

MINUTES

1. CONVENE CITY COUNCIL REGULAR MEETING

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

A. Roll Call

Present: Mayor Zerby; Councilmembers Johnson (arrived at 7:02 p.m.) Labadie, Siakel, and Sundberg; City Attorney Keane; City Administrator Lerud; City Clerk Thone; Finance Director Rigdon; Planning Director Darling; Director of Public Works Brown; and City Engineer Budde

Absent: None

B. Review Agenda

Mayor Zerby noted that staff had asked that item 7A. be removed from the agenda, at the request of the applicant.

Labadie moved, Sundberg seconded, approving the agenda as presented. Motion passed 4/0.

Councilmember Johnson arrived at the meeting.

2. CONSENT AGENDA

Mayor Zerby reviewed the items on the Consent Agenda.

Sundberg moved, Labadie seconded, Approving the Motions Contained on the Consent Agenda and Adopting the Resolutions Therein.

- A. **City Council Work Session Meeting Minutes of December 9, 2019**
- B. **City Council Regular Meeting Minutes from December 9, 2019**
- C. **Approval of the Verified Claims List**
- D. **Open Book Meeting Date, RESOLUTION NO. 20-001, "A Resolution Setting the Open Book Meeting."**
- E. **Accept Arctic Fever Event Donations from: American Legion Post 259 and Clarence Clofer Auxiliary Unit 259, RESOLUTION NO. 20-002, "A Resolution Accepting Donations to the City of Shorewood 2020 Arctic Fever Event."**
- F. **Council Out of State Travel Policy Annual Review**

CITY OF SHOREWOOD REGULAR COUNCIL MEETING MINUTES

January 13, 2020

Page 2 of 12

- G. **Mileage Rate Reimbursement**
- H. **Approve Water Efficiency Grant with Met Council, RESOLUTION 20-003, “A Resolution Approving a Contract with Metropolitan Council for a Water Efficiency Grant.”**
- I. **Approve Seasonal Hires: Ice Rink Attendants**
- J. **Appointment of City Election Judges for 2020 Elections, RESOLUTION NO. 20-004, “A Resolution Appointing 2020 Primary and General Election Judges and Establishing an Absentee Ballot Board.”**
- K. **Year End Report for Deer Management, AIS Program, and Mosquito Control District**

Motion passed 5/0.

3. MATTERS FROM THE FLOOR

Kathy Ottum, 30 Lilah Lane, Tonka Bay, stated that she has a few questions regarding the feasibility report the City received regarding the proposed holding pond in her area. She asked if the entire Council and all staff had a chance to study the feasibility study. She stated that at the November 23, 2019 meeting, Councilmember Siakel had asked the City Administrator to look into alternative solutions if the City could not put the holding pond on the proposed site. She asked what had been done so far looking at the alternatives and stated that she would like to know the intent of the Council.

City Administrator Lerud stated that as of this date, nothing further has been done. He stated that the next step staff took from that meeting was to move towards completing the archeological investigation. He stated that the City is looking to receive a proposal from Bolten and Menk to do that investigation, but noted that the snow has to be off the ground in order for them to conduct the investigation.

Ms. Ottum asked why the archeological study was initiated. Lerud said the studies are required by statute and have been done on the proposed island road project as well. He said they are done to ensure the proposed work does not impact any archeological sensitive areas. For this particular project, the city wants to determine if there are any archeological impacts to the area proposed for the storm water pond before moving toward final design, should there be no other alternative.

Matt Doepke, 20350 Excelsior Boulevard, stated that he appeared before the Council on October 28, 2019 when he proposed a change to the short-term rental licensing in the City. He asked if there had been any progress made with his proposal. He noted that since he last appeared before the Council, he had conducted a bit more research on short-term rental licenses. He explained some of the background of the history of the short-term rental business models such as Home Away, VRBO and AirBnB. He shared some reasons that he thinks having a short-term rental ordinance would benefit the City. He noted that if there are family or friends coming to visit, the nearest hotels are in either Chaska or Wayzata and they are very expensive. He noted that in doing his research, he came across Prior Lake who implemented a short-term rental ordinance

CITY OF SHOREWOOD REGULAR COUNCIL MEETING MINUTES

January 13, 2020

Page 3 of 12

and things have gone really well for them. He reviewed some of the key points of their ordinance and asked that the Council to consider creating an ordinance similar to Prior Lake that allows short-term rentals in the City. He distributed copies of his research as well as information on Prior Lake's ordinance.

