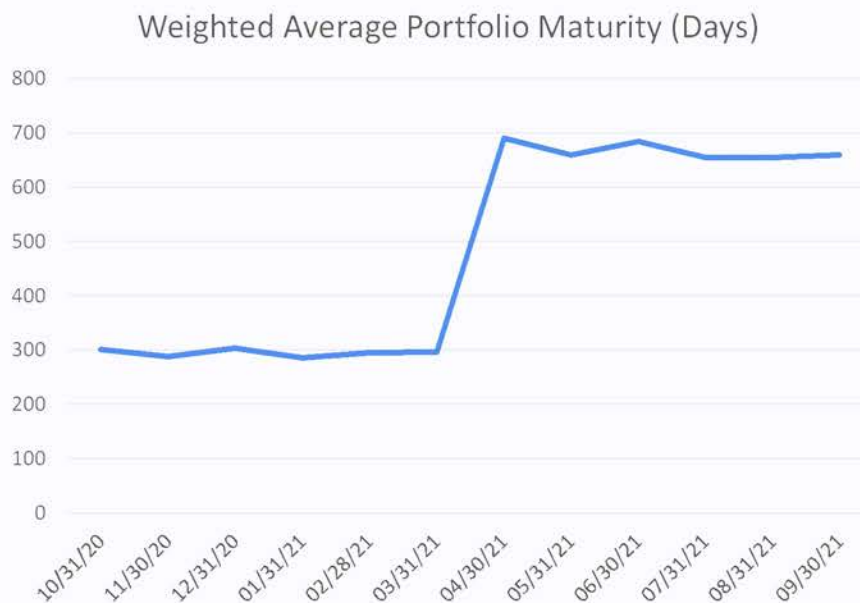
As of 9/30/2021, the City is in compliance with the investment policy's diversification restrictions.

Current Investments:

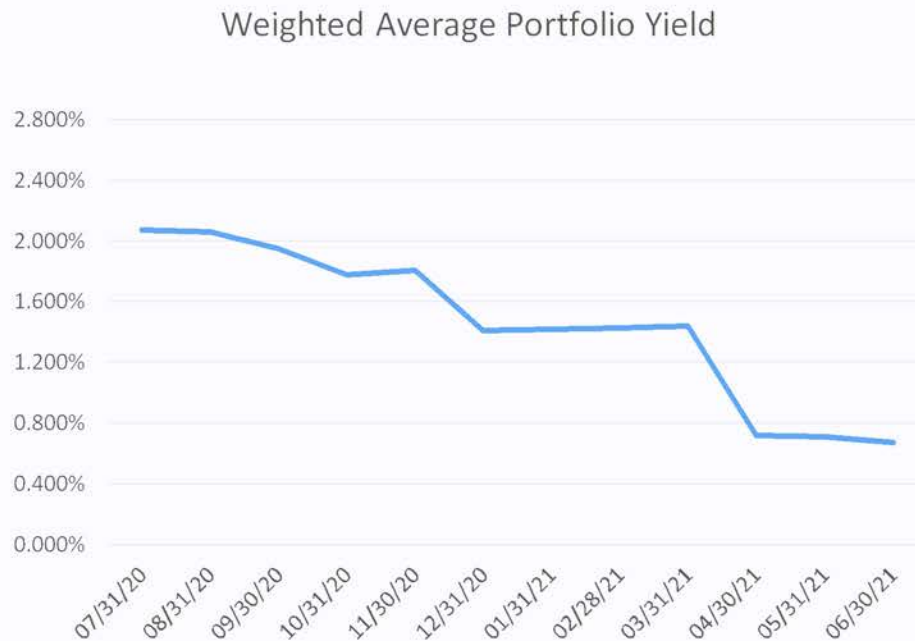
At 9/30/2021, market value of the City's investments amounted to \$14,212,242. Municipal money market funds (4M) were the largest share of the portfolio, at 60%. Net bond proceeds of \$7.4 million were transferred into the 4M fund in August 2020, while approximately \$4.2 million of new bond proceeds were transferred in July 2021. An investments summary and an investments detail listing are included on the attachments.



