

**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 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 Fauske

Absent: Councilmembers Labadie and Johnson

**B. Review Agenda**

Siakel moved, Sundberg seconded, approving the agenda as presented. Motion passed 3/0.

**2. CONSENT AGENDA**

Mayor Zerby reviewed the items on the Consent Agenda.

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

- A. City Council Work Session Minutes of March 11, 2019
- B. Regular Meeting Minutes of March 11, 2019
- C. Approval of the Verified Claims List
- D. Accept Improvements and Authorize Final Payment for 2017 Pavement Reclamation Project – Howards Point Road, Kathleen Court, Oak Ridge Circle, Summit Avenue, Echo Road – City Project 17-13, RESOLUTION 19-028, “A Resolution Accepting Improvements and Authorizing Final Payment for the 2017 Street Reclamation Project (Howards Point Road, Kathleen Court, Oak Ridge Circle, and Summit Avenue). City Project 17-13”.
- E. Accept Quote: Court Maintenance Cathcart/Silverwood Parks, RESOLUTION 19-029 “A Resolution Approving Resurfacing of Cathcart and Silverwood Tennis/Basketball Courts and Accepting the Quote from Dermco-Lavine Construction.”

Motion passed 3/0.

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### 3. MATTERS FROM THE FLOOR

#### A. Don Aslesen: Freeman Park Drainage

Don Aslesen, 26055 Shorewood Oaks Drive, noted that he has been a resident for twenty-five years and gave a brief history of the Shorewood Ponds development and the tendency for water to enter their neighborhood between the Freeman Park ballfields one and two. He stated that he has worked with WSB and Public Works Director Brown to alleviate some of the water issues. He explained that putting in a French drain and paving the Freeman Park parking lot and path has helped. He reviewed the rain event that happened in June of 2014. He stated that Public Works Director Brown had surmised that there may be a direct connection between some of the sump baskets in the homes in the neighborhood and the storm drains. He stated that he had a contractor run a camera up the storm drain and found that his theory was correct and that his home is connected directly to the storm drain and suspects that other homes in the area may also be connected. He stated that he would like to suggest that the connection be capped or that a backflow preventer be installed.

Mayor Zerby thanked Mr. Aslesen for bringing the Council up to date on what is happening in his neighborhood.

Public Works Director Brown noted that Barr Engineering is doing the comprehensive study on the west side of Shorewood and this area was highlighted as an area of study. He stated that he expects the study to be completed by August or September.

### 4. PUBLIC HEARING - NONE

### 5. REPORTS AND PRESENTATIONS

#### A. Jim Lundberg, Executive Director of LMCC

Jim Lundberg, Executive Director of LMCC gave a brief history on the LMCC and noted that it was formed in 1984 as a Joint Powers Agreement. He reviewed the LMCC services, costs, programing and noted that there are two channels available in HD. He showed a brief video that highlighted some of the things that can be seen on LMCC.

Tom Lesser, Shorewood citizen representative on the LMCC Board, thanked the Council for appointing him to this role representing the City. He stated that over the last year, LMCC produced 330 community video productions and 279 government meetings. He recommended people go take a look at the high-quality programs that are being locally produced. He stated that there is an increasing trend towards "cord cutting" and noted that LMCC has seen about a three percent annual decline in cable subscribers. He stated that this decline has been factored in as part of their annual budget process. He noted that the existing franchise agreement has five years remaining.

Mayor Zerby thanked Mr. Lesser for his work on the LMCC.

### 6. PARKS

#### A. Report by Commissioner Mangold on March 12, 2019 Parks Commission Meeting

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Commissioner Mangold gave an overview of the March 12, 2019 meeting as reflected in the meeting minutes. He reported that Tim Hirner has already been a great addition to the Commission. He noted that he had been re-appointed Chair of the Commission and Ed Rock was appointed Vice Chair. He noted that the Commission made a recommendation to paint the existing Merry-Go-Round at Freeman Park and keep it, but Planning Director Darling has informed him that the materials of the Merry go Round may not accept the paint. He stated that the topic of the tennis courts at Badger Park have repeatedly come up in Commission meetings. He explained that the Commission understands the budgeting reasons of why staff chose to put off completing the tennis courts, but wants to make it clear to the Council that they believe the bidding process should happen in 2019 and be the top priority for work to be completed in 2020 in order for Badger Park to be fully completed.

