

MINUTES

1. CONVENE CITY COUNCIL REGULAR MEETING

Mayor Labadie called the meeting to order at 7:07 P.M.

A. Pledge of Allegiance

B. Roll Call

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

Absent: None

C. Review Agenda

Councilmember Siakel asked to add an agenda item regarding posting of the Communications position.

Johnson moved, Siakel seconded, approving the agenda as amended, adding item 5C. under General New Business, Posting for the Communications/Recycling Coordinator Position. All in favor, motion passed.

2. CONSENT AGENDA

Mayor Labadie reviewed the items on the Consent Agenda.

Councilmember Callies asked about item I. regarding the assessment agreements for water connections and whether the homeowners had already paid a portion of the charge.

Finance Director Rigdon explained that both homeowners for this item have paid \$5,000 down and the remaining \$5,000 will be assessed.

Councilmember Callies asked about item K. regarding street sweeping and debris removal. She explained that in the memo it states that the street sweeping potentially contain contaminants that need to be disposed of properly and would potentially be used as landfill cover. She asked if the contaminants are removed or if the contaminant filled debris is being used as cover for the landfill.

City Engineer Budde stated that the landfill uses street sweepings as cover to help keep plastic bags and other lightweight debris from blowing away. He stated that they are one of the landfills that can accept this type of material without any excessive testing so it is the most economical way for the City to dispose of that material.

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

- A. City Council Special Meeting Minutes of October 19, 2022
- B. Economic Development Authority (EDA) Meeting Minutes of October 24, 2022
- C. City Council Regular Meeting Minutes of October 24, 2022
- D. City Council Special Meeting Minutes of October 27, 2022
- E. Approval of the Verified Claims List
- F. Accept Donations from American Legion Post 259 and Lucky's Station for Arctic Fever Event, Adopting RESOLUTION NO. 22-108, "A Resolution Accepting Donations to the City of Shorewood 2023 Arctic Fever Event."
- G. Approve Employment Agreement for Marc Nevinski for City Administrator
- H. Approve Lease Renewal with AT&T, Adopting RESOLUTION NO. 22-109, "A Resolution Approving the Reinstatement and Ratification of a Second Amendment to Water Tower Space Lease Agreement."
- I. Approve Assessment Agreements for Water Connections, Adopting RESOLUTION NO. 22-110, "A Resolution Certifying Special Assessments on the 2023 Hennepin County Property Tax Rolls."
- J. Approve Change Order No. 1 and Accept Final Improvements for Glen Road, Amlee Road, and Manitou Lane Landscape Project, City Project 18-08, Adopting RESOLUTION NO. 22-111, "A Resolution to Approve Change Order No. 1 and Authorize Final Acceptance for the Glen Road, Manitou Lane, and Amlee Road Landscape Project; City Project 18-08."
- K. Accept Quotes and Award Contract for 2022 Street Sweeping Debris Removal, City Project 22-08, Adopting RESOLUTION NO. 22-112, "A Resolution to Accept Quotes and Award Contract for 2022 Street Sweeping Removals, City Project 22-08."
- L. Authorize Application for Matching Grant, Public Works Safety Equipment

All in favor, motion passed.

3. MATTERS FROM THE FLOOR

There were no comments.

4. ENGINEERING/PUBLIC WORKS

A. Accept Bids and Award Contract for Birch Bluff Improvements, No Parking, and Authorize Wetland Bank Purchase, City Project 21-01

City Engineer Budde gave an overview of the Birch Bluff project and explained that eight bids were opened on November 2, 2022. He stated that the low bidder was New Look Contracting which came in about twenty percent below the engineering estimate. He stated that if the Council approves this item, tree removal can potentially begin this fall and winter with overhead utility relocation as soon as possible during the spring months. He noted that final completion of this project is slated for November 22, 2023. He explained that part of this project will require purchase of some wetland bank credits due to the anticipated wetland impacts. He stated that part of this project is also to prohibit parking for the west bound lanes of Birch Bluff Road and the south bound lanes of Grant Lorenz Road from Edgewood Road to the Tonka Bay city limits. He stated that staff recommends approval of all three resolutions.

Councilmember Gorham asked about the staff estimate for project costs.

City Engineer Budde explained that the City had adjusted their project estimate after they opened the bids for the Strawberry Lane project because they had seen a pretty sharp increase, so this bid came in very favorably.

Councilmember Gorham commended City Engineer Budde for his work on this and stated that the bids coming in at this number is a big relief for the City.