Due to the purchases of several government agency securities in the 2nd quarter with slightly longer duration, the weighted average portfolio maturity in days of the City's investment portfolio has increased in 2021. This calculation varies based on the mix of investment purchases and maturities. The average maturity was a calculated 659 days, or 1.81 years, as of 9/30/2021.



The weighted average yield of the City's investment portfolio has exhibited downward movement during 2020-2021, reflecting current economic conditions. Based on the City's fixed rate investments (excluding the 4M Fund), the portfolio yield was calculated at 0.64% at 9/30/2021, and is expected to decline further in 2021-2022 as investment maturities occur. The 4M Fund average monthly rate for September 2021 was 0.01%.



From 1/1/2021 through 9/30/2021, the City received \$99,756 in investment interest. The change in fair market value of the portfolio decreased by \$59,839 through 9/30/2021 as a result of market economic conditions. The City's intent is to hold investments to maturity dates, which will prevent realized principal gains or losses on investments related to market conditions. Net investment income through 9/30/2021 amounted to \$39,917.

Financial or Budget Considerations:

This report is intended to provide investments financial information for the City's funds.

Recommendation / Action Requested:

Staff recommends that the City Council accept the quarterly investments report.

Next Steps and Timeline:

The investments quarterly report for 4th quarter 2021 will be prepared and distributed in January 2022.

Connection to Vision / Mission:

The review of periodic reporting of financial information is a component of sound financial management.

**City of Shorewood
Investments Summary
2020-2021**

	10/31/20	11/30/20	12/31/20	01/31/21	02/28/21	03/31/21	04/30/21	05/31/21	06/30/21	07/31/21	08/31/21	09/30/21
<u>Allocation (\$)</u>												
4M Fund	9,254,020.11	9,538,762.24	8,862,918.33	9,106,479.90	9,756,920.45	10,262,454.95	6,948,611.87	6,954,234.02	7,207,509.26	11,448,530.85	11,766,469.70	8,576,939.78
Brokered Money Markets	-	-	-	-	-	-	-	-	-	-	-	-
Brokered Certificates of Deposit	3,283,276.71	3,279,754.52	4,275,087.53	4,032,177.49	3,782,865.19	3,298,394.17	3,794,814.63	3,792,685.99	3,545,034.26	3,541,949.99	3,239,319.54	3,237,429.78
Government Agency Securities	(0.00)	(0.00)	(0.00)	-	-	-	1,520,762.00	1,524,082.00	1,517,871.00	1,525,488.50	1,522,324.00	1,513,574.50
Municipal Bonds	1,894,162.30	1,610,988.05	1,293,926.25	1,291,058.20	903,500.70	900,970.00	1,195,968.00	1,193,261.50	1,190,621.50	1,190,607.00	1,187,453.00	884,297.50
	14,431,459.12	14,429,504.81	14,431,932.11	14,429,715.59	14,443,286.34	14,461,819.12	13,460,156.50	13,464,263.51	13,461,036.02	17,706,576.34	17,715,566.24	14,212,241.56
<u>Allocation (%)</u>												
4M Fund	64.1%	66.1%	61.4%	63.1%	67.6%	71.0%	51.6%	51.6%	53.5%	64.7%	66.4%	60.3%
Brokered Money Markets	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Brokered Certificates of Deposit	22.8%	22.7%	29.6%	27.9%	26.2%	22.8%	28.2%	28.2%	26.3%	20.0%	18.3%	22.8%
Government Agency Securities	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	11.3%	11.3%	11.3%	8.6%	8.6%	10.6%
Municipal Bonds	13.1%	11.2%	9.0%	8.9%	6.3%	6.2%	8.9%	8.9%	8.8%	6.7%	6.7%	6.2%
	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%
Weighted Average Portfolio Yield	1.780%	1.810%	1.410%	1.420%	1.430%	1.440%	0.720%	0.710%	0.674%	0.661%	0.648%	0.640%
Weighted Average Portfolio Maturity (Days)	301	288	304	286	295	296	691	660	684	655	655	659

