

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, Labadie, 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 Fauske

Absent: Councilmember Siakel

B. Review Agenda

Mayor Zerby noted that per staff recommendation, item 8A has been removed.

Labadie moved, Johnson seconded, approving the agenda as amended with the removal of item 8A. Motion passed 4/0.

2. CONSENT AGENDA

Mayor Zerby reviewed the items on the Consent Agenda.

Councilmember Sundberg asked about the replacement pick-up truck and how pricing was established.

Public Works Director Brown stated that the proposed purchases came from the State contract pricing.

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

- A. **City Council Work Session Minutes of January 28, 2019**
- B. **City Council Regular Meeting Minutes of January 28, 2019**
- C. **Approval of the Verified Claims List**
- D. **Authorize Purchase of Public Works Equipment – Bucket Truck**
- E. **Authorize Purchase of MRX Water Meter Reading Unit**
- F. **Approve Phase Retirement Plan for Joe Pazandak**

- G. **Approving Commission Appointments, RESOLUTION 19-016, “A Resolution Making Appointments to the Shorewood Planning Commission and Parks Commission.”**
- H. **Authorize Purchase of Public Works Equipment – Pick-up Truck**
- I. **Accept Improvements and Authorize Final Payment for Badger Park Phase 2 Improvements, City Project, 17-09, RESOLUTION 19-017, “A Resolution Accepting the Constructed Improvements and Authorizing Final Payment for the Badger Park, Phase 2 Improvements, City Project 17-09”.**
- J. **Special Assessment Removal from Hennepin County Assessment Rolls, RESOLUTION 19-018, “A Resolution Authorizing a Special Assessment Removal from the Hennepin County Special Assessment Rolls.”**
- K. **Appointment to Recycling Advisory Committee**

Motion passed 4/0.

3. MATTERS FROM THE FLOOR

Mary Dvorak, 5925 Cathcart Drive, shared her concerns about 5G and its potential health effects and asks that the City consider the research that has been done before they allowed it to be put into the City. She noted that she has spoken with many computer people who say they would not want 5G in their homes because it is too dangerous. She listed off some of the health issues that may result from proximity to 5G. She stated that Marin County in California was successfully able to stop the installation of 5G in their county by saying that it was aesthetically not compatible with their city. She stated that she feels that is a massive health experiment on people all over the world. She asked the City to take a look at the information on 5G being related to health dangers. She stated that the work has already begun on Smithtown Road and she feels the City should have a say as to whether they want 5G to be in the City.

Mayor Zerby asked Ms. Dvorak to leave the information she has gathered and it will be distributed to the Council.

Councilmember Sundberg asked if the City did have a choice to allow 5G or not.

City Administrator Lerud stated that he did not know the answer to that question.

Mayor Zerby asked for staff to bring back information to the Council on 5G services.

Peter Holmberg, 5955 Cajed Lane, stated that he would like to talk about garbage service and asked if he could get a feel from the Council if they are for or against organized collection.

Mayor Zerby stated that he doesn't believe anyone on the Council has made up their minds and are simply gathering information and preparing to survey residents.

Mr. Holmberg asked why the City wouldn't just send out a letter to all of the residents and get a yes or no opinion that way rather than spending money for a sample of residents. He stated that

he thinks there are larger issues for the City to concern themselves with other than garbage. He gave examples of issues in the City, such as yards in his neighborhood flooding and a recent house fire in his neighborhood where none of the fire hydrants had been plowed out for easy access. He stated that there is a website that has a website called haulersforchoice.com that have a lot of information. He stated that he feels road degradation as a reason for organized collection is not true reason because the garbage trucks are not doing a lot of damage to roads. He stated that he does not think it is the City's job to tell him who he can use for his garbage collection. He stated that he would also like to ask the City to install a speed bump on Beverly Drive and Cajed Lane.

Councilmember Sundberg stated that the Council is looking to get a fair and unbiased cross section from the City with regard to organized hauling, which is why they are planning to conduct the survey. She noted that there have been no decisions made on this issue and it is a legitimate issue for the City to be looking into.

Mayor Zerby stated that the Council has been dealing with drainage issues on the west end of town and is already working on ways to address the issues Mr. Holmberg listed. He asked Public Works Director Brown to touch on the fire hydrant issue that was raised by Mr. Holmberg.