Mayor Zerby noted that the Council will take his information under consideration. He stated that Mr. Doepke is the first person to come before the Council with this request and stated that it would be nice to see some additional support from other residents.

Councilmember Labadie noted that there is a hotel in Chanhassen and a bed and breakfast in Excelsior. She stated that if the City decides to pursue this further, she would like staff to look into the annual fee charged by Prior Lake and how many man hours were required to inspect the homes. She stated that she would also like to know who would enforce the restrictions that may be put on street parking and watercraft parking. She stated that she would like someone to follow up with Prior Lake to see if this has caused any sort of burden on their city with these types of staffing issues.

Councilmember Siakel stated that she agrees with Mayor Zerby that she would like to see if there is additional interest from other residents. She stated that she has had more residents give her feedback that they do not want short-term rental properties in the City.

Councilmember Sundberg stated that she appreciated the time that Mr. Doepke has spent researching the issue and bringing the Council some ideas that may help it work in the City. She noted that she has concerns about frequency and terms for the short-term rentals.

- 4. PUBLIC HEARING - NONE**
- 5. REPORTS AND PRESENTATIONS - NONE**
- 6. PARKS - NONE**
- 7. PLANNING – NONE**
- 8. ENGINEERING/PUBLIC WORKS - NONE**
- 9. GENERAL/NEW BUSINESS**
 - A. Annual Appointments and Designations for 2020**

City Clerk Thone explained the Council makes annual appointments and designations and the 2019 appointment information was included in the Council packet.

Councilmember Siakel noted that Mayor Zerby has a great attendance record and the need for an Acting Mayor has only arisen a few times. She stated that she would be happy to allow one of the other Councilmembers to serve in this position if they would like to.

Councilmember Labadie stated that she would like the opportunity to serve as Acting Mayor.

Siakel moved, Sundberg seconded, Adopting RESOLUTION NO. 20-006, "A Resolution Designating the 2020 Annual Appointments to Certain Offices and Positions Within the

CITY OF SHOREWOOD REGULAR COUNCIL MEETING MINUTES

January 13, 2020

Page 4 of 12

City of Shorewood, with the revision that Councilmember Labadie will serve as Acting Mayor.” Motion passed 5/0.

B. Recycling Committee Proclamation

City Administrator Lerud noted that a few members of the Recycling Committee attended a recent Council work session to explain what they had been working on. He asked Councilmember Sundberg to explain the proposed proclamation.

Councilmember Sundberg reviewed the most recent proclamation. She commended Recycling Committee Chair Joe Schneider and the whole committee for doing excellent work

Siakel moved, Sundberg seconded, accepting the amended Recycling Proclamation as presented. Motion passed 5/0.

C. Request for More Time to Correct a Code Violation

Planning Director Darling stated that on September 4, 2019, the City received a complaint from residents alleging that the property owners of 1010 Holly Lane had removed a tree and used the pieces to construct dams and place obstructions in a stream that runs through their property. She noted that a summary of the violations, the inspections and enforcement actions that have been taken is included in the staff report. She stated that the property owners' legal counsel submitted a request for additional time. She stated that staff is recommending that the Council not allow additional time to correct the code violation due to the weather conditions that are needed to clear the obstructions.

Paula Callies, 4272 Dahlberg Drive, Golden Valley, stated that she is representing the property owners and that they are unable to attend tonight's meeting. She stated that she feels her clients are entitled to a hearing to address the merits of the allegations. She stated that tonight she is simply asking for more time on behalf of her clients. She stated that the staff reports refer to a complaint made about some things that happened in 2018 which leads to her opinion that there is not a particular sense of urgency in this situation. She stated that her clients were sent a notice in December, right before the holidays, when her clients were not in town and noted that she believes both the complainants and the City were aware of. She noted that her clients did contact the City via e-mail as soon as they received the notice. She stated that her clients will be back in February and have requested additional time so they can meet face to face with staff upon their return to discuss the issue. She stated that she does not feel it is clear what the City would like her clients to do to address this issue and stated that her clients feel the situation has been exacerbated by neighboring properties as well. She reiterated that they are requesting additional time in order to meet with staff when they return to town in February.

