

**CITY OF SHOREWOOD
CITY COUNCIL REGULAR MEETING
MONDAY, NOVEMBER 22, 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 November 8, 2021 | Minutes |
| B. Approval of the Verified Claims List | Claims List |
| C. Approval of the Recording Secretary Service Agreement | City Clerk/HR Director Memo
Resolution 21-135 |
| D. Approval of the Retail Liquor License for Jim's Liquor | City Clerk/HR Director Memo
Resolution 21-136 |
| E. Approval of Consulting Planner Service Agreement | Planning Director Memo
Resolution 21-137 |
| F. Approval of Assessment Agreements for Water Connections | Finance Director Memo
Resolution 21-138 |
| G. Approve Quote and Award Contract for Installation of Water Services on Lawtonka Drive | Director of Public Works Memo
Resolution 21-139 |

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, be concise and courteous and please limit your comments to three minutes. No action will be taken by the council on this matter, but the mayor or council could request that staff place this matter on a future agenda. (No Council Action will be taken)

4. PUBLIC HEARING

5. REPORTS AND PRESENTATIONS

6. PARKS

- A. Report by Commissioner Hirner on 10-26-21 Park Commission Meeting Minutes

7. PLANNING

- A. Report by Commissioner Riedel on 11-16-21 Planning Commission Meeting
- B. Minor Subdivision and Variance Planning Director Memo
Applicant: Zender Homes Resolution 21-140
Location: 24835 Yellowstone Trail
- C. Variance to Minimum House Width Planning Director Memo
Applicant: Ben and Meghan Becker Resolution 21-141
Location: 6180 Cathcart
- D. Urban Farm Animal Discussion Planning Director Memo

8. ENGINEERING/PUBLIC WORKS

- A. Authorize Preparation of Plans and Specifications for 2022 Mill and Overlay, City Project 21-11 Engineer Memo
Resolution 21-142

9. GENERAL/NEW BUSINESS

10. STAFF AND COUNCIL REPORTS

- A. Administrator and Staff
 - 1. Twins Community Funds Grant Park and Rec Director Memo
 - 2. Update on Request for Nonconforming Dock Planning Director Memo
- B. Mayor and City Council

11. ADJOURN

CITY OF SHOREWOOD
CITY COUNCIL REGULAR MEETING
MONDAY, NOVEMBER 8, 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, Siakel, and Callies; City Attorney Keane; City Administrator Lerud; City Clerk/HR Director Thone; Finance Director Rigdon; Planning Director Darling; Director of Public Works Brown; and, City Engineer Budde

Absent: None

B. Review Agenda

Johnson moved, 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 Johnson expressed his appreciation to Sam Larson for undertaking his Eagle Scout project in the City.

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

A. City Council Work Session Meeting Minutes of October 25, 2021

B. City Council Regular Meeting Minutes of October 25, 2021

C. Approval of the Verified Claims List

D. Approval of Assessment Agreements for Water Connections, Adopting RESOLUTION NO. 21-128, "A Resolution Certifying Special Assessments on the 2022 Hennepin County Property Tax Rolls."

E. Approval of Summary Publication for Ordinance 584, Adopting RESOLUTION NO. 21-127, "A Resolution Approving the Publication of Ordinance 584 Regarding City Code Ordinance Amendments Related to Commercial Animal Breeders."

- F. **Accept Donation of Compost Bin from Sam Larson, Eagle Scout Candidate, Adopting RESOLUTION NO. 21-129, “A Resolution Accepting a Donation for Installation of a Compost Bin for Freeman Park Community Park.”**
- G. **Accept Construction Improvements and Authorize Final Payment for the Echo Road Storm Sewer Improvements, Adopting RESOLUTION 21-130, “A Resolution Accepting Improvements and Authorizing Final Payment for The Echo Road Storm Sewer Improvements.”**
- H. **Accept Constructed Improvements and Authorize Final Payment for the Smithtown Road Storm Structure Repair, Adopting RESOLUTION 21-131, “A Resolution Accepting Improvements and Authorizing Final Payment for The Smithtown Road Storm Structure Repair.”**

All in favor. Motion passed.

3. MATTERS FROM THE FLOOR

Kelly Rogers, 20960 Radisson Road, distributed packets of information to the Council and explained that she had heard that the Council may grandfather Mayor Labadie's dock. She stated that she wanted to clarify information in an e-mail sent by the City regarding a dock on an easement next to 21035 Radisson Road. She noted that the e-mail stated that there were not grandfathering rights to use the dock on Christmas Lake, and it could not be addressed through Conditional Use or variance process. She stated that she has seen the City grant variances in the past and would like to see documentation on why grandfathering or a variance would not be considered in this case. She stated that the dock has been maintained on this easement for over fifty years and because the shoreline is shallow and muddy, it is the only way to provide an outlet to the lake. She noted that the easement was established in 1948 which states that it was to provide outlet for premises lying northerly of said road to Christmas Lake and explained that she highlighted this in the packet she distributed to the Council. She explained that she had also included aerial photos and letters from residents from the area and noted that this land was undeveloped until 1987 even though the easement was put into place in 1948. She stated that she had included information on a similar easement case from Lot 11 on Radisson Road that was successful at both Appellate and District Court levels. She reiterated that she looked forward to receiving the pertinent documents or notification of consideration for grandfathering in this dock.

Mayor Labadie asked if staff would be able to review Ms. Rogers concerns and bring information back to the Council for the next meeting.

Planning Director Darling confirmed that staff will review the situation prior to the next Council meeting.

City Attorney Keane noted that information requested through the Data Practices Act must be submitted in writing and asked that Ms. Rogers submit her request in that manner.

Kris Sanschagrín, 27725 Island View Road, stated that she was aware of the three minute rule and would appreciate it if she was not interrupted during her time on the floor. She read aloud a statement concern the responsibilities of the Council and other elected officials and her reasons for questioning the leadership within the Minnetonka School Board. She gave the examples of both the City and the School Board appointing a new member rather than hold a special election.

She stated that both of these situations are examples of why citizens are losing faith in the democracy and noted that these types of micro-inequities cause mistrust and suspicion. She stated that these actions trickle down to the young people in the community and impact their perception of what is right and what is wrong. She explained that the citizens are expecting another strike against the trust they have in the Council's leadership because of the item on tonight's agenda related to Mayor Labadie's dock. She stated that Mayor Labadie received two notifications that her dock did not meet the requirements of City Code and instead of complying, she has filed for an extension of time from the very City Council that she leads. She suggested that it should be the Mayor and the City Council who have the strictest compliance with City Codes. She reiterated that this is just another example of why citizens lose faith in institutions because when leaders take the position that rules apply to others and not themselves, the trust is torn down.

Pat Arnts, 5480 Teal Circle, explained that she had lived in this location for forty-four years and in that time, served eight years on the Park Commission, with six of those years as Chairperson, and also spent three years serving on the Planning Commission. She noted that she had served on several other advisory committees and was also a candidate for mayor. She gave a brief overview of her professional background working with regional and national land use professionals in both public and private sectors. She stated that for tonight, she would like to focus on communication and how the average citizen can communicate with the City Council. She explained that citizens are given three minutes at the podium and noted that from what she has observed over the years, citizen comments come to the City in this manner to simply die. She noted that Mayor Labadie has recommended that citizens log complaints via SeeClickFix, however SeeClickFix has many issues that involve infrastructure failure or blatant code violations on City property. She stated that the comments given via SeeClickFix were acknowledged by vague, open-ended responses and seemed to do nothing to inform, educate, or enforce, nor was their follow up or closure. She stated that she has e-mailed the City and gotten no response and then, shortly thereafter, watched the Council discuss their fear of responding to resident e-mails and made plans to revisit the topic at their retreat where they could develop a process for handling resident communications. She noted that at this same meeting, the Council had a lengthy discussion about Zoom where they showed concern and semi-reluctance to continue using Zoom. She stated that she understands that the City is providing a Zoom link for meetings, however, all the interactive features seem to be disabled. She noted that sometimes the link does not work at all, and explained that it was glitching for the last meeting. She asked if a process was developed at their retreat for how the Council will deal with communication with the residents of Shorewood. She stated that she would love to see if they found a process that is consistent, timely, transparent, and accountable to the mission and vision of the City.

Councilmember Siakel noted that the Council retreat has not yet happened and is scheduled for later this month.

Mayor Labadie asked Public Works Director Brown to respond to the issues raised with regard to responses from SeeClickFix.

Public Works Director Brown agreed that there are a number of issues that are out there with SeeClickFix but explained that Public Works is constrained by weather and some things like street sweeping and flushing needs to be done before the freeze. He agreed that they are behind in addressing some things, but are trying to attack them.

City Administrator Lerud agreed that the Zoom link has been glitching and explained that it was much easier when it was done completely through Zoom rather a combination of Zoom and the in person meetings. He stated he thinks they have been able to work out the bugs of integrating Zoom with the recordings and asked citizens to let the City know if there continued to be problems.

Mayor Labadie noted that it appears as though there is one resident attending via Zoom that has their hand raised for Matters from the Floor.

Alan Yelsey, 26335 Peach Circle, read aloud from the Bill of Rights for the State of Minnesota. He stated that he thinks it is time that the local government be reformed for the public good. He stated that constructive criticism and reform of the government is not disrespectful. He shared examples of how he felt the City had been disrespectful and violated civil rights and State law to, for example, treat citizen differently in public forums, prosecute certain ordinance violations and not others, and haphazardly enforcing ordinances. He stated that he feels it is disrespectful and an illegal conflict for the City Council and staff to become an appeals judge and jury regarding Mayor Labadie's long-standing violation of the City dock ordinances. He thanked City Clerk Thone for showing enough integrity to cite Mayor Labadie on this violation. He stated that, in his opinion, the Council and staff should not be ruling on that matter and it should immediately be referred to an independent arbitration panel for an investigation of civil rights, conflict of interest, and discrimination violations. He expressed his opinion that the situation surrounding Shorewood Ponds was not done accurately and with full disclosures of all information. He stated that this, to him, is a three million dollar, ill-considered project and demands further, multi-city public hearings as well as an independent engineering review. He asked the Council to 'look in the mirror' because he feels they are the ones who are being disrespectful to the citizens and not the other way around.

4. PUBLIC HEARING

A. Unpaid Bill Assessment Hearing

Finance Director Rigdon explained that public hearing is an annual process for the City that certifies the delinquent utility bill accounts. He explained that essentially, residents have until the end of November to pay the bills.

Councilmember Gorham stated that he had not participated in this type of public hearing in the past and asked if the amount of unpaid utility bills was larger than in years past.

Finance Director Rigdon stated that it was actually down a bit from last year.

Councilmember Gorham asked how many individuals typically go pay their outstanding bills following the certification.

Finance Director Rigdon noted that the City will not get very many payments in and explained that many times it is the same properties that lag in their payments year after year.

Councilmember Callies clarified that this public hearing is to allow individuals to state their objections.

Mayor Labadie opened the public hearing. There being no comments, she closed the public hearing at 7:23 p.m.

5. REPORTS AND PRESENTATIONS

6. PARKS

7. PLANNING

A. Comprehensive Plan 2040 – Amendments to Land Use Map

Planning Director Darling gave a brief overview of the proposed options for amendments to the City's Land Use map to address the direction given by the Metropolitan Council.

Mayor Labadie noted that this item was discussed at the last meeting, however only three Councilmembers were present, so they could not take action on this item. She stated that she assumed those Councilmembers have had time to review the meeting and the packet of information from the meeting they had missed. She opened the floor for questions from the Council on this item.

Councilmember Callies stated that she was able to listen to the meeting and commended the detailed responses Planning Director Darling gave to the public comments because she felt that was very helpful. She stated that the City had received a recent e-mail from Mr. Lingo regarding his property where he commented that the site would not allow for the density required by the Met Council.

Planning Director Darling stated that if the parcel was re-guided for high density, and it was proposed for redevelopment in the future, they would have to show the City how many units they could provide for on that property, within the approved density range.

Councilmember Callies stated that in looking through the packet it appears as though this has been looked into since 2020 and asked if staff had considered other areas of the City that could be used for higher density and this is what seemed most appropriate.

Planning Director Darling confirmed that this was correct.

Councilmember Johnson asked about Option 1 to keep all three properties as commercial and include text in the Plan that high density could be considered as an option in the future. He asked how likely it would be that Met Council would accept that as a final Comprehensive Plan or if they would just kick it right back to the City.

Planning Director Darling stated that as long as the City meets their required numbers, she feels they would accept that text in a final Plan.

Councilmember Callies stated that this is a difficult situation for a City like Shorewood that is already built out. She stated that, in principal, there should be the opportunity for high density in portions of the City. She stated that the particular sites that have been investigated seem appropriate at this time, but also realizes that it is nothing that will occur immediately and is theoretical.

Mayor Labadie noted that although this was not a public hearing, she would like to give the opportunity to speak to anyone who may be interested.

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Tom Lingo, 23445 Smithtown Road, The Garden Patch, stated that the Council asked at the last meeting what other ways there may be to solve the problem of finding more affordable housing. He stated that one good way, in his opinion, is to allow homeowners with large lots to subdivide and allow a smaller parcel to be the subdivision. He stated that many people in the City have large lots, but not large enough for two full lots and would like to do this for income and reduction of maintenance. He stated that by 2040, the City would have the number of units built that are affordable and would satisfy the Met Council requirements. He stated that there would also be no need to take commercial property that helps keep Shorewood balanced.

Guy Sanschagrín, 27725 Island View Road, stated that when this issue is discussed, there are always discussions about the funding that the Met Council will be providing for the City. He asked how much funding they are talking about and what would happen if the City decided to simply do what is right for the citizens of Shorewood. He stated that he wanted to know why the City was letting the Met Council drive its policies. He stated that he would like the City to push back and asked if the City really needed the money the Met Council was holding hostage for the City's budget. He asked that the City do a cost-benefit analysis of increasing density as required by the Met Council.

Councilmember Gorham stated that Mr. Sanschagrín brings up an interesting point, but noted that the Met Council is guiding regional planning and there is value in having an increase in density and diversity of housing stock. He stated that he thinks the proposal before the City Council is walking a fine line between allowing growth and also keeping the non-conforming uses. He stated that he does not feel as though the City is being held hostage by the Met Council and is considering the regional planning, density, and housing diversity.

Mr. Sanschagrín stated that Councilmember Gorham makes great points, but thinks that there is the perception that the Met Council is holding the City and its decisions hostage. He stated that if the Council, like Councilmember Gorham, does not feel that way, then that should be clearly communicated to the citizens. He stated that it would be helpful if the analysis was shown to the citizens, so it is more transparent and everybody understands the decisions, the why behind the decision, as well as the cost-benefit analysis.

Councilmember Callies stated that she agreed with the comments made by Councilmember Gorham as well as the suggestion made by Mr. Lingo to take a look at some of the other zoning regulations in the City that could be changed to encourage other types of development. She stated that is not what the Council is being asked to consider today and might be a good idea to keep in mind when the City is reviewing ordinances, in general. She noted that it is good for Shorewood to have diverse housing types and does not feel as though the City is being held hostage. She stated that she thinks staff, with the assistance of consultants, and the public comments, have come up with the best opportunities that are currently available for the City.

Mayor Labadie stated that she thinks the City has been transparent in this matter and noted that she feels Council has allowed anyone to speak on this matter, even when it has not been an official public hearing. She stated that the City has been looking at this for years and was not something that was sprung upon the City.

Councilmember Johnson stated that he also does not feel that the City is being held hostage by the Met Council and they are simply asking the City to be visionaries and look forward twenty years with the understanding that there is no change to the current uses.

Councilmember Siakel stated that the Met Council is just another layer of government. She stated that there are mandates from the Met Council and while she does not feel threatened, she does feel obligated to comply. She stated that after working with the consultants, staff, and garnering public input, it was felt that it made the most sense to add the additional one-hundred fifty units along the busier corridors. She stated that the City is responding to the Met Council, but as Councilmember Callies said, this is all somewhat theoretical. She stated that she does not view this change as an immediate threat to the City, feel it will adversely affect people, and this proposal is the best alternative.

Mayor Labadie asked if the Council approved this proposal if that meant that existing businesses, such as The Garden Patch, would be forced out of business.

Planning Director Darling stated that the impacts to the properties are greatest for The Garden Patch and the small building that is next door because, at some point, the City will have to rezone them, which means they will then become non-conforming uses. She stated that the businesses can continue indefinitely, in the same fashion, but they would not be able to expand, unless the Council chose to amend the Zoning Ordinance to allow for some expansion of non-conforming uses.

Councilmember Callies stated that the City is required to update the Comprehensive Plan every ten years, but if something were to change and another property were to become available, the City could change their Comprehensive Plan at that time.

Siakel moved, Callies seconded, Adopting RESOLUTION NO. 21-125, "A Resolution Approving Amendments to the 2040 Shorewood Comprehensive Plan and Authorizing Submission of the Amended Plan to the Metropolitan Council."

All in favor. Motion passed.

B. Approve Extension for Code Compliance at 5510 Howards Point Road

Mayor Labadie explained that she is one of the property owners at this property and would be stepping down while this item is discussed. She clarified that she would abstain from any discussion, deliberation, or vote, relating to this item tonight or at future meetings. She stated that discussion of this matter will be turned over to Mayor Pro-Tem Johnson and explained that she would physically leave the Council Chambers while this item is discussed.

Mayor Labadie left the Council Chambers at 7:50 p.m.

Mayor Pro-Tem Johnson asked if City Attorney Keane would like to comment on any of the comments that were brought up earlier in the evening by residents regarding this item.

City Attorney Keane explained that extension requests on enforcement items are routine in the City. He stated that a property owner does not forfeit their right to this kind of request because they are an elected official.

Mayor Pro-Tem Johnson pointed out that there is a clerical error on the resolution, because if this is approved, he will be signing it.

Planning Director Darling explained that this request is for an extension to allow more time to bring an existing dock into compliance with the zoning regulations. The applicant has indicated that their dock is affixed permanently into the lagoon and they will need to hire someone to help adapt their dock. She noted that because this is the end of the season for seasonal docks, the applicant has had some difficulty finding a contractor to help them modify the dock within the prescribed timeframe. Staff is recommending approval of the request for an additional thirty days.

Councilmember Gorham noted that one of the things brought up by residents was conflict of interest, which is about perception and asked if City Attorney Keane could speak on behalf of the Council regarding their 'conflicted status'.

City Attorney Keane explained that conflicts of interest are addressed in State Statute and elected officials are not to vote or participate in matters where they may have a direct or indirect financial interest. He stated that the perception of a conflict of interest can be rightfully held, however if the situation does not rise to the level of statutory conflict of interest, then it is within the Council's good judgment to ensure that matters are fairly addressed by the Council.

Mayor Pro-Tem Johnson stated that he can remember granting this type of request in the past. He asked how often the Council has not granted this type of extension request.

Planning Director Darling explained that she has been with the City a little over four years and since she has come to the City, only one request was denied and all the rest were approved. She stated that she is unsure of the exact number but would estimate that there are ten to twelve requests made every year.

Councilmember Siakel stated that she agreed that the Council has frequently gotten requests for extensions. She stated that she is not yet familiar with the situation raised by Ms. Rogers during Matters from the Floor, but would note that the issue of grandfathering and approving an extension are not the same and have nothing to do with each other. She stated that in this situation, this dock was in place well before the current occupants were there, this situation has only come to light recently, and has not been an ongoing issue that was not dealt with.

Councilmember Gorham asked for details on the one instance where an extension request was not granted.

Planning Director Darling stated that it was when a single fence panel had been installed in a front yard and Council and staff both considered it a simple matter to remove the one fence panel that was in violation of the City Code.

Callies moved, Siakel seconded, Adopting RESOLUTION NO. 21-132, "A Resolution Approving a Request for Extension to Correct a Code Violation for Property Located at 5510 Howards Point Road."

Councilmember Gorham noted that there was a hand-up on-line.

Mayor Pro-Tem Johnson noted that this was not a public hearing, however the Council has allowed comments on other items, and would allow public comment at this time.

Mr. Yelsey stated that this issue is about integrity in government and understands the Council is looking at an extension request, but the law indicates that the person directly involved needs to

recuse themselves. He stated that a person who is responsible and supervising other people, may not have those people provide staff work for them because it is compromised. He stated that it is a conflict of interest because they are under the supervision, either directly or indirectly, of the mayor. He stated the Council is compromised in their relationship with Mayor Labadie and feels they should not be ruling on anything related to her and what he considers an obvious violation of City Code. He stated that he would ask that they act with integrity and pass this along to a third party for review which may take some time. He stated that if the Council chooses not to do that, they may see additional court action taken and will find themselves at the wrong end of a legal decision.

Councilmember Siakel asked City Attorney Keane to respond to the comment and inference just made by Mr. Yelsey.

City Attorney Keane reiterated that there is no conflict of interest in this situation for the Council to participate in this vote. He stated that he feels the enforcement proceeding would contradict Mr. Yelsey's assertion. He explained that staff received a complaint and has brought it forward for enforcement which is why this matter is before the Council. He reiterated that he does not see the conflict of interest that was raised by Mr. Yelsey.

Councilmember Callies stated that the Council has an obligation to make decisions. She noted that when there is not a conflict of interest, it is not appropriate to simply say that the Council just does not want to deal with something because it is difficult. The Council has the responsibility to make decisions regarding difficult matters and noted that today, the Council is just being asked to make a decision regarding an extension of time.

Mr. Yelsey repeated his assertion that he feels the Council and staff are legally compromised in this situation and stated that he can show the pertinent decisions from the Attorney General to back up his opinion. He stated that he believes Mayor Labadie already had a month's notice of her violation and he had heard she consulted with City Attorney Keane, which he feels is another violation. He asked City Attorney Keane if he had advised Mayor Labadie on this matter, as an individual dock owner.

City Attorney Keane stated that he had not advised Mayor Labadie on this matter.

Mr. Yelsey reiterated that he feels this is a matter of integrity, the Council is compromised and will look bad if they move forward with this action.

Councilmember Siakel stated that the issue before the Council is on granting an extension and is not an integrity issue in any way and noted that she totally disagreed with everything being stated by Mr. Yelsey.

Mr. Yelsey stated that it will be perceived as an integrity issue and if the Council proceeds with this they will not want to be involved with they decide to bring their challenge forward.

Councilmember Callies stated that numerous times this evening and in the past, Mr. Yelsey has referred to "we" and noted that, for the sake of transparency, he should explain who "we" is, if he is speaking for someone other than himself. She noted that she believed there has been enough discussion on this item and the Council could move forward with a vote.

All in favor. Motion passed.

Mayor Labadie rejoined the Council meeting.

8. ENGINEERING/PUBLIC WORKS

9. GENERAL/NEW BUSINESS

A. Approve Contract with Campbell Knutson as City Attorney

City Administrator Lerud noted that following firm interviews, the Council directed staff to prepare a contract for legal civil services with Campbell Knutson. He stated that the agreement, as presented, will go into effect January 1, 2022.

Callies moved, Gorham seconded, Adopting RESOLUTION NO. 21-133, "A Resolution Approving Contract with the Firm Campbell Knutson to Provide Legal Services to the City." All in favor. Motion passed.

B. Approval of Unpaid Bills Assessment

Finance Director Rigdon stated that this item is a continuation from the public hearing held earlier this evening. He explained that the Council is being asked to consider the resolution included in the packet but would note that there could be some changes made.

Siakel moved, Labadie seconded, Adopting RESOLUTION NO. 21-134, "A Resolution Certifying Unpaid Charges on the 2022 Hennepin County Property Tax Rolls." All in favor. Motion passed.

10. STAFF AND COUNCIL REPORTS

A. Administrator and Staff

1. Paper Shred

City Administrator Lerud noted that the staff memo is self-explanatory and recaps the Fall Shred Event. He noted that the City will host another shred event in May in conjunction with Clean-Up Day.

Other

Public Works Director Brown stated that there was a subdivision earlier this year located on the cul-de-sac of Law tonka Drive, which necessitated staff looking into how the new parcel would be served by municipal sewer and water. He explained that water lines had not been extended to this property for some reason, however, there are two new homes being built on this property and they have come in and satisfied their water connection charge, so the City has an obligation to serve those properties. He stated that because of time constraints, if the quote received from the contractor is appropriate, staff is planning to approve moving forward because of possible asphalt constraints due to weather and then follow up with the Council after the fact. Public Works crews are continuing to sweep roadways along with some tree activity. He noted that there have been a number of issues with vandalism at the new shelter in Badger Park and staff has made SLMPD aware of the situation. He stated that just prior to the meeting he came upon two young men

pitching rocks at the shelter but as he approached them, they fled on foot. He stated that they are beginning to consider additional steps at Badger Park with things such as additional lighting or cameras to deter this type of activity.

City Engineer Budde stated that the Covington Road watermain improvements should be wrapping up this week. He reminded residents and Council that this coming Wednesday is the Strawberry Lane Open House from 6:00 p.m. to 8:00 p.m. at City Hall.

Councilmember Johnson expressed concern about maximum occupancy numbers with COVID and asked if the Open House should be moved to the Community Center so there are not any problems in that area.

City Administrator Lerud stated that he will take a look and see if the Community Center is available.

Councilmember Siakel noted that for an Open House not everyone who attends is there at the same time. She stated that the City could also provide masks if necessary.

City Engineer Budde stated that he did not think there would be the appropriate audio/visual equipment available at the community center for the presentation and have the ability to record it and put it on the website.

Following discussion, there was consensus of the Council to hold the Strawberry Lane Open House at City Hall, as planned.

B. Mayor and City Council

Councilmember Johnson noted that he had attended the fall paper shred event and stated that it was well received by the citizens.

Councilmember Siakel asked if the City would be looking at providing testing options for COVID to ensure that staff is kept safe.

City Administrator Lerud noted that City Clerk/HR Director Thone is the one who is leading in this area. He noted that many cities are trying to get their hands around the OSHA rule and Shorewood has also started those discussions and plans are in the works.

Mayor Labadie stated that she has a meeting tomorrow with the mayor's in the Minnetonka School District and their superintendent. She stated that she will ask the other mayor's what their policies look like with relation to COVID testing for employees. She stated that the Excelsior Chamber of Commerce hosted the State of the Cities address on November 4, 2021, which was a very nice event. She stated that there has been a recent uptick in car thefts in the area and encouraged people to keep house, garage, and cars locked. She stated that they are also encouraging people not to leave their garage door openers inside their vehicles. She stated that the SLMPD has urged people not to do intervene or do anything beyond call 911. She stated that if anyone has captured footage on things like a Ring or dome camera they are asking that you submit the footage to records@southlakepd.com. She stated that the City received notice last week that MnDot has decided to conduct a traffic study and analysis of Highway 7, beginning near St. Louis Park all the way west of St. Bonifacius. She stated it will begin in November of 2021 and conclude in June of 2022.

11. ADJOURN

Johnson moved, Siakel seconded, Adjourning the City Council Regular Meeting of November 8, 2021, at 8:24 P.M. All in favor. Motion passed.

ATTEST:

Jennifer Labadie, Mayor

Sandie Thone, City Clerk

DRAFT



#2 B

MEETING TYPE
Regular Meeting

City of Shorewood Council Meeting Item

Title / Subject: Verified Claims

Meeting Date: November 22, 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.

67110 - 67134 & ACH	1,016,774.97
Total Claims	\$1,016,774.97

We have also included a payroll summary for the payroll period ending **November 7, 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: 00001.11.2021 - PR-11-08-2021

CITY OF SHOREWOOD



Account Number	Debit Amount	Credit Amount	Description
FUND 101	General Fund		
101-00-1010-0000	0.00	69,547.15	CASH AND INVESTMENTS
101-13-4101-0000	13,176.46	0.00	FULL-TIME REGULAR
101-13-4103-0000	678.80	0.00	PART-TIME
101-13-4121-0000	1,039.15	0.00	PERA CONTRIB - CITY SHARE
101-13-4122-0000	1,040.63	0.00	FICA CONTRIB - CITY SHARE
101-13-4131-0000	2,055.74	0.00	EMPLOYEE INSURANCE - CITY
101-13-4151-0000	78.96	0.00	WORKERS COMPENSATION
101-15-4101-0000	5,456.04	0.00	FULL-TIME REGULAR
101-15-4121-0000	409.20	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	31.16	0.00	WORKERS COMPENSATION
101-18-4101-0000	7,814.74	0.00	FULL-TIME REGULAR
101-18-4121-0000	586.12	0.00	PERA CONTRIB - CITY SHARE
101-18-4122-0000	572.73	0.00	FICA CONTRIB - CITY SHARE
101-18-4131-0000	1,014.86	0.00	EMPLOYEE INSURANCE - CITY
101-18-4151-0000	45.97	0.00	WORKERS COMPENSATION
101-24-4101-0000	3,683.36	0.00	FULL-TIME REGULAR
101-24-4121-0000	276.25	0.00	PERA CONTRIB - CITY SHARE
101-24-4122-0000	279.16	0.00	FICA CONTRIB - CITY SHARE
101-24-4131-0000	671.93	0.00	EMPLOYEE INSURANCE - CITY
101-24-4151-0000	20.41	0.00	WORKERS COMPENSATION
101-32-4101-0000	15,172.73	0.00	FULL-TIME REGULAR
101-32-4102-0000	409.09	0.00	OVERTIME
101-32-4121-0000	1,168.65	0.00	PERA CONTRIB - CITY SHARE
101-32-4122-0000	1,111.59	0.00	FICA CONTRIB - CITY SHARE
101-32-4131-0000	2,708.98	0.00	EMPLOYEE INSURANCE - CITY
101-32-4151-0000	749.20	0.00	WORKERS COMPENSATION
101-33-4101-0000	350.87	0.00	FULL-TIME REGULAR
101-33-4121-0000	26.32	0.00	PERA CONTRIB - CITY SHARE
101-33-4122-0000	37.27	0.00	FICA CONTRIB - CITY SHARE
101-33-4131-0000	280.85	0.00	EMPLOYEE INSURANCE - CITY
101-33-4151-0000	21.14	0.00	WORKERS COMPENSATION
101-52-4101-0000	3,763.54	0.00	FULL-TIME REGULAR

Account Number	Debit Amount	Credit Amount	Description
101-52-4121-0000	282.25	0.00	PERA CONTRIB - CITY SHARE
101-52-4122-0000	274.55	0.00	FICA CONTRIB - CITY SHARE
101-52-4131-0000	825.34	0.00	EMPLOYEE INSURANCE - CITY
101-52-4151-0000	201.64	0.00	WORKERS COMPENSATION
101-53-4101-0000	1,830.46	0.00	FULL-TIME REGULAR
101-53-4121-0000	137.26	0.00	PERA CONTRIB - CITY SHARE
101-53-4122-0000	135.76	0.00	FICA CONTRIB - CITY SHARE
101-53-4131-0000	16.61	0.00	EMPLOYEE INSURANCE - CITY
101-53-4151-0000	85.83	0.00	WORKERS COMPENSATION
FUND Total:	69,547.15	69,547.15	
FUND 201	Shorewood Comm. & Event Center		
201-00-1010-0000	0.00	2,014.17	CASH AND INVESTMENTS
201-00-4101-0000	1,256.45	0.00	FULL-TIME REGULAR
201-00-4103-0000	417.28	0.00	PART-TIME
201-00-4121-0000	112.72	0.00	PERA CONTRIB - CITY SHARE
201-00-4122-0000	127.20	0.00	FICA CONTRIB - CITY SHARE
201-00-4131-0000	24.91	0.00	EMPLOYEE INSURANCE - CITY
201-00-4151-0000	75.61	0.00	WORKERS COMPENSATION
FUND Total:	2,014.17	2,014.17	
FUND 601	Water Utility		
601-00-1010-0000	0.00	9,812.51	CASH AND INVESTMENTS
601-00-4101-0000	6,368.28	0.00	FULL-TIME REGULAR
601-00-4102-0000	818.16	0.00	OVERTIME
601-00-4121-0000	538.98	0.00	PERA CONTRIB - CITY SHARE
601-00-4122-0000	528.98	0.00	FICA CONTRIB - CITY SHARE
601-00-4131-0000	1,336.71	0.00	EMPLOYEE INSURANCE - CITY
601-00-4151-0000	221.40	0.00	WORKERS COMPENSATION
FUND Total:	9,812.51	9,812.51	
FUND 611	Sanitary Sewer Utility		
611-00-1010-0000	0.00	10,261.32	CASH AND INVESTMENTS
611-00-4101-0000	7,793.52	0.00	FULL-TIME REGULAR
611-00-4121-0000	584.52	0.00	PERA CONTRIB - CITY SHARE
611-00-4122-0000	556.09	0.00	FICA CONTRIB - CITY SHARE
611-00-4131-0000	1,091.73	0.00	EMPLOYEE INSURANCE - CITY
611-00-4151-0000	235.46	0.00	WORKERS COMPENSATION
FUND Total:	10,261.32	10,261.32	
FUND 621	Recycling Utility		

Account Number	Debit Amount	Credit Amount	Description
621-00-1010-0000	0.00	746.20	CASH AND INVESTMENTS
621-00-4101-0000	575.82	0.00	FULL-TIME REGULAR
621-00-4121-0000	43.19	0.00	PERA CONTRIB - CITY SHARE
621-00-4122-0000	41.81	0.00	FICA CONTRIB - CITY SHARE
621-00-4131-0000	81.79	0.00	EMPLOYEE INSURANCE - CITY
621-00-4151-0000	3.59	0.00	WORKERS COMPENSATION
FUND Total:	746.20	746.20	
FUND 631	Storm Water Utility		
631-00-1010-0000	0.00	3,514.22	CASH AND INVESTMENTS
631-00-4101-0000	2,728.70	0.00	FULL-TIME REGULAR
631-00-4121-0000	204.63	0.00	PERA CONTRIB - CITY SHARE
631-00-4122-0000	196.12	0.00	FICA CONTRIB - CITY SHARE
631-00-4131-0000	299.66	0.00	EMPLOYEE INSURANCE - CITY
631-00-4151-0000	85.11	0.00	WORKERS COMPENSATION
FUND Total:	3,514.22	3,514.22	
FUND 700	Payroll Clearing Fund		
700-00-1010-0000	95,895.57	0.00	CASH AND INVESTMENTS
700-00-2170-0000	0.00	44,227.64	GROSS PAYROLL CLEARING
700-00-2171-0000	0.00	10,000.00	HEALTH INSURANCE PAYABLE
700-00-2172-0000	0.00	6,071.95	FEDERAL WITHHOLDING PAYABLE
700-00-2173-0000	0.00	3,108.24	STATE WITHHOLDING PAYABLE
700-00-2174-0000	0.00	10,639.94	FICA/MEDICARE TAX PAYABLE
700-00-2175-0000	0.00	10,097.26	PERA WITHHOLDING PAYABLE
700-00-2176-0000	0.00	5,700.00	DEFERRED COMPENSATION
700-00-2177-0000	0.00	1,855.48	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:	95,895.57	95,895.57	
Report Total:	191,791.14	191,791.14	

Accounts Payable

Computer Check Proof List by Vendor

User: mnguyen
 Printed: 11/08/2021 - 12:54PM
 Batch: 00003.11.2021 - PR-11-08-2021