Councilmember Siakel thanked City Engineer Budde for his proactive follow up with residents on Birch Bluff. She stated that she had received a call about the fire lane and tree removal and the concerns that the pipe from the retention pond to the lake may be exposed and ugly. She stated that she wanted to make the Council aware of those concerns. She noted that related to the tree removal, there are a few trees that are closer to the lake that they are interested in saving if at all possible and asked that staff communicate with the homeowners and Davey about this issue. She asked how the City determines the parking restrictions.

City Engineer Budde explained that, in this case, the City allowed the parking on the side that has less driveways so there will be more parking usage possible.

Councilmember Siakel stated that she did not really have a preference, but when people are parking, she thinks she sees more on the other side of the street. She stated that she feels that this may come up as an issue later in the process and questioned whether it really mattered which side of the street parking is allowed.

City Engineer Budde reiterated that the main criteria, in this case, was in relation to the amount of cars that they could fit and there were more driveways on the north side of the roadway which means less cars could park on that side.

Johnson moved, Siakel seconded, Adopting RESOLUTION NO. 22-113, "A Resolution to Accept Bids and Award Contract for the Birch Bluff Road Street and Utility Improvement Project, City Project 21-01." All in favor, motion passed.

Siakel moved, Labadie seconded, Adopting RESOLUTION NO. 22-114, "A Resolution to Purchase Wetland Bank Credits for Birch Bluff Road and Utility Improvements Project; City Project 21-01." All in favor, motion passed.

Johnson moved, Gorham seconded, Adopting RESOLUTION NO. 22-115, “A Resolution to Prohibit Parking for the West Bound Lanes of Birch Bluff Road and the South Bound Lanes of Grant Lorenz Road; City Project 21-01.” All in favor, motion passed.

B. Strawberry Lane Easement Update

City Engineer Budde explained that staff have discovered a discrepancy in the existing right-of-way and the easement needs related to the Strawberry Lane project. He introduced Dave Martini, Senior Principal Engineer, Bolton and Menk, and noted that he would be handling discussion of this item with the Council.

Dave Martini, Bolton and Menk, explained the process that was undertaken at the early stages of this project putting together documents to establish things like property rights and right-of-way limits. He stated that they put together a base map and then staff proceeded to pursue areas where the City did not have right-of-way in order to construct this project, but noted that as they began working through the process, it was discovered that in the Ownership and Encumbrance Report that there were some easements that already existed that the City was actively trying to pursue for purchase. He stated that the easements were established years ago when there was some administrative lot splits along this corridor. He explained that apart from this issue that went ahead and took another look to ensure that there were not any other issues and found another potential question about one of the properties along the corridor and through further digging found two additional lots that had the administrative lot splits. He stated that they have found that even though the intent was to get those easements, they were not actually recorded by the property owner and are not valid. He acknowledged that there are some financial implications to the work that was done and effort that has gone into pursuing these easements that ended up not being needed and assured the Council that Bolton and Menk will be completely accountable and assured the Council that there would be no cost to the City. He noted that he understood that this type of situation is a hit to the goodwill that has been established between the City and Bolton and Menk and they will need to work hard to regain some of the trust that has been lost. He reiterated that he was here before the Council to show that they will be held accountable for this situation.

Mayor Labadie thanked Mr. Martini for his timely communication with the City once these errors were discovered.

Councilmember Gorham asked if there had been offers from the City that were rescinded.

Mr. Martini stated that there were two offers made that had not been accepted that have since been rescinded and noted that City Engineer Budde has been in communications with those property owners.

Councilmember Gorham asked about the \$20,250 that was paid to a resident.

Mr. Martini stated that was one of the properties where the City did need the easement and was necessary.

Councilmember Gorham asked if this makes meeting the construction season easier.

City Engineer Budde stated that it does make that easier because there are two easements that the City no longer needs to acquire.

Councilmember Siakel stated that this project has not been easy and feels that City Engineer Budde did a pretty good job of working with the neighbors. She stated that she believes the City has acted in good faith, even if the offers have needed to be rescinded. She stated that she is a bit confused as to where things are with relation to the neighbors.

Mr. Martini stated that there are still two easements that need to be obtained and believes that one has already accepted and the other is in process.