Public Works Director Brown stated that this year because of the depth of snow, they have been going on between snow events to clear the hydrant areas.

Mr. Holmberg noted that he has not seen a hydrant dug out in about five years.

Councilmember Johnson stated that the single most expensive thing the City spends its money on are the roads, so it does need to be considered as part of the discussion on organized garbage collection.

4. PUBLIC HEARING

A. Enchanted Point Street Reclamation Project

City Engineer Fauske stated that Enchanted Point is currently a gravel road and according to the City policy will be assessed. She reviewed the project location and the planned surface and drainage improvements. She reviewed the typical concerns residents have with this type of project, the estimated project cost and funding sources. She noted that the City policy is to assess one-hundred percent of the costs for an upgrade from gravel to paved roadway. She explained that the calculation comes out to an estimated thirteen-thousand, six-hundred twenty dollars for the eighteen assessable properties. She briefly reviewed the proposed project schedule.

Mayor Zerby opened the Public Hearing for comment at 7:28 p.m.

Justin Robinette, 4530 Enchanted Point, stated that he has lived here for about a year. He asked what is required with the assessment and noted that only Enchanted Point is being assessed and no other portion of the project is being assessed. He noted that his house is pretty modest compared to many of the lakeshore homes that are near him and stated that the financial impact of the assessment on his family will be different than for the homes that hold far greater value than his.

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City Engineer Fauske explained that City's policy is for one-hundred percent assessment when a road is being upgraded from gravel to pavement. She noted that Enchanted Point is the only street that is not currently paved which is why those homes are being assessed and not the others in the project.

Mr. Robinette stated that he believes this street is not a typical City street because it is all about seclusion, nature and trees. He thinks that everyone who bought a house there bought it for the seclusion and does not think that changing the road will substantially increase the value of the homes. He asked if there was another way to assess for the project rather than per unit.

Mayor Zerby explained the way roads have been paved in the past and that each unit receives benefit when the road is improved.

City Attorney Keane stated that benefit valuation goes to the property and not to the improvements to the property. He asked City Engineer Fauske if the City was only assessing fifteen percent of the total project.

City Engineer Fauske stated that this portion of the project would be assessed at one-hundred percent for the paving portion, but agreed that it is approximately fifteen percent of the total project cost.

Public Works Director stated that Enchanted Point is a reclamation project, so one-hundred percent of the project will be assessed to the adjacent property owners, which includes paving and sub-base preparation.

City Administrator Lerud noted that the assessment come from property taxes, so once it is in the system, the higher valued homes will pay more for the assessment.

Mr. Robinette stated that he does not know how many times the neighborhood had been reached out to see if they wanted this roadway improvement. He noted that Planning Director Darling and City Engineer Fauske did meet with him a few weeks ago to explain the project to him. He asked if the neighborhood had ever been asked if they actually wanted the road paved.

City Engineer Fauske stated that there have been two open houses in the last few months regarding this project. She noted that the weather was not great for either date, so after each meeting there were some phone calls and the City has gotten feedback on the project. She stated that there has not been a lot of objection to the paving project. She noted that because of the weather events on the two previous open house dates, staff has discussed holding another open house in an effort to reach more of the residents.

Mayor Zerby noted that there will be a few other opportunities for residents to address the Council with their concerns throughout the process.

City Engineer Fauske stated that there is an option of bidding the paving of Enchanted Point as an alternate to the project which would allow the Council to potentially hold back that portion of the project if they decided not to move ahead with paving that portion.

Councilmember Sundberg asked if other communities assessed based on property value rather than per unit.

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City Engineer Fauske stated that assessment based on property value is not allowed.

City Attorney Keane stated that the uniformity requirement does not preclude assessing by area of the lot and does not have to be on a per lot basis.

Councilmember Johnson noted that one of the largest lots is a non-profit community association.

City Attorney Keane stated that the City can assess a non-profit parcel but reminded the Council that tonight's public hearing is regarding the improvement and a separate assessment public hearing will be held at a later date.

Councilmember Sundberg stated that she understands Mr. Robinette's frustration with recently buying a property and now being faced with an assessment. She commended Mr. Robinette for being so respectful in his interaction with the Council.