Invoice No	Description	Amount	Payment Date	Acct Number	Reference
Vendor: 12	AFSCME MN COUNCIL 5 - UNION DUES			Check Sequence: 1	ACH Enabled: True
November-2021	PR Batch 00001.11.2021 Union Dues	410.48	11/08/2021	700-00-2182-0000	PR Batch 00001.11.2021 Union Dues
	Check Total:	410.48			
Vendor: 1084	BANK VISTA			Check Sequence: 2	ACH Enabled: True
PR-11-08-2021	PR Batch 00001.11.2021 HSA-BANK VISTA	276.92	11/08/2021	700-00-2183-0000	PR Batch 00001.11.2021 HSA-BANK VIS
	Check Total:	276.92			
Vendor: 5	EFTPS - FEDERAL W/H			Check Sequence: 3	ACH Enabled: True
PR-11-08-2021	PR Batch 00001.11.2021 FICA Employee Portio	4,311.61	11/08/2021	700-00-2174-0000	PR Batch 00001.11.2021 FICA Employee I
PR-11-08-2021	PR Batch 00001.11.2021 FICA Employer Portio	4,311.61	11/08/2021	700-00-2174-0000	PR Batch 00001.11.2021 FICA Employer I
PR-11-08-2021	PR Batch 00001.11.2021 Medicare Employee Pc	1,008.36	11/08/2021	700-00-2174-0000	PR Batch 00001.11.2021 Medicare Emplo
PR-11-08-2021	PR Batch 00001.11.2021 Medicare Employer Po	1,008.36	11/08/2021	700-00-2174-0000	PR Batch 00001.11.2021 Medicare Employ
PR-11-08-2021	PR Batch 00001.11.2021 Federal Income Tax	6,071.95	11/08/2021	700-00-2172-0000	PR Batch 00001.11.2021 Federal Income T
	Check Total:	16,711.89			
Vendor: 1165	FIDELITY SECURITY LIFE INSURANCE CO			Check Sequence: 4	ACH Enabled: False
November-2021	PR Batch 00001.11.2021 Vision-Avesis	150.27	11/08/2021	700-00-2186-0000	PR Batch 00001.11.2021 Vision-Avesis
	Check Total:	150.27			
Vendor: 2	ICMA RETIREMENT TRUST-302131-457			Check Sequence: 5	ACH Enabled: True
PR-11-08-2021	PR Batch 00001.11.2021 Deferred Comp-ICMA	3,075.00	11/08/2021	700-00-2176-0000	PR Batch 00001.11.2021 Deferred Comp-I
	Check Total:	3,075.00			
Vendor: 686	KANSAS CITY LIFE INSURANCE COMPAN'			Check Sequence: 6	ACH Enabled: True
November-2021	PR Batch 00001.11.2021 Long Term Disability	720.64	11/08/2021	700-00-2181-0000	PR Batch 00001.11.2021 Long Term Disab
November-2021	PR Batch 00001.11.2021 Short Term Disability	807.37	11/08/2021	700-00-2181-0000	PR Batch 00001.11.2021 Short Term Disab
	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-11-08-2021	PR Batch 00001.11.2021 State Income Tax	3,108.24	11/08/2021	700-00-2173-0000	PR Batch 00001.11.2021 State Income Tax
	Check Total:	3,108.24			
Vendor: 7	MINNESOTA LIFE			Check Sequence: 8	ACH Enabled: True
November-2021	PR Batch 00001.11.2021 Life Insurance	881.38	11/08/2021	700-00-2180-0000	PR Batch 00001.11.2021 Life Insurance
	Check Total:	881.38			
Vendor: 1091	MSRS-MN DEFERRED COMP PLAN 457			Check Sequence: 9	ACH Enabled: True
PR-11-08-2021	PR Batch 00001.11.2021 Deferred Comp-MSRS	150.00	11/08/2021	700-00-2176-0000	PR Batch 00001.11.2021 Deferred Comp-MSRS
PR-11-08-2021	PR Batch 00001.11.2021 Deferred Comp-MSRS	2,475.00	11/08/2021	700-00-2176-0000	PR Batch 00001.11.2021 Deferred Comp-MSRS
	Check Total:	2,625.00			
Vendor: 10	NCPERS GROUP LIFE INSURANCE			Check Sequence: 10	ACH Enabled: True
November-2021	PR Batch 00001.11.2021 PERA Life	16.00	11/08/2021	700-00-2180-0000	PR Batch 00001.11.2021 PERA Life
	Check Total:	16.00			
Vendor: 665	OPTUM BANK			Check Sequence: 11	ACH Enabled: True
PR-11-08-2021	PR Batch 00001.11.2021 HSA-OPTUM BANK	932.00	11/08/2021	700-00-2183-0000	PR Batch 00001.11.2021 HSA-OPTUM BANK
	Check Total:	932.00			
Vendor: 9	PERA			Check Sequence: 12	ACH Enabled: True
PR-11-08-2021	PR Batch 00001.11.2021 MN-PERA Deduction	4,688.02	11/08/2021	700-00-2175-0000	PR Batch 00001.11.2021 MN-PERA Deduction
PR-11-08-2021	PR Batch 00001.11.2021 MN PERA Benefit Em	5,409.24	11/08/2021	700-00-2175-0000	PR Batch 00001.11.2021 MN PERA Benefit Em
	Check Total:	10,097.26			
	Total for Check Run:	39,812.45			
	Total of Number of Checks:	12			

Accounts Payable

Computer Check Proof List by Vendor

User: mnguyen
 Printed: 11/17/2021 - 1:25PM
 Batch: 00004.11.2021 - CC-11-22-2021



Invoice No	Description	Amount	Payment Date	Acct Number	Reference
Vendor: 677	BOLTON & MENK, INC.			Check Sequence: 1	ACH Enabled: True
0279007	Catchbasin & Culvert Repairs	5,014.00	11/22/2021	631-00-4303-0000	
0279008	General Engineering	10,355.00	11/22/2021	101-31-4303-0000	
0279009	Mill & Overlay	3,732.00	11/22/2021	413-00-4680-0000	
0279010	24245 Smithtown Rd-Car Wash	1,049.00	11/22/2021	101-00-3414-0000	
0279011	Beverly Drive Wetland	340.00	11/22/2021	631-00-4303-0000	
0279012	Birch Bluff St-Utility Imprvmt	21,600.00	11/22/2021	414-00-4303-0000	
0279013	Boulder Bridge Well Inspection	1,705.00	11/22/2021	601-00-4303-0000	
0279014	Christmas Lake Boat Landing	802.00	11/22/2021	402-00-4680-0000	
0279015	Covington Road Watermain	10,845.00	11/22/2021	601-00-4303-0000	
0279016	Data Requests	344.00	11/22/2021	101-31-4303-0000	
0279017	Galpin Lake Road-Roadway	3,185.00	11/22/2021	406-00-4620-0002	
0279018	GIS-Utilities	4,955.00	11/22/2021	611-00-4303-0000	
0279018	GIS-Utilities	330.00	11/22/2021	601-00-4303-0000	
0279019	Glen Rd-Manitou Ln-Amlee Rd St	12,009.00	11/22/2021	407-00-4303-0000	
0279020	Grant Street Drainage	258.00	11/22/2021	631-00-4303-0000	
0279021	Howards Point Road Utility	250.00	11/22/2021	631-00-4303-0000	
0279022	Lift Station 9 Rehabilitation	5,749.00	11/22/2021	611-00-4303-0000	
0279023	Mary Lake Outlet	1,456.00	11/22/2021	631-00-4303-0000	
0279024	MS4 Administration	3,901.00	11/22/2021	631-00-4302-0009	
0279025	Shady Island Bridge Forcemain	965.00	11/22/2021	611-00-4303-0000	
0279026	Shorewood Ln Ravine Restore	2,290.00	11/22/2021	631-00-4303-0000	
0279027	Silverwood Park Improvements	142.00	11/22/2021	402-00-4680-0000	
0279028	Smithtown Pond	9,570.00	11/22/2021	631-00-4303-0000	
0279029	South Lake Minnetonka Improve	310.00	11/22/2021	101-00-3414-0000	
0279030	Strawberry Ln St Reconst & Trl	11,557.00	11/22/2021	409-00-4303-0000	
0279031	Sweetwater Cur Watermain	80.00	11/22/2021	601-00-4303-0000	
	Check Total:	112,793.00			
Vendor: 1221	CAMPBELL KNUTSON			Check Sequence: 2	ACH Enabled: False
3526-000G	Code Enforcement	300.00	11/22/2021	101-16-4304-0000	
3526-0999G	Prosecution	4,143.18	11/22/2021	101-16-4304-0000	

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
	Check Total:	4,443.18			
Vendor: 1096	DAVEY RESOURCE GROUP, INC.			Check Sequence: 3	ACH Enabled: True
125784	Emerald Ash Borer Plan Update	2,750.00	11/22/2021	101-32-4400-0000	
	Check Total:	2,750.00			
Vendor: 166	EARL F. ANDERSEN			Check Sequence: 4	ACH Enabled: False
128227-IN	Signs	1,691.00	11/22/2021	101-32-4245-0000	
	Check Total:	1,691.00			
Vendor: 1180	ERICKSON ELECTRIC COMPANY, INC.			Check Sequence: 5	ACH Enabled: False
7002	Service County Road 19 Lights	632.72	11/22/2021	101-32-4400-0000	
	Check Total:	632.72			
Vendor: 186	FERGUSON WATERWORKS, LLC. No.2518			Check Sequence: 6	ACH Enabled: False
0481517	Water Meters Purchased	5,205.20	11/22/2021	601-00-4265-0000	
0481518	Water Meters Purchased	3,561.34	11/22/2021	601-00-4265-0000	
	Check Total:	8,766.54			
Vendor: 656	FLEXIBLE PIPE TOOL COMPANY			Check Sequence: 7	ACH Enabled: False
26854	Sewer Service VA Truck	263.74	11/22/2021	101-32-4221-0000	
	Check Total:	263.74			
Vendor: 198	G.F. JEDLICKI, INC.			Check Sequence: 8	ACH Enabled: False
PV#2-FinalSR&ER	PV#2 & Final - Smithtown Road Storm Structure	805.99	11/22/2021	631-00-4680-0000	
	Check Total:	805.99			
Vendor: 216	HENNEPIN COUNTY RECORDER & REGIS			Check Sequence: 9	ACH Enabled: False
WalnutGrove-11/21	Shorewood Walnut Grove Villas Planned Unit Development	46.00	11/22/2021	101-18-4400-0000	Record
	Check Total:	46.00			
Vendor: 985	HENNEPIN COUNTY ACCOUNTS RECEIVABLE			Check Sequence: 10	ACH Enabled: False
1000174808	REC0001086-MonthlySubscription	40.00	11/22/2021	101-31-4303-0000	RecordEase Payment
	Check Total:	40.00			
Vendor: 215	HENNEPIN COUNTY INFORMATION TECHNOLOGY			Check Sequence: 11	ACH Enabled: True

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
1000174268	Monthly Radio Fleet & MESB	196.40	11/22/2021	101-32-4321-0000	
	Check Total:	196.40			
Vendor: 436	MARK HODGES			Check Sequence: 12	ACH Enabled: True
10/25/2021	Work Session - Council	140.00	11/22/2021	101-11-4400-0000	
	Check Total:	140.00			
Vendor: UB*00441	John & Pamela Honzl			Check Sequence: 13	ACH Enabled: False
	Refund Check 006977-000, 6065 Glencoe Rd	80.87	11/08/2021	611-00-2010-0000	
	Refund Check 006977-000, 6065 Glencoe Rd	34.65	11/08/2021	631-00-2010-0000	
	Refund Check 006977-000, 6065 Glencoe Rd	34.66	11/08/2021	621-00-2010-0000	
	Check Total:	150.18			
Vendor: 1222	JANELLE JOSEPH			Check Sequence: 14	ACH Enabled: False
Refund-Nov/2021	SCEC Rental - Damage Deposit Refund	50.00	11/22/2021	201-00-3410-0000	
	Check Total:	50.00			
Vendor: 246	KONEN HOMES, INC.			Check Sequence: 15	ACH Enabled: False
21045IvyLn11/21	Escrow Refund - 21045 Ivy Lane	11,250.00	11/22/2021	880-00-2200-0000	
	Check Total:	11,250.00			
Vendor: 247	DREW KRIESEL			Check Sequence: 16	ACH Enabled: False
October-2021	Building Maint. Services	280.00	11/22/2021	201-00-4400-0000	
October-2021	Building General Supplies Exp	52.97	11/22/2021	201-00-4245-0000	
October-2021	Events Program/Class Services	728.00	11/22/2021	201-00-4248-0000	
	Check Total:	1,060.97			
Vendor: 482	KUTAK ROCK, LLP			Check Sequence: 17	ACH Enabled: True
2933321	General Corporate	1,850.00	11/22/2021	101-16-4304-0000	
2933323	Public Improvement Project	877.50	11/22/2021	404-00-4620-0000	
2933324	Administrative Code	760.50	11/22/2021	101-16-4304-0000	
2933376	Howards Point Dock Enforcement	5,251.40	11/22/2021	101-18-4304-0000	
2933384	5815 Club Lane	58.50	11/22/2021	101-16-4304-0000	
2933412	Water Tower Lease Agreements	468.00	11/22/2021	601-00-4304-0000	
2933444	Excelsior Sewer Issues	136.50	11/22/2021	611-00-4304-0000	
2933509	Code Updates	156.00	11/22/2021	101-16-4304-0000	
2933554	Ugorets v. City of Shorewood	1,404.00	11/22/2021	101-16-4304-0000	
2933594	Date Practices Response	117.00	11/22/2021	101-16-4304-0000	

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
	Check Total:	11,079.40			
Vendor: 1223	LDK BUILDERS, INC.			Check Sequence: 18	ACH Enabled: False
Receipt#82989	SAC Refund - Svc Address 5530 Howards Point	2,485.00	11/22/2021	611-00-3725-0000	
	Check Total:	2,485.00			
Vendor: 13	LEAGUE OF MINNESOTA CITIES INSURAN			Check Sequence: 19	ACH Enabled: False
40003059-110421	Workers' Compensation	69,591.00	11/22/2021	700-00-2177-0000	
	Check Total:	69,591.00			
Vendor: 260	LOCATORS & SUPPLIES, INC.			Check Sequence: 20	ACH Enabled: True
0296374-IN	Paint	116.70	11/22/2021	611-00-4245-0000	
	Check Total:	116.70			
Vendor: 262	LUBE-TECH			Check Sequence: 21	ACH Enabled: True
2757716	Motor Fuel Lube	61.28	11/22/2021	101-32-4212-0000	
	Check Total:	61.28			
Vendor: 279	METROPOLITAN COUNCIL (WASTEWATER)			Check Sequence: 22	ACH Enabled: True
1131790	Monthly Waste Water Svc	82,991.61	11/22/2021	611-00-4385-0000	
	Check Total:	82,991.61			
Vendor: 453	METROPOLITAN COUNCIL (SAC)			Check Sequence: 23	ACH Enabled: True
October-2021-SAC	Monthly SAC Report	24.85	11/22/2021	611-00-2082-0000	
	Check Total:	24.85			
Vendor: 1039	MID-COUNTY COOP			Check Sequence: 24	ACH Enabled: False
53277	Fuel	661.12	11/22/2021	101-32-4212-0000	
53278	Fuel	692.36	11/22/2021	101-32-4212-0000	
	Check Total:	1,353.48			
Vendor: 813	MIDWAY FORD COMPANY			Check Sequence: 25	ACH Enabled: False
130579	2021 Ford - F150	36,825.08	11/22/2021	403-00-4640-0000	
	Check Total:	36,825.08			
Vendor: 289	MINGER CONSTRUCTION CO., INC.			Check Sequence: 26	ACH Enabled: False

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
PV#1-2021-CB&CR	PV#1 - 2021-Catch Basin & Culver Repairs	125,075.68	11/22/2021	631-00-4680-0000	
	Check Total:	125,075.68			
Vendor: 1068	MISSION COMMUNICATIONS, LLC			Check Sequence: 27	ACH Enabled: False
1047499	L.S. Output Boards -2020Invoice	1,000.00	11/22/2021	611-00-4221-0000	
	Check Total:	1,000.00			
Vendor: 320	NORTHLAND TRUST SERVICES			Check Sequence: 28	ACH Enabled: True
SHORE13A-2022	GO Water-Series2013A-Interest	2,030.00	11/22/2021	601-00-4711-0000	SHORE13A-Gen Obligation Water
SHORE13A-2022	GO Water-Series2013A-Principal	280,000.00	11/22/2021	601-00-1030-0000	SHORE13A-Gen Obligation Water
	Check Total:	282,030.00			
Vendor: 9	PERA			Check Sequence: 29	ACH Enabled: True
153123	Lucy DeHaan-Period 02/01/21-04/25/21	88.49	11/22/2021	700-00-2175-0000	
	Check Total:	88.49			
Vendor: 903	PERRILL			Check Sequence: 30	ACH Enabled: True
255926	ROWay Web App-Monthly	75.00	11/22/2021	611-00-4400-0000	
255926	ROWay Web App-Monthly	75.00	11/22/2021	601-00-4400-0000	
	Check Total:	150.00			
Vendor: 819	PIRTEK PLYMOUTH			Check Sequence: 31	ACH Enabled: False
PL-T00008508	Hose Repairs	258.15	11/22/2021	101-32-4221-0000	
PL-T00008558	Hose Repairs	258.15	11/22/2021	101-32-4221-0000	
	Check Total:	516.30			
Vendor: 360	SOUTH LAKE MINNETONKA POLICE DEPA			Check Sequence: 32	ACH Enabled: False
December-2021	Monthly-Operating Budget Exp	112,276.06	11/22/2021	101-21-4400-0000	
VNP-11/02/21	VPN Services for Campbell & Knutson	945.00	11/22/2021	101-16-4304-0000	
	Check Total:	113,221.06			
Vendor: 1101	SPRINGBROOK HOLDING COMPANY LLC			Check Sequence: 33	ACH Enabled: True
INV-007806	Springbrook-CivicPay Fees	208.50	11/22/2021	621-00-4450-0000	
INV-007806	Springbrook-CivicPay Fees	208.50	11/22/2021	631-00-4450-0000	
INV-007806	Springbrook-CivicPay Fees	208.50	11/22/2021	611-00-4450-0000	
INV-007806	Springbrook-CivicPay Fees	208.50	11/22/2021	601-00-4450-0000	
TM-INV-004648	Cloud Migration Fees	2,006.25	11/22/2021	101-15-4221-0000	

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
	Check Total:	2,840.25			
Vendor: 694	TIMESAVER OFF SITE SECRETARIAL, INC.			Check Sequence: 34	ACH Enabled: True
M26844	Council Meeting	217.50	11/22/2021	101-13-4400-0000	
M26884	Council Meeting	342.50	11/22/2021	101-13-4400-0000	
M26884	Planning Meeting	187.00	11/22/2021	101-18-4400-0000	
	Check Total:	747.00			
Vendor: 386	TWIN CITY WATER CLINIC			Check Sequence: 35	ACH Enabled: False
16853	Monthly Bacteria Svc	120.00	11/22/2021	601-00-4400-0000	
	Check Total:	120.00			
Vendor: 421	VERIZON WIRELESS			Check Sequence: 36	ACH Enabled: False
9891885341	Sewer & Water - Acct842017386	81.04	11/22/2021	601-00-4321-0000	Acct #842017386-00001
9891885341	Sewer & Water - Acct842017386	81.07	11/22/2021	611-00-4321-0000	Acct #842017386-00001
9891885341	Sewer & Water - Acct842017386	81.04	11/22/2021	631-00-4321-0000	Acct #842017386-00001
	Check Total:	243.15			
Vendor: 393	VESSCO, INC			Check Sequence: 37	ACH Enabled: True
085842	Chemical Feed Pump Parts	572.95	11/22/2021	601-00-4223-0000	
	Check Total:	572.95			
Vendor: 415	WARNER CONNECT			Check Sequence: 38	ACH Enabled: True
29940385	Network Maint Services	4,419.85	11/22/2021	101-19-4321-0000	
	Check Total:	4,419.85			
Vendor: 408	WM MUELLER & SONS INC			Check Sequence: 39	ACH Enabled: True
PV#7-Glen/Manitou/A	PV#7-Glen Rd-Manitou-Amlee Street	96,137.26	11/22/2021	407-00-4680-0000	
	Check Total:	96,137.26			
Vendor: 974	THOMAS WADE WOODWARD			Check Sequence: 40	ACH Enabled: True
October-2021	Mileage	243.64	11/22/2021	101-24-4331-0000	
October-2021	Cell Phone	30.00	11/22/2021	101-24-4321-0000	
	Check Total:	273.64			
Vendor: 411	XCEL ENERGY, INC.			Check Sequence: 41	ACH Enabled: True
755298151	5655 Merry Lane	21.97	11/22/2021	101-52-4380-0000	5655 Merry Lane

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
	Check Total:	21.97			
	Total for Check Run:	977,065.72			
	Total of Number of Checks:	41			

Accounts Payable
Computer Check Proof List by Vendor

User: mnguyen
Printed: 11/17/2021 - 1:54PM
Batch: 00005.11.2021 - CC-11-22-2021-PERA



Invoice No	Description	Amount	Payment Date	Acct Number	Reference
Vendor: 9	PERA			Check Sequence: 1	ACH Enabled: False
153123-DeHaan	Deduction Period-02/01/21-04/25/21 - Lucy Def	223.96	11/22/2021	700-00-2175-0000	
	Check Total:	223.96			
	Total for Check Run:	223.96			
	Total of Number of Checks:	1			



City of Shorewood Council Meeting Item

Title/Subject:	Addendum to TimeSaver Agreement
Meeting Date:	Monday, November 22, 2021
Prepared by:	Sandie Thone, City Clerk/HR Director
Reviewed by:	Greg Lerud, City Administrator
Attachments:	Addendum to Recording Secretary Service Agreement

2C

MEETING
TYPE
Regular
Meeting

Background in Recommendation For the past four years the city has contracted with TimeSaver Off Site Secretarial, Inc. for city council, planning commission, and parks commission meeting minutes. Attached is an Addendum to the Recording Secretary Agreement that extends the expiration date to December 31, 2022. The rates reflect an increase of less than 2.5%. We have been extremely satisfied with the level of service we have received and therefore staff is recommending approval of the attached Addendum as submitted.

Financial or Budget Considerations: The unit rates reflect an increase of 50 cents per hour and 25 cents per page and a base rate increase of less than 2.5%.

Action Requested:

Motion, second and simple majority vote required.

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

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

**RESOLUTION 21-135
A RESOLUTION APPROVING AN ADDENDUM TO THE
RECORDING SECRETARY SERVICE AGREEMENT**

WHEREAS, the city of Shorewood is required to prepare minutes of all public meetings of the city council, planning, and park commissions; and

WHEREAS, the city has contracted with TimeSaver Off Site Secretarial, Inc. for the past four years for performing minute-taking for city council, planning commission, and park commission meetings; and

WHEREAS, the city has received exemplary service from TimeSaver.

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

The enclosed Addendum to the Recording Secretary Service Agreement will be extended to December 31, 2022. The unit rates reflect an increase of 50 cents per hour, 25 cents per page and a base rate increase of less than 2.5%.

ADOPTED BY THE SHOREWOOD CITY COUNCIL this 22nd day of November 2021.

ATTEST:

Jennifer Labadie, Mayor

Sandie Thone, City Clerk

TimeSaver Off Site Secretarial, Inc.

October 29, 2021

Ms. Sandie Thone, City Clerk
City of Shorewood
5755 Country Club Road
Shorewood, MN 55331

Dear Sandie,

Enclosed is an Addendum to the Recording Secretary Service Agreement that extends the expiration date to December 31, 2022. The unit rates reflect an increase of 50 cents per hour and 25 cents per page and a base rate increase of less than 2.5%.

We appreciate the confidence you have placed in TimeSaver to handle your meeting minute needs and look forward to continuing that relationship in 2022.

If you need further information or have questions, please feel free to contact me at 612-251-8999.

Best regards,



Carla Wirth
Owner

Enclosure: Recording Secretary Service Agreement
Return envelope

**ADDENDUM TO
RECORDING SECRETARY SERVICE AGREEMENT**

Dated: December 31, 2021

By and between TimeSaver Off Site Secretarial, Inc. and the City of Shorewood, 5755 Country Club Road, Shorewood, MN 55331.

1. EXTENSION OF RECORDING SECRETARIAL SERVICE AGREEMENT: The term of the existing Recording Secretary Service Agreement dated December 31, 2020, shall be extended under the same terms and conditions to December 31, 2022.
2. TOSS CHARGES: TOSS shall be paid for its services as recording secretary for each meeting with a one (1) hour minimum, the highest rate prevailing, as follows:
 - a. Base Rate: One Hundred Fifty-Four and 00/100 dollars (\$154.00) for any meeting up to one (1) hour (billable time) plus Thirty-Six and 50/100 dollars (\$36.50) for each thirty (30) minutes following the first one (1) hour; or
 - b. Unit Rate: Forty-Nine and 50/00 dollars (\$49.50) for the first hour of meeting time and Thirty-Three and 00/100 dollars (\$33.00) for every hour after the first hour plus Fifteen and 50/100 dollars (\$15.50) for each page of draft minutes for submission to the City of Shorewood for their preparation of final minutes.

At the end of the term of this Addendum or any extension of it, the parties may make a new Agreement or extend or modify the terms of this Agreement.

IN WITNESS WHEREOF, the undersigned have executed this Addendum to the Recording Secretary Service Agreement as of the day and year indicated.

January __, 2022

CITY OF SHOREWOOD

By: _____
Sandie Thone

Its: City Clerk

November 1, 2021

TIMESAVER OFF SITE SECRETARIAL, INC.

By: Carla Wirth
Carla Wirth

Its: President & CEO



City of Shorewood Council Meeting Item

2D

Title/Subject: Jim's Liquor Off-Sale Liquor License
Meeting Date: Monday, November 22, 2021
Prepared by: Sandie Thone, City Clerk/HR Director
Reviewed by: Brenda Pricco, Deputy City Clerk
Attachments: Resolution 21-136

MEETING TYPE
Regular Meeting

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

New Liquor License: Off-Sale Intoxicating Liquor for NGBS, Inc. DBA Jim's Liquor:
Chapter 401 allows licensed establishments to sell on and off-sale liquor in the city limits.

Background:

The following establishment is requesting council consideration in issuing a new liquor license:

<i>Applicant(s)</i>	<i>Address</i>	<i>License</i>
<i>Nebeel Hassan, Gurinder P. Singh Bhupinder Singh NGBS, Inc. DBA Jim Liquor</i>	<i>19905 State Highway 7 Shorewood, MN 55331</i>	<i>Off-Sale Intoxicating</i>

The applicants, Hassan, Singh, and Singh, as NGBS, Inc. DBA Jim's Liquor have purchased the business from Palanisami Palanisami currently DBA as Waterford Liquors currently located at 19905 State Highway 7 in Shorewood. Waterford Liquor's current liquor license will expire on May 31, 2022. The building (Waterford Center) is owned by Palanisami Palanisami who plans to lease the space (F) to NGBS, Inc. Once the applicants, NGBS, Inc. have successfully passed background investigations performed by South Lake Minnetonka Police Department, submitted all required documentation, met insurance liability requirements, submitted the required new investigation fee of \$500 and the \$310 for the annual Off-Sale License, and council approves the license, it will be forwarded to the State of Minnesota, Department of Public Safety, Alcohol and Gambling Enforcement to meet their requirements. The State of Minnesota, Department of Public Safety, Alcohol and Gambling Enforcement department will perform a premises inspection pursuant to the requirements for obtaining a new liquor license issued in the state.

Financial or Budget Considerations:

Licensing fees as set forth in the City's fee schedule have been duly collected that cover the cost of processing, issuing, and enforcing liquor licenses in the City of Shorewood.

Recommendation/Action Requested:

Staff respectfully recommends the city council approve ***Resolution 21-136 Approving a New Off-Sale Intoxicating Liquor License effective upon the State of Minnesota, Department of Public Safety, Alcohol and Gambling Enforcement approval for NGBS, Inc. DBA Jim's Liquor located at 19905 State Highway 7 in Shorewood.*** Motion, second, and simple majority vote required.

Connection to Vision /Mission:

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

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

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

**RESOLUTION 21-136
JIM'S LIQUOR OFF-SALE INTOXICATING LIQUOR LICENSE**

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

WHEREAS, in addition to the requirements set forth by the Minnesota Department of Public Safety, Alcohol and Gambling Enforcement Division, Shorewood City Code provides that the applicant shall complete an application for a liquor license, pay the required licensing fee, fulfill insurance coverage requirements and complete a successful background investigation; and

WHEREAS, NGBS, Inc. DBA Jim's Liquor has successfully completed the application process, satisfying the requirements as delineated above for the issuance of an off-sale intoxicating liquor license for the City of Shorewood, conditional approval will be granted for the period, effective December 1, 2021 through May 31, 2022 *and* upon approval from the Minnesota Department of Public Safety, Alcohol and Gambling Enforcement Division certifying that the applicant has passed the new license inspection and met all criteria for approval by the State agency as well as being consistent with the requirements and provisions of Chapter 401 of the Shorewood City Code.

WHEREAS, NGBS, Inc. DBA Jim's Liquor and owners Nebeel Hassan, Gurinder P. Singh, and Bhupinder Singh plan to purchase the business currently known as Waterford Liquors currently located in the Waterford Center located at 19905 State Highway 7 which Mr. Palanisami owns and will lease to the new owners.

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

MGBS, Inc.	19905 State Highway 7	Off-Sale Intoxicating
DBA/Jim's Liquor	Shorewood, MN 55331	

ADOPTED BY THE CITY COUNCIL of the City of Shorewood this 22nd day of November 2021.

ATTEST:

Jennifer Labadie, Mayor

Sandie Thone, City Clerk



City of Shorewood Council Meeting Item

Title/Subject: Authorize Service Agreement with Landform Professional Services

Meeting Date: November 22, 2021

Prepared By: Marie Darling, Planning Director

Reviewed By: Greg Lerud, City Administrator
Tim Keane, City Attorney

Attachments: Service Contract from Landform Professional Services
Information on Consultants and Firm
Resolution

Background: Staff proposes to authorize the service agreement with Landform Professional Services for review of any applications that may be submitted that could pose a real or perceived conflict of interest for the planning staff. Certified planners have ethics requirements that are above and beyond the Minnesota statutory definitions of conflict-of-interest. Due to a recent code enforcement case that may develop into a land use application, staff propose to have third party professional alternatives.

Staff considered three firms with strong planning consultant teams. Bolton and Menk, Northwest Area Consultants (NAC) and Landform Professional Services. The first two firms have recently worked for the City and Landform Professional Services has never worked for the City. Staff propose to remove even the appearance of conflict of interest from the process and propose to use Landform Professional Services, a firm that is well-known, has highly trained staff, but without any past contractual ties to the City.

At this point, no applications have been submitted that would present a real or perceived conflict of interest. In the event such an application is filed, Landform Professional Services has provided an hourly rate for their principal planner, Kendra Lindahl. She may also use others on her staff for research and other tasks if needed. Attached is information on the firm and professional credentials.

Financial or Budget Considerations: The proposal includes hourly rates for their consulting planners plus costs for additional external reimbursable expenses.

If no application is submitted, no costs would be incurred.

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.*

Recommended Action: Staff recommends authorizing staff to execute the attached hourly service contract for Landform Professional Services.

Action requires a simple majority vote.

Next Steps and Timeline: Staff will inform the company of the council's decision and take the next appropriate step if an application is submitted.

November 11, 2021

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

RE: Proposal for Planning Services in Shorewood, MN
Landform Proposal No. P21218

Marie,

Thank you for asking us to provide planning support to the City of Shorewood, MN. Landform is pleased to submit this Proposal to provide Planning services to support city staff on an as-needed basis.

Landform is committed to client service and the interdisciplinary fully-integrated site design process that has come to be our signature. Our studios are client-focused, each tailoring their design and production processes to meet the needs of their particular market, client or project type. Our professional staff includes landscape architects, planners, urban designers, civil engineers and land surveyors. We offer you a SensiblyGreen® approach to your site design and development challenges from Site to Finish®.

If you have any questions concerning this proposal or our services, please call me at 612-252-9070. We look forward to working with you.

Sincerely,
Landform Professional Services, LLC



Kendra Lindahl, AICP
Principal

COPY: File P21218
ENCL: Project Scope

Professional Services Proposal For

City of Shorewood, MN

PLANNING SERVICES

Shorewood, Mn

PROJECT TEAM:

Client Manager: Kendra Lindahl, AICP
Principal Planner

Planners: Kevin Shay
Nicholas Ouellette

* Indicated professional registrations are state-dependent; to obtain further information about our state licenses, please contact Human Resources at 612-252-9070

This fee Proposal is valid for 30 days from the creation date noted in the footer. Landform may reissue a revised Proposal upon request if the indicated time period has lapsed.

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OWNERSHIP AND USE OF DOCUMENTS:

Consultant's drawings, Specifications, and other documents, including this Proposal, are instruments of Consultant's services for use solely with respect to this Project. Consultant shall be deemed the author of these documents and shall retain all common law, statutory and/or reserved rights, including copyright. Any use or reuse of this Proposal other than its intended use will be considered infringement of Consultant's reserved rights.

A. SCOPE OF SERVICES

The level of our involvement will include the following Scope of Services ("Basic Services"). Naturally, the scale and scope of our efforts depends upon a Client's needs, a clear understanding of our responsibilities and upon the deliverables required. If we have misinterpreted your needs, please let us know and we will make the necessary adjustments to this Proposal.

1. Planning Services [03]:

Landform will:

- a) Review land use applications based on adopted City Code and related documents, as directed by staff.
- b) Prepare staff reports, resolutions, ordinances and related documents as required.
- c) Participate in meetings and discussions with developers, residents, city officials or staff as needed regarding development applications.
- d) Attend the scheduled Planning Commission and City Council hearings to present the project and answer questions at these public meetings.
- e) Work with City staff to prepare public hearing notices, as needed.

B. COMPENSATION

- 1) The Basic Services described under the Scope of Services shall be completed on an hourly compensation basis based on the rates below:

2021 Rate Schedule

Professional Services Title	Hourly Rates
Principal Planner	\$142
Planner III/Designer III/Survey Technician III	\$105
Planner II/Designer II/Survey Technician II	\$87
Planner I/Designer I/Survey Technician I	\$77

- 2) Standard Internal reimbursable expenses associated with prints, plots, scanning and mileage are included in our hourly rates. Deliverable plots and prints will be charged at internal rate.
- 3) External reimbursable expenses shall be billed at cost plus 15%.
- 4) Invoices will be sent once a month based on the hours worked through the date of billing.
- 5) Payment is due upon receipt of invoice. Unless prior arrangements are made, a 1.5% per month (18% per annum) service charge or the maximum permitted by law, whichever is less, will be assessed against all invoices unpaid for over 30 days. Service charges may be compounded.
- 6) **ANY PERSON OR COMPANY SUPPLYING LABOR OR MATERIALS FOR THIS IMPROVEMENT TO YOUR PROPERTY MAY FILE A LIEN AGAINST YOUR PROPERTY IF THAT PERSON OR COMPANY IS NOT PAID FOR THE CONTRIBUTIONS.**

- 7) UNDER MINNESOTA LAW, YOU HAVE THE RIGHT TO PAY PERSONS WHO SUPPLIED LABOR OR MATERIALS FOR THIS IMPROVEMENT DIRECTLY AND DEDUCT THIS AMOUNT FROM OUR CONTRACT PRICE, OR WITHHOLD THE AMOUNTS DUE THEM FROM US UNTIL 120 DAYS AFTER COMPLETION OF THE IMPROVEMENT UNLESS WE GIVE YOU A LIEN WAIVER SIGNED BY PERSONS WHO SUPPLIED ANY LABOR OR MATERIAL FOR THE IMPROVEMENT AND WHO GAVE YOU TIMELY NOTICE.

C. FORM OF CONTRACT

Landform continually strives towards ways of reducing our impact on the environment. Therefore, we are submitting this Proposal to you electronically only. Please print only the signature page, sign, and return the signed page by email, fax or mail as written authorization to proceed. If your company's policy requires hardcopy originals, please contact us to request that hardcopy originals be mailed to your address. A faxed or emailed copy of a signature is as binding as an original. You may also incorporate this Proposal into your standard contract form but, even if we subsequently sign your contract form, in the event of any conflict or inconsistency between this Proposal and Client's standard contract form, this Proposal shall govern. We reserve the right to a) collect as an external reimbursable expense the cost of legal counsel should you elect to use a lengthy contract of your own design, and b) revise our fee Proposal if your contract form assigns additional responsibility or risk to Landform Professional Services. If you instruct us to begin, or allow us to continue performing, Services prior to returning a signed contract it will be understood that all terms of this Proposal, including the attached Terms and Conditions, are acceptable and all parties will be bound by the terms of this Proposal. The attached Terms and Conditions are incorporated by reference and are an integral component of this Proposal.

Landform Professional Services, LLC agrees to perform the Services described in this Proposal under the terms outlined.

The following party accepts the scope, terms and conditions outlined in this Proposal and instructs Landform Professional Services, LLC to proceed with the Services as outlined.

City of Shorewood



Kendra Lindahl
Principal

November 11, 2021
Date

Landform Federal Tax ID: 27-1199905

Signed

Title

Date

TERMS AND CONDITIONS

1.0 CONSULTANT'S SERVICES. Consultant shall perform the services identified in this Proposal and no others unless otherwise agreed and unless Consultant is paid additional compensation in accordance with this Proposal.

1.1 STANDARD OF CARE. Consultant's services shall be performed based on the standard of reasonable professional care for services similar in scope, schedule, and complexity to the services being provided by the Consultant. ALL WARRANTIES, EXPRESS OR IMPLIED, UNDER THIS PROPOSAL OR OTHERWISE, IN CONNECTION WITH THE CONSULTANT'S SERVICES ARE EXPRESSLY DISCLAIMED.

1.2 SCHEDULE. Time limits established by the schedule identified in the Proposal shall not, except for reasonable cause, be exceeded by Consultant or Client. Consultant's compensation shall be equitably adjusted in the event of delays caused by Client, Client's other consultants, or Client's agents. Fees quoted in the Proposal shall be adjusted if services do not commence within 90 days after the date of the Proposal.

1.3 LIMITATIONS UPON AND EXCLUSIONS FROM RESPONSIBILITY DURING CONSTRUCTION: Whether or not the Consultant provides services during construction: (1) The Consultant shall not have control over or charge of acts or omissions of the Contractor, Subcontractors, or their agents or employees, or of any other persons performing portions of the Work. (2) The Consultant shall not have control over, or charge of, and shall not be responsible for: construction means, methods, techniques, sequences or procedures, or for safety precautions and programs in connection with the Work, including compliance with State or Federal OSHA requirements. (3) To the fullest extent permitted by law, Client shall defend, indemnify, and hold the Consultant harmless from all loss, damage, liability, cost or expense (including but not limited to reasonable attorneys' fees) arising out of or relating to the failure of the Work to conform to the Drawings and Specifications.