Councilmember Siakel stated that she understands that it may be slightly embarrassing for Mr. Martini to appear in front of the Council and admit that a mistake had been made, but noted that the prior engineering firm actually hid things until the City discovered them. She stated that the City then had to 'fight tooth and nail' to get them to admit it and correct the issue and expressed her appreciation to Bolton and Menk for doing the right thing, taking ownership, and taking action in this situation. She stated that she also feels that City Engineer Budde has also done a really good job and explained that her only concern in this situation is related to the residents.

Mr. Martini stated that he knows that City Engineer Budde has worked hard on these relationships and with regard to communication. He stated that he understands that this has been a hard project and City Engineer Budde will continue to work with the residents, as necessary. He stated that he is also available to join in those conversations, as needed.

Councilmember Johnson agreed that this has been a tough project and with the pending tree removal it will most likely get even harder. He stated that one resident has put up a sign on a fairly mature tree making a call to essentially 'save the tree'. He noted that when he biked down the street, before the weather turned cold, he received a few comments that the City was going to destroy the street. He stated that he would agree with the comments made that City Engineer Budde has done a good job with resident communication.

5. GENERAL/NEW BUSINESS

A. PUBLIC HEARING: Assessment for Unpaid Bills/Approve Assessment for Unpaid Bills

Finance Director Rigdon explained that this item is for the annual certification of the unpaid bills, specifically for water, sewer, and recycling. He stated that this certifies the unpaid charges and allows them to be placed on the Hennepin County tax rolls for property taxes.

Mayor Labadie opened the public hearing at 7:36 p.m. There being no comment, she closed the public hearing.

Siakel moved, Johnson seconded, Adopting RESOLUTION NO. 22-116, "A Resolution Certifying Unpaid Charges on the 2023 Hennepin County Property Tax Rolls."

Councilmember Callies asked about resolution language that says 'to be updated' and asked what that meant.

Finance Director Rigdon explained that the City was still receiving payments through the end of November, so the final number could change before it goes to the County.

All in favor, motion passed.

B. 2022 Bond Issuance

Shannon Sweeney, David Drown Associates, stated that at the Council's second meeting in October, they had authorized David Drown Associates to solicit proposals for negotiated bank placements in order to finance the 2023 slate of projects. He stated that a number of proposals were solicited from a number of lenders and the City received five proposals with the lowest provided by Truist Bank. He noted that the call language reflected in the original resolution was inaccurate and did not reflect the terms sheet, so that has been updated to reflect that the bonds can be called or pre-paid as of February 1, 2030. He stated that these have the ability to close rather quickly and their intent is to close around December 1, 2022.

Siakel moved, Johnson seconded, Adopting RESOLUTION NO. 22-117, "A Resolution Proving for the Issuance and Sale of a \$7,570,000 General Obligation Street Reconstruction and Utility Revenue Bond, Series 2022A, Pledging for the Security Thereof Net Revenues and Levying a Tax for the Payment Thereof."

Councilmember Siakel stated that she thinks something to consider in the future is the fact that , if the City would have moved forward with Strawberry Lane and not kicked it down the road, the interest rate would have been what was predicted, which made a big difference. She stated that in the future she would hope that the City can take advantage of low interest rates, when possible.

Councilmember Johnson stated that he was planning to make a similar comment and suggested adding this as a retreat discussion item for overall CIP and bonding.

Mayor Labadie stated that she thinks that is an excellent suggestion and asked Interim City Administrator Shukle to add it to their list of topics for the retreat.

All in favor, motion passed.

C. Approve Advertisement for Communications/Recycling Coordinator Position

Callies moved, Siakel seconded, to approve the Posting for the Communications/ Recycling Coordinator position. All in favor, motion passed.

6. STAFF AND COUNCIL REPORTS

A. Administrator and Staff

1. 2022 General Election update

City Clerk/HR Director Thone gave an overview of the general election results and expressed her appreciation to staff for their work on the elections. She also thanked the Public Works Department for their work to set up and tear down the voting equipment.

Other

City Engineer Budde gave a brief update regarding construction for the Smithtown Pond project and noted that the rain and snow over the last few weeks has kept them off the site. He stated that they are now planning to start after Thanksgiving with most of the major hauling.

Planning Director Darling gave a brief update on the deer management program and explained that the City has had three bow and arrow hunts this fall. She noted that the program has now ended for the season and the hunters were only able to take seventeen deer.

Councilmember Siakel asked why the City had cut back so drastically on the number of weekends allowed.

Planning Director Darling stated that she believes that it is because the number of properties that the City has access to have shrunk over the years.