Councilmember Sundberg asked when the Fields would be back in town. Ms. Callies stated that they will be back on February 27, 2020. Councilmember Siakel asked if the Fields had received the original notification prior to leaving town. Ms. Callies stated that they received it after they left town and noted that they had left in September of 2019. She stated that they feel there are larger issues that need to be investigated for the drainage in the whole area.

Michael Nicklow, 1030 Holly Lane, stated that they have lived here for 10 years and have never had problems with drainage until the spring of 2019. He stated that his property is basically a natural amphitheater because of the topography. He gave an overview of the usual route of the

CITY OF SHOREWOOD REGULAR COUNCIL MEETING MINUTES

January 13, 2020

Page 5 of 12

draining water on Holly Lane. He stated that he had contacted the City in March of 2019 and Public Works Director Brown sent out a truck to clear the culvert but were unable to clear it. He stated that then Public Works Director Brown sent out a pump to pump down the water level and it operated for days. Mr. Nicklow stated that he contacted Mr. Fields at this time and told him the culvert needed to be cleared so his home at 1030 Holly Lane would not sustain any further damage. He stated that Mr. Fields was not concerned about his property, but told him that it was illegal for him to dump his water on Mr. Fields property. He stated that Mr. Fields told him that he would be responsible for any damage to 1010 Holly Lane. He stated that when the culvert was eventually cleared, they found large pieces of cut tree, branches and other debris and the natural water was once again moving freely through the culvert, as designed. He stated that a neighbor told him that Mr. Fields was filling the culvert back up. He stated that his yard became extremely saturated and the water started approaching their home. He stated that he is concerned about the foundation of his home with the water. He stated that he wanted to thank Planning Director Darling for her response in this situation. He stated that he is requesting that the Council deny the request to extend the time to resolve this issue and restore the culvert back to its original state.

Tom Hayes, 21135 Christmas Lane, stated that the first time it was discovered that Mr. Fields had stuffed the culvert, Mr. Fields response was that he did not want the water going under his home. He stated that it is disturbing that one neighbor has chosen to divert the water and damage the other neighboring properties. He stated that Mr. Fields has taken the same actions twice and is now asking for time to talk to the City. He reiterated that this is one neighbor doing something that purposefully inflicted damage on the other neighbors and he does not feel this is right. He asked that the Council deny the request for additional time and insist that Mr. Fields follow the law.

Planning Director Darling stated that she had one correction to what Mr. Hayes stated and that is that the culvert that was cleared was not on City property, but on private property.

Ms. Callies stated that she wanted to object to the inflammatory comments made by Mr. Hayes. She stated that what the Council is being asked to do today is to allow the Fields additional time to address the situation. She stated that the Fields deserve the right to discuss this situation with the City. She stated the Fields believe there has been diversion of water to their property as a result of construction projects in the area and filling in wetlands nearby. She stated that she questions whether this issue is within the City's purview or whether it should be handled by the Minnehaha Creek Watershed District.

Greg Elliott, 1050 Holly Lane, explained the usual drainage pattern in the area. He stated that he personally observed Mr. Fields cutting down a tree and then creating three dams across the stream on his property. He stated that this action caused property damages including flooded basements. He noted that he believes there is some misinformation included in the Council packet. He stated that he has lived next to Mr. Fields for twenty years and his tactics during this time have been what he refers to as delay and deceive. He stated that he built a house over the last four years and believes that Mr. Field called the City a minimum of thirty times and caused a lot of problems for the developer and the landscaper. He stated that the information submitted by Mr. Fields in the packet is full of inaccuracies and accuses him and his builder and landscaper of many things that just did not happen. He stated that he feels Mr. Fields is once again using the tactics of delay and deceive. He stated that he is asking the City not to grant the request for a delay because they would like to see the stream cleared especially because nobody knows what the spring thaw will bring.