2.0 ADDITIONAL SERVICES. In addition to any other Additional Services listed in the Proposal, the following services are excluded from Basic Services and Client shall compensate Consultant for such services, in addition to compensation for Basic Services: (1) Making revisions in Drawings and Specifications or other documents or services (including restaking) when such revisions are (a) inconsistent with approvals, information or instructions previously given, (b) the result of adjustments in Client's requirements, (c) required by enactment, interpretation or revision of codes, laws or regulations subsequent to preparation of such documents, (d) required by the failure of Client or Client's consultants to render decisions or to provide necessary information in a timely manner, (e) imposed by municipal or other authorities as a condition for approval of a project, unless the Drawings, Specifications or other documents clearly were not in compliance with applicable law when submitted for approval, or (f) due to or caused not solely within control of Consultant; (2) Providing any Construction Administration Phase services unless otherwise specified in the Proposal; (3) Providing any services excluded from the Scope of Services identified in the Proposal; (4) Providing any other services not otherwise expressly included in this Proposal.

3.0 CLIENT'S REPRESENTATIONS AND RESPONSIBILITIES. Client at its expense shall promptly provide full information and requirements for the Project, including but not limited to all information in Client's possession or otherwise available to Client, Client's consultants, or Client's agents relating to: the design, construction, and actual or intended use of the Project; as-built information regarding existing structures and improvements; existing surveys describing physical characteristics, legal limitations and utility locations for the site of Project; existing soils information and professional recommendations of soils (geotechnical) engineers; mechanical, electrical, plumbing, structural, and (unless otherwise stated in the Proposal) architectural design for the Project; and all other information reasonably requested by Consultant. Consultant shall be entitled to rely upon the accuracy and completeness of all information furnished by Client. Client shall provide information, render decisions, and make approvals promptly. Client shall retain a qualified Contractor to construct the Project. The person signing this agreement on behalf of Client represents and warrants that Client either owns fee title to, or has the legal right to direct Consultant to perform services in connection with, the site of the Project and that there is presently nothing to prevent Consultant from filing a lien against the site of the Project.

4.0 OWNERSHIP AND USE OF DOCUMENTS. Consultant's Drawings, Specifications, and other documents (including CAD files or other information on electronic media) as well as substantially similar and/or derivative documents prepared by using or copying Consultant's intellectual property (collectively referred to as "Documents"), are instruments of Consultant's service for use solely with respect to this Project. Consultant is the author of these Documents and retains all common law, statutory and/or reserved rights, including copyright. The Documents may not be used on other projects, for addition to this Project or for completion of this Project by others. Client has a royalty-free license to use the Documents for the Project at its current location only. Such license is subject to the express conditions that (a) Client is not in breach of its payment obligations and (b) Consultant is involved in the Project. If either of these conditions cease to exist, Client's license to use the Documents shall immediately terminate without further notice. Submission or distribution of the Documents to meet official regulatory requirements or for similar purposes in connection with the Project is not to be construed as publication in derogation of the reserved rights of the Consultant, as long as Client is not in breach of the Contract. Any use or reuse of Documents will be at the Consultant's sole discretion and at the Client's sole risk. The Documents are intended to work only on Consultant's computer system. The Consultant makes no representation as to the compatibility of the Documents with other systems. No person other than Client may use or rely upon any Documents, except to the extent Consultant gives written permission in each instance.

5.0 DISPUTE RESOLUTION, GOVERNING LAW. Any claim, dispute or other matter in question arising out of or relating to this Proposal or breach thereof ("Claim") in which the aggregate amount in controversy exclusive of interest, attorneys' fees and costs, is less than or equal to \$100,000 shall be decided by binding arbitration in Minneapolis in accordance with the Construction Industry Rules of the American Arbitration Association. Judgment on any award by the arbitrator(s) shall be enforceable in any court having jurisdiction. Any Claim in which the aggregate amount in controversy, exclusive of interest, attorneys' fees and costs, is greater than \$100,000 shall be resolved by litigation in the State or Federal Court located within Hennepin County, Minnesota. Consultant and Client expressly consent to the exclusive personal jurisdiction and venue of the Minnesota courts for all purposes relating to this Proposal. The parties waive trial by jury. This Proposal shall be governed by Minnesota law, without regard to conflicts of law principles.

6.0 TERMINATION. This Proposal may be terminated by either party upon not less than seven days' written notice should the other party fail to perform in accordance with its terms through no fault of the party initiating termination. Such termination shall not affect the parties' accrued rights and liabilities as of the date of termination. Without limiting the generality of the foregoing, paragraphs 1.1, 1.3, 4.0, 5.0, 7.0, 8.0, and 10.0 of these Terms and Conditions shall survive any cancellation, expiration, or termination of this Proposal.

7.0 MISCELLANEOUS PROVISIONS. (1) Services will be performed based upon limited investigations and no destructive or invasive testing techniques will be employed, unless otherwise agreed in writing. (2) The Client and Consultant have discussed the risks, rewards, and benefits of the Project and Consultant's total fee for its services. The risks have been allocated such that to the fullest extent permitted by law, and for Client to receive the benefit of a fee which includes a reasonable allowance for risks, CONSULTANT'S TOTAL LIABILITY TO CLIENT FOR ANY LOSS, CLAIM OR DAMAGE ARISING OUT OF THE NEGLIGENCE OR OTHER LEGAL FAULT OF CONSULTANT IN PERFORMING ITS SERVICES SHALL BE LIMITED TO THE GREATER OF (I) THE AMOUNT STATED IN THIS PROPOSAL AS COMPENSATION FOR CONSULTANT'S BASIC SERVICES, OR (II) THE LIMITS OF ANY INSURANCE ACTUALLY AVAILABLE TO THE CONSULTANT. Client may eliminate this limitation on liability by notifying Consultant in writing prior to commencement of Consultant's services and tendering, with such written notice, a one-time payment equal to twenty percent (20%) of the amount identified in the Proposal as the Consultant's Basic Compensation. This increased compensation is not the purchase of insurance. (3) In no event shall Consultant be liable for damages for loss of profits, loss of use, loss of revenue, or any or special, indirect or consequential damages of any kind. (4) This Proposal represents the entire and integrated agreement between Client and Consultant and supersedes all prior negotiations, representations or agreements, either written or oral. (5) This Proposal may be amended by written instrument signed by both Client and Consultant or, in the case of Additional Services, by a written confirmation from Consultant to which Client does not object within ten (10) working days.

8.0. PAYMENTS TO CONSULTANT. Payments are due upon presentation of Consultant's invoices.

8.1 NOTICE OF LIEN RIGHTS (MINNESOTA). (A) ANY PERSON OR COMPANY SUPPLYING LABOR OR MATERIALS FOR THIS IMPROVEMENT TO YOUR PROPERTY MAY FILE A LIEN AGAINST YOUR PROPERTY IF THAT PERSON OR COMPANY IS NOT PAID FOR THE CONTRIBUTIONS. (B) UNDER MINNESOTA LAW, YOU HAVE THE RIGHT TO PAY PERSONS WHO SUPPLIED LABOR OR MATERIALS FOR THIS IMPROVEMENT DIRECTLY AND DEDUCT THIS AMOUNT FROM OUR CONTRACT PRICE, OR WITHHOLD THE AMOUNTS DUE THEM FROM US UNTIL 120 DAYS AFTER COMPLETION OF THE IMPROVEMENT UNLESS WE GIVE YOU A LIEN WAIVER SIGNED BY PERSONS WHO SUPPLIED ANY LABOR OR MATERIAL FOR THE IMPROVEMENT AND WHO GAVE YOU TIMELY NOTICE.

9.0 BASIS OF COMPENSATION. Client shall compensate Consultant as set forth in the Proposal. AN ESTIMATED FEE IS NOT A FIRM FIGURE. If the scope of or schedule for Consultant's Services is changed materially, the compensation shall be equitably adjusted. Rates and multiples for Additional Services and other services as set forth in the Proposal shall be adjusted annually in accordance with normal salary review practices of Consultant. For Additional Services of Consultant compensation shall be an hourly rate as defined in the Proposal plus reimbursable expenses; or, if agreed by Client and Consultant in writing, a lump sum amount. For additional services of Consultant's consultants, compensation will be 1.0 times the amount billed to Consultant for such services, plus reimbursable expenses. For reimbursable expenses, the Consultant shall be compensated for out-of-pocket expenditures incurred in connection with the services identified in this Proposal, based on 1.0 times actual costs incurred. In addition to other expenses, Consultant will be reimbursed for any applicable sales, use, or similar taxes related to services or products provided under this Proposal which may be imposed by any governmental entity.

10.0 DELAYED PAYMENT; PAYMENT DISPUTES.

10.1 CONDITIONS PRECEDENT TO WITHHOLDING PAYMENT. The Client may not withhold any payments to the Consultant unless the basis of (including all particulars) and amount in dispute are identified and presented in writing to the Consultant not later than the twenty-fifth (25th) calendar day after presentation of the disputed invoice. Objections to invoices not made within this time period are deemed waived. Unless Client proceeds in accordance with this Section 10.1, Client's failure to pay any invoice (either on the Project which is the subject of this proposal or in connection with any other project for which Consultant is providing services to Client) within thirty (30) calendar days after presentation of Consultant's invoice shall constitute just cause for the suspension of services on all projects and the withholding of all deliverables on all projects by the Consultant. Client will pay all of Consultant's costs of collection, including: internal labor costs at the Additional Services rate; reasonable attorneys' fees; and litigation and arbitration costs and fees, in the event Client fails to make timely payment to Consultant in violation of this contract. External fees, costs, and expenses incurred under this clause will be reimbursed at the rate specified in the Proposal for external reimbursable expenses.

10.2 NOTICE OF CLAIMED ERRORS OR OMISSIONS. In consideration of Consultant's providing insurance to cover claims made by Client, Client hereby waives any right of offset as to fees otherwise due to Consultant. Client shall provide written notice, including all known particulars, to Consultant of any claimed errors or omissions in Consultant's services not later than 60 calendar days after Client becomes aware, or in the exercise of reasonable diligence should have become aware, of the existence of such error or omission. Consultant shall be given a reasonable opportunity, during such 60-day period, to investigate and recommend ways of mitigating any alleged damages. Client's failure to provide such notice, and/or Client's failure to provide Consultant a reasonable opportunity to investigate and make recommendations, within the time stated shall constitute an irrevocable waiver of any and all claims, counterclaims, defenses, setoffs, or recoupments Client might have in connection with any such alleged error or omission. In the event Client asserts a claim in violation of this paragraph, or in the event that any other error and omission claim asserted by Client is determined to be without substantial merit, Client shall pay all of Consultant's: internal labor costs at the Additional Services rate; reasonable attorneys' fees; expenses; and arbitration and litigation costs incurred in investigating and defending such claim. External fees, costs, and expenses incurred under this clause will be reimbursed at the rate specified in the Proposal for external reimbursable expenses.

10.3 ERRORS OR OMISSIONS OF CLIENT'S CONSULTANTS. If Client has separately retained other design professionals Client agrees to the fullest extent permitted by law to defend, indemnify, and hold the Consultant harmless from all loss, damage, liability, cost or expense (including but not limited to reasonable attorneys' fees) arising out of or relating to (a) the negligent acts or omissions of such other design professionals, and/or (b) the failure of such other design professionals to carry or maintain professional liability insurance in an amount adequate to protect Client and Consultant from loss.



Kendra Lindahl, AICP Principal

PROFILE

Ms. Lindahl leads the Planning & Urban Design Studio at Landform. Her experience with public and private sector clients spans more than 20 years. In that time, she has formed a solid sense of big-picture concepts and the details necessary for turning concepts into successful projects. She has also mastered creative, effective management skills in the increasingly complex approval process arena. Ms. Lindahl possesses a complete understanding of the municipal review and permitting process, allowing her to be a valuable addition to your development team.

EDUCATION

Master of Arts in Public Administration
Hamline University

Bachelor of Arts
University of Minnesota - Morris

REGISTRATION / CERTIFICATION

American Institute of Planners (AICP)

AFFILIATIONS

American Planning Association
Minnesota Chapter of American
Planning Association (MnAPA)

Sensible Land Use Coalition

Economic Development
Association of Minnesota

KEY PROJECTS

- 2040 Comprehensive Plan \ *Corcoran, MN*
- 2040 Comprehensive Plan Update \ *Hugo, MN*
- 2040 Comprehensive Plan \ *Lino Lakes, MN*
- Corcoran Southeast District Plan & Design Guidelines \ *Corcoran, MN*
- New Richmond Ordinance Update \ *New Richmond, WI*
- Webber Park Master Plan/Public Engagement \ *Minneapolis, MN*
- The COR at Ramsey AUAR Update \ *Ramsey, MN*
- Consulting Planner \ *City of Lino Lakes, MN*
- Consulting Planner \ *City of Corcoran, MN*
- Consulting Planner \ *City of Baxter, MN*
- Consulting Planner \ *City of Hugo, MN*
- Hanifl Fields Athletic Park Shelter \ *Hugo, MN*

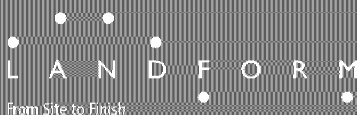
AWARDS

Top Projects of 2015

Received for Webber Park Natural Swimming Pool \ *Minneapolis, MN*
Finance & Commerce

STRENGTHS

Kendra has completed one or more Gallup Strengths Workshops and these are her CliftonStrengths®:
Achiever®, Competition®, Consistency®, Harmony®, Responsibility®



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CLIFTON STRENGTHS FINDERS®, Achiever®, Competition®, Consistency®, Harmony®, Responsibility® are registered service marks of Gallup, Inc.



Kevin Shay Planner

PROFILE

Mr. Shay is a Planner for the Planning & Urban Design Studio. As a graduate from Minnesota State University with experience in Planning, Civil Engineering and GIS, he brings a unique perspective to the Planning & Urban Design Studio. His experience with Habitat for Humanity has created his passion for creating sites that are affordable, meaningful, and have a design unique to the stakeholder. He has a firm grasp of project management and is skilled at investigating sites and finding potential impacts to development. Mr. Shay is a committed hard-working individual with great attention to detail, who strives to deliver high-quality planning services.

EDUCATION

Bachelor of Science in Urban & Regional Studies
Minnesota State University - Mankato

AFFILIATIONS

American Planning Association (APA)
Minnesota Chapter of the American Planning Association (APA-MN)

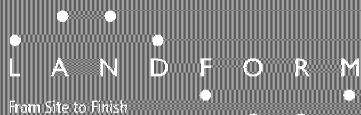
KEY PROJECTS

- Petersen Farms Planning \ *Andover, MN*
- 2040 Comprehensive Plan \ *Hugo, M*
- 2040 Comprehensive Plan \ *Corcoran, MN*
- Consulting Planner \ *City of Corcoran, MN*
- Consulting Planner \ *City of Clearwater, MN*
- 2040 Comprehensive Plan \ *Lino Lakes, MN*
- Consulting Planner \ *City of Big Lake, MN*
- Zoning Ordinance Update \ *Lino Lakes, MN*
- Chisago County Housing Toolkit \ *Chisago County HRA - EDA, MN*
- McDonald's Restaurants \ *Multiple Midwest Locations*
- Avienda \ *Chanhassen, MN*
- Bergen Plaza Planning \ *Oakdale, MN*

STRENGTHS

Kevin has completed one or more Gallup Strengths Workshops and these are his CliftonStrengths®:

Adaptability®, Consistency®, Harmony®, Maximizer®, Relator®



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Nicholas Ouellette Planner

PROFILE

Mr. Ouellette is a Planner for the Planning & Urban Design Studio. As a graduate from the University of Calgary with experience in Planning and Civil Engineering, he brings an international perspective to the Planning & Urban Design Studio. His expertise in economic geography and urban planning has elevated his drive and zeal to create affordable, sustainable sites and design unique to the stakeholder. In addition, he has a firm grasp of investigating sites and finding potential impacts on development and project management. Mr. Ouellette is a committed, hard-working professional with impeccable attention to detail and consistently strives to deliver high-quality planning services for every client.

EDUCATION

Bachelor of Arts in Geography
University of Calgary - Calgary

AWARDS

University of Calgary Entrance
Scholarship

Mayo Clinic Scholarship

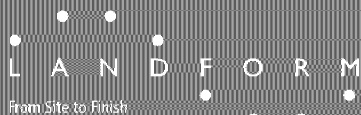
KEY PROJECTS

- Luther Park Place Motors \ *Rochester, MN*
- Gordon's County Estates \ *Corcoran, M*
- Bechtold Farm \ *Corcoran, MN*
- McDonalds Side-by-Side Drive Thru Redevelopment \ *Crivitz, WI*
- McDonalds Site Investigation \ *Fargo, SD*
- Garages Too \ *Corcoran, MN*
- Wayzata Planning Efforts \ *Wayzata, MN*
- Dayton Sign Ordinance Update \ *Dayton, MN*
- Wings Financial Credit Union \ *Rochester, MN*
- Code Enforcement \ *Corcoran, MN*
- Nuisance Ordinance Amendments \ *Corcoran, MN*
- McDonalds Site Investigation \ *Thief River Falls, MN*

STRENGTHS

Nicholas has completed one or more Gallup Strengths Workshops and these are his CliftonStrengths®:

Learner®, Connectedness®, Input®, Arranger®, Context®



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Firm Profile

Landform Professional Services, LLC is a multi-disciplinary consulting firm based in Minneapolis, Minnesota. We offer a full range of site design, planning and civil engineering services backed with over 18 years as an organization. Our professional resources include landscape architects, planners, civil engineers, land surveyors and development managers. We are committed to client service, design quality, principles of sustainability and an innovative approach to site design.

Landform is organized into studios, each with their own expertise and area of specialization and experience. We shape our project design and delivery process to anticipate the needs of our clients based on an in-depth understanding of their project type or market. Each studio offers a fully integrated and interdisciplinary design process from Site to Finish®. Within the studios, project teams bring together the professionals with the specific expertise and the experience needed to meet clients' project objectives. Professional services include:



Our team possesses the talent and expertise to help you realize your vision of creating an outdoor space that is functional, sustainable and aesthetically pleasing.

Firm Incorporation:

November 1, 2009

Total staff:

30+

Contact:

Landform Professional Services, LLC
Kendra Lindahl, AICP
Principal
105 South Fifth Avenue
Suite 513
Minneapolis, MN 55401

Tel: 612.252.9070
Direct: 612.638.0225
klindahl@landform.net
www.landform.net

- Planning
- Civil Engineering
- Land Survey
- Environmental Coordination
- Landscape Architecture
- Sustainable Design
- Development Management

Our Landform team offers you the following:

- An experienced team that can draw on our wide range of experience in the planning and design of public spaces, mixed-use development, parks, retail, commercial and residential facilities.
- A group with both design and project management experience in urban design, landscape architecture and community studies so that your project is well informed and well designed.
- An association that has a strong reputation for creative approaches to planning and design and blends development realities with the best practices of sustainable design.
- An organization that is extremely efficient and that has demonstrated success in keeping projects moving forward.
- A company that is committed to providing a plan that can be used to create your City's next great place. We believe that plans must be developed with vision and an understanding of the marketplace. Our experience with the public and private sectors makes Landform uniquely qualified to help you implement your vision.

Planning & Urban Design Studio



We work with local communities and government agencies to develop and implement your vision. From focused planning and design efforts to full integration with your staff as consultant planners and designers, we will work with you to find the right fit. Our expert staff understands today's complex regulatory environment and is focused on helping you successfully navigate the process. Whether we are assisting your current staff or acting comprehensively as your team leader, we are your partners at each step on the path that leads to a successful project.

We make it our business to understand the public process, the current market climate and conditions, and the pressures you face.

With that solid market understanding as a foundation, we help shape the project approach, production and delivery processes to anticipate those needs. Our proactive approach means we can be as fully responsive and flexible while still meeting demanding project schedules and challenging budgets.

Memorable places don't just happen. We work with local communities and government agencies to develop their vision and provide the research and support to guide decision-making. Our planners, engineers and landscape architects work with these clients to develop the plans and ordinances to implement these goals and design infrastructure projects that make the vision a reality. We understand the regional planning and site development issues and we help our clients understand the market conditions to develop successful projects.

We build enduring relationships with our clients by taking responsibility for their success. These relationships are founded on communication and trust. Effective communication begins with an understanding of the audience and developing a means to clearly convey the message. Good communication leads to collaborative solutions. The process begins with shared information and common understanding and leads to relationships and trust, which then leads to shared ideas and sustainable solutions.

**RESOLUTION NO. 21-137
CITY OF SHOREWOOD
COUNTY OF HENNING
STATE OF MINNESOTA**

**A RESOLUTION ACCEPTING A QUOTE AND AUTHORIZING EXECUTION OF A
SERVICE CONTRACT WITH LANDFORM PROFESSIONAL SERVICES**

WHEREAS, the City of Shorewood ("City") requested and researched professional planning service providers; and

WHEREAS, the City Council reviewed the hourly rates for planning services from Landform Professional Services at a public meeting on November 22, 2021.

NOW, THEREFORE, IT IS RESOLVED that the City Council of the City of Shorewood, Minnesota:

1. Landform Professional Services has no known history with the City of Shorewood and seem well suited for the task of providing occasional planning services if the Shorewood Planning Staff would have a real or perceived conflict or interest in reviewing any land use applications that may be submitted.
2. Staff are hereby authorized and directed to enter into a service agreement with the company for and on behalf of the City of Shorewood.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF SHOREWOOD this 22th day of November, 2021.

Jennifer Labadie, Mayor

ATTEST:

Sandie Thone, City Clerk



City of Shorewood Council Meeting Item

#2F

MEETING TYPE
REGULAR

Title / Subject: Assessment Agreements for Water Connections

Meeting Date: November 22, 2021

Prepared by: Joe Rigdon, Finance Director

Reviewed by: Greg Lerud, City Administrator

Attachment: Resolution Certifying Special Assessments on the 2022 Hennepin County Property Tax Rolls

Background: At the November 8th, 2021 council meeting, a Resolution Certifying Water Connection Special Assessments on the 2022 Hennepin County Property Tax Rolls was approved. Subsequent to that approval, an additional property has signed an assessment agreement and has waived their right to appeal the assessment.

PID	ADDRESS	NAME	AMOUNT	TERM	INTEREST RATE
34-117-23-32-0029	5900 Minnetonka Drive	Keyler	10,000	5 years	5.0%

Recommendation / Action Requested: Staff recommends approval of the Resolution Certifying Special Assessments on the 2022 Hennepin County Property Tax Rolls.

Next Steps and Timeline: The assessments will be certified with the Hennepin County Assessor's office.

**CITY OF SHOREWOOD
COUNTY OF HENNEPIN
RESOLUTION 21 - 138
A RESOLUTION CERTIFYING SPECIAL ASSESSMENTS ON THE 2022
HENNEPIN COUNTY PROPERTY TAX ROLLS**

WHEREAS, the City Council for the City of Shorewood offered a program for residents who had public water available but were not connected to the municipal system, the ability to assess the water access charge over a number of years; and,

WHEREAS, the owners of all the properties listed below have signed Assessment Agreements that state the terms of the assessment and waiving their right to appeal the assessment,

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

That pursuant to the terms of the assessment agreements, the city hereby approves and certifies the following special assessment:

PID	ADDRESS	NAME	AMOUNT	TERM	INTEREST RATE
34-117-23-32-0029	5900 Minnetonka Drive	Keyler	10,000	5 years	5.0%

Such certification, which is due to the County Auditor no later than November 30, 2021, shall be payable over the period of years indicated on the table. The owner of the affected party may, at any time prior to certification of assessments to the County Auditor, pay the whole of the certified assessments to the Shorewood City Clerk.

The clerk shall forthwith transmit a certified copy of this certification roll to the County Auditor to be extended on the property tax lists of the county and such certified assessments shall be collected and paid over in the same manner as property taxes.

Hennepin County Special Assessment Division is hereby authorized to certify the assessments on the property tax rolls payable in 2022.

ADOPTED BY THE SHOREWOOD CITY COUNCIL this 22nd day of November 2021.

Jennifer Labadie, Mayor

ATTEST

Sandie Thone, City Clerk



City of Shorewood Council Meeting Item

Title / Subject: Approve Quote and Award Contract for Installation of Water Services on Lawtonka Drive

Meeting Date: November 22, 2021

Prepared by: Larry Brown, Director of Public Works

Attachments: Site Location Map, Quote, Resolution

Background / Previous Action: Lawtonka Drive is a well-established community accessed from Timber Lane, as shown in the site location map in Attachment 1.

At the time of the original development, municipal sanitary sewer and water was installed and had extended services to all the properties on the North side of the cul-de-sac. Two remaining lots on the South side of the cul-de-sac received sewer services but did not have water services extended to the southerly properties.

Most recently, the city approved a simple subdivision resulting in the lots of 23815 and 23825 Lawtonka Drive. A builder has two homes partially completed on these two lots. Staff is proposing to utilize the two closest available sewer services for these lots and have two new water services extended from the North side of the cul-de-sac. Quotes were solicited from various firms. Due to this being late in the season and the city requiring restoration of the asphalt, only one quote was returned. This was from Minger Construction.

The amount of the quote received, as shown in Attachment 2 to install the two water services is \$30,370. Staff received the quote, and due to notice that asphalt plants are scheduled to close just prior to Thanksgiving, provided direction for the contractor to proceed. The builder has paid for the two water connection fees for the properties. Failure to get the water services installed and the asphalt patched would have resulted in two homes without water service, and/or an open roadway cut over the winter season that puts plows at risk for damage. Thus, staff directed the contractor to proceed.

Financial Considerations: As noted, the builder has paid the water connection fees for two single family homes, in the amount totaling \$20,000. Costs for the installation exceed the fees collected. However, the difference will have to be made up by water sales and reserves in the water fund.

Recommendation: Staff recommends approval of the resolution that accepts the quote and awards the contract to Minger Construction in the amount of \$30,370 for installation of water services on Lawtonka Drive.



Minger Construction Co., Inc.

620 Corporate Drive
Jordan, MN 55352

PHONE: 952-368-9200

FAX: 952-368-9311

To: City Of Shorewood	Contact:
Address: Shorewood, MN	Phone:
	Fax:
Project Name: Shorewood Latonka Water Services	Bid Number:
Project Location: Shorewood, MN	Bid Date: 11/4/2021

Item #	Item Description	Estimated Quantity	Unit	Unit Price	Total Price
1	Mobilization	1.00	LS	\$3,750.00	\$3,750.00
2	1" Corp Stop	2.00	EACH	\$1,850.00	\$3,700.00
3	1" Curb Stop	2.00	EACH	\$1,850.00	\$3,700.00
4	1" HDPE Water Line	200.00	LF	\$70.00	\$14,000.00
5	Remove & Replace Concrete Curb	20.00	LF	\$85.00	\$1,700.00
6	Remove & Replace Asphalt Pavement	25.00	SY	\$125.00	\$3,125.00
7	Seed & Blanket	100.00	SY	\$3.95	\$395.00

Total Bid Price: \$30,370.00

Notes:

- This quote includes:
 - Installing two new 1" HDPE water lines
 - Water lines will be installed via directional drill to minimize restoration
 - Water connection point will be in same location to minimize restoration
 - Restoration
 - Pavement restoration 12" class 5 w/ 4" of asphalt
- This quote excludes:
 - Permit or Permit fees
- If you have any questions or concerns regarding this quote please let me know. Thank you for the opportunity and we look forward to working with you in the future.
Luke Minger

ACCEPTED: The above prices, specifications and conditions are satisfactory and are hereby accepted. Buyer: _____ Signature: _____ Date of Acceptance: _____	CONFIRMED: Minger Construction Co., Inc. Authorized Signature: _____ Estimator: Luke Minger (952) 368-9200 lukem@mingerconst.com
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**CITY OF SHOREWOOD
COUNTY OF HENNEPIN
STATE OF MINNESOTA**

RESOLUTION 21- 139

**A RESOLUTION ACCEPTING QUOTE AND
AWARDING CONTRACT FOR INSTALLATION OF
WATER SERVICES ON LAWTONKA DRIVE**

WHEREAS, the City of Shorewood approved a simple subdivision of Lot 6 Block 1 of the Lawtonka subdivision on record with Hennepin County Recorder's Office; and

WHEREAS, the Developer of said parcels has requested municipal sanitary sewer and water services to serve these parcels; and

WHEREAS, the Developer has paid the water connection fees and sanitary sewer access charges; and

WHEREAS, water services are not available to said parcels; and

WHEREAS, the Director of Public Works has solicited quotes for installation of water services for said parcels; and

WHEREAS, Minger Construction Co., Inc, has provided the lowest responsible quote for said services in the amount of \$30,370.

NOW THEREFORE, IT RESOLVED: by the City Council of the City of Shorewood hereby accept the Quote by Minger Construction Co., Inc., in the amount of \$30,370.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF SHOREWOOD this 22nd day of November, 2021.

Jennifer Labadie, Mayor

Attest:

Sandie Thone, City Clerk

CITY OF SHOREWOOD
PARK COMMISSION MEETING
TUESDAY, OCTOBER 26, 2021

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

MINUTES

1. CONVENE PARK COMMISSION MEETING

Chair Hirner convened the meeting at 7:00 p.m.

A. Roll Call

Present: Chair Hirner, Commissioners Schmid, Heinz, and Tauer; City Council Liaison Gorham; Parks and Recreation Director Grout; Planning Director Darling

Absent: Commissioner Gallivan

B. Review Agenda

Tauer moved to approve the agenda as written. Heinz seconded the motion. Motion carried 4-0.

2. APPROVAL OF MINUTES

A. Park Commission Meeting Minutes of August 10, 2021

Heinz moved to approve the minutes of the August 10, 2021 meeting as written. Tauer seconded the motion. Motion carried 4-0.

3. MATTERS FROM THE FLOOR

There were none.

4. NEW BUSINESS

A. Sam Larson Eagle Scout Project Application

Sam Larson, 5490 Wedgewood Drive, gave an overview of his proposed Eagle Scout project. He stated that the project would be to make a compost bin at the Freeman Park Community Garden and gave a presentation about his proposal and answered Commission questions.

The Commission discussed the need to find a flat location for the compost bin.

Hirner moved to support the Eagle Scout Project application from Sam Larson. Heinz seconded the motion. Motion carried 4-0.

Commissioner Schmid noted that her husband had been an Eagle Scout and supports this project because she thinks this kind of thing has been missing in the City.

Council Liaison Gorham stated that when this comes to the Council he thinks it would be good to know where the bin will be going and what its finish will be.

Sam Larson stated that he is planning to buy lumber that has already been stained so it will not deteriorate due to weather or the compost. He stated that he is also planning on finding lumber where the treating chemicals will not adversely affect the compost materials for the garden. He stated that he could paint the bin if that is something that the City would like.

Council Liaison Gorham stated that he just wants to ensure that the bin fits into the park. He asked if this was only for plant composting or if it would also include food compost.

Planning Director Darling explained that right now everything from the garden is just thrown into a pile and if it gets too big, Public Works comes and takes it away. She stated that it will be nice to have a bin for this purpose.

Chair Hirner suggested that there could be a sign on the bin the outlines what materials are welcome and what is not welcome.

Council Liaison Gorham stated that now that he has heard the current practice, he does not think a sign will be necessary.

Commissioner Heinz asked if there would be signage indicating that the bin came from an Eagle Scout.

Sam Larson stated that he could put up a sign that the project was completed by an Eagle Scout.

Following discussion, the Commission supported the suggestion of a sign identifying the participation of the Eagle Scouts and recommended that Communications Director Moore take a look before it is posted.

Commissioner Schmid stated her willingness to donate to this project.

Park and Recreation Director Grout stated that this item will be on the Consent Agenda at the next City Council meeting.

B. CIP with Specific Discussion of Freeman Park North Playground and Southshore Park

Planning Director Darling reviewed the proposed CIP for years 2022-2031. She stated that staff's proposal is in line with the proposal from last year and this would just update it. She noted that the Badger Park tennis courts was finished in 2021; Freeman Park drainage project was completed in 2021; the Silverwood Park playground equipment has been demolished in 2021, however, the new equipment has been delayed a bit.

Commissioner Heinz asked if there was a sign posted explaining that the new equipment has been delayed due to transportation and the manufacturer and it is not the fault of the City or the Park Commission.

Planning Director Darling stated that there is not a specific sign out there but she can update that information.

Chair Hirner stated that the City needs to make sure that the posts that are holding up the fencing are low enough. He stated that is not completed before winter, there may need to be something done to ensure safety because the posts are metal.

Planning Director Darling stated that she is hopeful that the equipment can be installed before it snows. She explained that in 2023 the City is looking at repaving some of the trails in Freeman Park and noted that the City no longer need to replace the existing handrails on the North Playground. She stated that the Commission needs to decide where the replacement playground will be placed. She stated that the City has gotten an estimate for repair of the ballpark fencing and noted that they are looking to find grant funds for that project.

The Commission discussed where the fence was heaving on the ballpark fields.

Planning Director Darling stated that the concrete pad for the aquatic invasive species equipment at the Christmas Lake boat landing was approved at the October 25, 2021 City Council meeting. She stated that there are a few other repairs at the boat landing that the City is working with the HOA to resolve. She noted that the Commission had expressed an interest in discussing the facilities offered at Southshore Park and noted that it is earmarked for 2028 and suggested that the Commission discuss whether that is the correct timeframe. She stated that staff is working hard to try to find grants for the City's projects.

Chair Hirner stated that in Freeman Park, he thinks the work should all be done at the same time so the park usage is only disrupted once and would like to see the City work with the Three Rivers Park District on the scheduling the trailhead project.

There was consensus of the Commission to attempt to schedule the work so Freeman Park is only disrupted once, if possible.

The Commission discussed the proposed upcoming CIP projects between the years 2022-2026. The Commission discussed the Cathcart playground equipment and replacement of hockey boards.

Chair Hirner noted that he would like to see the City start some sort of program to maintain the hockey board, such as budgeting a small amount of money each year for that purpose, so the replacement could be pushed out a bit further. He stated that he thinks the Southshore Park is very under-utilized but is unsure why and would like to see the City figure out what they want to do with that park before a decision is made on where it should be in the overall CIP.

Council Liaison Gorham noted that he believes the \$10,000 allocated in the CIP for Southshore Park is probably too low.

The Commission discussed ideas for Southshore Park and ways to shift around projects that may reduce costs, such as combining the tennis court resurfacing projects at the same time.

There was consensus among the Commission to move the tennis court resurfacing at Cathcart to 2026 to align with Badger Park; leave Freeman Park trail overlay and Cathcart Playground equipment where they are in the CIP.

Planning Director Darling stated that the available funds for 2022-2026 is \$355,000. She noted that the City does not have all of that money currently available so the projects will need to be spaced out.

Council Liaison Gorham asked for clarification on budgeting because it does not appear as though there will be enough money to complete the Cathcart playground equipment project.

Planning Director Darling confirmed that this project may need to be delayed by a year and reiterated that staff is applying for grants which could help.

Council Liaison Gorham asked how urgent the situation is with the current playground equipment.

Chair Hirner stated that the playground equipment is in better shape than the swings and the edging material. He stated that if the City can undertake some small improvements by utilizing Public Works, he thinks the full project can be pushed out a year, but would not like to see it pushed out further than that. He stated that he would like the Park Commission, over the next two years to spend time discussing Southshore Park and its future plan.

Chair Hirner reiterated the changes that the Commission is suggesting to the CIP: Freeman Park fencing moves from 2023 – 2022; Freeman Park North Playground was already taken care of by the Public Works Department and add the replacement in 20XX; Cathcart Park tennis court resurfacing moved to 2026 to align with Badger Park tennis court resurfacing; Cathcart Park playground equipment remains in 2024; Southshore master plan brought to 2024. He noted that this CIP is more than the budget will allow so the Commission can revisit the Cathcart playground equipment from 2024 to 2025, if needed. He suggested that the Commission add replacement of the rubberized playground surface to its CIP in 2031.

Heinz moved to accept the revised CIP, as discussed. Tauer seconded the motion. Motion carried 4-0.

5. OLD BUSINESS

A. Senior Programming

Park and Recreation Director Grout stated that at a previous meeting, the Park Commission had asked her to reach out to some surrounding cities to see if they offer park programs for seniors. She gave an overview of what she found out from the various cities. Mound: Does not have senior programming at their park because it is done through their senior center; Chaska: senior programming is handled through their community center; Eden Prairie: senior programming handled through their senior center, they do have a biking club, walking group, and a fall color hike; Victoria: has not gotten back to the City yet; Minnetonka: senior programming is handled through their senior center, they do have a biking club and Adopt-A-Highway, a Night Sky Observation Program, and a Fall Hiking Program.

Park and Recreation Director Grout explained that the City offered a painting class this past summer at Badger Park, a nature program at Freeman Park, and Poker Walk at Badger Park, however there were only a few individuals who signed up so they ended up being cancelled. The one successful program was Car Bingo the first time, but not the second time. She stated that she would love to try some senior programming again and see if there is better participation now because she thinks the programs were hugely impacted by COVID-19.