Councilmember Siakel asked if the City would do the deer count with Three Rivers Park District in February because she feels the City uses that as a data source. She stated that she believes that it was determined that a herd of about sixty deer could balance the ecosystem and thrive in the City without disrupting and damaging property. She noted that if she had to guess, she would say the City is way over that number right now and the situation is just getting worse. She asked what the City can do to beef up the deer management program. She stated that she believes in the past the City had about six weekends for the bow and arrow hunt and thinks the City is underutilizing this program.

Planning Director Darling stated that she will take a look into some possible opportunities to reinforce the deer management program.

City Clerk/HR Director Thone welcomed Parks and Recreation Director, Janelle Crossfield, who has been with the City for a little over a week. She stated that the City has received some really qualified applicants for the Public Works Director position and the first round interviews will be conducted later this week.

B. Mayor and City Council

Councilmember Callies asked how the determination was made that the new City Administrator would begin in January. She stated that she recalls a discussion about December and asked if it was already a 'done deal' or if this individual could start sooner and be involved in some of the discussions, for example, filling the Public Works Director position.

Mayor Labadie asked if a contract had already been signed.

City Attorney Shepherd stated that the contract was on the Consent Agenda at tonight's meeting.

Interim City Administrator Shukle stated that he was told that the new City Administrator had to give thirty days-notice in his current position, which brings it to mid-December. He explained that because of the holidays, he had wanted to take the vacation that he had coming, so he would not be able to start until January. He stated that if the Council would like, he can certainly go have a conversation with him to see if there is the possibility that he can start earlier than January.

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Councilmember Callies stated that she just feels like the City has been kind of 'poky' about taking action on a few things and noted that if the Council had taken action on the contract two weeks ago, it would also mean that this individual could have started earlier.

Councilmember Siakel stated that she has heard Councilmember Callies make similar comments before and suggested that the City hear the message that sometimes there needs to be more of a sense of urgency to take action, and not just keep booting things down the road to the next meeting.

Mayor Labadie stated that this particular situation is already a done deal, but does feel that is great advice moving forward.

Mayor Labadie stated that there were two large Veteran's Day events in the City at the Shorewood Community and Event Center and another at the Pillars of Shorewood Landings Senior Center. She expressed her appreciation to those that attended and for the Veterans who have served the Country. She stated that earlier today, she attended the Regional Council of Mayors meeting where the main topic was key emerging trends shaping the future of Minnesota cities. She noted that tomorrow she would be attending the Minnetonka Superintendent Mayor's meeting which will be the first held by the new superintendent. She stated that on November 15, 2022 she will be presenting the City's State of the Union address. She noted that there will be Metro Cities Policy Adoption meeting on November 17, 2022 at 4:00 p.m. that she will be attending on behalf of the City. She stated that yesterday, Shorewood resident, Molly Buhton, held an event at the Shorewood Community and Event Center where thirty people were in attendance to make four hundred and eighty life saving overdose rescue kits that contain nasal spray versions of Narcan that will be placed in the AED cabinets around Ramsey County.

Councilmember Callies stated that the City had received a report from the prosecutor about the types of cases that are being prosecuted and noted that she did not think the City needed the detailed report from the County that seems to take longer to receive.

Councilmember Johnson stated that for the meeting with the superintendent he assumes one of the topics will be the roundabout in front of Minnetonka Middle School West (MMW). He stated that they were asked to chime in with either \$200,000 or \$400,000 in order to see that project come to completion, but instead they are looking at spending that money to take gymnasiums and turn them into classrooms. He stated that his message would be that he thinks the sooner that roundabout goes in, the sooner he believes MnDOT will look at potential roundabouts on Highway 7 to address the City's safety concerns along that corridor.

Mayor Labadie clarified that the roundabout is located in the City of Chanhassen in Carver County. She noted that she is hopeful that the Chanhassen mayor will be in attendance at this meeting.

7. ADJOURN

Johnson moved, Siakel seconded, Adjourning the City Council Regular Meeting of November 14, 2022, at 8:03 P.M. All in favor, motion passed.

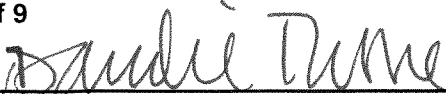
ATTEST:


Jennifer Labadie, Mayor

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A handwritten signature in cursive script, reading "Sandie Thone", written over a horizontal line.

Sandie Thone, City Clerk