City of Shorewood - Investments Detail
12/31/21

4M Fund

Money Market	4M Fund
Discover Bank CD	Brokered CD
Mahtomedi MN ISD Taxable	Municipal Bonds
First National Bank/The First, NA	Brokered CD
First Mid-Illinois Bank & Trust CD	Brokered CD
Pinnacle Bk Nashville TN CD	Brokered CD
New Hampshire State GO	Municipal Bonds
Landmark Community Bank TN CD	Brokered CD
CFG Community Bank Lutherville, MD CD	Brokered CD
Great Midwest Bank CD	Brokered CD
Citibank NA CD	Brokered CD
Los Angeles CA	Municipal Bonds
Texas Capital Bank, TX CD	Brokered CD
Sallie Mae Bank Salt Lake City, UT CD	Brokered CD
KS State Bank/Kansas State Bank of Manhattan	Brokered CD
Third Coast Bank, SSB CD	Brokered CD
Wells Fargo Bk N A Sioux Falls SD CD	Brokered CD
Western Alliance Bank/Torrey Pines Bank CA CD	Brokered CD
CIBC Bank USA/Priate Bank MI CD	Brokered CD
Ally Bank CD	Brokered CD
Capital One Bank USA NA CD	Brokered CD
Pacific Western Bank, CA CD	Brokered CD
Servisfirst Bank, FL CD	Brokered CD
Greenstate Credit Union, IA CD	Brokered CD
Morgan Stanley Pvt Bank CD	Brokered CD
Waukesha WI Prom Nts	Municipal Bonds
US Treasury	Government Agency
Waukesha WI Prom Nts	Municipal Bonds
US Treasury	Government Agency
US Treasury	Government Agency

Par Value	Yield %	Purchase Date	Maturity Date	Cusip	FDIC #
10,262,454.95	0.01				
240,000.00	2.00	1/5/2017	1/5/2021	254672227	5649
385,000.00	3.40	8/1/2015	2/1/2021	560211MN1	N/A
249,994.80	1.46	2/26/2020	2/5/2021	Non-DTC	4256
249,128.99	2.83	3/13/2019	3/12/2021	Non-DTC	3705
245,000.00	1.95	9/21/2017	3/22/2021	723455FU0	35583
595,000.00	2.70	5/2016	4/1/2021	644682U38	N/A
249,900.83	0.06	12/2/2020	6/1/2021	Non-DTC	34982
249,778.75	1.69	12/11/2019	6/10/2021	Non-DTC	34294
111,046.61	2.88	8/15/2018	8/16/2021	Non-DTC	29657
198,000.00	2.95	8/24/2018	8/24/2021	17312QR84	7213
300,000.00	1.30	3/17/2020	9/1/2021	544351MC0	N/A
249,849.60	0.10	12/2/2020	12/2/2021	Non-DTC	34383
247,000.00	1.75	12/18/2019	12/20/2021	7954505Y7	58177
249,785.37	1.60	2/26/2020	2/28/2022	Non-DTC	19899
249,753.21	1.52	3/2/2020	3/2/2022	Non-DTC	58716
249,000.00	2.70	3/27/2019	3/28/2022	949763Y17	3511
249,908.78	0.20	4/1/2021	4/1/2022	Non-DTC	57512
249,908.81	0.11	12/2/2020	5/26/2022	Non-DTC	33306
247,000.00	2.06	8/8/2019	8/8/2022	02007GLA9	57803
247,000.00	2.06	8/7/2019	8/8/2022	14042TBP1	33954
249,697.78	0.12	12/2/2020	12/2/2022	Non-DTC	24045
249,900.08	0.16	4/1/2021	4/3/2023	Non-DTC	57993
249,947.60	0.15	6/1/2021	6/1/2023	Non-DTC	NCUA
247,000.00	1.76	9/5/2019	9/5/2023	61760AX61	34221
500,000.00	0.20	4/20/2021	10/1/2023	943080VH1	N/A
500,000.00	0.29	4/5/2021	4/30/2024	912828X70	N/A
350,000.00	0.36	4/20/2021	10/1/2024	943080V17	N/A
500,000.00	0.57	4/5/2021	3/31/2025	912828ZF0	N/A
500,000.00	0.82	4/5/2021	3/31/2026	91282CB77	N/A