Commissioner Tauer stated that she thinks it is a great idea to try senior programming again. She suggested hosting something like a cribbage night because that could be moved outside if people were more comfortable.

Park and Recreation Director Grout stated that there is a cribbage group that meets at the community center so that may be a fun thing to promote.

Chair Hirner suggested that the Commission do some homework and think of some ideas for senior programming to send to Park and Recreation Director Grout and be prepared to discuss the ideas at the next meeting.

6. STAFF AND LIAISON REPORTS / UPDATES

A. Commissioner Heinz - Summary of Discussion at the Planning Commission meeting

Commissioner Heinz gave an overview of the October 5, 2021 Planning Commission meeting as reflected in the minutes.

B. City Council

Council Liaison Gorham reviewed recent City Council discussions and action items.

C. Staff

Park and Recreation Director Grout reviewed some of the preliminary plans for Arctic Fever which is scheduled for January 15, 2022 and noted that they will not be having activities Friday night because of COVID-19.

7. ADJOURN

Tauer moved to adjourn the Park Commission Meeting of October 26, 2021 at 8:37 p.m. Heinz seconded the motion. Motion carried 4-0.



City of Shorewood Council Meeting Item

#7B

MEETING TYPE
Regular Meeting

Title / Subject: Minor Subdivision and Variance to Lot Width

Applicant: Zehnder Homes, Inc.

Location: 24835 Yellowstone Trail

Meeting Date: November 22, 2021

Prepared by: Marie Darling, Planning Director

Review Deadline: January 26, 2022

Attachments: Planning Staff Memorandum
Resolution

Background: See attached memorandum for detailed background on this item.

At the November 16, 2021 meeting, the Planning Commission unanimously recommended approval of the minor subdivision and variance request to subdivide the property into two parcels, based on the finding that the applicant has met the variance criteria and the intent of the subdivision regulations. The applicant was present at the meeting. Two residents requested to speak and raised concerns regarding neighborhood character and drainage, which is addressed below.

Drainage concerns:

The resident was concerned that the low area on the west side of the subdivision could carry water from the Minnetonka Country Club. After the meeting, staff requested the City Engineer review the subdivision and review the neighborhood situation. The low area does drain to Lake Minnewashta, but does not from the Minnetonka Country Club. The applicant has proposed to create a rain garden to provide rate control for the impervious surfaces expected on the new lot. Between the rain garden and the new easements that would be provided around the periphery of each lot, the subdivision would not negatively impact the area.

Financial or Budget Considerations: The application fees cover the cost of processing the request. If approved, the applicant would be required to pay one park dedication fee (\$6,500) and one local sewer connection charge (\$1,200) prior to recording the subdivision.

Recommendation / Action Requested: Staff and the Planning Commission recommend approval of the request to subdivide the property with a variance for lot width at 24835 Yellowstone Trail.

Motion requires a simple majority to adopt.

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.*

Next Steps and Timelines: If the City Council approves the request, the applicant would need to meet the conditions of approval and could then request a certified copy of the resolution for recording at Hennepin County. Once the subdivision is recorded, the applicant could request a building permit.



CITY OF SHOREWOOD

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www.ci.shorewood.mn.us • cityhall@ci.shorewood.mn.us

MEMORANDUM

TO: Planning Commission, Mayor and City Council

FROM: Marie Darling, Planning Director

MEETING DATE: November 16, 2021

RE: Minor Subdivision and Variance to Lot Width

APPLICANT: Zehnder Homes

LOCATION: 24835 Yellowstone Trail

REVIEW DEADLINE: January 26, 2022

ZONING: R-1C/S

COMPREHENSIVE PLAN: Low Density Residential (1-2 units per acre)

FILE NO.: 21.28

REQUEST

The request includes the following to subdivide the property into two lots:

1. A minor subdivision to re-establish the lot line between the two parcels.
2. A variance to allow the easterly lot to be 99.65 feet wide where 100 feet is required.

Under the plan, the existing home would remain on the westerly lot and a new home would be constructed on the easterly lot.

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



BACKGROUND

Context: The subject property was originally created as lots 3 and 4 in the Deerfield Addition in 1955 and the two lots were consolidated together at some point in the past. The applicant is proposing to split the property along the same lot line as the previous subdivision.

The property contains mature trees and is subject to tree preservation. The topography of the site is relatively flat and it contains no property within a floodplain overlay district or wetlands. The far west side of the property is within the Shoreland Overlay district for Lake Minnewashta.

ANALYSIS

Minor Subdivision:

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 to accommodate a driveway and required driveway setbacks. Additionally, section 1201.13 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 variance is discussed later in the report.

LOT	EXISTING		PROPOSED		REQUIRED IN R-1C	
	Lot Area	Lot Width*	Lot Area	Lot Width*	Lot Area	Lot Width*
Existing Property	79,102 sf	±247 feet	NA		20,000 sf	100 feet
Lot 3 (easterly)	NA	NA	21,217 sf	99.65 feet**		
Lot 4 (westerly)			57,885 sf	147 feet		

*As measured at the front setback ** Variance Requested

Impervious surface coverage: After the subdivision is recorded, future Lot 4 would have about 11 percent impervious surface coverage. The maximum impervious surface coverage allowed on Lot 3 would be 33 percent.

Right-of-Way/Easements:

Section 1202.05 subd. 6 requires 10-foot drainage and utility easements around the periphery of each lot and the applicant has provided the necessary legal descriptions for these easements.

Stormwater Run-Off/Grading: The applicant is proposing to construct a rain garden in a low spot toward the front of Lot 4 to provide the required rate control for the added impervious surface for Lot 3. Staff reviewed the stormwater calculations based on the additional impervious surfaces created by construction of the new home and the grading proposed and found that it generally meets the city's requirements, subject to the conditions included in the attached engineer's memo.

Utilities: Both lots have access to municipal sewer but the developer would provide water using a well for each lot. A right-of-way permit issued by the City of Shorewood would be required to install a new service in the right-of-way. The well that serves future Lot 4 is not shown on the plans. Staff recommends a condition that the applicant identify where the well is located prior to recording the subdivision.

Tree Preservation: The applicant has identified twelve significant trees that would be removed to accommodate the new home. Based on the size and number of trees removed and the size of the property, 11 new trees would need to be planted on the lots. The applicant has shown where the trees would be planted. One of the proposed trees is proposed to be planted in the right-of-way and staff recommend that a condition be included that it be moved to private property.

Accessory Building: Section 1201.03 subd. 2. d. (1) states that no detached accessory building or structure shall be allowed on any lot without a principal building to which it is accessory. Once the subdivision is recorded, Lot 3 would have an accessory building without a principal. Staff recommends a condition that the shed be removed prior to recording the subdivision.

Variance:

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 are currently zoned and guided for residential purposes. No change in use is proposed and consequently the uses would remain compatible. The lot size proposed is consistent with the original approval of the subdivision.

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 original plat measured the front property line with an angle or bend. The bend resulted in a slight narrowing of the front of the lot. The rear property line is 100.52 feet long showing that the lot originally was slightly wider at the rear than the front.

The applicant could increase the size of this parcel but keeping the parcel at the original lot lines keeps the legal descriptions simple and unencumbered into the future.

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. The missing four inches of lot width would not be apparent to anyone in the vicinity.

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.

RECOMMENDATION

Staff recommends approval of the minor subdivision and variance to lot width based on the finding that the lots would be consistent with subdivision and zoning requirements and the criteria for variance approval, subject to the following conditions:

- Prior to recording the subdivision, the applicant shall complete the following:
 - Submit executed drainage and utility easements and a maintenance agreement.
 - Submit payment of one park dedication fee (\$6,500) and one local sanitary sewer access charge (\$1,200).
 - Remove the accessory shed on future Lot 3.
 - Identify the location of the well on future Lot 4.
- Prior to issuance of a building permit:
 - The applicant shall submit proof of recording for the subdivision, easements and maintenance agreement.
 - Prior to construction of improvements on either lot, the applicant must acquire the appropriate permits.
 - With a building permit application, the applicant shall submit a revised tree preservation/landscaping plan shows all the proposed trees in conforming locations and revise the plans to be consistent with the City Engineer's memo dated November 8, 2021 and City Code.
 - Prior to installing services or conducting other work in the right-of-way, the applicant shall obtain the appropriate right-of-way permit.

ATTACHMENTS

Location map

Engineer's memo

Applicant's narrative and plans

24835 Yellowstone Trail Location Map





MEMORANDUM

Date: 11/08/2021
To: Marie Darling, Planning Director
From: Matt Bauman, PE
Subject: 24835 Yellowstone Trail Lot Split and Variance Review
City of Shorewood
Project No.: 0C1.123603

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

- Administrative Subdivision revised dated 8/2/2021
- Proposed Site Plan, Grading and Erosion Control Plan revised dated 8/2/2021
- Stormwater Management Plan and HydroCAD models dated 7/30/2021
- Certificate of Survey revised dated 6/28/2021

This review only included the documents listed above, primarily dealing with grading, modelling and stormwater management and lot split and variance requests.

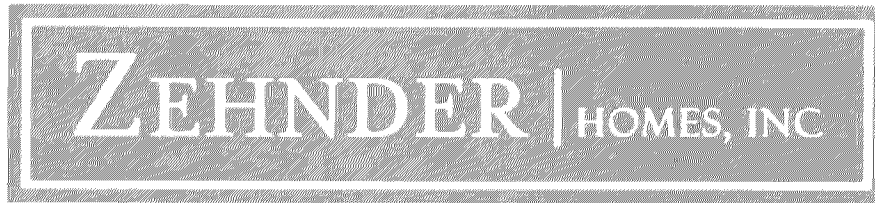
1. Update reference on the Grading, Drainage and Erosion Control plan to the Minnehaha Creek Watershed District.
2. The Grading plan shows an existing storm sewer line crossing the driveway within lot 4, but not shown on the Existing Conditions Survey. Clarify if this line exists and what is happening with it.
3. List pipe material and sizes of proposed driveway culvert. Culvert shall be installed to City standard detail: STO-14.
4. The property must meet the City of Shorewood Surface Water Management Plan Regulations (Section 5.3). The proposed plan meets these regulations, with a few clarifications needed.
 - a. Verify the time of concentration and flow length of catchment PR 1.
 - b. Verify that there is at least 3.0 feet of separation from the bottom of the infiltration basin to the groundwater elevation. This should be confirmed with a soil probe prior to during construction.
5. Modify the ponded area to be fully within one property or the other, not both.
6. The proposed infiltration basin shall be constructed within the proposed drainage and utility easement since it will be serving lot 3, but placed on the existing home lot 4. This makes it accessible to City staff.
7. Owners of private stormwater facilities shall enter into an agreement with the City describing responsibility for the long-term operation and maintenance of the stormwater facilities and shall be executed and recorded with building permit application. An operations and maintenance plan for the proposed stormwater system should be included with future submittals.
 - a. A template plan is attached.

Name: 24835 Yellowstone Trail Lot Split and Variance Review

Date: 11/08/2021

Page: 2

8. Applicant shall determine if it wishes for Lot 3 to be responsible for long term maintenance of the stormwater facility or Lot 4. Lot 3 necessitates the need for the basin, but both lots do contribute some drainage to it.
 - a. If Lot 3 is responsible, the maintenance agreement will be written requiring they maintain, and a separate agreement needed for Lot 4 to allow Lot 3 right of access to maintain.
 - b. If Lot 4 is responsible, the maintenance agreement will be sufficient for the single lot, however if future improvements to Lot 3 are proposed that would trigger more stormwater control, Lot 3 would not have access to the basin to add storage or make changes. Lot 3 would need to come up with additional control features on their lot.
9. A permit will be required with Minnehaha Creek Watershed District for Erosion and Sediment Control.



10300 10TH AVENUE • PLYMOUTH, MN 55441 • 763-204-8114 • LICENSE #: BC582356

September 27, 2021

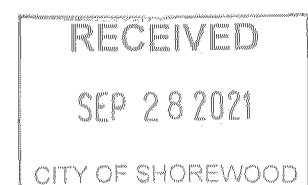
RE: 24835 Yellowstone Trail – Variance Request

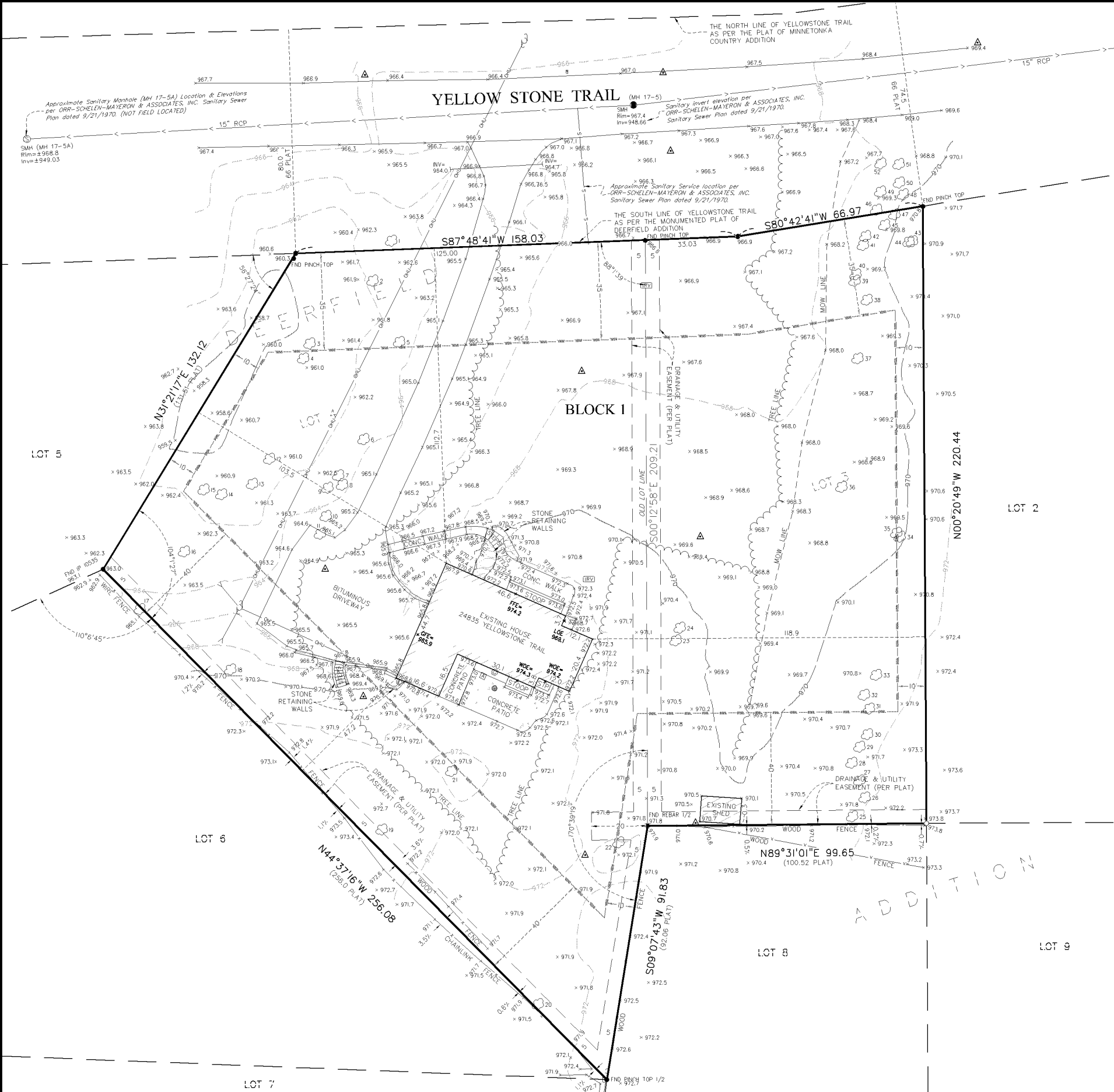
Description of Request:

We are asking for a 0.35' lot width variance for a proposed new lot.

Answers to Variance Application Questions:

1. The end use is a single-family residence, which is consistent with the comprehensive plan and aligns with the intended zoning regulations.
2. Practical difficulties:
 - a. The variances requested are reasonable to keep with the spirit of the zoning. This lot was previously platted, but was combined with the lot to the west at some point. We are proposing splitting it back into a separate lot, but it is .35' of the required 100' lot width.
 - b. As mentioned, this lot existed previously and we are just trying to convert it back to a separate lot. It was .35' short of 100' when it was platted previously as well.
 - c. If approved, the request would not negatively alter the character of the property. This request is not something that will be noticeable.
3. This variance request is not based on any economic considerations.
4. This variance request will not impair any neighbors light, won't increase traffic and doesn't pose any additional risk of fire or public safety. A variance of .35' lot width will have no effect on any of these items.
5. This variance request and the resulting construction project is not detrimental to public welfare. As stated earlier, the .35' lot width request will not even be noticeable. The new home on this lot will only improve the aesthetic and home values in the area as well.
6. I think the variance request is the minimum necessary to alleviate the practical difficulties.





DESCRIPTION OF PROPERTY SURVEYED
Lots 3 & 4, DEERFIELD ADDITION, according to the recorded plat thereof, Hennepin County, Minnesota.

STANDARD NOTES

- Site Address:** 24835 Yellowstone Trail, Shorewood, Minnesota 55331
- Flood Zone Information:** This property appears to lie in Zone X (area determined to be outside of the 0.2% annual chance floodplain) per Flood Insurance Rate Map, Community Panel No. 27053C03131, effective date of 11/04/2016.
- Parcel Area Information:** Gross Area: 57,885 s.f. ~ 1.32 acres
*We do not affirmatively insure the quantity of acreage set forth in the description
- Benchmark:** Elevations are based on MN/DOT Geodetic Station Name: 1004G which has an elevation of: 962.63 feet (NAVD88).
- Zoning Information:** The current Zoning for the subject property is R1-C (Single Family Residential District) per the City of Shorewood's zoning map dated January 2017. The setback, height, and floor space area restrictions for said zoning designation are as follows:
Principal Structure Setbacks - Street(s): 35 feet (Yellowstone Trail)
Side: 10 feet or 30 feet on side yard abutting a street
Rear: 35 feet
Height: 2-1/2 Stories or 35 feet
Hardcover: 25 percent of lot area

Please note that the zoning information shown hereon may have been amended through a city process. We recommend that a zoning letter be obtained from the Zoning Administrator for the current restrictions for this site. All setback information and hardcover data for planning and design must be verified by all parties involved in the design and planning process.

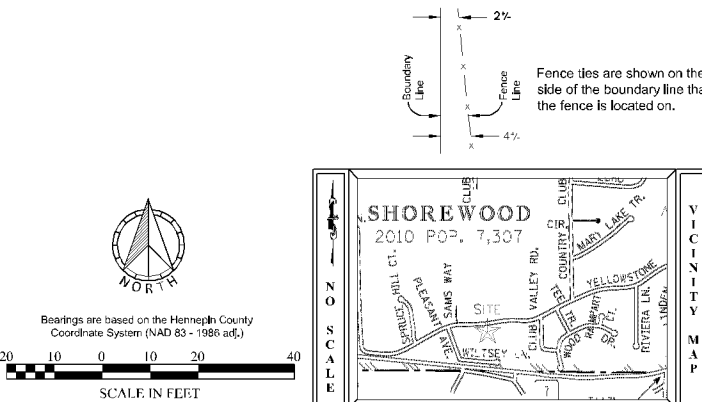
We have not received the current zoning classification and building setback requirements from the insurer.

1) **Utilities:** We have shown the location of utilities on the surveyed property by observed evidence only. There may be underground utilities encumbering the subject property we are unaware. Please note that we have not placed a Gopher State One Call for this survey. There may or may not be underground utilities in the mapped area, therefore extreme caution must be exercised before any excavation takes place on or near this site. Also, please note that seasonal conditions may inhibit our ability to visually observe all the utilities located on the subject property. Before digging, you are required by law to notify Gopher State One Call at least 48 hours in advance at 651-454-9002.

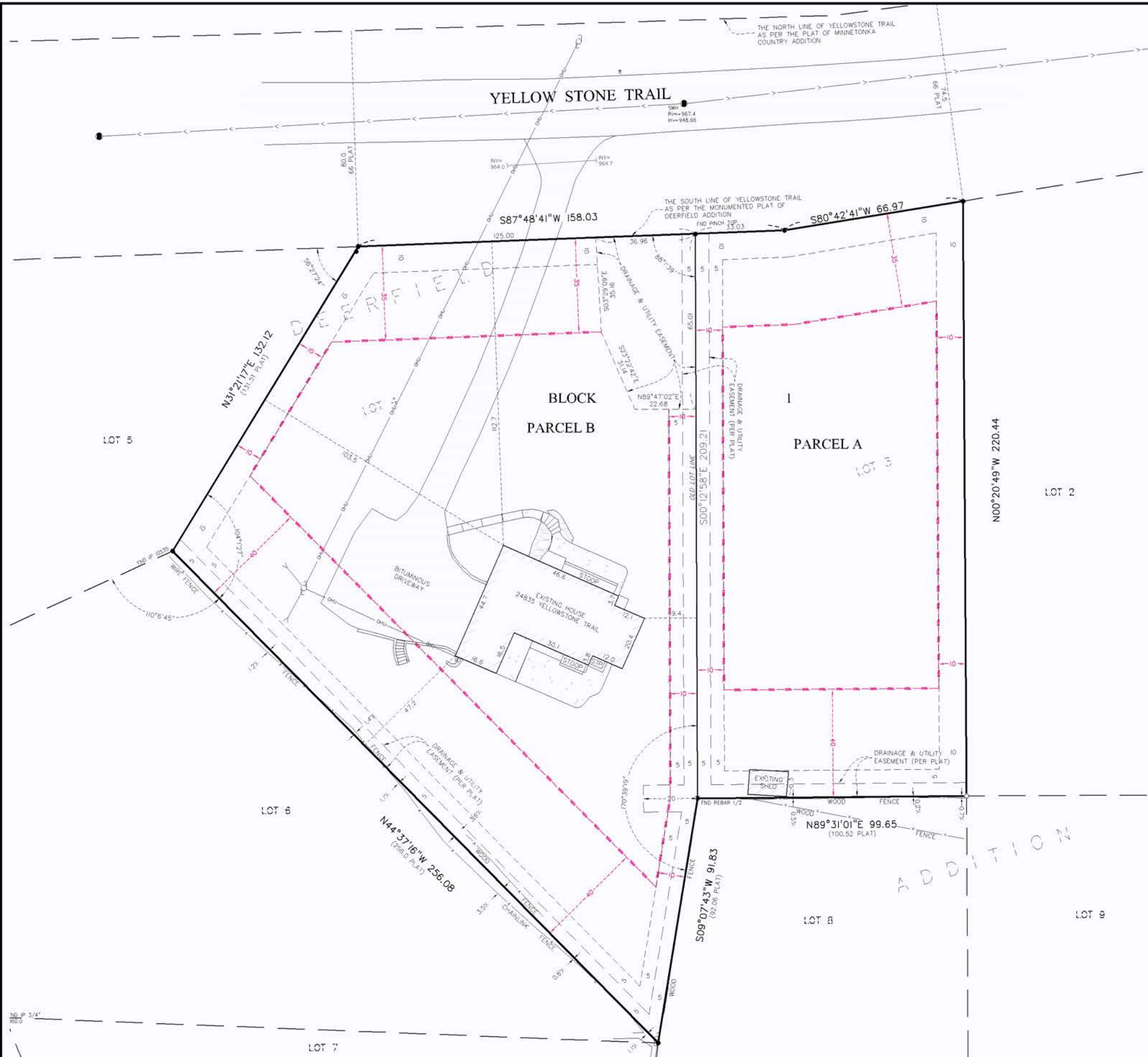
Existing Elevations	
Gauge Floor Elevation	= 965.9
First Floor Elevation	= 974.2
Lowest Opening Elevation	= 969.1

Existing Hardcover	
Lot Area	= 57,885 S.F.
House Area	= 1,827 S.F.
Shed Area	= 132 S.F.
Driveway Area	= 3,263 S.F.
Front Sloop Area	= 83 S.F.
Coac. Walk & Steps Area	= 350 S.F.
Rear Sloop Area	= 45 S.F.
Conc. Patio Areas	= 527 S.F.
Stone Walls Area	= 159 S.F.
Total Area	= 6,386 S.F.
Coverage	= 11.03%

Tree Summary							
Tree #	Species	DBH	Condition	Stems	Healthy	Significant	Notes
1	Ash, green	9.0	Good	1	Yes	Yes	
2	Ash, green	8.0	Good	1	Yes	Yes	
3	Ash, green	11.0	Good	1	Yes	Yes	
4	Ash, green	16.5	Fair	1	Yes	Yes	
5	Elm, Siberian	23.0	Poor	1	No	No	decay
6	Locust, black	9.5	Good	1	Yes	Yes	
7	Locust, black	10.5	Fair	1	Yes	Yes	
8	Locust, black	10.0	Poor	1	No	No	decay
9	Locust, black	12.5	Fair	1	Yes	Yes	
10	Locust, black	11.0	Poor	1	No	No	decay
11	Locust, black	12.0	Fair	1	Yes	Yes	
12	Ash, green	13.5	Poor	1	No	No	wound/decay
13	Elm, American	10.0	Good	1	Yes	Yes	
14	Basswood	13.5	Fair	1	Yes	Yes	
15	Ash, green	12.0	Good	1	Yes	Yes	
16	Basswood	10.0	Good	1	Yes	Yes	
17	Ash, green	17.0	Good	1	Yes	Yes	
18	Willow	35.0	Fair	1	Yes	No	
19	Maple, sugar	20.5	Good	1	Yes	Yes	
20	Maple, sugar	18.0	Good	1	Yes	Yes	
21	Birch, paper	20.0	Dead	2	No	No	dead
22	Ash, green	19.5	Good	2	Yes	Yes	
23	Walnut	19.0	Good	1	Yes	Yes	
24	Walnut	17.0	Good	1	Yes	Yes	
25	Arborvitae	30.0	Fair	4	Yes	Yes	
26	Arborvitae	13.5	Fair	1	Yes	Yes	
27	Arborvitae	14.0	Poor	2	No	No	decay
28	Arborvitae	9.0	Fair	1	Yes	Yes	
29	Arborvitae	7.5	Fair	1	Yes	Yes	
30	Arborvitae	9.5	Fair	1	Yes	Yes	
31	Arborvitae	18.0	Poor	1	No	No	decay
32	Arborvitae	17.0	Fair	2	Yes	Yes	
33	Arborvitae	10.5	Poor	1	No	No	decay
34	Ash, green	17.5	Good	1	Yes	Yes	
35	Elm, American	8.5	Good	1	Yes	Yes	
36	Ash, green	12.0	Good	1	Yes	Yes	
37	Hackberry	20.5	Good	1	Yes	Yes	
38	Ash, green	10.0	Fair	1	Yes	Yes	
39	Ash, green	9.0	Poor	1	Yes	Yes	healthy
40	Arborvitae	18.5	Fair	1	Yes	Yes	
41	Maple, sugar	9.0	Fair	1	Yes	Yes	
42	Elm, red	9.5	Good	1	Yes	Yes	
43	Ash, green	11.0	Good	1	Yes	Yes	
44	Maple, sugar	8.5	Good	1	Yes	Yes	
45	Ash, green	13.5	Good	1	Yes	Yes	
46	Ash, green	11.0	Good	1	Yes	Yes	
47	Ash, green	8.0	Good	1	Yes	Yes	
48	Ash, green	19.5	Good	1	Yes	Yes	
49	Elm, American	9.5	Good	1	Yes	Yes	
50	Ash, green	25.0	Good	1	Yes	Yes	
51	Maple, sugar	15.0	Good	1	Yes	Yes	
52	Ash, green	13.0	Fair	1	Yes	Yes	



SURVEY LEGEND	
CAST IRON MONUMENT	WALKOUT ELEVATION
IRON PIPE MONUMENT SET	FIRST FLOOR ELEVATION
IRON PIPE MONUMENT FOUND	GARAGE FLOOR ELEVATION
DRILL HOLE FOUND	TOP OF FOUNDATION ELEV.
CHISELED "X" MONUMENT SET	LOWEST OPENING ELEV.
CHISELED "X" MONUMENT FOUND	CONCRETE
REBAR MONUMENT FOUND	BUILDING SETBACK LINE
PK NAIL MONUMENT SET	CABLE TV
PK NAIL MONUMENT FOUND	STORM DRAIN
PK NAIL W/ ALUMINUM DISC	CATCH BASIN
SURVEY CONTROL POINT	FLARED END SECTION
A/C UNIT	TREE CONIFEROUS
CABLE TV PEDESTAL	TREE DECIDUOUS
ELECTRIC TRANSFORMER	TREE CONIFEROUS REMOVED
ELECTRIC MANHOLE	TREE DECIDUOUS REMOVED
ELECTRIC METER	TELEPHONE MANHOLE
ELECTRIC OUTLET	TELEPHONE PEDESTAL
YARD LIGHT	UTILITY MANHOLE
LIGHT POLE	UTILITY PEDESTAL
FIBER OPTIC MANHOLE	UTILITY VAULT
FIRE DEPT. HOOK UP	WATERMAIN MANHOLE
FLAG POLE	WATER METER
FUEL PUMP	WATER SPIGOT
FUEL TANK	WELL
PROPANE TANK	MONITORING WELL
GAS METER	CURB STOP
GAS VALVE	WATER MAIN
GAS MANHOLE	HYDRANT
GENERATOR	IRRIGATION VALVE
GUARD POST	POST INDICATOR VALVE
HAND HOLE	SIGN
MAIL BOX	SOIL BORING



EXISTING PARCEL DESCRIPTION

Lots 3 & 4, Block 1, Deerfield Addition, Hennepin County, Minnesota

Area: 57,885 s.f. = 1.329 acres

PROPOSED PARCEL DESCRIPTION

Parcel A: Lot 3, Block 1, Deerfield Addition, according to the recorded plat thereof, Hennepin County, Minnesota

Subject to the easements as recorded on said plat of Deerfield Addition, also a drainage and utility easement over, under, and across that part of Lot 3, Block 1, Deerfield Addition, according to the recorded plat thereof, Hennepin County, Minnesota, described in the north, south, east, and west 10.00 feet thereof, except those parts already dedicated per said plat of Deerfield Addition.

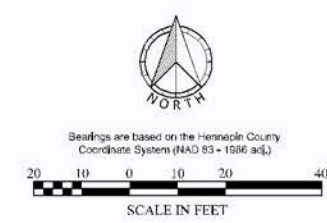
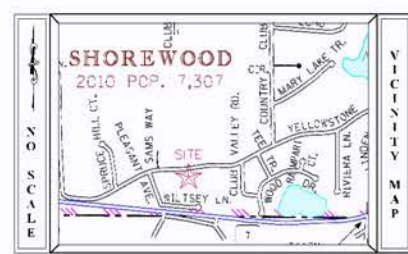
Area: 21,217 s.f. = 0.487 acres

Parcel B: Lot 4, Block 1, Deerfield Addition, according to the recorded plat thereof, Hennepin County, Minnesota

Subject to the easements as recorded on said plat of Deerfield Addition, also a drainage and utility easement over, under, and across that part of Lot 4, Block 1, Deerfield Addition, according to the recorded plat thereof, Hennepin County, Minnesota, described as lying easterly and northerly of a line described as commencing at the southeast corner of said Lot 4; thence South 87 degrees 48 minutes 41 seconds West, a distance of 36.96 feet along the north line of said Lot 4, to the actual point of beginning; thence South 85 degrees 29 minutes 09 seconds East, a distance of 51.85 feet; thence South 23 degrees 32 minutes 42 seconds East, a distance of 31.14 feet; thence South 89 degrees 47 minutes 02 seconds East, a distance of 22.68 feet to the east line of said Lot 4, and thence easterly, except thence from the east 100 feet thereof. Said line to be hereinafter referred to as "Line A." Also, the north 10.00 feet lying west of said "Line A," together with the northwesterly, southeasterly and westerly 10.00 feet and the easterly 10.00 feet lying south of said "Line A," except those parts already dedicated per said plat of Deerfield Addition.