CITY OF SHOREWOOD REGULAR COUNCIL MEETING MINUTES

January 13, 2020

Page 6 of 12

Joe Schneider, 21125 Christmas Lane, stated that his former residence was where the run off stream entered Christmas Lake at 1035 Holly Lane. He stated that he lived at that property for nineteen years and during that time there was no change to the flow of water until last year when the alleged activities by Mr. Fields happened. He stated that neighbors saw it being done and there is no question in their minds as to what happened and what changed. He stated that he was involved after the first go around with this issue and noted that he had spoken with the watershed district to ask them if there was a permit issued for Mr. Fields to dam the area and they said no and that they would not have allowed it. He stated that he feels the watershed district washed their hands of this situation because it was done without a permit. He stated that this is not “news” or new information to Mr. Fields and he does not support allowing additional time to come into compliance.

Councilmember Sundberg asked if Planning Director Darling had any conversations with the watershed district. Planning Director Darling stated that the watershed district replied in writing to a request for enforcement action that the homeowners requested. She stated that she has talked with them about it and because there is not a delineation for the 1010 Holly Lane property, they did not feel it was within their jurisdiction to take action.

Mayor Zerby stated that last year was an outlying year in terms of weather pattern because there was a lot of rain and the City dealt with pumping multiple areas of water throughout the City. He stated that there were problems all over the City last year so he cannot say that the problem is solely related to the logs being placed in the culvert. He stated that it may have been a part of the reason for the problem, but may not have been “the” reason. He asked about the fire lane near 1010 Holly Lane. Planning Director Darling noted that Chanhassen may not call it a fire lane, but it is dedicated public access. She noted that the 1996 drainage map included in the packet would show some of the culverts and drainage patterns in the area.

Mayor Zerby stated that he approaches these situations cautiously when neighbors come with what they think will fix the problem, because sometimes these situations are more complex than they appear. Councilmember Sundberg stated that she disagrees because there are witnesses that saw Mr. Fields put debris into the culvert.

Councilmember Siakel asked Public Works Director Brown if his crew had cleared the culvert last spring and if so, what kind of material they found. Public Works Director Brown stated that he received a call from the residents at 1030 Holly Lane who told him that their house was in danger of flooding because water was not flowing through the culvert. He stated that they had a crew in the area with the jetter, which is what is used to open up frozen culverts. He stated that they had assumed the culvert was frozen because there was quite a substantial layer of ice that was on top and had pooled up near the driveway. He stated that they attempted to jet the culvert out but were unsuccessful and were not able to determine what was blocking it at that point. He stated that then they proceeded to pump the area to clear the water. He noted that after the pump had been placed, he went out and took a look and determined by a visual inspection, the water was close to the residents at 1030 but he felt it would only effect their driveway and would not enter their home, so they planned to remove the pump. He stated that the homeowner at 1030 Holly Lane requested that the City leave the pump in place until there was need for it elsewhere in the City. He explained that they allowed that over the weekend but then removed the pump.

Planning Director Darling stated that when she walked the property, she noticed that what had been a defined drainage way now has a significant amount of debris. She stated that she could

CITY OF SHOREWOOD REGULAR COUNCIL MEETING MINUTES

January 13, 2020

Page 7 of 12

not see all the way through the culvert but noted that there was a trickle of water coming through consistent with what would be expected at that time of year.

Mr. Nicklow presented the Council with pictures of what was removed from the culvert and the elevation of the water. Mayor Zerby asked when the material was removed from the culvert. Mr. Nicklow stated that he believes it was March 19, 2019.

Councilmember Sundberg asked Mr. Elliott to return to the podium. She asked him to describe what happened when he allegedly witnessed Mr. Fields putting the debris into the culvert. Mr. Elliott stated that he witnessed it two separate times. He explained that it happened throughout the summer of 2018 after Mr. Fields felled a large tree, cut it into smaller pieces and made a series of three dams downstream of the culvert. He stated that he witnessed him do this from his driveway and saw Mr. Fields attempt to hide behind the bushes because he did not want people to see him putting in the dams. He stated that in the spring of 2019, the drainage problems began and Mr. Fields was aware of it because he had a caretaker that was out with a phone camera surveying the situation. He stated that after the pump was taken out, Mr. Nicklow hired a backhoe to come and remove the debris from the area near the culvert so the water could once again flow freely. He stated that again during the summer of 2019, he witnessed Mr. Fields putting debris into the stream, which appeared to be a lot of the same pieces of the tree that had been removed the previous spring. He stated that his son made a video tape of some workers that Mr. Fields hired to come out and do the work. He stated that he had submitted that to the City. He reiterated that he feels that Mr. Fields knows exactly what he is doing and really does not believe that action should be delayed because he will just continue to argue that he feels he is in the right to be able to do this.