Mayor Zerby asked if there was a cost savings of not moving forward with this portion of the project.

City Engineer Fauske stated that there would be a cost savings but does not know how much.

Public Works Director Brown stated that if the City does not move forward with paving at this time, he expects that the City will need to do some sort of improvement project, such as an autoseal, that will also carry a cost.

Councilmember Labadie asked if one of the other improvement possibilities such as sealcoating over the gravel would also be assessed to the property owners. She asked how long a temporary seal coat would give to the roadway.

Public Works Director Brown stated that he does not believe the City would assess those costs and would expect it to benefit the road for four or five years.

Councilmember Sundberg stated that she would like to offer a third open house in order to give the residents another opportunity to find out about the project and give their feedback.

Councilmember Labadie stated that this project is on the calendar and because there will be other opportunities for residents to come and share their feedback, she would like to see the City stay on the proposed time frame and deadline for the project.

Mr. Robinette thanked the Council for taking the time to listen to him and reiterated that he hopes that there is an alternative to the assessment.

Mayor Zerby asked Mr. Robinette how he found out about the public hearing.

Mr. Robinette explained that he had received an e-mail about the public hearing and something in the mail that said that construction and planning was moving forward.

City Engineer Fauske noted that he should have received a mailing regarding the public hearing as well. She stated that she will verify that the notices were sent out to the proper residents.

Jack Molin, 4405 Enchanted Point, stated that he owns this property but resides in the City of Roseville. He stated that he agrees with Mr. Robinette's point about the seclusion of the road. He stated that he understands the advantage of improving the road and feels the way the City is approaching the assessment is fair. He stated that he feels that Enchanted Point is unique and his concern is the stormwater issues on his property because he is in a low spot. He stated that he has spoken with the project manager and the City Engineer about the details because he wants to make sure this is addressed as part of the project. He stated that if he pays an assessment, he would like to receive benefit.

Mayor Zerby stated that stormwater management is always a big part of the road projects in the City.

There being no additional public comment, Mayor Zerby closed the Public Hearing at 7:57 p.m.

5. REPORTS AND PRESENTATIONS

6. PARKS

7. PLANNING

A. Planning Commissioner Eggenberger reporting on the Regular Planning Commission meeting on January 15, 2019 and on the Joint Planning/Parks Commission Work Session on January 15, 2019

Planning Commissioner Eggenberger stated that he shoveled out the fire hydrant near his home this morning and urged other City residents to do the same. He gave a brief overview of the January 15, 2019 meetings as reflected in the minutes from those meetings.

8. ENGINEERING/PUBLIC WORKS

A. Approve Resolution Finding of Public Purposes, Authorize Petition for Easement Acquisition at 5625 Shorewood Lane, PID 3311723140036

Removed from the agenda.

B. Authorize Plans and Specifications for Enchanted Point Street Reclamation Project, City Project 18-11

Engineer Fauske noted that she would keep things brief since this item was discussed as part of the Public Hearing earlier in the meeting. She stated that this item is to authorize plans and specifications for the Enchanted Point Street reclamation project.

Mayor Zerby stated that he does not want to derail the project, but would like to hold another open house and notify the residents of the other opportunities for them to speak to the Council. He stated that he thinks the project has merit and would like to proceed with plans and specifications for this project. He stated that he is also open to discussing the assessment policy.

Councilmember Sundberg stated that she supports the idea of keeping the process moving while giving residents more opportunities to give feedback.

Sundberg moved, Labadie seconded, Adopting RESOLUTION 19-020, “A Resolution Authorizing Preparation of Plans and Specifications for the Enchanted Point Street Reclamation Project, City Project 18-11”, and to schedule an additional open house and communicate other opportunities for residents to give feedback to the Council. Motion passed 4/0.

C. Approve Change Order for Boulder Bridge Well Control Project, City Project 18-01

Public Works Director Brown stated that the roofing has been completed as well as the majority of the siding. He noted that the homeowner’s association has reported that they are pleased with the appearance of the well house. He explained that there are some changes to the location of the instruments and process piping for monitoring flows from the well which is the reason for the change order.