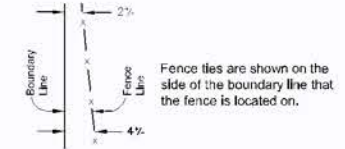
Area: 36,668 s.f. = 0.842 acres

- Denotes a 1/2 inch by 14 inch iron pipe set and marked by License No. 26147.
- Denotes a 1/2 inch pin top pipe found, unless shown otherwise.
- ⦿ Denotes a Found Cast-Iron Monument



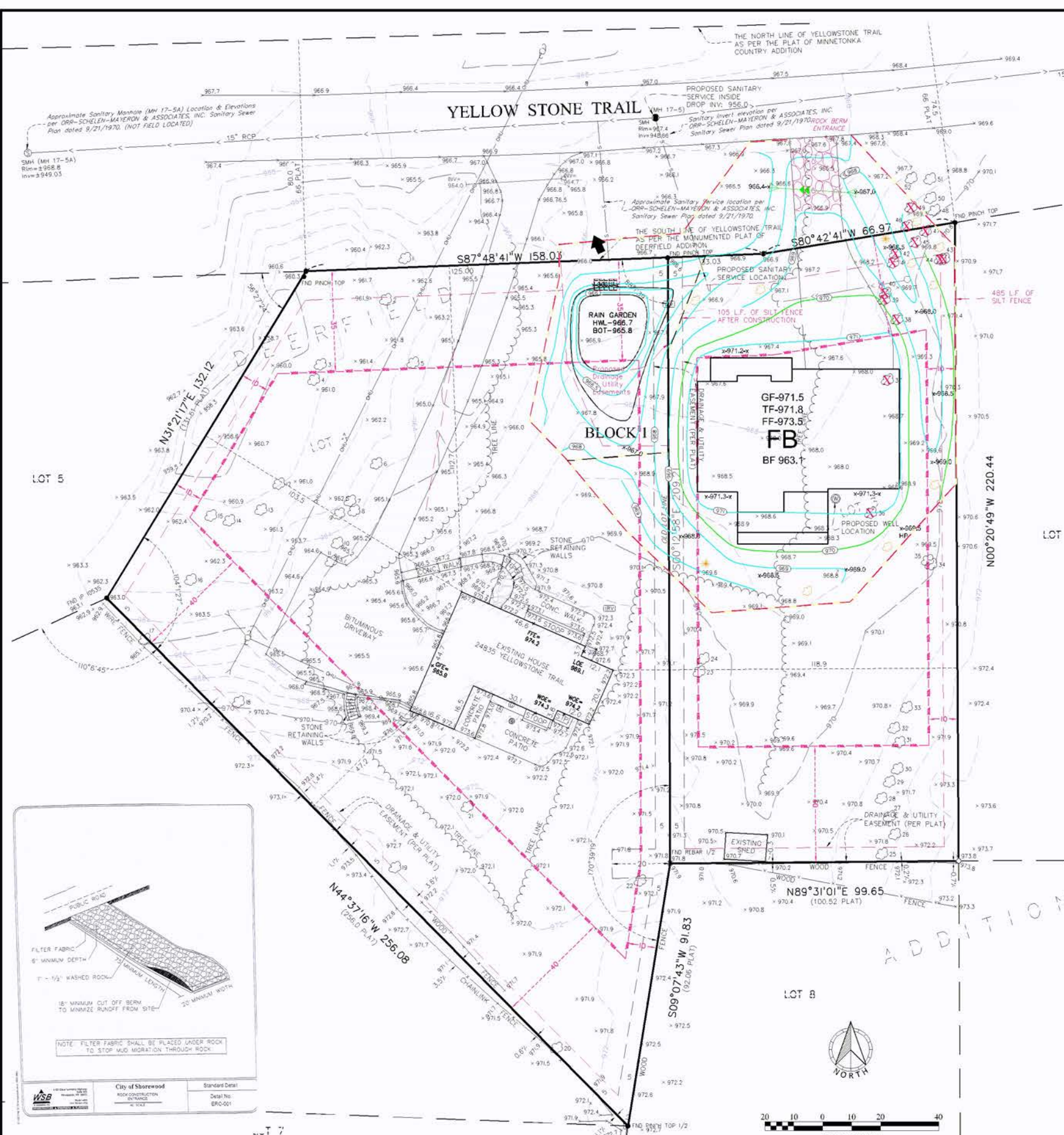
SURVEY LEGEND

- CAST IRON MONUMENT
- IRON PIPE MONUMENT SET
- IRON PIPE MONUMENT FOUND
- DRILL HOLE FOUND
- ✕ CHISELED "X" MONUMENT SET
- ✕ CHISELED "X" MONUMENT FOUND
- ✕ REBAR MONUMENT FOUND
- △ PK NAIL MONUMENT SET
- △ PK NAIL MONUMENT FOUND
- PK NAIL W/ ALUMINUM DISC
- △ SURVEY CONTROL POINT
- A/C UNIT
- CABLE TV PEDESTAL
- ELECTRIC TRANSFORMER
- ELECTRIC MANHOLE
- ELECTRIC METER
- ELECTRIC OUTLET
- YARD LIGHT
- LIGHT POLE
- FIBER OPTIC MANHOLE
- FIRE DEPT. HOOK UP
- FLAG POLE
- FUEL PUMP
- FUEL TANK
- PROPANE TANK
- GAS METER
- GAS VALVE
- GAS MANHOLE
- GENERATOR
- GUARD POST
- HAND HOLE
- MAIL BOX
- PIEZOMETER
- POWER POLE
- GUY WIRE
- ROOF DRAIN
- LIFT STATION
- SANITARY MANHOLE
- SANITARY CLEANDOUT
- STORM MANHOLE
- STORM DRAIN
- CATCH BASIN
- FLARED END SECTION
- TREE CONIFEROUS
- TREE DECIDUOUS
- TREE CONIFEROUS REMOVED
- TREE DECIDUOUS REMOVED
- TELEPHONE MANHOLE
- TELEPHONE PEDESTAL
- UTILITY MANHOLE
- UTILITY PEDESTAL
- UTILITY VAULT
- WATERMAIN MANHOLE
- WATER METER
- WATER SPOUT
- WELL
- MONITORING WELL
- CURB STOP
- GATE VALVE
- HYDRANT
- IRRIGATION VALVE
- POST INDICATOR VALVE
- SIGN
- SOIL BORING
- W/E WALKOUT ELEVATION
- F/E FIRST FLOOR ELEVATION
- G/E GARAGE FLOOR ELEVATION
- T/F TOP OF FOUNDATION ELEV.
- L/E LOWEST OPENING ELEV.
- CONCRETE
- BITUMINOUS
- BUILDING SETBACK LINE
- CABLE TV
- CONCRETE CURB
- CONTOUR EXISTING
- CONTOUR PROPOSED
- GUARD RAIL
- DRAIN TILE
- ELECTRIC UNDERGROUND
- FENCE
- FIBER OPTIC UNDERGROUND
- GAS UNDERGROUND
- OVERHEAD UTILITY
- TREE LINE
- SANITARY SEWER
- STORM SEWER
- TELEPHONE UNDERGROUND
- RETAINING WALL
- UTILITY UNDERGROUND
- WATERMAIN
- TRAFFIC SIGNAL
- RAILROAD TRACKS
- RAILROAD SIGNAL
- RAILROAD SWITCH
- SATELLITE DISH
- WETLAND BUFFER SIGN



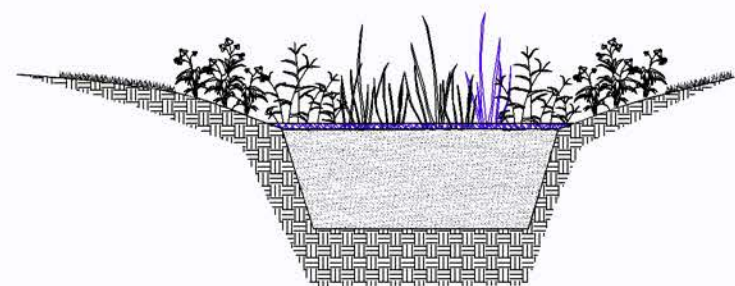
FIELD CREW	NO.	BY	DATE	REVISION				
DM, AK	1	BMW	8/2/2021	ADDED EASEMENTS TO LEGAL DESCRIPTION	<div>USE (INCLUDING COPYING, DISTRIBUTION, AND/OR CONVEYANCE OF INFORMATION) OF THIS PRODUCT IS STRICTLY PROHIBITED WITHOUT SATHRE-BERGQUIST, INC.'S EXPRESS WRITTEN AUTHORIZATION. USE WITHOUT SAID AUTHORIZATION CONSTITUTES AN ILLEGITIMATE USE AND SHALL THEREBY INDEMNIFY SATHRE-BERGQUIST, INC. OF ALL RESPONSIBILITY. SATHRE-BERGQUIST, INC. RESERVES THE RIGHT TO HOLD ANY ILLEGITIMATE USER OR PARTY LEGALLY RESPONSIBLE FOR DAMAGES OR LOSSES RESULTING FROM ILLEGITIMATE USE.</div> <div>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.</div> <div>Dated this 23rd day of June, 2021.</div> <div><i>Daniel L. Schmidt</i> Daniel L. Schmidt, PLS schmidt@sathre.com</div> <div>Minnesota License No. 26147</div>			
DRAWN	1	BMW	11/5/2021	REVISED EASEMENTS				
CHECKED								
DLS								
DATE								
8/2/2021								

TWP:117-RGE.23-SEC.33 Hennepin County	ADMINISTRATIVE SUBDIVISION	FILE NO. 99595-130
SHOREWOOD, MINNESOTA	PREPARED FOR: ZEHNDER HOMES	1 1



- CONSTRUCTION SEQUENCING
1. INSTALL APPROPRIATE TEMPORARY EROSION CONTROL DEVICES TO PREVENT SEDIMENT FROM LEAVING OR ENTERING THE PRACTICE DURING CONSTRUCTION.
 2. ALL DOWN-GRADIENT PERIMETER SEDIMENT CONTROL BMP'S MUST BE IN PLACE BEFORE ANY UP GRADIENT LAND DISTURBING ACTIVITY BEGINS.
 3. PERFORM CONTINUOUS INSPECTIONS OF EROSION CONTROL PRACTICES, ESPECIALLY AFTER EACH RAINFALL EVENT.
 4. INSTALL ALL UTILITIES (WATER, SANITARY SEWER, ELECTRIC, NATURAL GAS, PHONE, FIBER OPTIC, HOME CONSTRUCTION, ETC) PRIOR TO SETTING FINAL GRADE OF INFILTRATION BASIN.
 5. INFILTRATION AREAS ARE NOT ALLOWED TO BE USED AS TEMPORARY SEDIMENT BASINS.
 6. COMPLETE, STABILIZE, AND VEGETATE ALL OTHER SITE IMPROVEMENTS.
 7. RIP SOILS TO A DEPTH OF 12" BELOW TOP OF MIX PRIOR TO PLACEMENT OF SOIL MIX.
 8. ONLY AFTER UPSTREAM CONSTRUCTION IS COMPLETED, CAN THE INFILTRATION BASIN BE CONSTRUCTED TO FINAL GRADE. ONCE GRADING IS COMPLETED, INSTALL FILTER TOPSOIL BORROW AND VEGETATE IN ACCORDANCE WITH THE RESTORATION PLAN.
 9. MNDOT FILTER TOPSOIL BORROW SHALL BE TILLED TO A DEPTH OF 12" AFTER INSTALLATION IN THE BASIN TO REDUCE COMPACTION DURING INSTALLATION.
 10. REMOVE TEMPORARY EROSION CONTROL DEVICES AFTER THE CONTRIBUTING DRAINAGE AREA IS ADEQUATELY VEGETATED.
 11. SEED BASIN IN ACCORDANCE WITH SEED MIX 33-262

INFILTRATION BASIN DESIGN INFORMATION			
INFILTRATION BASIN	TOP OF MEDIA	DEPTH OF FILTER TOPSOIL BORROW	Drainage Elevation
BASIN #1	965.8	5'	None



INFILTRATION BASIN

SCALE: NONE

- GENERAL NOTES:
1. INSTALL SILT FENCE AS SHOWN ON PLAN, AS REQUIRED BY THE CITY OF SHOREWOOD OR DIRECTED BY THE ENGINEER.
 2. THE WATER QUALITY POND MUST BE EXCAVATED AT THE BEGINNING OF GRADING OPERATIONS TO PROVIDE TEMPORARY STORM WATER DETENTION DURING CONSTRUCTION. SAND AND SILT MUST BE REMOVED FROM THE POND AS NECESSARY DURING CONSTRUCTION AND AT THE COMPLETION OF THE PROJECT.
 3. INSPECT POND, SILT FENCE, AND ROCK ENTRANCE BERM AFTER ALL RAINFALL EVENTS AS REQUIRED BY THE NPDES PERMIT.
 4. LINE ALL PONDS WITH A MINIMUM 3" ORGANIC SOILS & SEED SLOPES BETWEEN BASIN BOTTOM AND 100 YR HWL WITH A WATER TOLERANT MIX. (OR AS NOTED)
 5. NO NPDES PERMIT IS REQUIRED SINCE THE GRADED AREA IS BELOW 1 ACRES.
 6. ALL RETAINING WALLS WILL REQUIRE A STRUCTURAL DESIGN, A BUILDING PERMIT & A FINAL INSPECTION REPORT.
 7. A 1'-2" CRUSHED ROCK ENTRANCE BERM SHALL BE PLACED AT THE SITE ENTRANCE, TO REPLACE SILT FENCE, AND MINIMIZE EROSION ON TO THE STREETS. THE ROCK BERMS SHALL BE THE WIDTH OF THE ENTRANCE AND 2 FEET HIGH WITH 4:1 SLOPES.
 8. THE CONTRACTOR SHALL MAINTAIN POSITIVE DRAINAGE AWAY FROM THE BUILDING PAD AND STREET AREAS THROUGHOUT CONSTRUCTION.
 9. THE CONTRACTOR SHALL ATTEMPT TO PREVENT SOIL MATERIALS FROM LEAVING THE SITE BY EROSION AND VEHICLE WHEEL TRACKING. HE SHALL BE RESPONSIBLE FOR CLEANING OF STREET, BOULEVARD AND UTILITY FACILITIES THAT RECEIVE ANY ERODED OR TRACKED SOIL MATERIAL OR OTHER CONSTRUCTION DEBRIS OR MATERIAL.
 10. EXISTING UTILITIES SHOWN ARE SHOWN IN AN APPROXIMATE WAY ONLY. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ANY AND ALL EXISTING UTILITIES BEFORE COMMENCING WORK. HE AGREES TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES ARISING OUT OF HIS FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL EXISTING UTILITIES.
 11. CUT - 250 C.Y. FILL - 350 C.Y.
 12. SILT FENCE BEFORE GRADING - 485 FT SILT FENCE AFTER GRADING - 105 LF
 13. A POST CONSTRUCTION TEST ON THE INFILTRATION BASIN WILL BE CONDUCTED BY FILLING THE BASIN TO A MINIMUM DEPTH OF 6 INCHES WITH WATER AND MONITOR THE TIME NECESSARY TO DRAIN. THE COON CREEK WATERSHED DISTRICT SHALL BE NOTIFIED PRIOR TO THE TEST TO WITNESS THE RESULTS.
 14. STABILIZE THE VEGETATION OF DISTURBED AREAS AND SOIL STOCKPILES WITHIN 7 DAYS OF ROUGH GRADING OR INACTIVITY.
 15. DE-WATERING WILL NOT BE REQUIRED FOR THE CONSTRUCTION OF THIS PROPOSED PROJECT. IF DE-WATERING BECOMES NECESSARY, THE ENGINEER SHALL BE CONTACTED AND A DE-WATERING PERMIT WILL NEED TO BE ACQUIRED.

ON-SITE BMPs

1. INFILTRATION/RETENTION AREAS - INFILTRATION/RETENTION AREAS WILL BE UTILIZED TO REDUCE/RETAIN THE RUNOFF FROM THE INCREASED HARD SURFACE.
2. RIP RAP - RIP RAP WILL BE UTILIZED AT ALL APRONS FOR ENERGY DISSIPATION AND PROVIDE SEDIMENT CONTROL.
3. INLET PROTECTION - INLET PROTECTION WILL BE INSTALLED AND MAINTAINED IN ALL CATCH BASINS & REAR YARD STRUCTURES. REFER TO THE CITY DETAILS ST-22 & ST-23 TO DETERMINE WHICH INLET PROTECTION DEVICE IS APPLICABLE.
4. SLOPE STABILIZATION - SILT FENCE WILL BE INSTALLED ALONG DOWN GRADIENT GRADING LIMITS AND WOODFIBER BLANKET WILL BE UTILIZED ON ALL SLOPES 3:1 OR GREATER TO PROVIDE ADEQUATE SLOPE STABILIZATION.
5. BIOROLLS - BIOROLLS WILL BE INSTALLED ALONG REAR YARD SWALES TO PREVENT SEDIMENT FROM REACHING THE NURP POND AND ULTIMATELY DOWNSTREAM WETLANDS.



33-262 Dry Swale / Pond					
Common Name	Scientific Name	Rate (kg/ha)	Rate (lb/ha)	% of Mix (by wt)	Seeds / sq ft
Sig Muesliet	<i>Andropogon gerardii</i>	1.58	1.50	3.40%	5.50
American slough grass	<i>Beckmannia eryzophora</i>	1.58	1.50	3.40%	27.80
flipped brome	<i>Bromus ciliatus</i>	1.58	1.50	3.40%	6.05
nodding wild rye	<i>Elymus canadensis</i>	4.48	4.00	8.09%	7.84
lucerne alfalfa	<i>Elymus inodorus</i>	4.48	4.00	8.09%	10.15
virginia wild rye	<i>Elymus virginicus</i>	2.50	2.50	5.87%	3.95
switchgrass	<i>Panicum virgatum</i>	0.45	0.40	0.91%	2.05
low bluestem	<i>Poa palustris</i>	1.79	1.50	3.64%	8.60
Indian grass	<i>Sorghastrum nutans</i>	1.58	1.50	3.40%	8.60
Total Grasses		20.74	18.90	42.03%	148.84
marsh milkweed	<i>Asclepias incarnata</i>	0.07	0.06	0.13%	0.10
purple profile clover	<i>Desca purpurea</i>	0.10	0.09	0.21%	0.50
Canada kik trifol	<i>Desmodium canadense</i>	0.10	0.09	0.21%	0.19
ox-eye	<i>Helopsis helianthoides</i>	0.10	0.09	0.20%	0.20
black-eyed susan	<i>Rudbeckia hirta</i>	0.08	0.07	0.17%	2.49
blue vervain	<i>Verbena nasata</i>	0.11	0.10	0.23%	3.50
Total Forbs		0.66	0.59	1.19%	8.98
Oats		28.02	25.00	58.82%	11.14
Total Cover Crop		49.38	44.00	100.00%	164.06

Purpose: Temporally flooded swales in agricultural settings
Planting Area: Tallgrass Aspen Parklands, Prairie Parkland, and Eastern Broadleaf Forest Provinces. MNDOT Districts 2west, 3S, 4, Metro, 5 & 8.

- ROCK ENTRANCE BERM
- SILT FENCE
- POST GRADING SILT FENCE
- BIO-ROLL
- CONCRETE WASHOUT

SYMBOL LEGEND

DESCRIPTION	PROPOSED	EXISTING
MINOR CONTOUR		
MAJOR CONTOUR		
LOT LINE		
WATERMAIN		
BUILDING SETBACK BOUNDARY		
PARCEL BOUNDARY LINE		
DRAINAGE AND UTILITY EASEMENTS		
CURB AND GUTTER		
RIGHT-OF-WAY		
DRAINAGE W/LEAKOUTS		
BACKYARD CATCH BASIN		
CATCH BASIN		
STORM SEWER MANHOLE		
FLARED END SECTION WRAP-UP		
STORM STRUCTURE LABEL		
SANITARY STRUCTURE LABEL		
SANITARY SEWER MANHOLE		
HYDRANT		
GATE VALVE		
WELL		
DRAIN FLOW/TURN OFF ARROW		
EMERGENCY OVERFLOW SWALE		
SOIL BORING LOCATION		
SILT FENCE		
WETLAND BUFFER POST		
BARICADE		
SPOT ELEVATION		
TRC SPOT ELEVATION		
UTILITY POLE		
LIGHT POLE		
HANDICAP PARKING SPACE		

FIELD CREW	NO.	BY	DATE	REVISION
DM, AK	1	JRS	6/28/2021	ADDED TREE SUMMARY
DRAWN	2	EMW	8/2/2021	PROP, SAN, SERV. & WELL / ADDED FFE
JRS	3	EMW	11/3/2021	CITY COMMENTS
CHECKED				
DLS				
DATE				
6/2/2021				

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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 7th day of June, 2021.

Daniel L. Schmidt
Daniel L. Schmidt, PLS
schmidt@sathre.com

Minnesota License No. 26147

SATHRE-BERGQUIST, INC.
150 SOUTH BROADWAY WAYZATA, MN, 55391 (952) 476-6000
WWW.SATHRE.COM

TWP:117-RGE-23-SEC.33
Hennepin County

SHOREWOOD, MINNESOTA

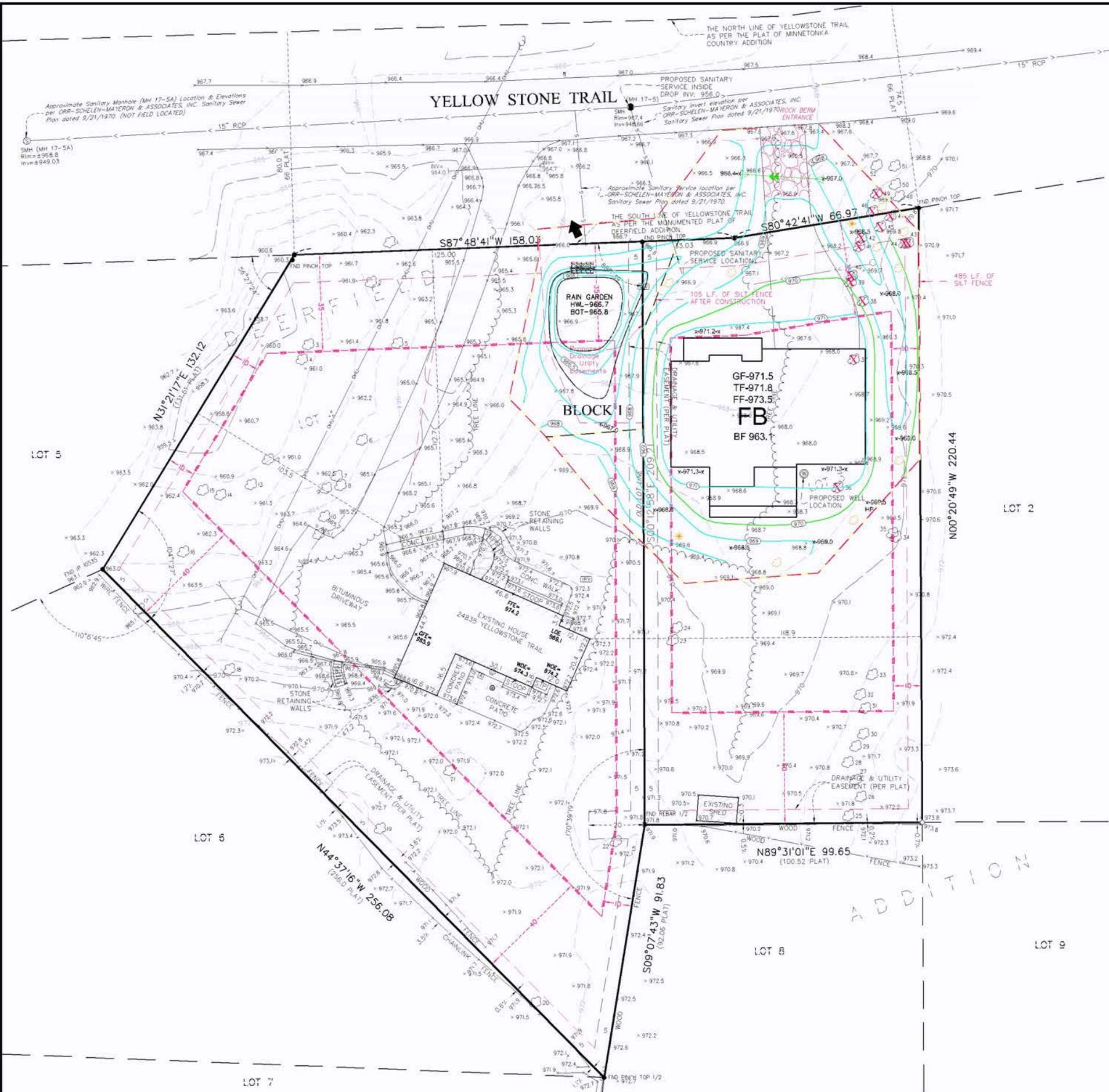
GRADING, DRAINAGE, AND EROSION CONTROL PLAN

PREPARED FOR:
ZEHNDER HOMES

FILE NO.
99585-130

1

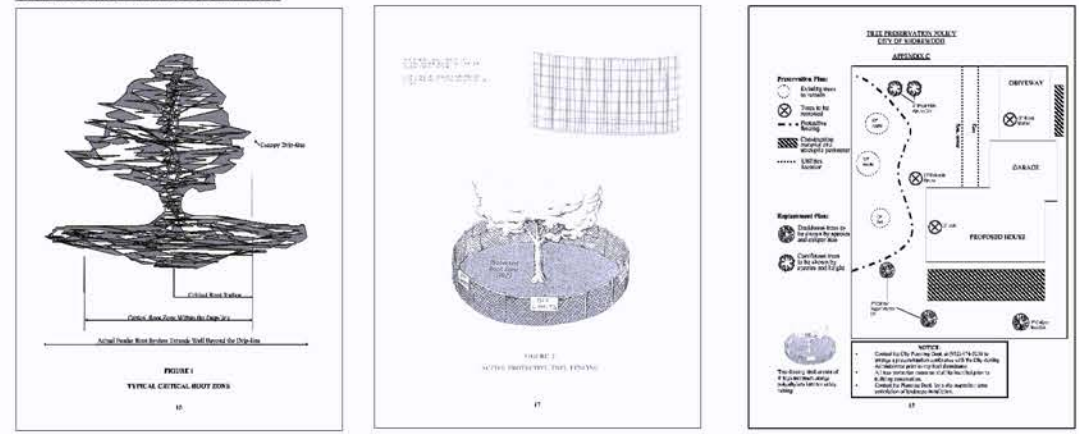
1



DESCRIPTION OF PROPERTY SURVEYED
Lots 3 & 4, Block 1, Deerfield Addition, Hennepin County, Minnesota
Per Warranty Deed No. 1956807

STANDARD NOTES
1) Site Address: 24835 Yellowstone Trail, Shorewood, Minnesota 55331

TREE PRESERVATION DETAILS



City Contact Information

- Contact the City Planning Department at (952) 474-3236 to arrange a preconstruction conference with the City Zoning Administrator prior to any land disturbance.
- All tree protection measures shall be installed prior to building construction.
- Contact the City of Shorewood Planning Department at (952) 474-3236 for a Site Inspection upon completion of landscape installation.

Tree Summary

Tree #	Species	DBH	Condition	Stems	Healthy	Significant	Notes
1	Ash, green	9.0	Good	1	Yes	Yes	
2	Ash, green	8.0	Good	1	Yes	Yes	
3	Ash, green	11.0	Good	1	Yes	Yes	
4	Ash, green	16.5	Fair	1	Yes	Yes	
5	Elm, Siberian	23.0	Poor	1	No	No	decay
6	Locust, black	9.5	Good	1	Yes	Yes	
7	Locust, black	10.5	Fair	1	Yes	Yes	
8	Locust, black	10.0	Poor	1	No	No	decay
9	Locust, black	12.5	Fair	1	Yes	Yes	
10	Locust, black	11.0	Poor	1	No	No	decay
11	Locust, black	12.0	Fair	1	Yes	Yes	
12	Ash, green	13.5	Poor	1	No	No	wound/decay
13	Elm, American	10.0	Good	1	Yes	Yes	
14	Basswood	13.5	Fair	1	Yes	Yes	
15	Ash, green	12.0	Good	1	Yes	Yes	
16	Basswood	10.0	Good	1	Yes	Yes	
17	Ash, green	17.0	Good	1	Yes	Yes	
18	Willow	35.0	Fair	1	Yes	No	
19	Maple, sugar	20.5	Good	1	Yes	Yes	
20	Maple, sugar	18.0	Good	1	Yes	Yes	
21	Birch, paper	20.0	Dead	2	No	No	dead
22	Ash, green	19.5	Good	2	Yes	Yes	
23	Walnut	19.0	Good	1	Yes	Yes	
24	Walnut	17.0	Good	1	Yes	Yes	
25	Arboreal	30.0	Fair	4	Yes	Yes	
26	Arboreal	13.5	Fair	1	Yes	Yes	
27	Arboreal	14.0	Poor	2	No	No	decay
28	Arboreal	9.0	Fair	1	Yes	Yes	
29	Arboreal	7.5	Fair	1	Yes	Yes	
30	Arboreal	9.5	Fair	1	Yes	Yes	
31	Arboreal	18.0	Poor	1	No	No	decay
32	Arboreal	17.0	Fair	2	Yes	Yes	
33	Arboreal	10.5	Poor	1	No	No	decay
34	Ash, green	17.5	Good	1	Yes	Yes	
35	Elm, American	8.5	Good	1	Yes	Yes	
36	Ash, green	12.0	Good	1	Yes	Yes	
37	Hackberry	20.5	Good	1	Yes	Yes	
38	Ash, green	10.0	Fair	1	Yes	Yes	
39	Ash, green	9.0	Poor	1	Yes	Yes	healthy
40	Arboreal	18.5	Fair	1	Yes	Yes	
41	Maple, sugar	9.0	Fair	1	Yes	Yes	
42	Elm, red	9.5	Good	1	Yes	Yes	
43	Ash, green	11.0	Good	1	Yes	Yes	
44	Maple, sugar	8.5	Good	1	Yes	Yes	
45	Ash, green	13.5	Good	1	Yes	Yes	
46	Ash, green	11.0	Good	1	Yes	Yes	
47	Ash, green	8.0	Good	1	Yes	Yes	
48	Ash, green	19.5	Good	1	Yes	Yes	
49	Elm, American	9.5	Good	1	Yes	Yes	
50	Ash, green	25.0	Good	1	Yes	Yes	
51	Maple, sugar	15.0	Good	1	Yes	Yes	
52	Ash, green	13.0	Fair	1	Yes	Yes	

Tree Replacement Ratio

- Significant deciduous trees eight inches (8") DBH or greater shall be replaced by two (2), three (3) inch caliper or greater deciduous trees or two, six-foot (6') high coniferous trees.
- Significant deciduous trees twelve inches (12") DBH or greater shall be replaced by three (3), three (3) inch caliper or greater deciduous trees or three (3) six-foot (6') high coniferous trees.
- Significant coniferous trees six feet (6') high or greater shall be replaced by one (1) six-foot (6') high or greater coniferous tree.
- Significant coniferous trees twelve feet (12') high or greater shall be replaced by two (2) six-foot (6') high or greater coniferous trees.
- In no case will the total number of replacement trees exceed eight (8) trees per acre.

Tree Removal Summary - Parcel 1

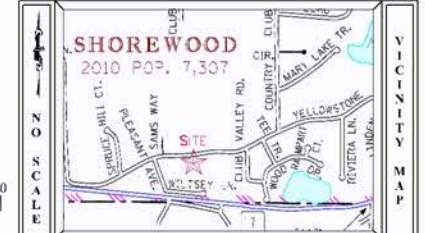
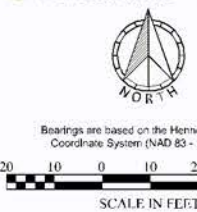
Deciduous Trees 8" DBH or greater = 9
Deciduous Trees 12" DBH or greater = 2
Coniferous Trees 12' high or greater = 1

Tree Replacement Options

Trees To Be Removed	# of Deciduous Trees	# of Coniferous Trees
9 Deciduous Tree	18 - 3 inch	or 18 - 6 foot
2 Deciduous Tree	6 - 3 inch	or 6 - 6 foot
1 Coniferous Trees		2 - 6 foot

Total number of trees not to exceed 8 trees per acre, 1.32 x 8 = 10.56 or 11

PROPOSED SPRUCE - CONIFEROUS
PROPOSED MAPLE - DECIDUOUS



SURVEY LEGEND

CAST IRON MONUMENT	PIEZOMETER	W/OE WALKOUT ELEVATION
IRON PIPE MONUMENT SET	POWER POLE	FPE FIRST FLOOR ELEVATION
IRON PIPE MONUMENT FOUND	GUY WIRE	GFE GARAGE FLOOR ELEVATION
DRILL HOLE FOUND	ROOF DRAIN	TOP OF FOUNDATION ELEV.
CHISELED "X" MONUMENT SET	MONUMENT SET	LOE LOWEST OPENING ELEV.
CHISELED "X" MONUMENT FOUND	SANITARY MANHOLE	CONCRETE
REBAR MONUMENT FOUND	SANITARY CLEANOUT	BITUMINOUS
PK NAIL MONUMENT SET	STORM MANHOLE	BUILDING SETBACK LINE
PK NAIL MONUMENT FOUND	STORM DRAIN	CABLE TV
PK NAIL W/ ALUMINUM DISC	CATCH BASIN	CONCRETE CURB
SURVEY CONTROL POINT	FLARED END SECTION	CONTOUR EXISTING
A/C UTILITY	CABLE TV PEDESTAL	CONTOUR PROPOSED
ELECTRIC TRANSFORMER	ELECTRIC MANHOLE	GUARD RAIL
ELECTRIC MANHOLE	TELEPHONE MANHOLE	DRAIN TILE
ELECTRIC METER	TELEPHONE PEDESTAL	ELECTRIC UNDERGROUND
ELECTRIC OUTLET	UTILITY PEDESTAL	FENCE
YARD LIGHT	UTILITY VALVE	FIBER OPTIC UNDERGROUND
LIGHT POLE	WATERMAN MANHOLE	GAS UNDERGROUND
FIBER OPTIC MANHOLE	WATER METER	OVERHEAD UTILITY
FIRE DEPT. HOOK UP	FUEL PUMP	TRAIL LINE
FLAG POLE	FUEL TANK	SANITARY SEWER
PROPANE TANK	GAS METER	STORM SEWER
GAS VALVE	GAS MANHOLE	TELEPHONE UNDERGROUND
GENERATOR	POST INDICATOR VALVE	RETAINING WALL
GUARD POST	HAND HOLE	UTILITY UNDERGROUND
MAIL BOX	SOIL BORING	WATERMAN
		RAILROAD TRACKS
		RAILROAD SIGNAL
		RAILROAD SWITCH
		SATELLITE DISH
		WETLAND BUFFER SIGN

Emma Notermann

From: Dale Shrode <dcshrode@icloud.com>
Sent: Friday, November 12, 2021 12:20 PM
To: Planning
Subject: Zehnder Homes Inc. variance request

November 12, 2021

To: Planning Dept.
City of Shorewood
5755 Country Club Road
Shorewood, MN 55331

From: Dale Shrode
24755 Yellowstone Trail
Shorewood, MN 55331

Re: Zehnder Homes Inc. variance request

Dear Planning Dept;

I am the property owner on the east side from 24835 and oppose the subdivision.

I purchased my property because I was attracted to the green space of the golf course across the street and the distance between my neighbors. Appears I may be losing both.
(I do miss the serenity of the golf course)

I believe the subdivision would devalue my property marketing towards potential buyers that are attracted to the same amenities I was.

The previous resident of 24835 Scott Henry had told me he applied for a subdivision and was denied. I believe the property was surveyed at that time also.

Drive thru the neighborhood to see 24835 at its full potential. You will see children playing ball with their dog in the spacious front yard. The scene could be a setting for a Norman Rockwell painting, an image any community would be proud of.

Keep this property as is for generations of families to enjoy. The mature trees between the properties have taken years to provide a natural border. Removing them will barren the landscape.

Please let's not vary from our standards and squeeze another home into our community. What makes the magic number to vary the minimum ? 4 inches ?,
4 feet ?, 40 feet ?

Perhaps Minnetonka County Club development could offer buyers a new home rather than a 24835 undersized subdivision.

Sincerely,

Dale Shrode

Sent from my iPad

RESOLUTION 21-140

CITY OF SHOREWOOD COUNTY OF HENNEPIN STATE OF MINNESOTA

A RESOLUTION APPROVING AN MINOR SUBDIVISION AND VARIANCE FOR ZEHNDER HOMES FOR PROPERTY LOCATED AT 24835 YELLOWSTONE TRAIL

WHEREAS, Zehnder Homes, Inc. (the "Applicant"), has submitted a request for a minor subdivision and variance for lot width in order to subdivide the property legally described as follows into two lots:

Lots 3 & 4, Block 1, Deerfield Addition, Hennepin County, Minnesota

And,

WHEREAS, the Applicant's proposed subdivision of said real property into two parcels is legally described and illustrated in Exhibit A, attached hereto and made a part hereof; and

WHEREAS, the Applicant's application materials and plans dated September 3 and 28, and November 3, 2021 were reviewed by the Planning Director, whose memo was forwarded to the Planning Commission for their meeting on November 16, 2021, a copy of the memo is on file at the Shorewood City Hall; and

WHEREAS, the application was considered by the Planning Commission at a regular meeting held on November 16, 2021, the minutes are on file at City Hall; and

WHEREAS, the City Council considered the application at its regular meeting on November 22, 2021 at which time the Planning Director's memorandum and the Planning Commission's recommendations and resident comments were reviewed and comments were heard by the Council from the Applicant and residents.

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

1. The real property legally described above is hereby approved for division into two parcels, legally described and illustrated in Exhibit A, subject to the conditions listed below.
2. The variance to allow a lot to be created with 99.65 feet where 100 feet are required by ordinance is hereby approved, in accordance with the plans submitted on September 3 and 28, 2021 and revisions submitted November 3, 2021, based on the findings that the criteria have been met, especially that the applicant has shown unusual hardship in that the variance would allow uncomplicated legal descriptions, would not impact the public welfare, would be compatible with the neighborhood and would be the minimum action necessary to alleviate the unusual hardship, subject to the conditions listed below.
3. The subdivision and variance approval is subject to the following conditions:
 - a. Prior to recording the subdivision, the applicant shall submit the following consistent with City Code:
 - i. Submit executed 10-foot drainage and utility easements around the periphery of each lot.
 - ii. Submit payment of one park dedication fee (\$6,500) and one local sanitary sewer Access charge (\$1,200).
 - iii. Remove the accessory shed on future Lot 3.

- iv. Identify the location of the well on future Lot 4.
- b. Prior to issuance of a building permit:
 - i. The applicant shall submit proof of recording for this resolution, easements and maintenance agreement.
 - ii. Prior to construction of improvements on either lot, the applicant must acquire the appropriate permits.
 - iii. With a building permit application, the applicant shall submit a revised tree preservation/landscaping plan shows all the proposed trees in conforming locations and revise the plans to be consistent with the City Engineer's memo dated November 8, 2021 and City Code.
 - iv. Prior to installing services or conducting other work in the right-of-way, the applicant shall obtain the appropriate right-of-way permit.
 - v. The applicant shall submit a construction management plan detailing contractor parking, how deliveries will be made without blocking public streets, where storage of materials will occur, hours of construction and how often streets will be swept.
- 4. The City Clerk will furnish the Applicant with a certified copy of this resolution for recording purposes when the above conditions are satisfied.
- 5. The Applicant shall record this resolution and the easements with the Hennepin County Recorder or Registrar of Titles within 30 (thirty) days of the date of the certification of this resolution.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF SHOREWOOD this 22nd day of November, 2021.

Jennifer Labadie, Mayor

ATTEST:

Sandie Thone, City Clerk

Exhibit A

Legal description of the easterly parcel (Parcel A):

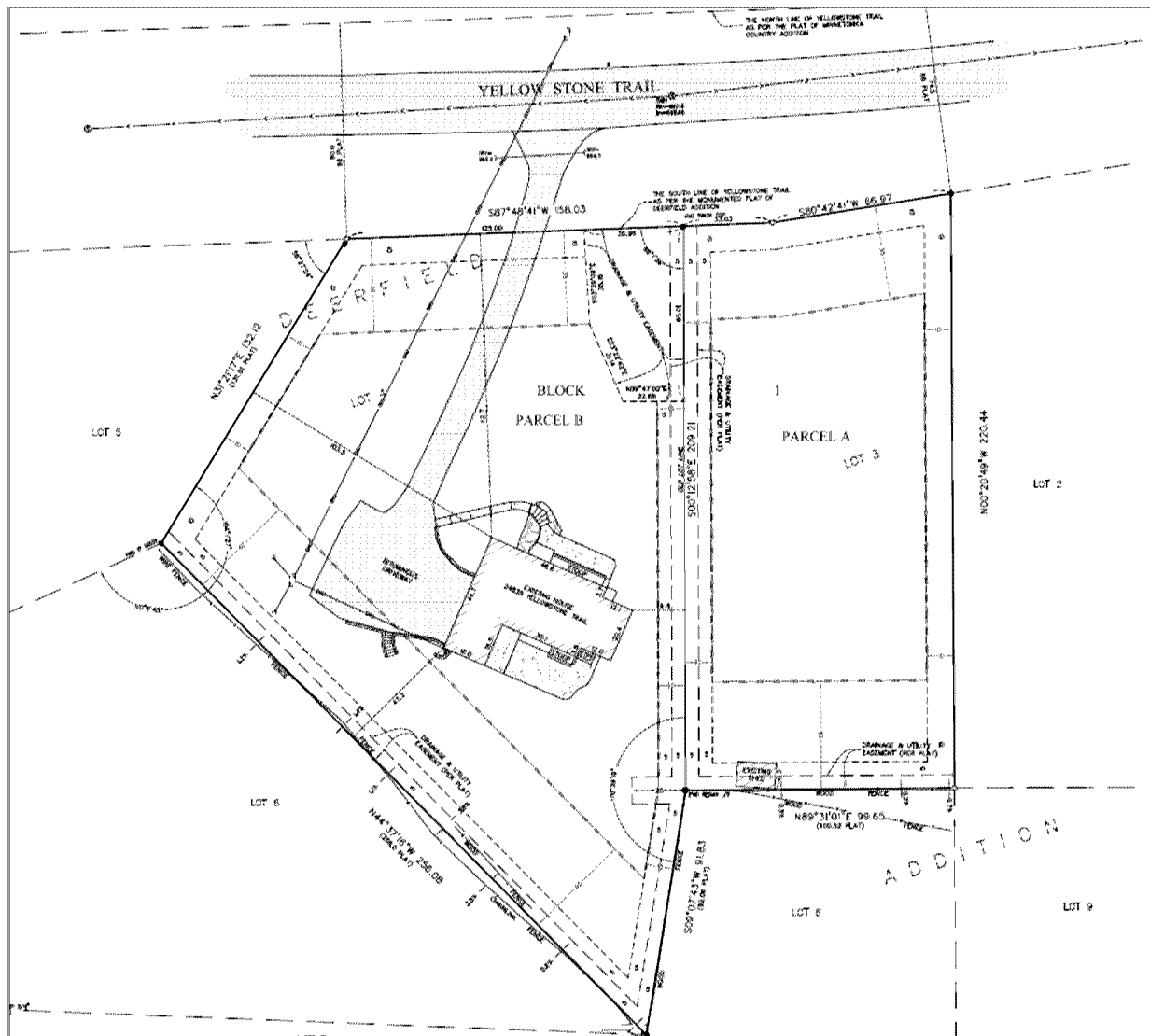
Lot 3, Block 1, Deerfield Addition, according to the recorded plat thereof, Hennepin County, Minnesota.