Ms. Callies stated that she feels it is grossly unfair to be conducting a trial here without Mr. Fields being present. She explained her interpretation of the City Code that Mr. Fields would have the right to an administrative hearing. She stated that the residents are characterizing Mr. Fields in a very negative manner and thinks it is important to note that at one time all of these neighbors were friends and there has been a falling out. She stated that she echoes Mayor Zerby's comments and noted that this situation suggests a neighborhood dispute with personal issues. She asked the Council to read the City Code that is being discussed because she believes it is important. She stated that she asked for a copy of the map that is referred to in the City Code, but what she was sent is the copy that was included in the packet from 1971 with little green blobs. She stated that she feels this map is very vague and noted that her clients have presented other documents to show the natural drainageway in the area. She stated that there is a complicated drainage pattern and issue in the area. She stated that it appears as though there is some retaliation in the complaint as a result of Mr. Fields expressing concerns about construction on the adjacent property. She reiterated that they are just asking for an extension of time in order to address the issue and explain the situation to the City.

Councilmember Siakel stated that she is not clear as to why the Fields cannot make a phone call to explain their situation and asked why they are asking to wait until the end of February. She stated that she does not understand why there is not more of a sense of urgency on their part. Ms. Callies stated that they have been in communication with the city but Planning Director Darling's response has been "no". Planning Director Darling stated that was not correct. She stated that she said it would not be appropriate to wait until the end of February to meet. She stated that she gave them an open schedule over the next two weeks, where she would be happy to meet with them on all but one day.

CITY OF SHOREWOOD REGULAR COUNCIL MEETING MINUTES

January 13, 2020

Page 8 of 12

Ms. Callies stated that she feels it was a bit unclear because Planning Director Darling said she is willing to meet in the next two weeks, but yet the recommendation in the packet was that the Council not agree to an extension.

Councilmember Labadie stated that the violation notice was sent and a deadline was given to clear the obstruction. She stated that the deadline has come and gone and now to request additional time, the property owner must show that they are unable to correct or abate the code offense in that time frame. She stated that she does not feel Ms. Callies has shown the Council any reason why the Fields are unable to correct or abate this code offense. She stated that there are statements prepared by the City staff stating that waiting until spring thaw or thick snow will complicate the clean-up.

Ms. Callies stated that they are unable to correct or abate the situation because they are not in the State and they also do not agree that there has been a violation. She stated that if there were a citation issued, the Fields would have the opportunity to challenge that determination at an Administrative Hearing. She stated that the Council has the discretion to make the decision to grant a short extension of time so that this bigger issue can be discussed. She stated that the ground is frozen and there is already snow on the ground which she feels gives some latitude to allow for an extension of time.

Councilmember Labadie stated that there are many property owners in the City that winter elsewhere. She stated that she does not feel that can be used as an excuse not to follow the rules in the City.

Councilmember Siakel stated that Mayor Zerby is correct that there have been many people coming before the Council regarding drainage issues and the City has taken some significant actions to address them. She stated that she is not in favor of allowing an extension to the end of February simply because the Fields are out of town because she does not feel that is a compelling enough reason. She stated that it may be possible that there is more than one issue causing the drainage issues, but noted that the debris in the culvert seems to have contributed.

Ms. Callies stated that there is no date on the picture submitted by Mr. Nicklow and noted that the Fields have submitted a picture that shows silt and debris moving down from the property above them. She stated that the Council is assuming the information presented by Mr. Nicklow is correct and she does not think that is what the Council should be determining tonight. She reiterated that the Fields are asking for an extension in order to allow this issue to be explained.