### **B. Order Equipment for Freeman Park South Playground**

Planning Director Darling stated that the Park Commission would like to rehabilitate the existing playground in order to update and improve the appearance of the playground. She reviewed the suggested new equipment, the engineered wood fiber, and the concrete border. She noted that the CIP had originally estimated \$100,000 for this project, but they are keeping the costs at a minimum in order to use the remaining funds on another park project.

**Sundberg moved, Zerby seconded, Approving RESOLUTION NO-19-030, “A Resolution Accepting the Quote from Minnesota Wisconsin Playground for Equipment Replacement for Freeman Park South Playground.” Motion passed 3/0.**

### **C. Accept Plans and Authorize Bids for Badger Park Playground**

Planning Director Darling explained the location of the proposed work site for the trails, the playground, the rest room building, and the picnic shelter. She noted that the playground equipment and the poured in place rubber surfacing has already been purchased. She noted that the cost for the site work was originally estimated at \$167,000, however because the City has gone over their threshold of allowed disturbance, the Minnehaha Creek Watershed District is requiring additional stormwater treatment on site. She stated that this change will bring the estimate cost up to about \$206,000. She reviewed the suggested shelter and restroom designs and noted that they will be reviewed by the Planning Commission at their next meeting.

Mayor Zerby noted that if a raingarden was part of the stormwater treatment plans, he thinks this would be a good area to have one as a demonstration, so people can see what a raingarden is and how it functions. He noted that there are grants available for residents who want to build one and suggested that grant money may also be available to cities.

**Siakel moved, Sundberg seconded, to Approve RESOLUTION NO. 19-031, “A Resolution Approving Plans and Authorizing Advertisement for Bids for improvements at Badger Park Playground Site Work, City Project 19-01.” Motion passed 3/0.**

## **7. PLANNING**

### **A. Report by Commissioner Gorham on March 5, 2019 Planning Commission Meeting**

Commissioner Gorham gave a brief overview of the Planning Commission meeting from March 5, 2019, as reflected in the minutes. He explained that the Planning Commission would like to

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take more time to look in greater detail at the lighting ordinance. He noted that Dustin Maddy had been appointed as Chair and Marc Reidel as Vice-Chair.

### **B. Setback Variance Swimming Pool and Patio, 6035 Spruce Hill Court**

Planning Director Darling gave a brief background of the application, why it had been sent back to the Planning Commission and was now back before the Council a final time. She explained that the Planning Commission had recommended approval of the variance request in a three to two vote. She reviewed the changes that had been made in the recommended conditions.

Councilmember Sundberg stated she was satisfied with the recommendation by the Planning Commission.

Councilmember Siakel stated that she agrees with the dissenting Commissioners that the applicant did not adequately meet the criteria for practical difficulty.

**Sundberg moved, Zerby seconded, Adopting RESOLUTION NO. 19-032, “A Resolution Approving Variances for Tim and Sally Butler for Property Located at 6035 Spruce Hill Court.” Motion passed 2/1 (Siakel).**

### **C. Lot Line Rearrangement and Lot Area Variance, 25875 Valleywood Lane and 5550 Meadowview Road**

Planning Director Darling explained that the lot line rearrangement and variance is to correct an encroachment and title issue between these two properties. She stated that the Planning Commission voted unanimously to recommend approval.

**Siakel moved, Sundberg seconded, Adopting RESOLUTION NO. 19-033, “A Resolution Approving Lot Line Adjustment (Lot Division/Consolidation) and Variance for Properties at 25875 Valleywood Lane and 5550 Meadowview Road.” Motion passed 3/0.**

### **D. Minor Subdivision at 24775 Glen Road**

Planning Director Darling explained that this lot had formerly been two lots that were consolidated prior to the construction of the existing home. She stated that the applicant would like to divide the lot again but noted that the wetland delineation will need to occur before the subdivision is recorded and the wetland delineation cannot occur until growing season. She stated that the plans will decrease impervious surface over the existing. She stated that staff and the Planning Commission recommend approval of this minor subdivision.