Subject to the easements as recorded on said plat of Deerfield Addition.

Legal description of the westerly parcel (Parcel B):

Lot 4, Block 1, Deerfield Addition, according to the recorded plat thereof, Hennepin County, Minnesota.

Subject to the easements as recorded on said plat of Deerfield Addition.





City of Shorewood Council Meeting Item

#7C

MEETING TYPE
Regular Meeting

Title / Subject: **Variance for Minimum House Size**

Location: 6180 Cathcart Drive
Applicant: Ben and Meghan Becker

Meeting Date: November 22, 2021
Prepared by: Marie Darling, Planning Director

Review Deadline: February 4, 2022

Attachments: Planning Memorandum from the November 22, 2021 Meeting
Resolution

Background: See attached planning memorandum for detailed background on this request. At the November 16, 2021 meeting, the Planning Commission voted unanimously to recommend approval of the variance to allow the applicant to construct a new home that is 20 feet wide where 22 feet wide is required by the zoning regulations. The applicant was present at the meeting and spoke in favor of the application. One person requested to speak on this item and his concerns are noted below.

The Planning Commission discussed this item at length before voting to recommend approval. They asked staff to include a review of this regulation in their work plan for 2022.

Drainage and Impact on Ground Water:

A resident spoke and was concerned about the impact of the new home on surface and ground water. Staff responded that the applicant is proposing to reduce the amount of impervious surface coverage on the site from 7.6 percent to 4.3 percent, well under the 33 percent that is allowed by ordinance. Additionally, the existing home has a basement and the new home would not which would reduce the impact of the home on ground water.

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.

Proposed motion: Move to adopt the attached resolution approving a variance for Ben and Meghan Becker for property located at 6180 Cathcart Drive 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 submit a building permit application.

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



CITY OF
SHOREWOOD

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

MEMORANDUM

TO: Planning Commission

FROM: Marie Darling, Planning Director

MEETING DATE: November 16, 2021

REQUEST: Variance to allow a home to be constructed with less than 22 feet of width

APPLICANT: Ben and Meghan Becker

LOCATION: 6180 Cathcart Drive

REVIEW DEADLINE: February 4, 2022

LAND USE CLASSIFICATION: Minimum Density Residential

ZONING: R-1A

FILE NUMBER: 21.31



REQUEST:

The applicant requests a variance to construct a new home that would be 20 feet wide where the ordinance requires 22 feet. Under the plan, the existing home and outbuildings would be demolished.

Notice of the variance application was 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 current property 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 applies 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.

Previous Approvals: Last month, the applicant received approval of a conditional use permit to allow two detached garages. The undersized home width was discovered too late to provide the required notice for the October meeting.

Applicable Code Sections:

Section 1201.03 Subd. 7. b. (2) Single-family dwelling shall:

- (b) Not be less than 30 feet in length and not less than 22 feet in width over that entire minimum length. Width measurements shall not take account of overhang and other projections beyond the principal walls;

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 with two detached garages. The new home is planned to be a two-story home that would be 20 feet wide by about 65 feet long. The applicants indicate that the home was designed to maximize the amount of light into the home and for energy efficiency and passive heating.

Variance Criteria:

Section 1201.05 Subd. 3. a. of the zoning regulations sets forth criteria for the consideration of variance requests. Staff reviewed the request according to these criteria, as follows:

1. *Intent of comprehensive plan and zoning ordinance:* The applicants would continue to use the property for residential purposes and proposes no use on the site that would be inconsistent with either the intent of the residential land use classification or the district's allowed uses. The intent of the minimum size restrictions is to prevent small homes, primarily single-wide mobile homes, from being constructed on a single-family lot. The size of the home would be consistent with the intent of the ordinance prohibition.
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 custom design of the home to maximize energy efficiency.
 - a. *Reasonable:* Construction of a home and attached garage is a reasonable use of the property.
 - b. *Self-Created:* Although the situation is self-created, the applicant has proposed an alternative design to maximize passive solar and energy efficiency which are generally encouraged by the City's ordinances.

- c. *Essential Character:* The homes in the area were constructed at different times and many are custom designed.
3. *Economic Considerations:* The applicants have not proposed the variance based on economic considerations, but to create a home that meets their family's needs.
4. *Impact on Area:* The home would not impact an adequate supply of light and air to any adjacent property as the lot is 1.87 acres in size and the home is positioned well away from any neighboring home. The property owners are not proposing anything that would increase the risk of fire or endanger public safety or increase the impact on adjacent streets.
5. *Impact to public welfare and other improvements:* The applicants' proposal is unlikely to impact or impair adjacent property values or the public welfare.
6. *Minimum to alleviate difficulty:* The request would be the minimum necessary to alleviate the difficulty.

RECOMMENDATION

Staff recommends approval, subject to the condition shown below, but acknowledges that the 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 acquire all necessary permits prior to construction and submit all necessary documents including, but not limited to, a tree preservation and landscaping plan.

ATTACHMENTS

Location map

Applicants' narrative and plans

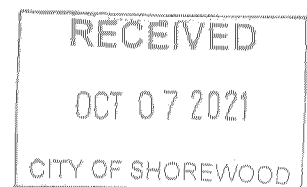
Location Map - 6180 Cathcart Drive



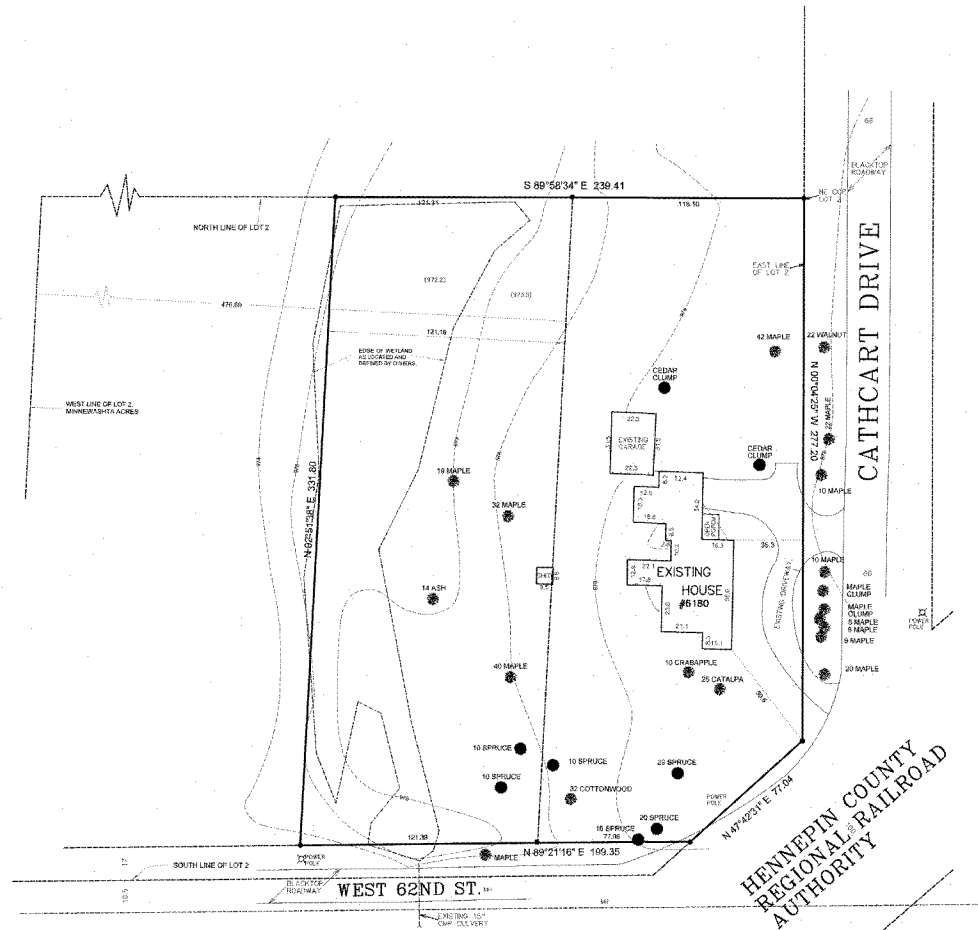
We are requesting a variance to the Shorewood building code, which states the minimum width of a house should be 22 feet. We are proposing a house that is 20 feet wide.

The house we are proposing is a permanent, single family structure, that is of similar style to the surrounding homes. The house is a custom design by award winning Minnesota architect David Salmela. The 20-foot width is an important design element as it is energy efficient, optimally designed for passive heating, and provides the optimal width to allow natural light to flood the home. In addition to energy efficiency, it is an efficient use of materials. Meghan and I worked with David to design this house for our family's specific uses and values – natural light and energy efficiency are of paramount personal value to our family. Additionally, David has designed many houses that are 20 feet wide. I reference you to the Jackson Meadow development in Stillwater.

This 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. Meghan and I plan to use the single-family home in a reasonable manner. The variance, if approved, would not alter the essential character of the locality. The variance is not based exclusively on economic considerations, as the 20-foot-wide home is our desired design. 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. 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.



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



EXISTING HARDCOVER

House	=	2958 SF
Open porch	=	108 SF
Garage	=	709 SF
Shed	=	72 SF
Driveway	=	2215 SF
Total	=	6102 SF = 7.68%
Lot area	=	80,308 SF

LEGAL DESCRIPTIONS (PER DOC. NO. A10362641):

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

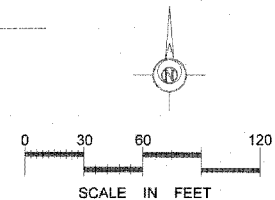
That part of Lot 2, "Minnewashta Acres, Hennepin County, Minnesota", lying east of the West 476.69 feet thereof and north of the South 17.00 feet thereof.

- : Denotes iron found marker
- (99.3) : Denotes existing spot elevation
- 917 : Denotes existing contour line

Bearings shown are based upon an assumed datum.

This survey shows the boundaries of the above described property, the location of existing buildings, trees, and topography. It does not purport to show any other improvements or encroachments.

NOTE: The boundary has been determined in part on the field location of the centerline of railroad tracks in 1973.

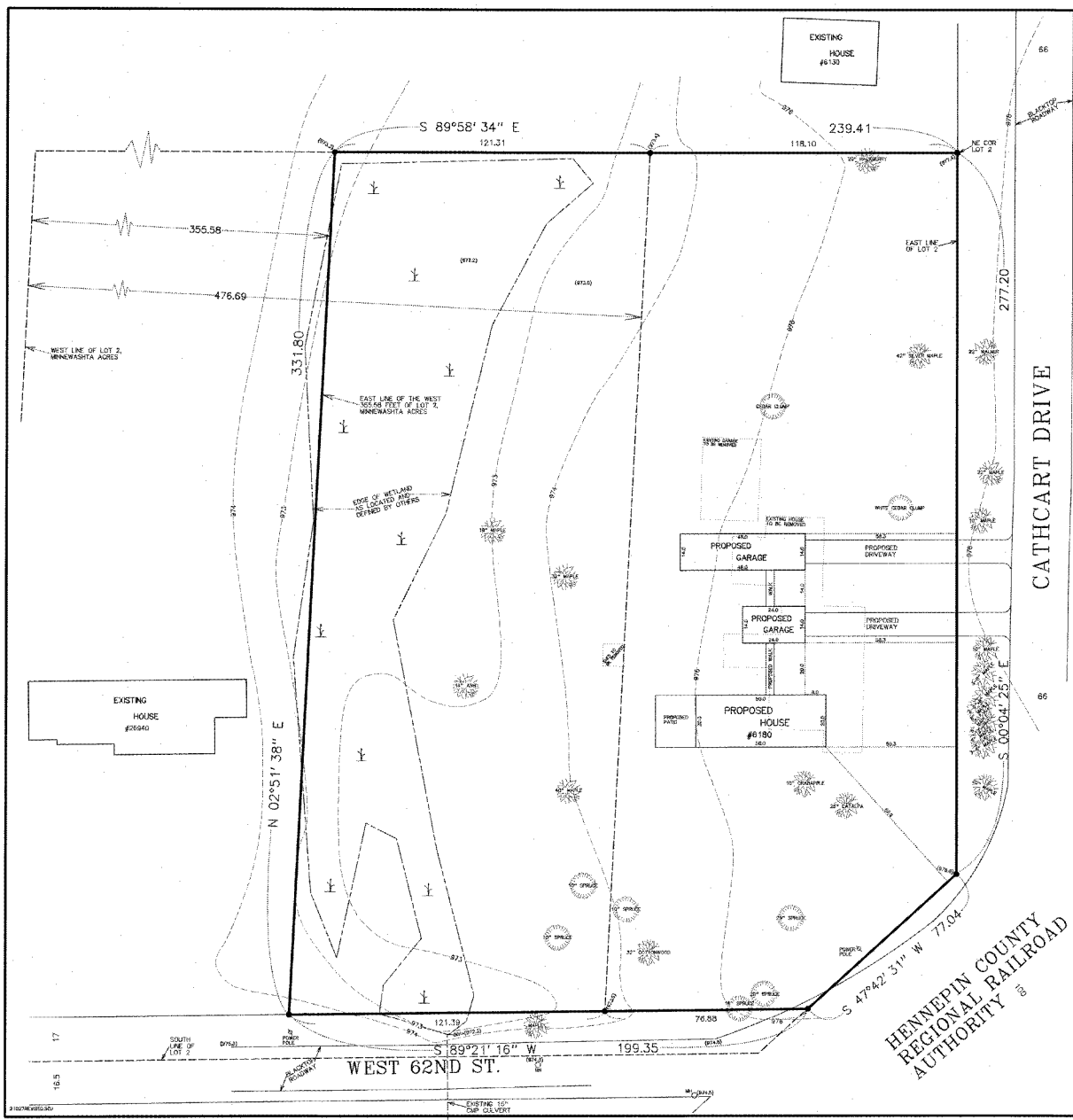


GRONBERG & ASSOCIATES, INC.
CIVIL ENGINEERS, LAND SURVEYORS, LAND PLANNERS
445 N. WILLOW DRIVE LONG LAKE, MN 55356
PHONE: 952-473-4141 FAX: 952-473-4435

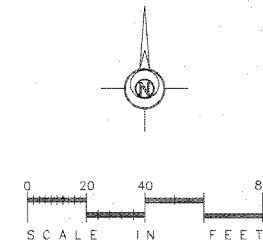


I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.
Paul J. Gronberg
DATE: 10/1/11 MIN. LICENSE NUMBER: 43311

REVISIONS	DATE	BY	CHKD
1			
2			
3			
4			
5			



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

---[930]--- : 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
 21-027

PROJECT

Surveyed by: Meghan & Ben Becker
 Licensed Land Surveyor under the laws of the State of Minnesota
 Mark S. Gronberg, Minnesota License Number 12455

REVISIONS

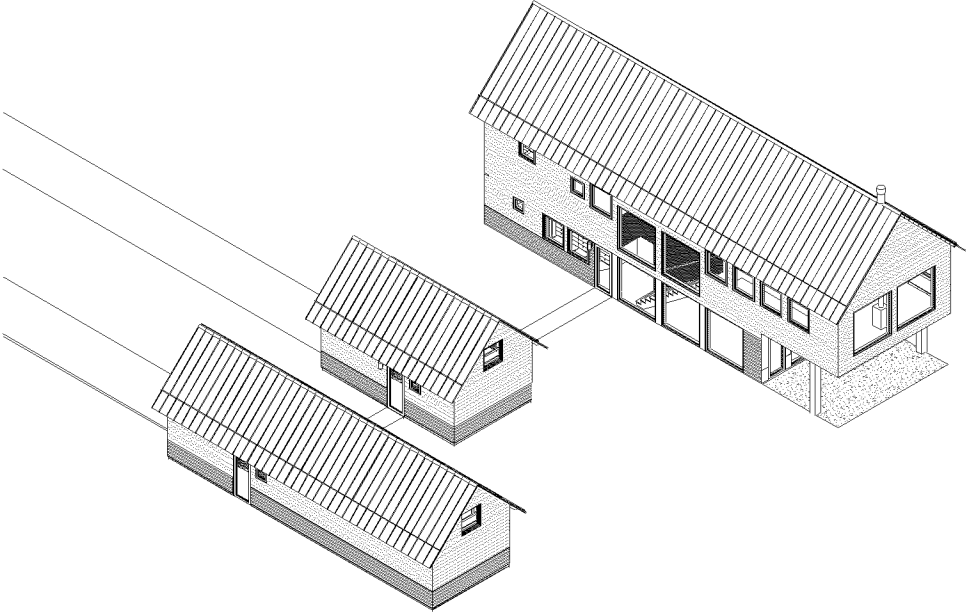
NO.	DATE	DESCRIPTION
1	7-1-21	PROPOSED BUILDING REMOVAL

BECKER

SHEET INDEX

- T1 TITLE SHEET
- T2 FINISH MATERIALS - WINDOWS & DOORS
- T3 SPECIFICATIONS
- T4.1 GENERAL STRUCTURAL NOTES
- T5 WALL - FLOOR - ROOF TYPES
- A100 ARCHITECTURAL SITE PLANS
- A205 GARAGE PLANS
- A702 REFLECTED CEILING PLANS
- A202 HOUSE PLANS
- A203 HOUSE PLANS
- A301 EXTERIOR ELEVATIONS - HOUSE
- A302 EXTERIOR ELEVATIONS - GARAGES
- A401 SECTIONS - HOUSE
- A501 INTERIOR ELEVATIONS
- A701 REFLECTED CEILING PLANS

GROSS BUILDING AREA - Excluding Garages



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, AIA
Registration No. # 1809 03.03.2021

NOT FOR
CONSTRUCTION

BECKER

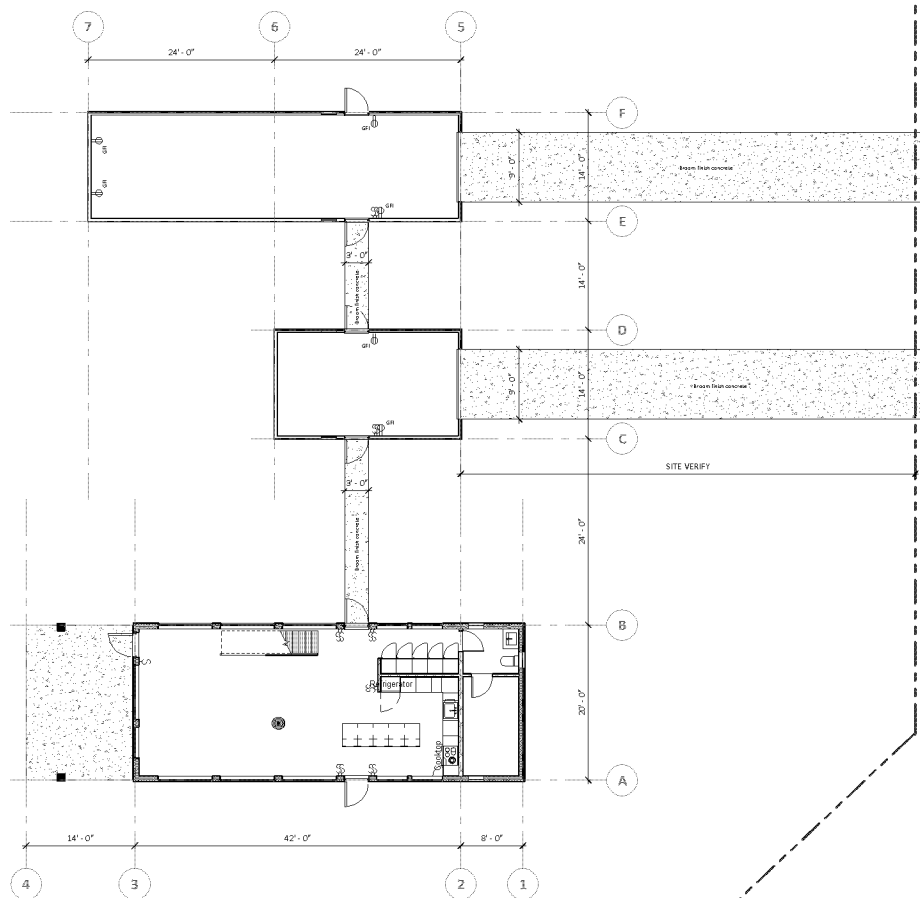
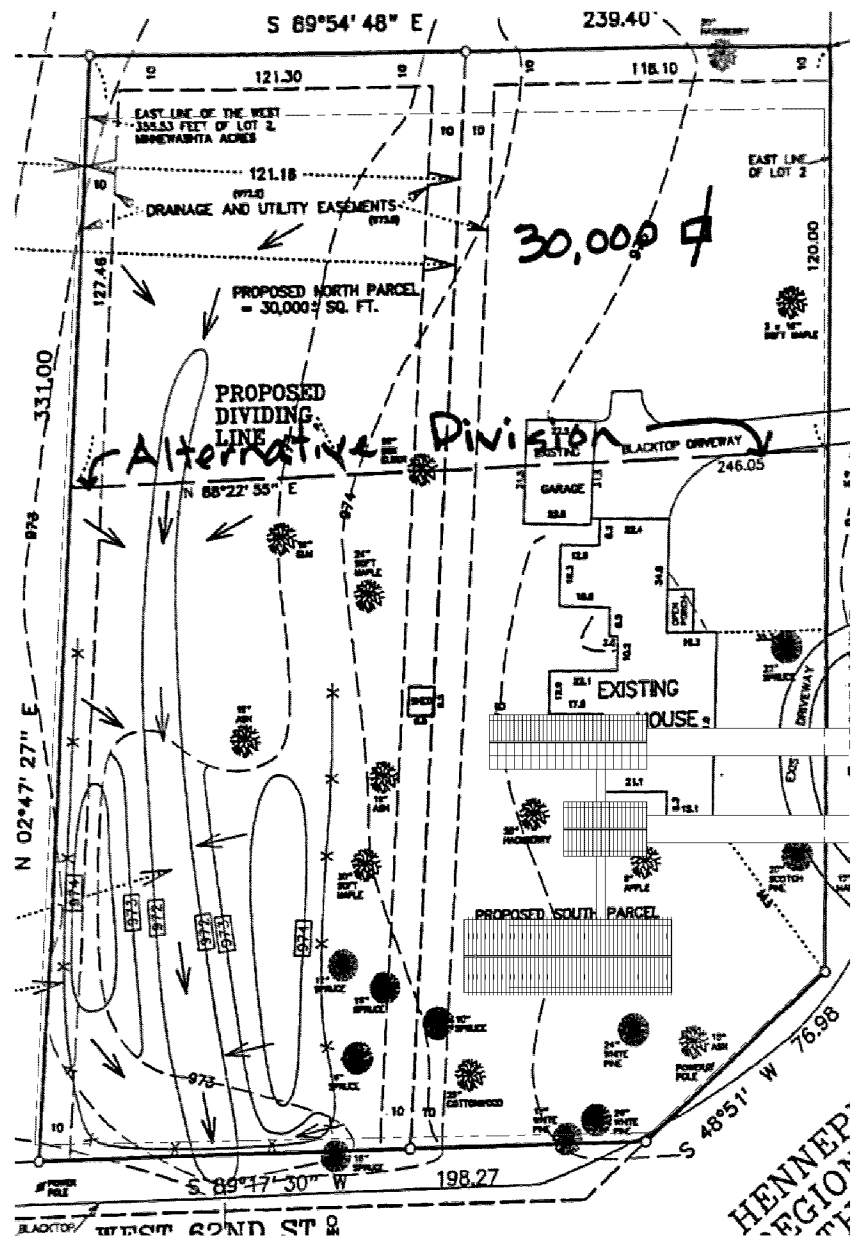
6180 Cathcart Road
Excelsior, MN

REVISIONS:

No.	Description	Date
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PRICING SET
03.03.2021
TITLE SHEET

T1



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

BECKER

6180 Cathcart Road
 Excelsior, MN

REVISIONS:

No.	Description	Date

PRICING SET
 03.03.2021
 ARCHITECTURAL SITE
 PLANS

A100

1 Site Survey
 A100 1" = 20'-0"

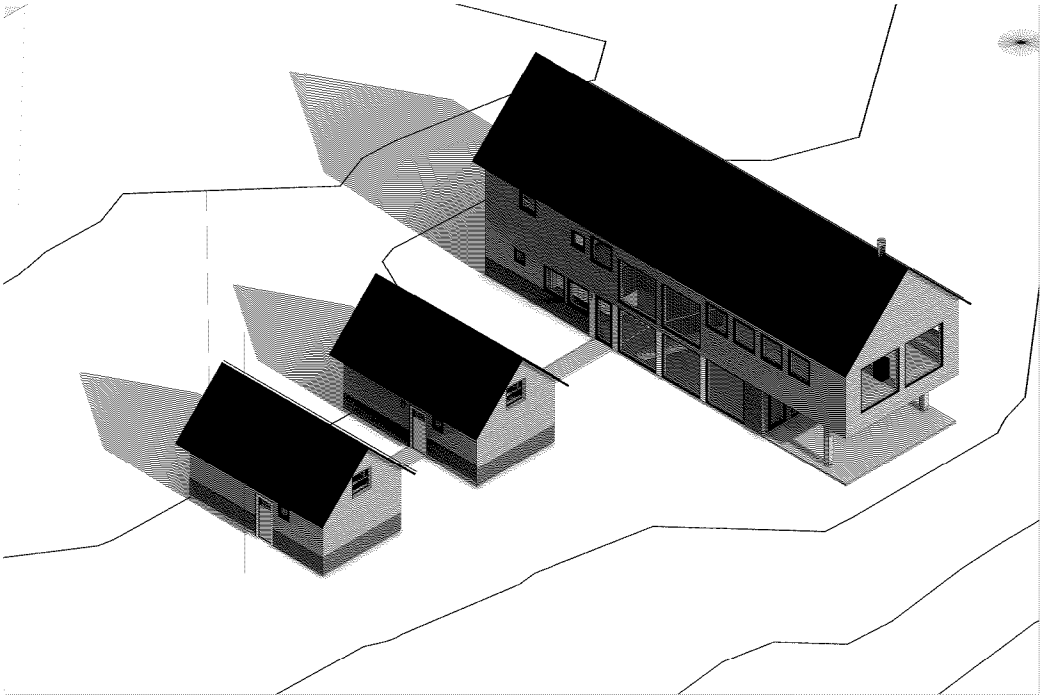
2 Site Plan
 A100 1/8" = 1'-0"

BECKER

SHEET INDEX

- A703 Bathroom Configurations
- T1 TITLE SHEET
- T2 FINISH MATERIALS - WINDOWS & DOORS
- T3 SPECIFICATIONS
- T4.1 GENERAL STRUCTURAL NOTES
- T5 WALL - FLOOR - ROOF TYPES
- A100 ARCHITECTURAL SITE PLANS
- A205 GARAGE PLANS
- A702 REFLECTED CEILING PLANS
- A202 HOUSE PLANS
- A203 HOUSE PLANS
- A301 EXTERIOR ELEVATIONS - HOUSE
- A302 EXTERIOR ELEVATIONS - GARAGES
- A401 SECTIONS - HOUSE
- A501 INTERIOR ELEVATIONS
- A701 REFLECTED CEILING PLANS

GROSS BUILDING AREA - Excluding Garages



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David Salmela AIA
Registration No. # 1809 08.24.2021

NO. FOR
CONSTRUCTION

BECKER

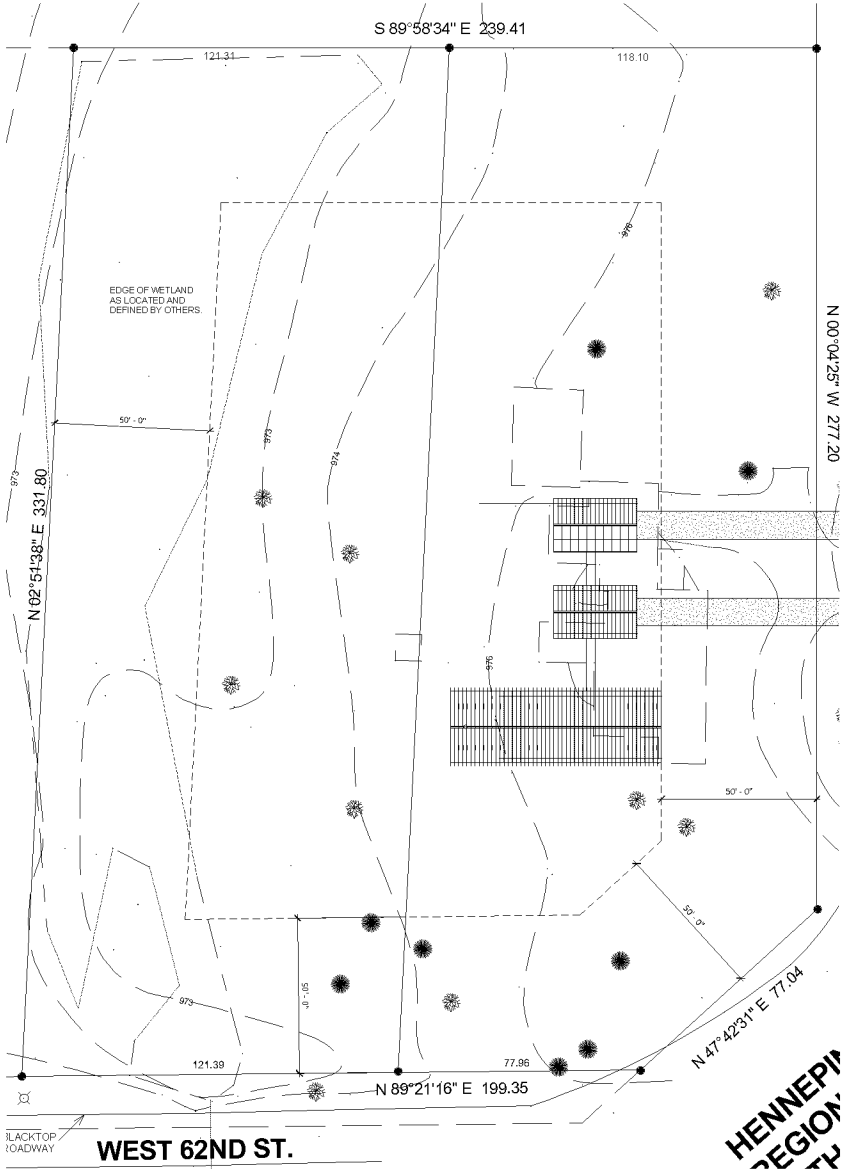
6180 Cathcart Road
Shorewood, MN

REVISIONS:

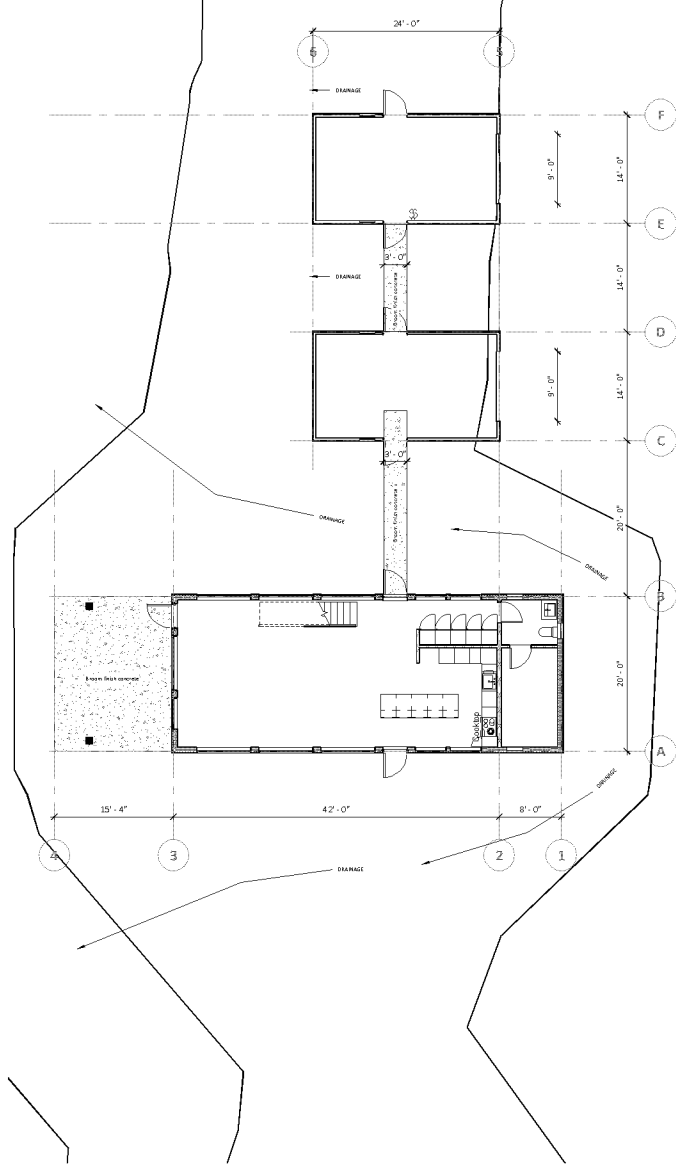
No.	Description	Date
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CUP SET
08.24.2021
TITLE SHEET

T1



1 Full Site Plan
A100 1" = 20'-0"



2 Landscape Plan
A100 1/8" = 1'-0"

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

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David Salmela FAIA
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NOT FOR CONSTRUCTION

BECKER

6180 Cathcart Road
Shorewood, MN

REVISIONS:

No.	Description	Date
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CUP SET
08.24.2021
ARCHITECTURAL SITE
PLANS