Mayor Zerby stated that this agenda item is to consider an extension to address a code violation and is not an extension to discuss a code violation. He stated that he agrees that there needs to be discussion with the residents and with the City Engineer about the drainage in the area. He stated that he is not convinced that this one thing is the culprit for the rising waters. He stated that it does not appear as though Ms. Callies is asking for an extension to correct the code violation, but simply to discuss the issue.

Ms. Callies stated that for all the reasons she previously stated, they do not feel there is a code violation and are asking for additional time to demonstrate that fact and explain the larger issue in this situation.

Planning Director Darling stated that if the Council would like, she can issue a citation. She stated that because this issue is causing problems, she was not planning to issue the citation and simply

CITY OF SHOREWOOD REGULAR COUNCIL MEETING MINUTES

January 13, 2020

Page 9 of 12

move towards resolving the issue. Ms. Callies asked if that meant the City would move immediately to abatement without actually issuing a violation of the City Code. City Attorney Keane stated that the Zoning Administrator is seeking corrective action in the form of an abatement prior to issuing a code violation citation. Planning Director Darling noted that the abatement will be on the next agenda for the Council and is not on tonight's agenda.

Councilmember Siakel asked for an explanation of the process since things appear to be getting somewhat muddied. Planning Director Darling stated that if the Council approves or denies the request for the extension, staff has the same process, but a different timeline. She stated that they would look at the physical changes that would be needed on the property, including a restoration plan. She stated that a Public Hearing would be scheduled regarding clearing the obstructions. She stated that if the property owners would not allow access to clear those obstructions, the City would petition the courts to get permission to enter private property to conduct the work. She explained that if permission was granted, the City would go ahead and do the work and follow up in the spring to make sure that the restoration work was completed to Code. She stated that the City could take a look at assessing the costs to remediate the work back to the property owner.

Councilmember Labadie asked if the property owner was found in the wrong and the costs were assessed back to the property owner, whether there would be any kind of statutes that would allow for double or triple costs in this kind of enforcement issue. City Attorney Keane stated that there is no provision for multiples.

Ms. Callies stated that she is not clear as to what the next step in this process would be. Mayor Zerby asked City Attorney Keane to address what the correct approach would be when a resident basically says that they are not guilty in this kind of situation. City Attorney Keane confirmed that on December 6, 2019, Planning Director Darling issued a notice of a violation and in the notice requested a corrective measure to be undertaken by the property owner by December 23, 2019. He stated that this is an administrative determination, not a citation. He asked what the property owners' appeal rights would be under the zoning administration.

Planning Director Darling stated that these particular regulations are not within the zoning ordinance, so it would be what follows with any order that the City would place for correction of a violation for City Code. She noted that she believes those can be appealed directly to the City Council, but according to the administrative section of the code, the appeal to an administrative officer only occurs after a citation has been issued.

Councilmember Siakel stated that she goes back to Councilmember Labadie's comment about the decision before the Council. She stated that if there is a clogged culvert, she does not understand why the City would want to do anything that may contribute to the issue. She stated that she thinks the first step should be that the culvert is cleared and the second should be to figure out the process of how to deal with the issues in the neighborhood. Councilmember Johnson stated that he agreed.

Councilmember Labadie stated that she agreed and noted that a violation notice had been issued to the owner with a deadline that has passed. She stated that she still does not feel she has been shown why the property is unable to correct or abate the violation within the prescribed timeframe. She stated that she feels the immediate issue is to get the culvert cleared and then the City can take a look at the bigger issue in this area. She stated that she is leaning towards denying the extension for remediation of the obstruction.

CITY OF SHOREWOOD REGULAR COUNCIL MEETING MINUTES

January 13, 2020

Page 10 of 12

Johnson moved, Labadie seconded, Adopting RESOLUTION NO. 20-007, “A Resolution Denying a Request for Extension to Correct Code Violation for Property Located at 1010 Holly Lane.”

Mayor Zerby stated that this is a difficult situation and he feels there needs to be a broader view of what the City needs to do in this situation. He reiterated that he is not sure that this is the only reason that there are problems in this area. Councilmember Siakel stated that she agrees that the City needs to look at the bigger picture, but she feels that if the Council moves forward with the denial, the behind the scenes process will start now rather than at a later Council meeting.