Johnson moved, Sundberg seconded, Adopting RESOLUTION 19-021, “A Resolution Approving Change Order No. 2 for the Boulder Bridge Motor Control Center Replacement Project, City Project 18-01”. Motion passed 4/0.

9. GENERAL/NEW BUSINESS

A. Approve Contract with The Davey Tree Expert Company for Arborist Services

City Administrator Lerud stated that the City has had a contract with S&S Tree Service which does business as Davey Tree since 2016. He noted that staff has been satisfied with the quality of work provided by them and recommends renewing the contract.

Councilmember Sundberg asked what the annual payment has been to S&S Tree Service.

City Administrator Lerud stated that he does not know but they can find out and get that information back to the Council.

Public Works Director Brown stated that he is working on the annual forestry report and plans to present it at the next Council meeting and noted that he will also include information on what the City has spent.

Councilmember Johnson asked that the report include the number of allotted resident visits included in their services.

Johnson moved, Labadie seconded, Approving the Contract with The Davey Tree Expert Company for Arborist Services. Motion passed 4/0.

B. Regional Trail Crossing at County Road 19

City Administrator Lerud explained that in 2012 Tonka Bay and Shorewood participated in a feasibility study for a bridge over County Road 19. He explained that at the time the project did not move forward because the costs came in much higher than anticipated. He stated that Mayor Zerby and Tonka Bay Mayor De LaVega have discussed the possibility of reviving the idea of a bridge. He noted that he and the Tonka Bay city administrator have crafted a proposed resolution

for the two cities to adopt that supports the effort of taking another look at a bridge crossing at County Road 19. He stated that this resolution is slated to be on Tonka Bay's agenda at their February 12, 2019 meeting.

Councilmember Sundberg asked if there was any assessment on how the crossing has worked.

City Administrator Lerud stated that he knows that there are a lot of "near misses" which are hard to document.

Councilmember Johnson noted that he had been rear ended at this location because he stopped for bicyclist. He stated that he would also like to take a look at a pedestrian tunnel in addition to a pedestrian bridge.

Labadie moved, Johnson seconded, Adopting RESOLUTION 19-022, "A Resolution Regarding the Safety of the Regional Trail Crossing at County Road 19 in Shorewood and Tonka Bay." Motion passed 4/0.

10. STAFF AND COUNCIL REPORTS

A. Administrator and Staff

1. Mill Street Update

City Engineer Fauske stated that Excelsior is looking at a possible Mill Street trail connection and will continue to update the Council as information is available.

Other

Director Brown stated there have been incidents during some of the last snow events where plows have not been able to make it all the way down some of the narrower streets because people have parked their cars in the street and blocked access. He asked residents to refrain from parking in the street to allow the City to clear the roadways.

Mayor Zerby stated that the City had talked about implementing snow emergency rules and suggested the City consider revisiting that topic before next winter.

Planning Director Darling stated that Excel Energy is moving forward in design phase for the light at Ferncroft with installation expected in May.

City Attorney Keane stated that staff has met with WSB regarding Grant Street. He stated that they are gathering additional information and looking at the options in greater detail. He stated that WSB has acknowledged responsibility for the elevation and sizing of the pipe. He stated that solutions are still being discussed.

B. Mayor and City Council

Mayor Zerby stated that there was a house fire on Brentridge Drive yesterday. He stated that he would like to find a way to get more information from the fire department to the Council.

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Councilmember Labadie stated that she will bring this request to her next meeting with Chief Gerber.

Councilmember Johnson noted that he had listened a bit to the scanner during the house fire and would like a quick tutorial on fire hydrant access in this type of situation.

Councilmember Labadie noted that she would also be interested in this information and will mention it to the Chief Gerber as well.

Councilmember Johnson noted that both this fire and the recent fire on Cathcart started in the garages and suggested that the fire department distribute some helpful information about avoiding these kinds of fires in garages.

Councilmember Labadie stated that she will also pass along this request to the Chief Gerber.

Councilmember Sundberg stated that she would also like to know if the new ladder truck was used at this fire.

11. ADJOURN

Labadie moved, Johnson seconded, Adjourning the City Council Regular Meeting of February 11, 2019, at 8:34 P.M. Motion passed 4/0.

ATTEST:



Sandie Thone, City Clerk



Scott Zerby, Mayor