Market Value 12/31/2020	Purchases	Sales	Transfers in	Transfers out	Change in Market Value & Gain/Loss	Interest/ Dividends	Market Value 9/30/2021
8,862,918.33	3,040,600.00	(3,166,727.61)	4,339,257.17	(4,500,000.00)	-	891.89	8,576,939.78
240,064.80	-	(240,000.00)	-	(2,419.73)	(64.80)	2,419.73	(0.00)
385,735.35	-	(385,000.00)	-	(6,545.00)	(735.35)	6,545.00	-
246,400.00	-	(246,400.00)	-	(3,594.80)	-	3,594.80	-
235,800.00	-	(235,800.00)	-	(13,328.99)	-	13,328.99	-
246,061.34	-	(245,000.00)	-	(1,191.10)	(1,061.34)	1,191.10	0.00
598,581.90	-	(595,000.00)	-	(8,032.50)	(3,581.90)	8,032.50	-
249,800.00	-	(249,800.00)	-	(100.83)	-	100.83	-
243,600.00	-	(243,600.00)	-	(6,178.75)	-	6,178.75	-
102,000.00	-	(102,000.00)	-	(9,046.61)	-	9,046.61	-
201,824.17	-	(198,000.00)	-	(5,940.00)	(3,824.17)	5,940.00	(0.00)
309,609.00	-	(300,000.00)	-	(15,000.00)	(9,609.00)	15,000.00	-
249,600.00	-	-	-	-	-	-	249,600.00
251,079.70	-	-	-	(2,155.33)	(3,163.08)	2,155.33	247,916.62
242,000.00	-	-	-	-	-	-	242,000.00
242,400.00	-	-	-	-	-	-	242,400.00
257,307.64	-	-	-	(5,140.33)	(5,045.99)	5,140.33	252,261.65
-	249,400.00	-	-	-	-	-	249,400.00
249,500.00	-	-	-	-	-	-	249,500.00
255,199.41	-	-	-	(5,310.50)	(3,798.61)	5,310.50	251,400.80
255,199.41	-	-	-	(5,310.50)	(3,798.61)	5,310.50	251,400.80
249,100.00	-	-	-	-	-	-	249,100.00
-	249,100.00	-	-	-	-	-	249,100.00
-	249,200.00	-	-	-	-	-	249,200.00
258,151.06	-	-	-	(4,569.50)	(4,001.15)	4,569.50	254,149.91
-	521,960.00	-	-	-	(4,620.00)	-	517,340.00
-	530,422.67	-	-	(5,000.00)	(10,227.17)	5,000.00	520,195.50
-	369,645.50	-	-	-	(2,688.00)	-	366,957.50
-	498,647.43	-	-	-	(1,557.43)	-	497,090.00
-	498,352.01	-	-	-	(2,063.01)	-	496,289.00
14,431,932.11	6,207,327.61	(6,207,327.61)	4,339,257.17	(4,598,864.47)	(59,839.61)	99,756.36	14,212,241.56

Net Interest Earnings (Interest and realized gains/losses on securities)

39,916.75 39,916.75