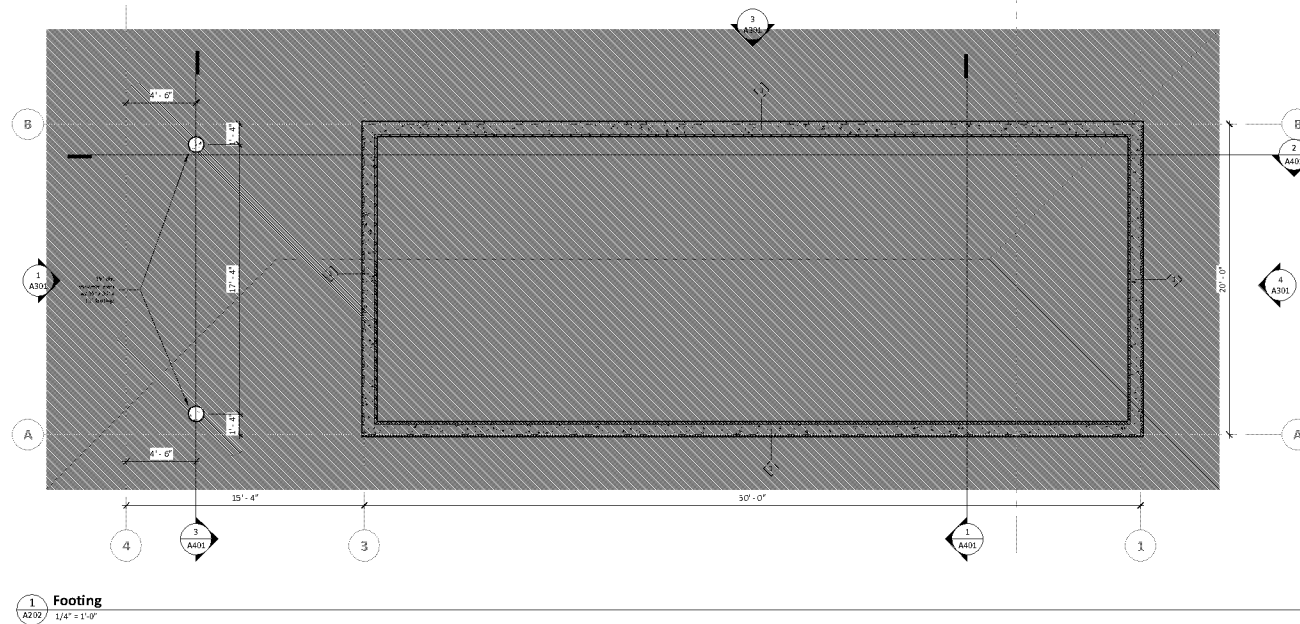
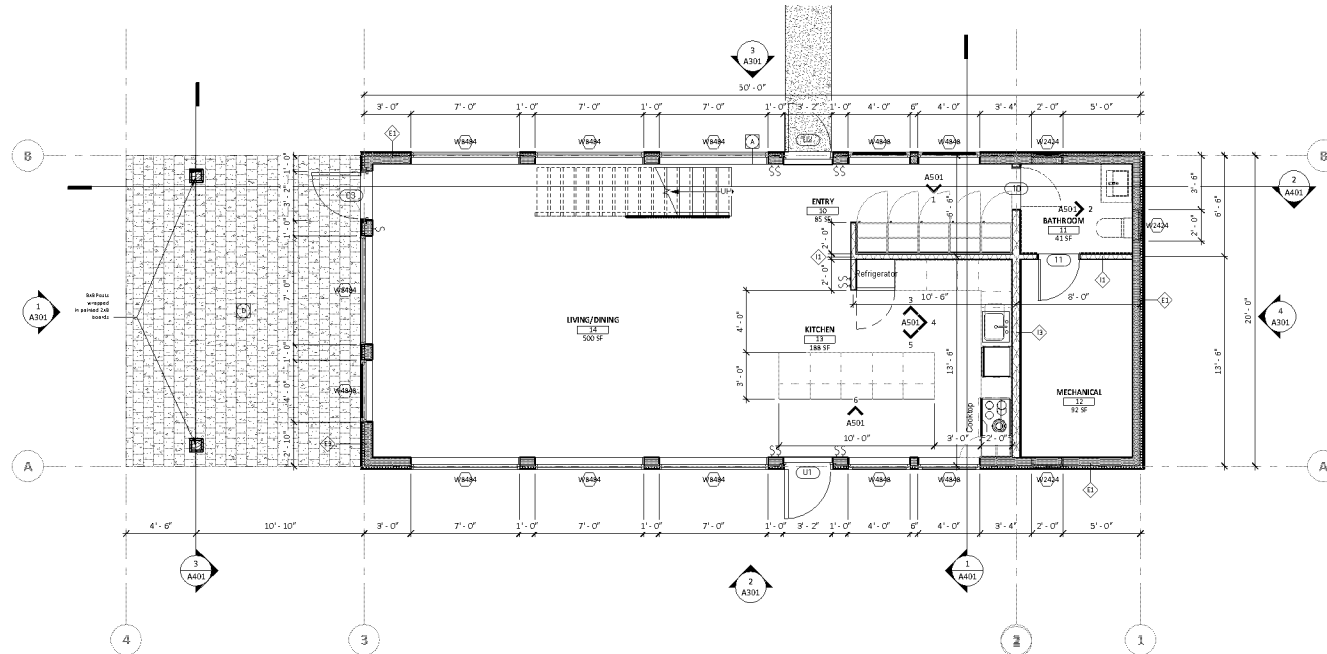
A100

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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
HOUSE PLANS

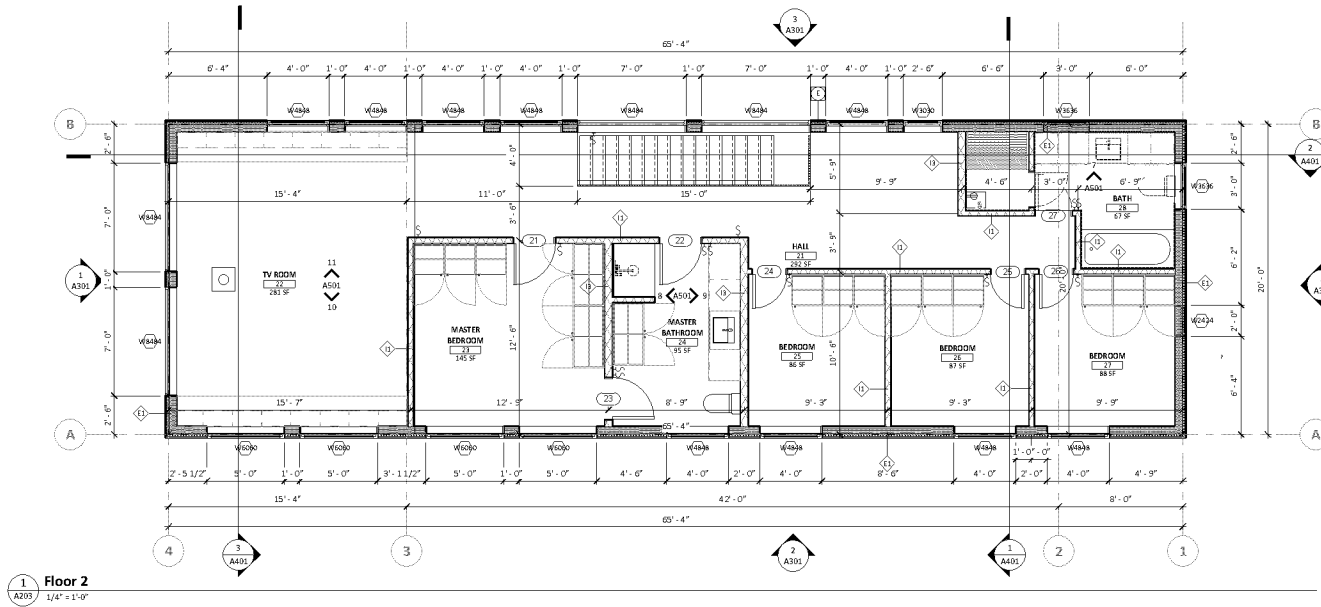
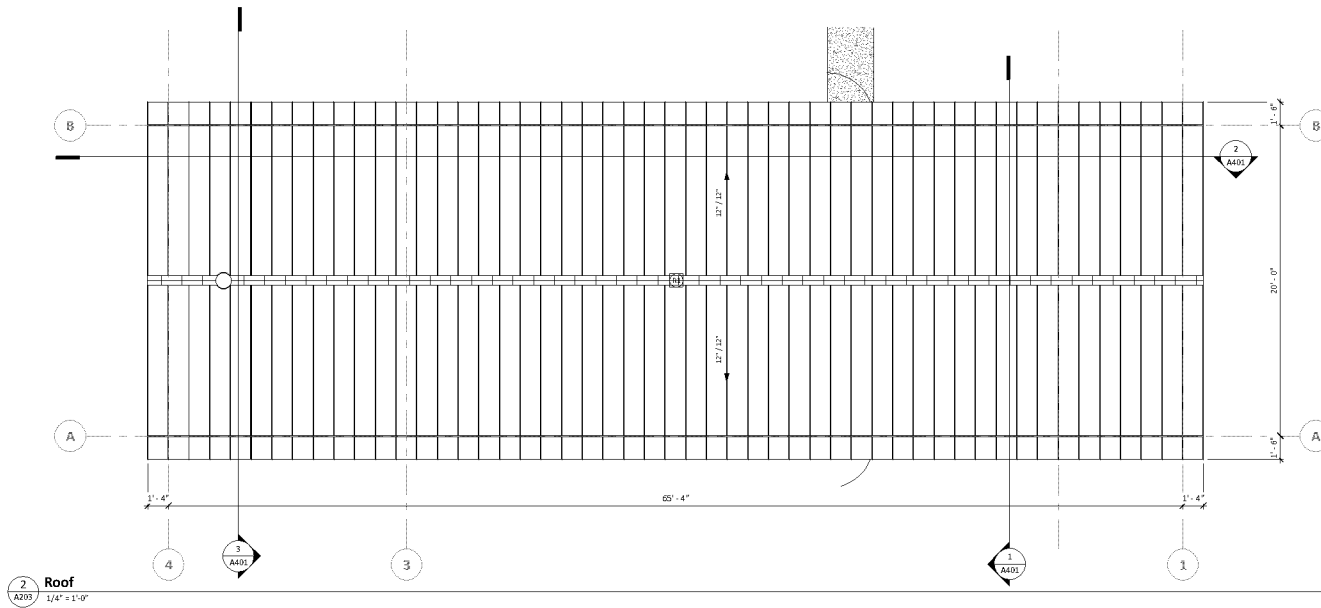
A202

Salmela
architect

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

I hereby certify that this plan, specification, or
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supervision and that I am a duly licensed architect
under the laws of the State of Minnesota.
David Salmela FAIA
Registration No. # 1807 08/24/2021

NOT FOR
CONSTRUCTION



BECKER

6180 Cathcart Road
Shorewood, MN

REVISIONS:

No.	Description	Date

CUP SET
08.24.2021
HOUSE PLANS

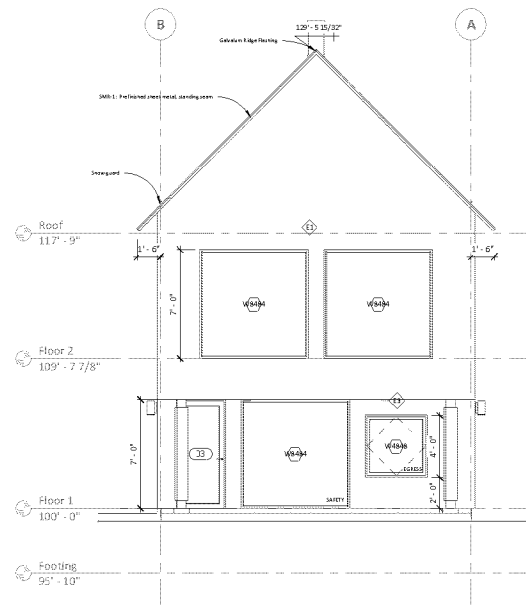
A203

Salmela
architect

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

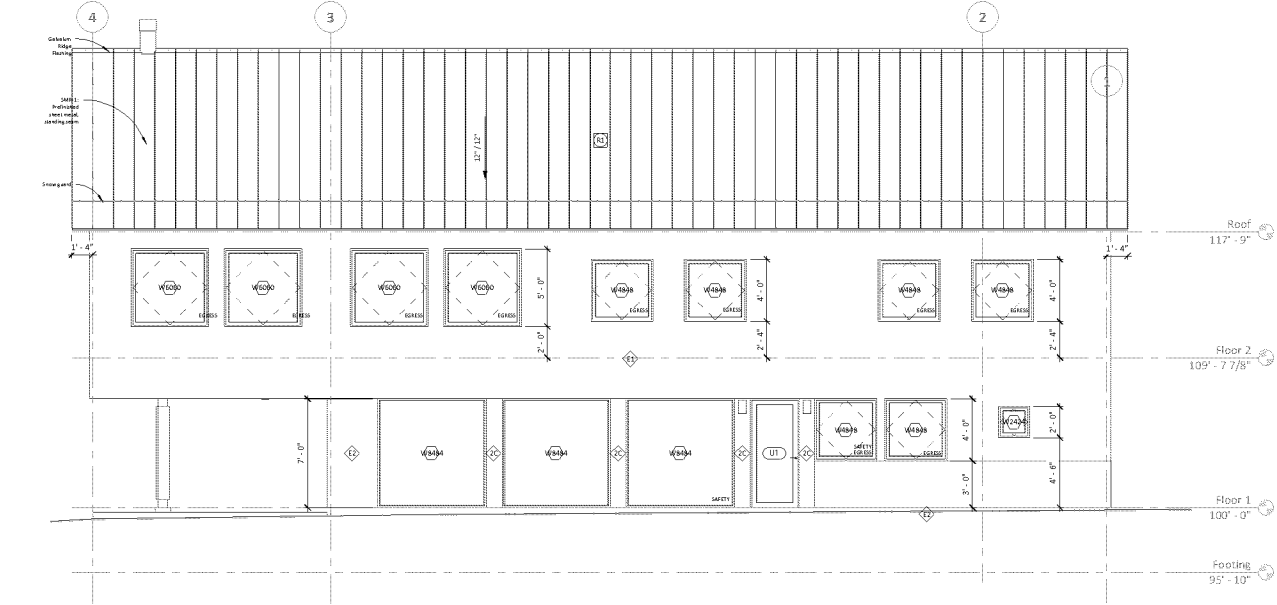
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David Salmela FAIA
Registration No. # 1807 08/24/2021

NOT FOR
CONSTRUCTION



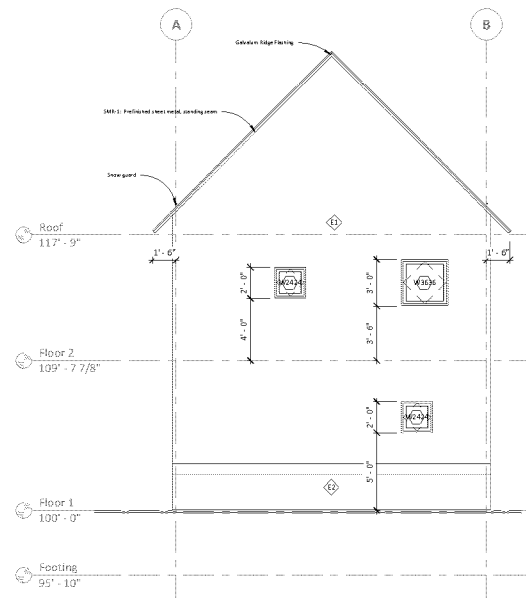
1 WEST ELEVATION

A301 1/4" = 1'-0"



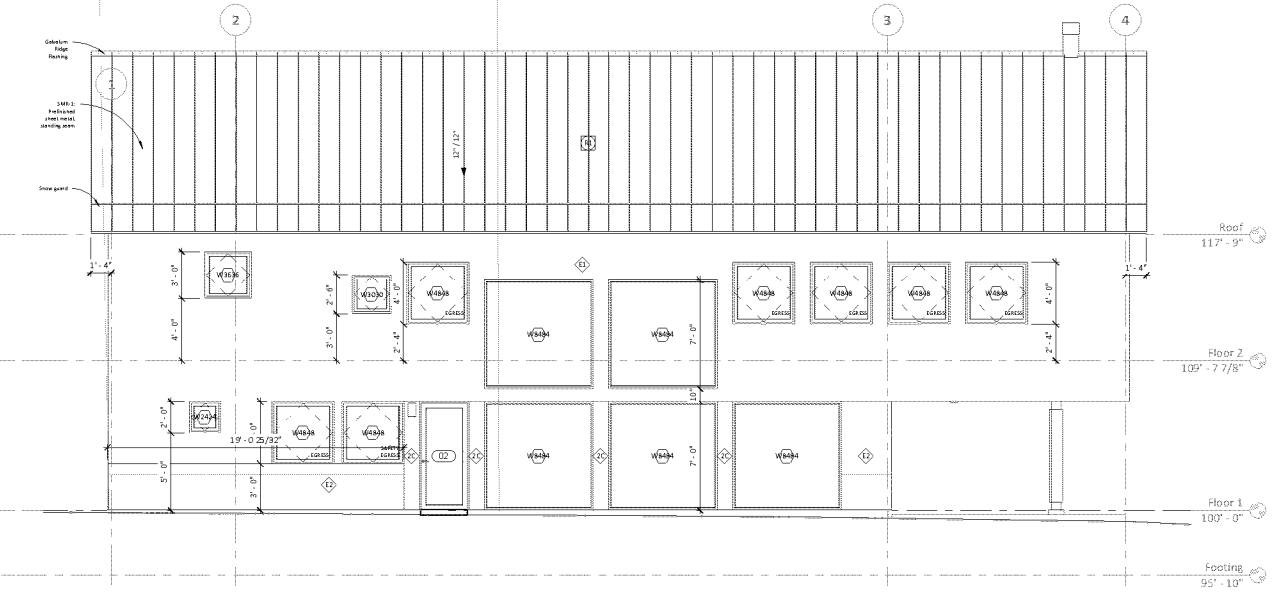
2 SOUTH ELEVATION

A301 1/4" = 1'-0"



4 EAST ELEVATION

A301 1/4" = 1'-0"



3 NORTH ELEVATION

A301 1/4" = 1'-0"

BECKER

6180 Cathcart Road
Shorewood, MN

REVISIONS:

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

CUP SET
08.24.2021
EXTERIOR
ELEVATIONS - HOUSE

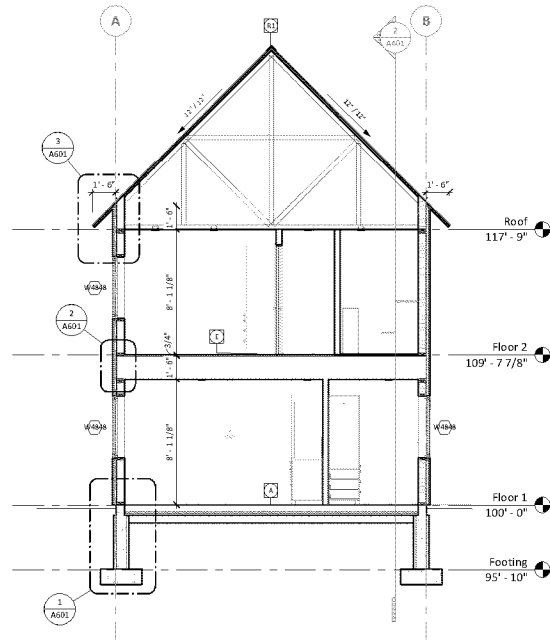
A301

Salmela
architect

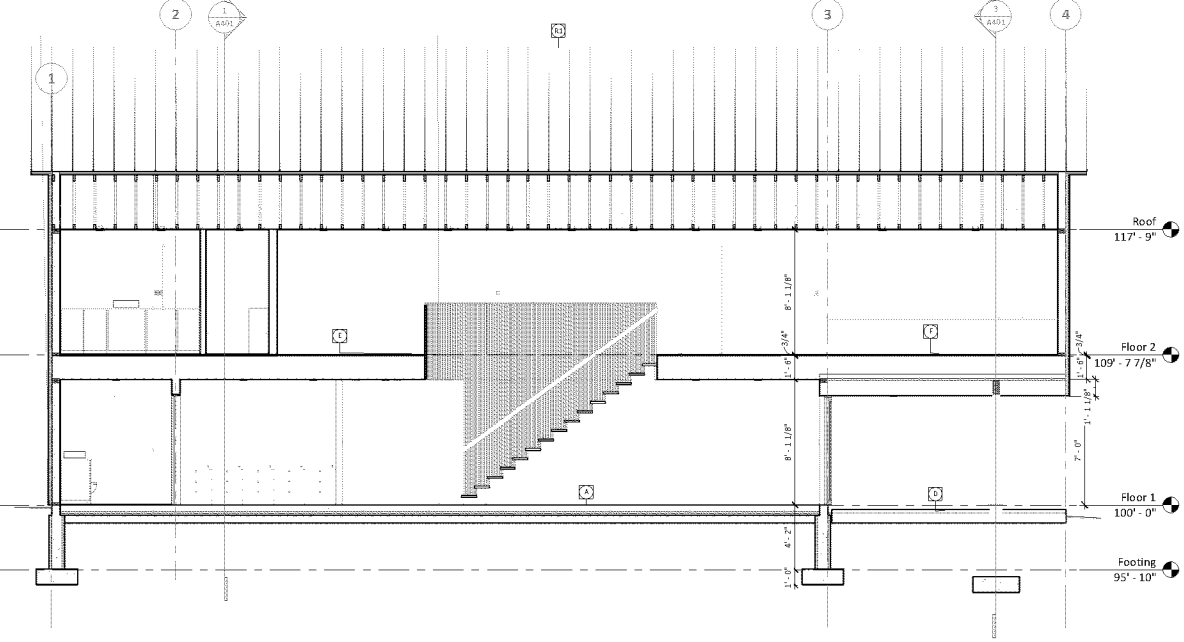
630 W. 4th Street Duluth MN 55806
www.salmelaarchitect.com

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

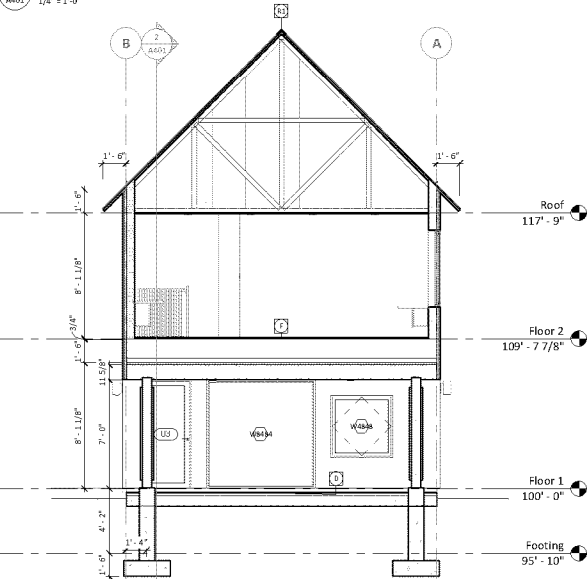
NOT FOR
CONSTRUCTION



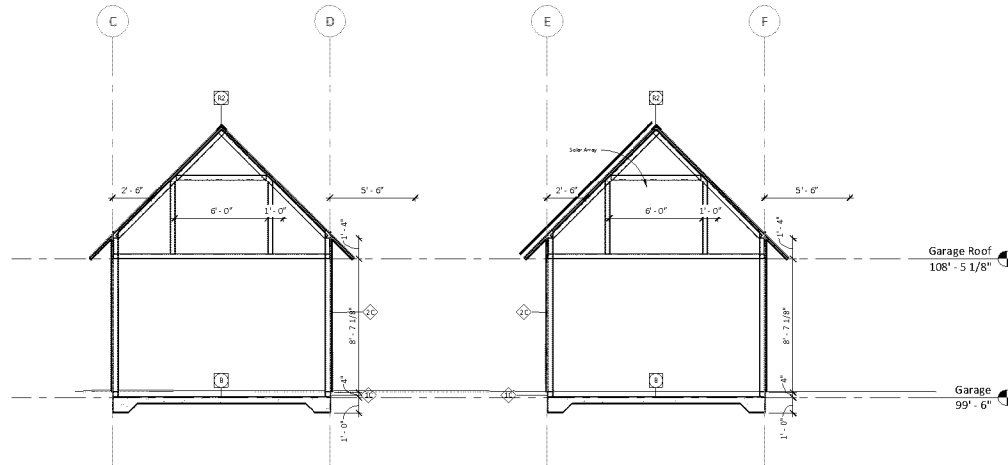
1 Section 1
A401 1/4" = 1'-0"



2 Section 2
A401 1/4" = 1'-0"



3 Section 3
A401 1/4" = 1'-0"



4 Section 4
A401 1/4" = 1'-0"

BECKER

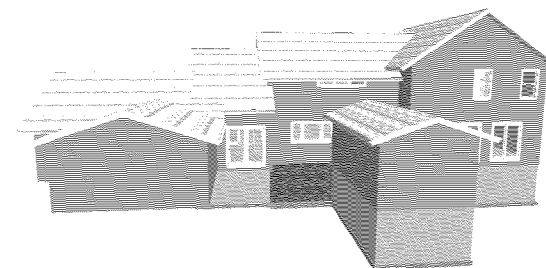
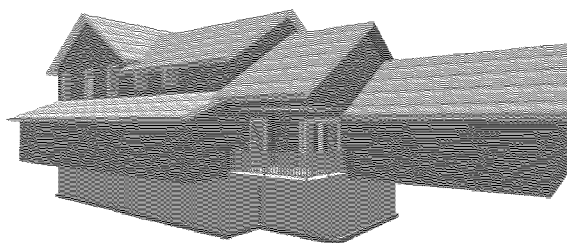
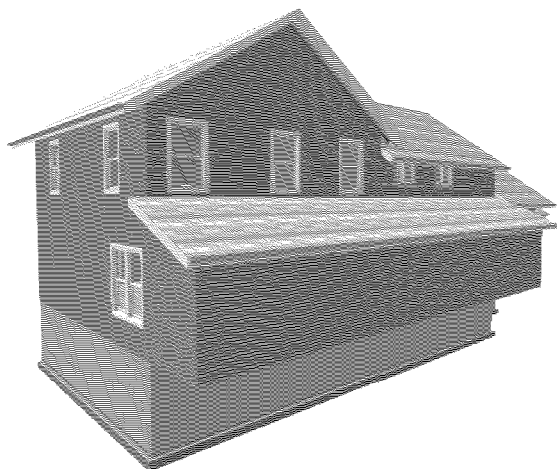
6180 Cathcart Road
Shorewood, MN

REVISIONS:

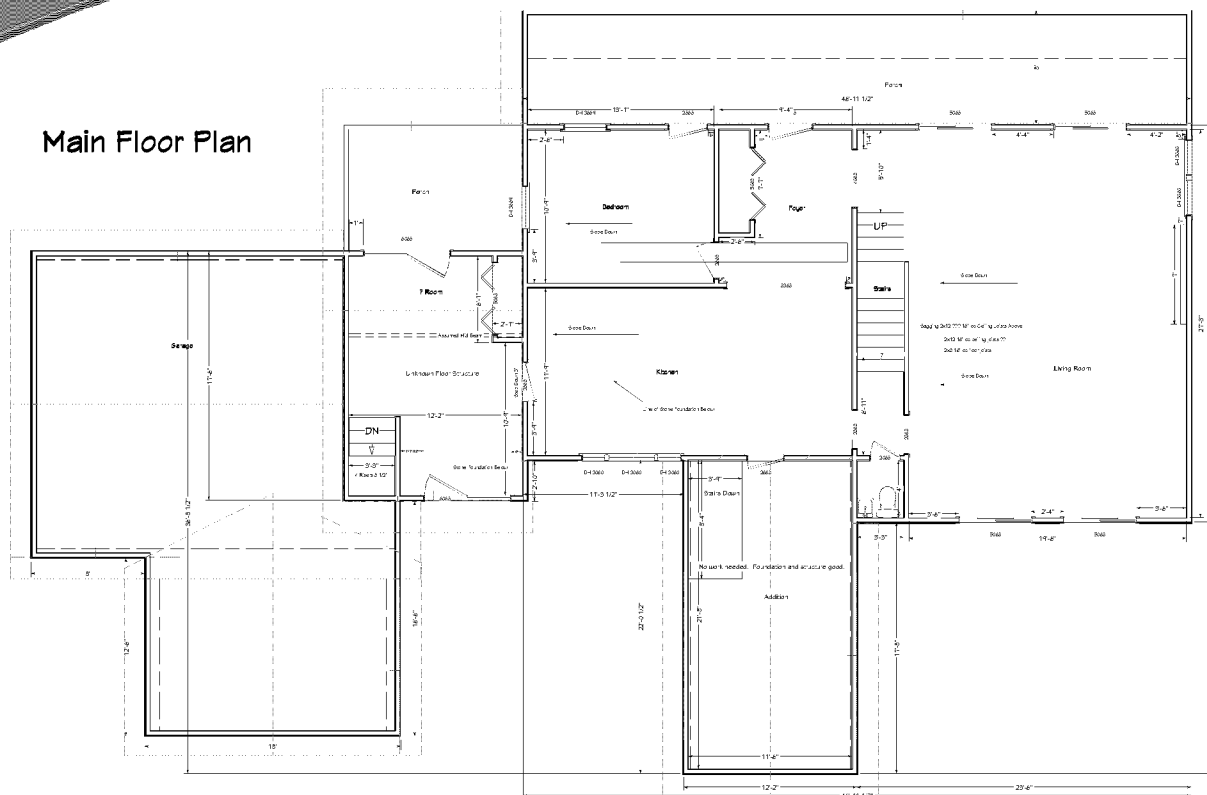
No.	Description	Date
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CUP SET
08.24.2021
SECTIONS - HOUSE

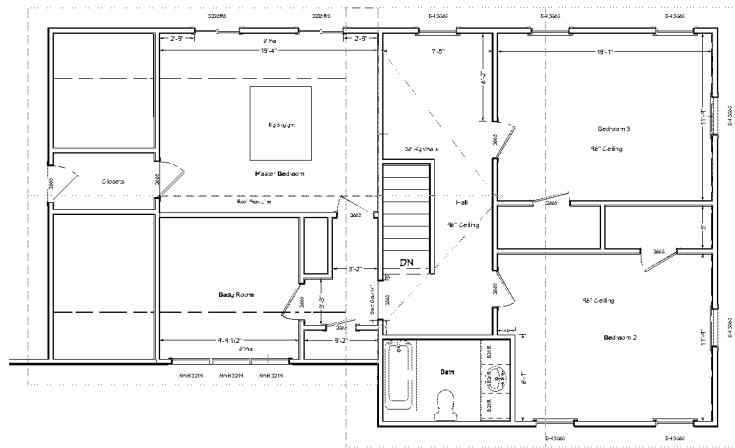
A401



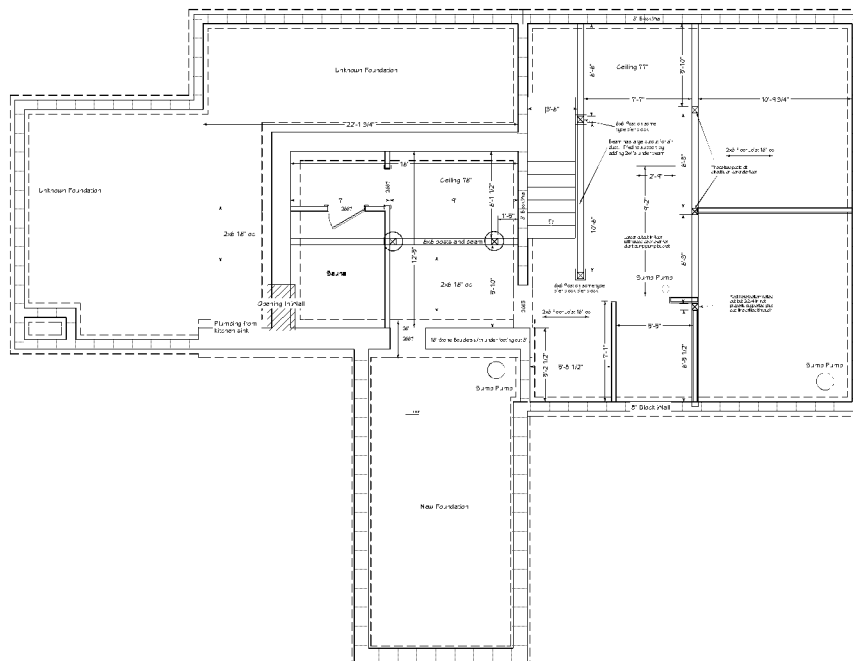
Main Floor Plan



Second Floor Plan



Foundation Plan



DRAWINGS PROVIDED BY:
Bruce Freeman
www.bfreemandesign.com
brucefreeman05@earthlink.net
612-812-2180

Ben Becker
6180 Cathcart Rd
Excelsior

As Built Model Reinforce Foundation Structure

Boyer Building Corp.
3435 County Rd. 101
Minnetonka MN 55345
Bob Boyer 612-685-0101

Bayer

DATE: _____

6/2/2017

SCALE:

1/4" = 1 Foot
Unless Noted

SHEET:

2 OF

**RESOLUTION 2021-141
CITY OF SHOREWOOD
COUNTY OF HENNEPIN
STATE OF MINNESOTA**

**A RESOLUTION APPROVING A VARIANCE TO THE SIDE YARD SETBACK FOR
PROPERTY LOCATED AT 6180 CATHCART DRIVE**

WHEREAS, Ben and Meghan Becker, (the “Applicant”) propose to construct a new house on 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 has applied for a variance to allow that would be 20 feet wide where the zoning regulations require 22 feet; and

WHEREAS, the Applicant’s request was reviewed by the planning staff, whose recommendation is included in a memorandum for the November 16, 2021 Planning Commission meeting, a copy of which is on file at City Hall; and

WHEREAS, the Planning Commission held a public meeting on November 16, 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 November 22, 2021, at which time the planning staff memorandum and the Planning Commission’s recommendations were reviewed and comments were heard by the City Council from the Applicant, staff and public.

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

FINDINGS OF FACT

1. The subject property is located in the R-1A zoning district.
2. Chapter 1201.03, Subd. 7. b. (2) (b) requires all homes to be 22 feet wide for a minimum of 30 feet in length.
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. The Applicant's proposal is identified on the application materials and plans submitted on August 24 and 27, September 15, and October 7, 2021.

CONCLUSIONS

A. Based upon the foregoing, and the records referenced herein, the City Council hereby approves the Applicant's request to construct a home to be 20 feet wide, based on the plans and materials submitted August 24 and 27, September 15, and October 7, 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 unique construction of the home and would be the minimum request to alleviate the practical difficulties. Additionally, the improvements proposed would not inappropriately impact the area, public welfare or other lands/improvements in the area.

C. 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.

D. 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 22nd day of November, 2021.

Jennifer Labadie, Mayor

Attest:

Sandie Thone, City Clerk



City of Shorewood Council Meeting Item

Title/Subject: Urban Farm Animals Discussion

Meeting Date: November 22, 2021

Prepared By: Marie Darling, Planning Director

Attachments: Potential Ordinance Amendments for Urban Farm Animals

Background: In September of this year, the City Council adopted some additional standards for urban farm animals, but listened to concerns from residents regarding nuisance issues like chickens flying out of enclosures and escaping during coop cleanings, etc.

Staff has researched means to contain chickens and other fowl. Below is a summary of the research and recommendations on how to proceed.

Restrict lot size for fowl and increase setbacks to property lines for enclosures and coops. Staff re-reviewed many of our neighboring cities' ordinances for examples on lot area and setbacks to see how other cities regulate them. Minnetonka requires one acre to have any farm animals, including fowl. Chanhassen regulates the number of chickens based on the size of the lot – four for properties under an acre, eight on properties of 1 to 2.5 acres, etc.

Setbacks vary by city, with suburban cities having greater setbacks than urban cities. See next page for a table summarizing the cities' setbacks.

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	Side abutting a street (2 nd front)	Side	Rear	Adjacent Home	Water bodies
Bloomington	50, but not in front yards	30	30	50	
Chanhassen	Same as house	10	10	25	
Chaska	Not in front yard	10	10	50	15
Eden Prairie	Not in front yards	10	10	50	15, not in buffers
Minneapolis	Not in front yards	10	10	20	
Minnetonka	Not in front yards			Farther than from owner's home	
Plymouth	Not in front yard	20	20		Not in buffers
Shakopee	Not in front yard	Not in side yards	10	50	
Shorewood	Not in front yards	10 (in rear yard)	Same as house	Farther than from owner's home	
St. Paul		5	5		

Staff recommendation:

- An increase in the setbacks from the side property lines to at least 30 feet to provide greater distance from the enclosure to the property line to reduce the likelihood an escaped fowl would cross the property lines.
- A minimum lot size of one acre (43,570 square feet) to ½ acre (21,780 square feet) so that the lots are large enough to have space for the enclosures, coops and setbacks.

Require chicken coops and enclosure areas to be fully enclosed with nets or screens to prevent fowl from escaping. Bloomington, Chanhassen, Chaska, Plymouth and Shakopee require enclosures to be fully enclosed or to have nets over the top.

Staff recommendation:

- Add a definition for fowl enclosure/run that requires the confinement area to be fully enclosed with nets or screens on the top.

- Consider adding a minimum size for the enclosure/run based on the number of chickens.

Require wing clipping. None of the other cities that staff reviewed required wing clipping or even mentioned it. I reviewed two websites (Raising Happy Chickens and Backyard Poultry) and it seems very common. It involves trimming the first 10 feathers at the end of one wing so that the bird lacks the balance needed for flight. According to both websites, the practice does not harm or hurt them because the quills lack blood supply and nerves. Because the wing feathers molt and grow back each year, the wing clipping must be repeated annually on the new feathers. Some chicken owners are opposed to wing clipping for aesthetic or ethical reasons.

Staff recommendation:

- No amendments to require wing clipping. While the wing clipping may not harm or hurt the animal, if the City requires the practice staff has to enforce it. City staff does not have the appropriate training or the time necessary to catch each bird and verify wing trimming at each annual inspection. Annual inspections for chickens would be more efficient if the inspectors were able to concentrate on the coop/enclosures and nuisance issues and not check all the chickens.

Additional recommendation:

Add standards for rejecting permit application or revoking permits.
Review standards for applicability to rabbits and bees.

Financial or Budget Considerations: Cost of publishing any additional ordinance amendments and noticing current permit holders.