Councilmember Sundberg stated that the Fields have had time to address the situation and nothing has been done. Councilmember Labadie stated that she does not feel that anyone at the Council table or staff has said that this is the only reason that there are drainage problems in the area.

Councilmember Johnson noted that he had walked the site with Mr. Schneider and Mr. Elliott and from what he could see it was fairly clear that actions had been taken to prevent water from going through the area. He stated that he sees tonight’s actions as a way to prevent immediate damage in the spring while the City, along with the Fields, are looking at the bigger picture of drainage in the entire area.

City Attorney Keane stated that his recommendation is to issue a citation and ask that the facts be promptly heard by a hearing officer. City Administrator Lerud stated that because there have been questions about the appeal process, issuing a citation would give an official process for the Fields to appeal. City Attorney Keane stated that his concern is with the City taking extraordinary remedies on private property without property fact and legal findings.

Councilmember Labadie asked if he was suggesting a two-part motion with the first being a vote on whether or not the time will be extended, and the second is to proceed with the citation. City Attorney Keane stated that is correct.

Councilmember Labadie explained that the Council needs to take action on the motion on the floor related to the request for an extended time frame and then the decision on the citation can be a separate motion.

Motion passed 5/0.

Motion by Councilmember Labadie, seconded by Councilmember Johnson, to Direct the Zoning Administrator to Determine Whether a Citation Should be Issued Relating to the Code Violation at 1010 Holly Lane. Motion passed 5/0.

10. STAFF AND COUNCIL REPORTS

A. Administrator and Staff

1. November 2019 General Fund Budget Report

Finance Director Rigdon gave a brief overview of the November 2019 General Fund Budget report.

CITY OF SHOREWOOD REGULAR COUNCIL MEETING MINUTES

January 13, 2020

Page 11 of 12

2. Year End Report on Building Permits and Rental Licenses

Planning Director Darling stated that 2019 was a busy year and the City issued fifty-four building permits. She noted that this number will decrease once the Minnetonka Country Club development is completed. She stated that the City continues to have good compliance with the rental housing licenses. She stated that there are currently one-hundred and seven rental licenses for the City. She noted that she actually issued seven additional licenses since the time she wrote up the Council report.

3. Mary Lake Update

Public Works Director Brown stated that staff put together a summary report regarding the costs for pumping Mary Lake. He stated that the total cost was fifteen thousand eight hundred and sixty dollars and ninety-six cents and noted that this included direct labor costs as well.

Mayor Zerby asked what would happen next year.

Public Works Director Brown stated that there is a process that is ongoing and noted that the Barr Engineering is working on the hydrology and permitting process in the area. He stated that the hope is to have a project in 2020 to construct a drainage pipe.

4. 2020 Elections Update

City Clerk Thone stated that the update for the 2020 election is in the Council packet and Absentee Voting for the PNP begins Friday, January 17th.

Other

Mayor Zerby asked City Administrator Lerud to elaborate on why there is a decorative block of wood on the Council table.

City Administrator Lerud stated that the block of wood is to commemorate that the City has completed step 2 in the Green Steps process.

B. Mayor and City Council

Planning Director Darling noted that the Parks Commission meeting scheduled for January 14, 2020 was cancelled.

Councilmember Johnson reminded the public that the Arctic Fever and the Klondike Dog Derby events will be coming up soon.

Councilmember Labadie thanked Public Works staff for their hard work to get the ice rinks up and running.

Mayor Zerby noted that last week, the coordinating Board for the Police Department met and approved hiring an additional officer, which brings the total number up to sixteen. He noted that the department just ordered their first hybrid vehicle and may move to a leasing program with their vehicles in the future.

CITY OF SHOREWOOD REGULAR COUNCIL MEETING MINUTES

January 13, 2020

Page 12 of 12

11. ADJOURN

Johnson moved, Sundberg seconded, Adjourning the City Council Regular Meeting of January 13, 2020, at 8:52 P.M. Motion passed 5/0.

ATTEST:

Scott Zerby, Mayor

Sandie Thone, City Clerk