Next Steps: Subject to Council direction, staff would begin drafting amendments to the ordinance. Some of the above amendments would require a public hearing through the Planning Commission (lot size/setbacks), but others could be approved solely by the City Council (enclosure requirements/wing clipping/permit denial-revocation).



City of Shorewood Council Meeting Item

Title/Subject: Authorization to Prepare Plans & Specifications
2022 Mill & Overlay, City Project 21-11

Meeting Date: Monday, November 22, 2021

Prepared by: Andrew Budde, City Engineer

Reviewed by: Larry Brown, Director of Public Works

Attachments: Overview Map; Proposal; Resolution

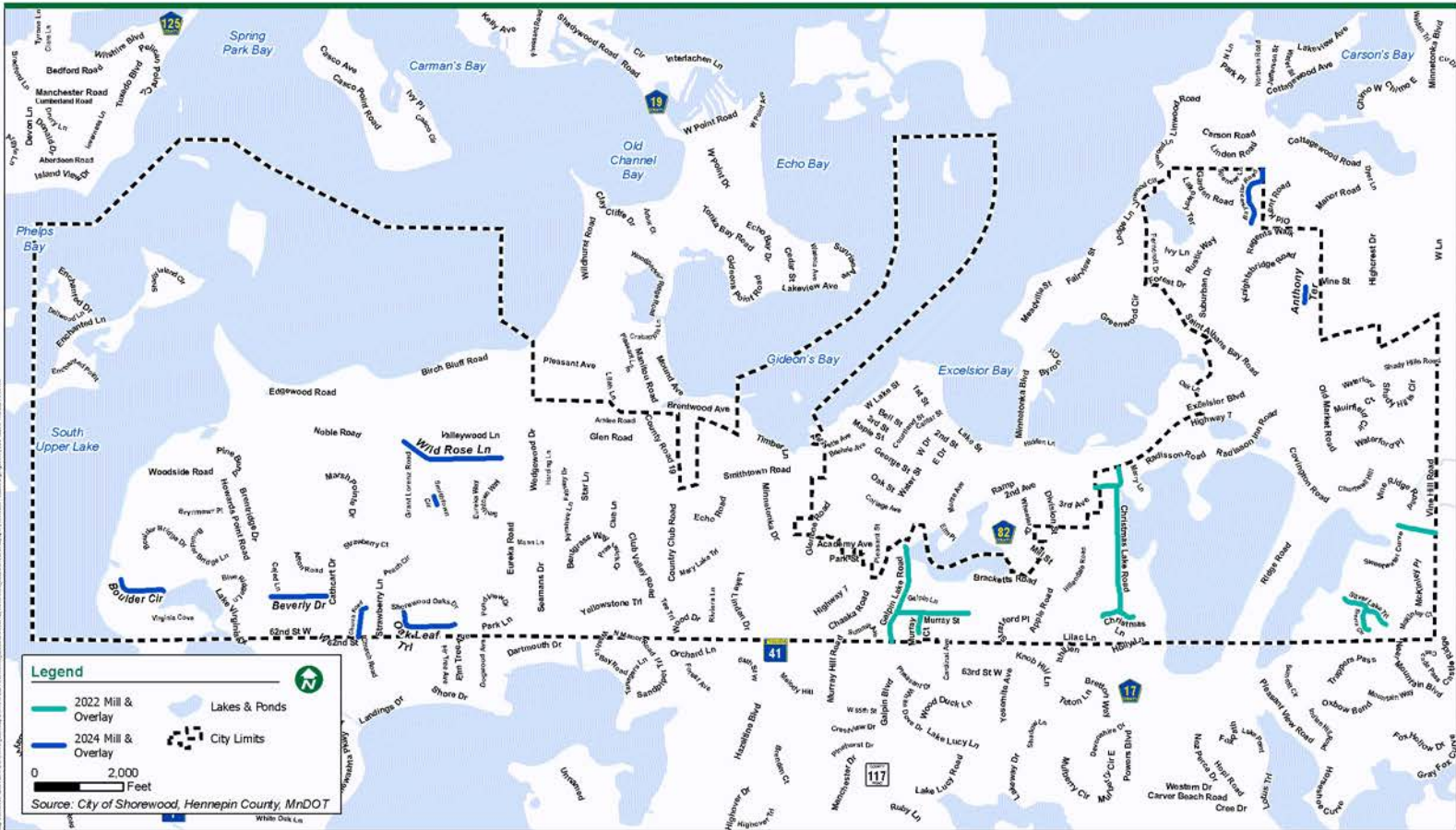
Background: The City of Shorewood has identified a 2022 Mill & Overlay project in the CIP to aid in maintaining and extending the longevity of the existing roadway infrastructure throughout the city. The project includes streets that generally have the poorest pavement ratings and can still benefit from a mill & overlay.

Along with milling and overlaying, the project would include adjusting/repairing watermain valves, sanitary sewer, and storm sewer castings to provide for a smoother ride and help eliminate inflow and infiltration to the sanitary. Where it exists, staff will also review if any concrete curb & gutter needs to be added or replaced. Typically, concrete curb is only replaced with mill & overlay projects if it has significant cracks that are separating vertically or where water sits in the curb and extends onto the bituminous. Staff will also evaluate drainage concerns that have been identified by staff or residents and could reasonably be improved with this project. This could include the addition of curb, bituminous or concrete, in areas where it currently does not exist, addition of mountable curbs across driveways to keep roadway water from draining down driveways, addition of spill ways, flumes or catch basins that can direct storm water to intended locations.

The following roadways proposed to be included are: Silver Lake Trail, Sierra Circle, Christmas Lake Road, Christmas Lake Lane (East & West), Murray Street, Murray Court, Galpin Lane, and the remaining block of Covington Road. The remaining block of Covington Road will include the addition of curb & gutter and trail improvements.

Financial Considerations: Costs for this work have been budgeted for in the Capital Improvement Plan and would utilize a combination of Street Bonds, Water Fund, Sanitary Fund, and Storm Sewer Fund. The city has budgeted \$732,500 for this project. Bolton & Menk has provided a proposal in the amount of \$95,500 to prepare the final plans & specifications and complete construction administration.

Recommendation/Action Requested: Staff recommends the City Council authorize Bolton & Menk to prepare final plans and specifications for the 2022 Mill & Overlay project.





**BOLTON
& MENK**

Real People. Real Solutions.

2638 Shadow Lane
Suite 200
Chaska, MN 55318-1172

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

November 16, 2021

City of Shorewood
Attn: Larry Brown
5755 Country Club Road
Shorewood, MN 55331

RE: 2022 Mill & Overlay – Final Plans & Specifications

Dear Mr. Brown:

As requested, we have prepared a scope of services fee estimate for preparation of Final Plans & Specifications for the 2022 Mill & Overlay (City Project No. 21-11). The project includes the mill & overlay of Christmas Lake Road, Christmas Lake Lane East & West, 3rd Street, Silver Lake Trail, Sierra Circle, Murray Ct, Murray St, and the remaining block of Covington Road.

The City is anticipating to include the 2022 Mill & Overlay project in their CIP with a budget amount of \$732,500. This budget amount includes concept construction estimates and 15% in soft costs for engineering, administration, and legal.

Proposed Scope of Engineering Services

To assist the City with this improvement project, Bolton & Menk proposes the following scope of services:

Final Plans & Specifications – Bolton & Menk will prepare a final plans & specifications for the project. The final design will establish final alignments and profile of curbs as needed, utility and drainage improvements, review and mitigate existing utility conflicts, and establish final construction limits. The final design will detail out all the project information, provide updated project cost estimates, identify project staging, and preliminary project schedules. Throughout the preparation of the final design, Bolton & Menk will coordinate with City staff and provide updates and opportunities for resident input and feedback, as needed. At the completion of the final design, Bolton & Menk will present the plans at a Council meeting seeking approval and authorization to bid the project.

Permitting/Utility Coordination/Construction Administration – Bolton & Menk will coordinate and complete all final permitting requirement for the project which potentially includes Wetland Conservation Act, Riley Purgatory Bluff Creek Watershed District, Minnehaha Creek Watershed District, Minnesota Department of Health, and the National Pollution Discharge Elimination System. We will coordinate with all utilities within the corridor as needed for construction. Bolton & Menk will also provide for construction administration which includes coordination with city and contractor, inspection, survey, tracking of quantities, and preparation of payment applications.

Fee Estimate

Based on the scope of services described above, we propose to complete the Final Plans & Specifications and Construction Administration for the 2022 Mill & Overlay project at an hourly rate, estimated to be **\$95,500**.

Final Plans & Specifications – \$40,500

Permitting/Utility Coordination/Construction Administration – \$55,000

Additional miscellaneous work identified during final design and will be coordinated with the City and will be completed at our normal hourly rates. Fee listed above does not include right of way acquisition/negotiations.

Please let me know if you have questions or need additional information.

Sincerely,

Bolton & Menk, Inc.

A handwritten signature in black ink that reads "And Bud".

Andrew Budde, P.E.
City Engineer

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

RESOLUTION 21-142

**A RESOLUTION AUTHORIZING PREPARING PLANS AND SPECIFICATIONS FOR
THE 2022 MILL & OVERLAY PROJECT
CITY PROJECT 21-11**

WHEREAS, the City of Shorewood approved the 2021 Capital Improvement Plan which includes the 2022 Mill & Overlay project, City Project 21-11; and

WHEREAS, the proposed improvements will help to maintain and extend the longevity of the roadway infrastructure; and

WHEREAS, the project will be funded through a combination of Street Bonds, Water Fund, Sanitary Fund, and the Stormwater Fund; and

WHEREAS, Bolton & Menk has provided a proposal to prepare the Final Plans & Specifications and Construction Administration; and

NOW THEREFORE, IT RESOLVED: that the City Council of the City of Shorewood hereby authorizes Bolton & Menk to prepare the Final Plans & Specifications for the 2022 Mill & Overlay project.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF SHOREWOOD this 22nd day of November 2021.

Jennifer Labadie, Mayor

Attest:

Sandie Thone, City Clerk



City of Shorewood Council Meeting Item

Title/Subject: 2021 Hennepin County Youth Baseball and Softball Facility
Grant for Freeman Park Field 2

Meeting Date: November 22, 2021

Prepared By: Twila Grout, Parks and Recreation Director

Background: Freeman Park Baseball Field 2 footings and posts at center field and left field have become a hazard due to the heaving of the footings. Staff have received multiple safety concerns.

A proposal from Fenc-Co, Inc. for repairing the footings and posts is \$23,500. The proposal includes removing the old footings and posts, installing new posts and footings, removing, and salvaging the fencing and reinstalling the rails and wire.

Staff has applied for the Twins Community Fund's Hennepin County Youth Baseball/Softball Grant program to help offset costs for this project. This grant program is administered by the Minnesota Twins Community Fund staff who review the grants and pay matching grants. The amount requested is \$10,000. The grant is due on November 15 and the grant notification date is December 31.

Minnetonka Baseball Association and Minnetonka Girls Softball Association, have both agreed to donate \$1,000 towards this project.

The estimated timeline for the project: council approval in February/March 2022, construction to begin in April and completion of project by June.

Financial or Budget Considerations: Funds to pay for this project are from Fund 402, but staff proposes to apply for this grant to reduce the impact on other park projects.

Recommended Action: No action is required at this time.

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.*



FENC-CO, INC.

Chain Link and Wood Fence Contractors

Main Office:
1126 Florida Ave. No.
Golden Valley, MN 55427
763-582-0447 *phone*
763-582-0479 *fax*

Yard & Branch Office:
11993 – 205th St. W.
Lakeville, MN 55044
952-469-3580 *phone*

October 14, 2021

Brett Baumann
City of Shorewood
5755 Country Club Road
Shorewood, MN 55331

RE: Freeman Park Ballfield Fence Work

Brett,
My proposal for the fence rehabilitation work as discussed at Freeman Park is below.

Scope of work:

- Remove and salvage 160 feet of 6' high fence at center field.
- Remove old concrete footings and posts from site. Fill voids and compact.
- Install 12' x 2 ½" OD 40 wt posts (salvaged from 12' fence) with 3' of 2" OD welded on bottom. Drive posts 9 ft. deep at smaller spacing to miss old holes.
- Re-install rails and wire - add rail as needed.
- Remove and salvage 160 feet of 12' high fence at left field
- Remove old concrete footings from site (2 ½" posts will be used to reconstruct the 6' high fence at center field). Fill voids and compact.
- Furnish and install 3" OD x 24' 40 wt posts - driven to depth of solid ground - not greater than 12' deep.
- Supply new 3" fittings with salvaged rail
- Re-install rails and wire - add rail as needed (top, middle, and bottom rails)

TOTAL PRICE

\$23,500.00

By: Dan Grossman









City of Shorewood Council Meeting Item

#10. A. 2

MEETING TYPE
Regular

Title / Subject: Nonconforming Dock on property east of 21035 Radisson Road

Resident Requesting Information: Kelly Rogers, 20960 Radisson Road

Meeting Date: November 22, 2021

Prepared By: Marie Darling, Planning Director

Reviewed By: Tim Keane, City Attorney

Attachments: Handout from Kelly Rogers received at the November 8, 2021 meeting

This is an informational request only. No formal Council action is required or appropriate.

Request:

On November 8, 2021, Kelly Rogers spoke at Matters from the Floor and requested their dock be grandfathered or that they should be allowed to submit a request to approve their dock by variance or conditional use permit. They cited a court case between various property owners on a lot further east on Christmas Lake as precedent.

How The Situation Started:

In June of 2021, the City received a complaint that a property owner was renting out dock slips and provided an advertisement they saw on Next Door. The property in question is a 12-foot wide, 2,107 square foot, undeveloped parcel that staff was able to confirm had a dock and two watercraft. The dock, not the property, was owned by Kelly Rogers of 20960 Radisson Road. Staff sent a violation notice to the property owners that indicated that the 1) dock was located on a parcel of property that had no principal dwelling, 2) dock slips are not permitted to be rented out, and 3) all docks must adhere to a 10-foot setback from property lines.

In July of 2021, the property owners requested and received additional time to comply with the requirements. The dock was removed prior to the expiration of the additional 30-days extension the property owner received.



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.*

Review of Processes:

Variances: Variances are requests for flexibility based on specific criteria in the code. In Minnesota, cities may not approve variances to allow uses that are not already permitted by the zoning district. In Shorewood, docks are allowed in all the residential districts only as accessory uses, not as principal uses. Therefore, the use of a variance as a tool to allow a dock as a principal use is not an allowed action.

Conditional Use Permits (CUP): The CUP process is used to review a use that is already listed as an acceptable conditional use in a zoning district. It involves determining the suitability of the use subject to general or specific standards listed in the ordinance. Docks as a principal use are not listed as a conditional use in the R-1C district. As a result, the City cannot approve a CUP for the property on which Ms. Rodgers' dock is located.

Grandfathering: Grandfathering is a colloquial term for non-conforming rights. A legally non-conforming right means that a use or structure was originally allowed, but due to a code change or other legal process, the use no longer conforms to code. By statute, such a use may be continued indefinitely under the parameters in state statute and/or City Code.

A use that was begun and continued without ever having been consistent with code is non-conforming and has no rights under statute to be continued.

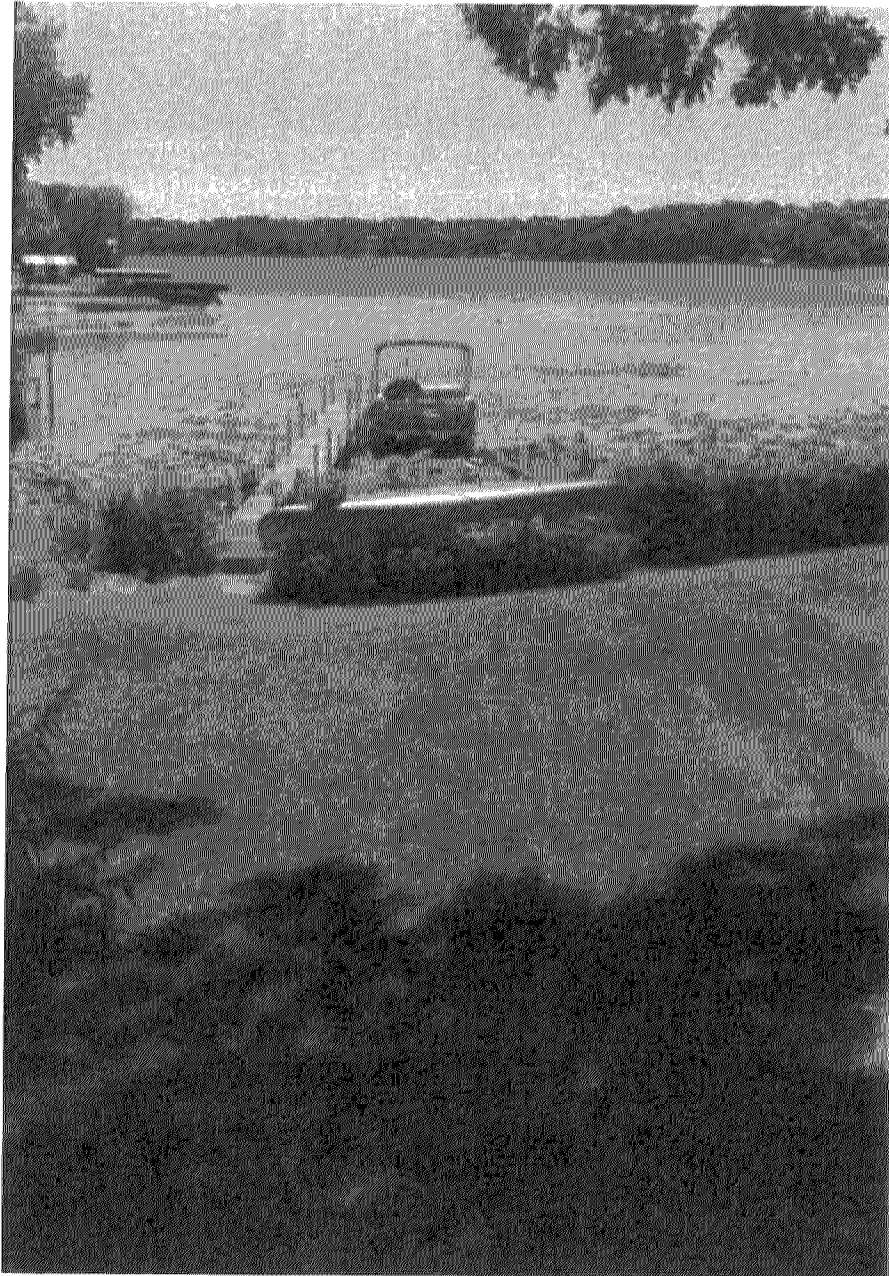
Rights to Property:

The property is owned by William & Susan Gerberich who own and live at the property next door at 21035 Radisson Road (see attached map). The property in question is a 12-foot wide, 2,107 square foot, undeveloped parcel with no principal use.

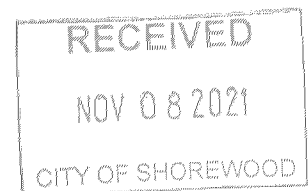
The dock owner has an easement for outlet to Christmas Lake but has not produced a dock easement showing the right to install a dock. The outlet easement to Christmas Lake was granted in 1948. When the properties along the north side of Christmas Lake developed, the covenants applied to the property further defined which parcels in the development were allowed to have docks and the subject parcel was excluded.

Court Case Cited: The court case cited by Ms. Rogers (1993, Roy Eugene Ahern v. Stephen L. Larson, Et. Al. and Paul Q. Aubrecht, Patrice M. Aubrecht) concerning lots along Christmas Lake, did not include the City of Shorewood. It was a private lawsuit between property and easement owners to determine what and where on the property their rights pertain. Additionally, the following sentence was included in the determination of the case: "In addition, there is nothing which purports to supersede any applicable local law on the subject."

REQUEST TO GRANDFATHER DOCK
DEED DOC No 275968



2021



ATTACHMENT /

From: Greg Lerud
Sent: Tuesday, October 26, 2021 8:47 AM
To: Kelly Rogers
Cc: Jennifer Labadie; kellyrogersbiz@gmail.com
Subject: RE: Dock Access at 20960 Radisson Rd, Shorewood

Kelly,

I spoke with the city attorney. He has reviewed the information you provided, and he said that there are no grandfather rights to use the dock on Christmas Lake. He also said the issue could not be addressed through a conditional use or variance process, and that the dock is not allowed on the property.

I realize this is not the answer you wanted, and there is not much that can be done, but please let me know if you have any questions.

Greg

From: Kelly Rogers <rogerskelly@earthlink.net>
Sent: Monday, August 16, 2021 10:12 AM
To: 'glrud@ci.shorewood.mn.us' <glrud@ci.shorewood.mn.us>; 'Marie Darling' <MDarling@ci.shorewood.mn.us>; 'Emma Notermann' <ENotermann@ci.shorewood.mn.us>
Cc: 'Jennifer Labadie' <JLabadie@ci.shorewood.mn.us>
Subject: New Information on Code Violation 21035 Radisson Rd
Importance: High

Greg, I wanted to again thank you for your time and confirm the dock has been removed from the access connected to my property.

I also wanted to get an idea of when the City Attorney might review the documents I submitted re: Minnesota Statute § 462.357, subd. 1e (2012)—Grandfathering in Cities and Towns with Zoning.

I know we have some time but would like to keep moving forward for the sake of all my neighbors and the other access holder.

As I mentioned this has been stressful for my neighbors on the right, Bill and Sue Gerbrich who have received all the correspondence.

I also just received a very concerned voice message from the neighbor to my left, Al Peterson, who is in his late 80s, about how he is willing to go to the city to get this cleared up, when he saw the dock being removed. Of course, I know that isn't necessary.

So any assistance is appreciated. Have a great week. Kelly Rogers

Certificate of Title

Certificate Number: **1225611**

Document Number: **4519011**

Transfer From Certificate Number: **788898**

Originally registered the 8th day of June, 1948.

Book: **426** Page: **130709**

Dist. Court No.: **8740**

State of Minnesota
County of Hennepin

} s.s.

REGISTRATION

This is to certify that

Kelly E. Rogers or successor, as Trustee, of the Kelly E. Rogers Revocable Living Trust, dated April 7, 2008, whose address is 20960 Radisson Road, Shorewood, Minnesota, 55331 is now the owner of an estate in fee simple

of and in the following described land situated in the County of Hennepin and State of Minnesota,

Parcel No. 1: Lot 27, Auditor's Subdivision No. 175, Hennepin County, Minnesota

Parcel No. 2: That part of Lot 34, Auditor's Subdivision No. 175, Hennepin County, Minnesota described as follows: Commencing at a point 980 feet South and 460 feet West of the Northeast corner of Section 35, Township 117, North of Range 23 West; thence North 40 degrees West 23.3 feet to the point of beginning of the land herein to be described; thence North 180.2 feet to a point thence North 41 degrees 50 minutes West 51.8 feet; thence South 16 degrees 55 minutes West 137.5 feet; thence South 40 degrees East 115.3 feet to the point of beginning.

Subject to easements over and along the Southeastern boundary line of said Parcel 1 created in Book 1094 of Deeds, page 559 in the office of the Hennepin County Recorder, but free from all easements created therein along the Northeast Boundary line of said Parcel, See Order Document No. 2348051, (as to land in Par 1)

Together with an easement over a part of Lot 195 Auditor's Subdivision Number One Hundred Twenty (120), Hennepin County, Minnesota described as follows: an easement 12 feet wide along the East line of Lot 195 Auditor's Subdivision Number One Hundred Twenty (120) said 12 feet lying Westerly and adjacent to the East line of said Lot One Hundred Ninety-five (195) and beginning at the intersection of the Easterly line of said Lot 195 with the Northerly shore line of Christmas Lake; thence running Northerly a distance of 201.9 feet to the Southerly line of an existing highway as shown in deed Doc No 275968;

Eva Clara Hirschy reserved the right to use said easement for the use and benefit of the premises owned by Eva Clara Hirschy lying Northerly of said highway hereinbefore referred to and for the use and benefit of her heirs, survivors and assigns of said premises. The purpose of said easement being to provide an outlet to the premises decribed in Parcels 1 and 2 and the premises of Eva Clara Hirschy lying Northerly of said Road to Christmas Lake, as shown in deed Doc. No. 275968;

Subject to the interests shown by the following memorials and to the following rights or encumbrances set forth in Minnesota statutes chapter 508, namely:

1. Liens, claims, or rights arising under the laws or the Constitution of the United States, which the statutes of this state cannot require to appear of record;
2. Any real property tax or special assessment;
3. Any lease for a period not exceeding three years, when there is actual occupation of the premises under the lease;
4. All rights in public highways upon the land;
5. Such right of appeal or right to appear and contest the application as is allowed by law;
6. The rights of any person in possession under deed or contract for deed from the owner of the certificate of title;
7. Any outstanding mechanics lien rights which may exist under Minnesota statutes sections 514.01 to 514.17.

MEMORIALS

Document Number	Document Type	Date of Registration Month Day, Year Time	Amount (\$)	Running in Favor of
3583665	Mortgage	Aug 05, 2002 10:00 AM	82,206.00	TCF National Bank, City of Minneapolis, State of Minnesota
3619192	Modification Agreement	Oct 22, 2002 11:00 AM		Between Kelly E. Rogers and TCF National Bank re Mtge Doc No 3583665



11 July, 2021

Emma Notermann
Planning Technician
City of Shorewood
5755 Country Club Road
Shorewood, MN 55331

Re: Notice of City Code Violation for Property next to 21935 Radisson Rd
(Parcel ID 3511723110050)

To Whom it May Concern,

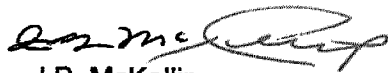
In November of 1974, I purchased my home located at 21020 Radisson Road, Shorewood, MN 55331. I have owner occupied the property from the time of purchase to date. My property is also subject to a recorded deed of access easement to Christmas Lake.

When I purchased the property in 1974, there was a dock already present and established in the water on the access, which I maintained for several years and it continues to be maintained.

For nearly 47 years there has been a dock on my easement with no complaints to my knowledge until recently. I believe by the number of years alone that the dock has been here, it would qualify for Grandfather Rights and be a non-issue .

I've always tried to be a good neighbor and be in good standing with my community and hope we can work together to bring this to a mutually agreeable conclusion.

Sincerely,



J.B. McKellip
21020 Radisson Road
Shorewood MN 55331
612-242-7913

Kelly Rogers

ATTACHMENT 6

From: Kelly Rogers <kellyrogersbiz@gmail.com>
Sent: Wednesday, August 4, 2021 6:50 PM
To: Kelly Rogers
Subject: FW: Dock

Sent from Mail for Windows 10

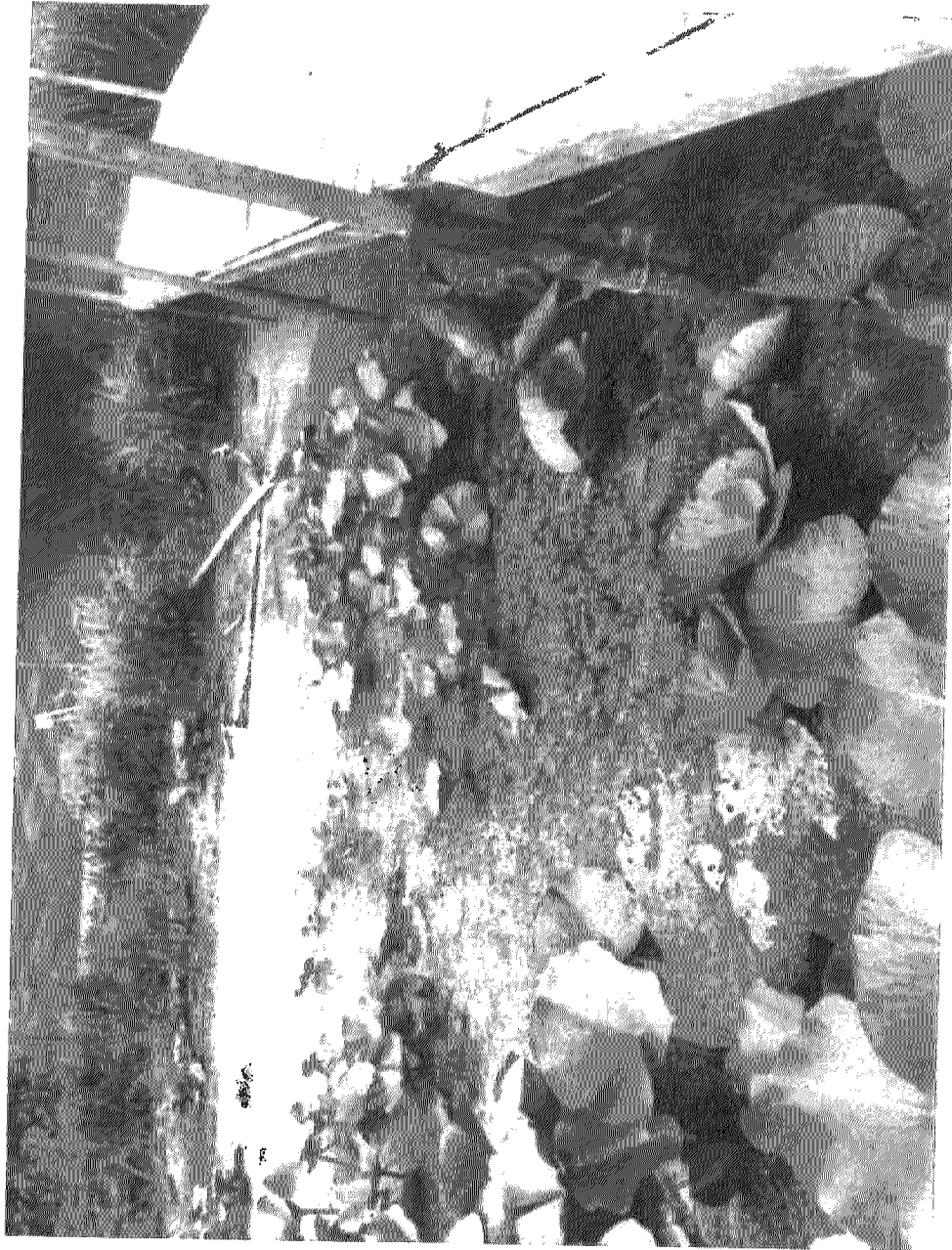
From: Andre Arsts
Sent: Wednesday, August 4, 2021 4:57 PM
To: kellyrogersbiz@gmail.com
Subject: Dock

Hi Kelly,
I did live at 20960 Radisson Inn Rd from approximately 1972-1990 with my parents.
We always had a dock on the deeded access to the lake that went to our house property.
Please let me know if you need anything else.

Best,
Andre Arsts

Sent from my iPhone

Shoreline 1



Shoreline 2



Shoreline 3



RADISSON RD

LOT 11 EASEMENT CASE

In the 1920's, the Radisson Hotel Company purchased the Inn and renamed it the Radisson Inn. Mrs. Simon Kruse, proprietor of the Radisson Hotel in Minneapolis and her cousin Belle Bazell renovated and enlarged the main building to include a 240 foot veranda and 40 rooms, complemented by a dining room that could seat 250 guests. The inn hosted Saturday night dances and was a popular spot for Sunday dinner and business functions.

In 1934, the great depression forced the sale of the Radisson Inn to Lou Cohn, a New York entrepreneur. Enhancing both revenue and the Inn's reputation as a party place, he positioned the Inn as a *night club*, immediately adding a liquor license, gambling casino, slot machines, dice tables and roulette. The neighbors strongly objected to the gambling and most of the equipment was moved out after 18 months.

On May 3, 1936, before the season opened, 200 employees from the Maurice Rothchild Company, a Minneapolis business, partied until 2 AM. At 4 AM the housekeeper was awakened to the smell of smoke. She tied sheets and blankets together and let herself down from her 3rd floor room, running a ¼ of a mile to the home of the caretaker. The Excelsior Fire Department was called but could not save the main building and by noon only two chimneys remained. All the cottages were saved and perhaps the grandest of all of them was located at 5580 Shore Road and was purchased in the early 1940's by Laura and Milton Seifert. On May 6, 1965 a tornado destroyed and/or severely damaged all the cottages located on Shore Road and Radisson Inn Road. Today, four of the original cottages remain largely as they looked in 1940. These properties include: 5550 Shore Road, 20485 Radisson Inn Road and 20525 Radisson Inn Road. The three homes on Radisson Inn Road are two of the 14 Lot 11 Radisson Inn Addition Properties.

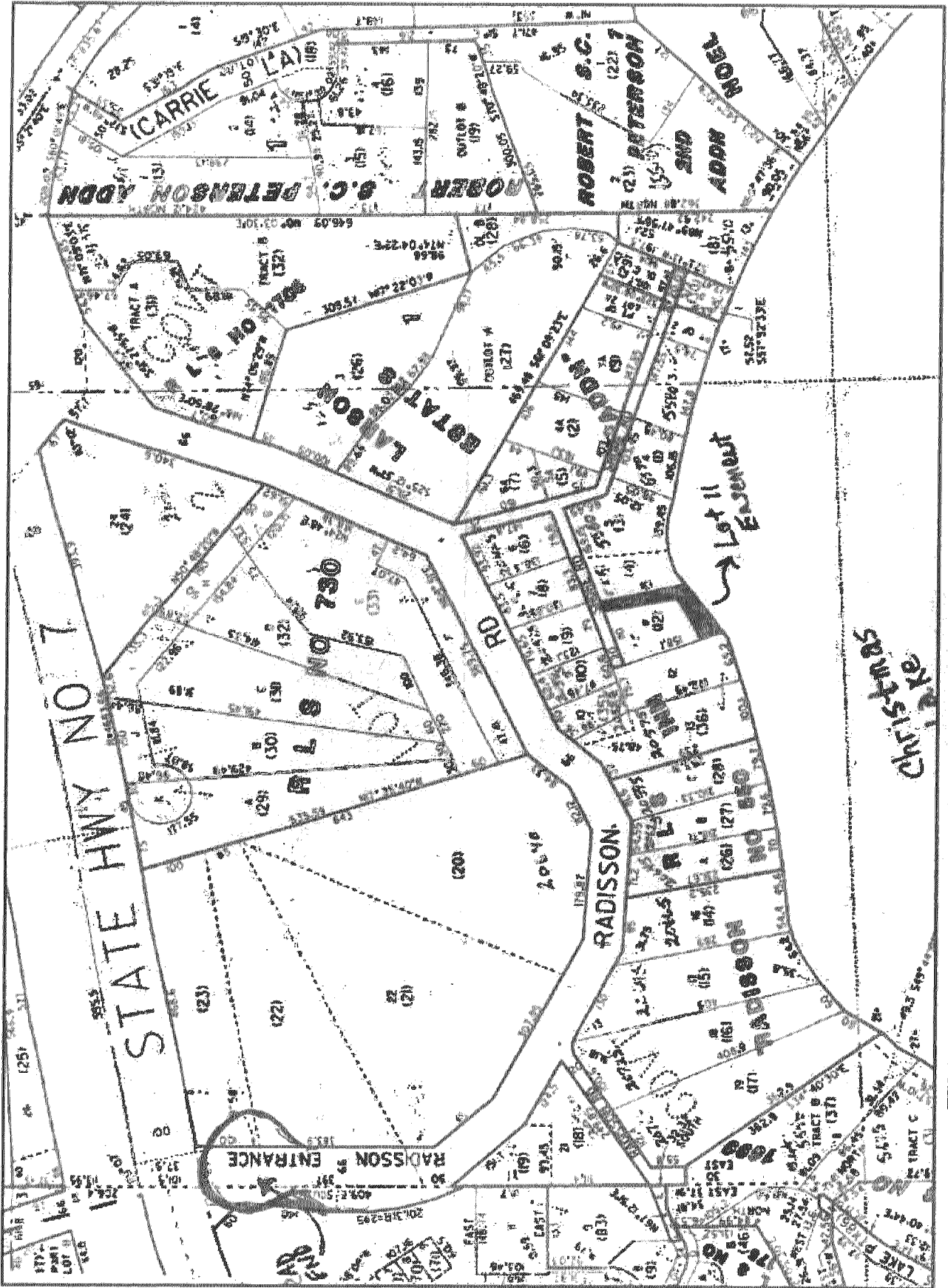
Beginning in the late 1970's and continuing for approximately 25 years, legal challenges were made by various neighbors against the property owners of Radisson Inn Addition Properties. Easement owners were successful at the District Court and Appellate Court levels, resulting in specific deeded lake access easement boundaries being defined on Lot 11, and affirming the beach and lake area rights of easement owners to use the shared dock and the full lake shore on Christmas Lake for general and recreational purposes.

More specific information on the legal history, the recreational history, specific properties and property owners can be found through the review and study of the proprietarily, Radisson Inn Addition Properties document entitled, "Frequently Asked Questions", the FAQ's.

May 2013

Return to
"About Lot 11"

Plat of Radisson Inn Addition Properties



Map of the Radisson Road area, provided by City of Shorewood.
Approximate area of Lot 11 Easement area is drawn in.