**Siakel moved, Sundberg seconded, Adopting RESOLUTION NO. 19-034, “A Resolution Approving Subdivision of Property for Melanie Hermann at 24775 Glen Road, subject to the outlined conditions and all subdivision regulations being met.” Motion passed 3/0.**

### **E. Direction on Potential Lighting Amendments**

Planning Director Darling explained some of the discussion that the Planning Commission held regarding lighting concerns raised by a resident that lives near Shorewood Landing. She stated that the Planning Commission has requested that the City consider additional regulations concerning light sources, upright and glare restrictions, additional hooding/shielding requirements,

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a maximum amount of lumens for signs and commercial sites, and commercial lighting levels overall. She stated that the Planning Commission was split on whether to apply nuisance lighting restrictions to holiday lighting. She stated that there is also some language in the existing ordinance that should be cleaned up because it refers to "incandescent bulbs". She explained that she would like Council direction in order to continue working on these potential changes.

Mayor Zerby stated that output is important and easy for the City to look and supports cleaning up the outdated language as well.

Councilmember Siakel asked if "output" was only in reference to commercial usage and not residential.

Mayor Zerby stated that he thinks commercial is where it is needed, not residential usage.

### **8. ENGINEERING/PUBLIC WORKS**

#### **A. Change Order 3 Boulder Bridge Motor Control Center Project**

Public Works Director Brown explained that the Boulder Bridge Motor Control Center project is nearing completion. He stated that this change order is for a change to a monitored chemical feed system. He noted that even with this change order, this project is coming in well under budget.

**Zerby moved, Sundberg seconded, Adopting RESOLUTION NO. 19-035, "A Resolution Approving Change Order Number 3 for the Boulder Bridge Motor Control Center Replacement Project, City Project 18-01." Motion passed 3/0.**

### **9. GENERAL/NEW BUSINESS**

#### **A. Sale of 22000 Stratford Place**

City Administrator Lerud stated that in July of 2018, the Council had approved the sale of this lot to a buyer who wanted to construct a single-family home on the property. He stated that after the buyer did soil testing, the soil conditions are poor and the foundation will require significant modification so he is asking that the purchase price be reduced by ten thousand dollars. Staff is recommending approval.

**Sundberg moved, Zerby seconded, Adopting RESOLUTION NO. 19-036, "A Resolution Approving an Amendment to the Purchase Agreement for a City-Owned Parcel Located at 22000 Stratford Place." Motion passed 3/0.**

#### **B. Utility Rates**

Finance Director Rigdon explained that at the Council retreat in February there was discussion about the possibility of rate increases for utilities. He reviewed the details of the suggested increases and noted that they are about eight percent. He noted that the water fund is close to breaking even, but the cash balances have been decreasing over the past five years. He explained that a few of the reasons for the reduction in cash balances are things such as non-operating costs like debt service payments and those annual payments are \$285,000 for the water revenue bond. He stated that another reason is the one-million-dollar loan that funded the Tax

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Increment Financing (TIF) district for the Shorewood Landing watermain extension. He explained that there was also a lease purchase for the Fire Department on a ladder truck to be repaid through 2022. He noted that the sewer fund currently has about two and one half million dollars, but there are projects coming up that will deplete those funds. He stated that the recommended ordinance does not lock the City into the rate increases but does say that they will be reviewed annually.

Councilmember Siakel stated that this is well thought out and is something the City has been talking about. She stated that she supports the ordinance. Councilmember Sundberg asked how he had determined the increase for the low-income water service costs. Finance Director Rigdon stated that he followed prior year percentages in his calculations.

**Siakel moved, Sundberg seconded, Accepting the Utility Rate Review and Adopting ORDINANCE 563, “An Ordinance Titled “Utility Service Charges”.” Motion passed 3/0.**

### **10. STAFF AND COUNCIL REPORTS**

#### **A. Administrator and Staff**

##### **1. Year-end General Fund Report**

Finance Director Rigdon stated that the annual financial audit has essentially been completed. He stated that the report is officially considered unaudited and subject to review. He gave a brief overview of the year-end General Fund Report. He noted that there is no formal action needed tonight because the Council will be seeing a report from the auditor in April.

##### **2. Severe Weather Awareness Week**

City Administrator Lerud reminded the Council that Severe Weather Awareness week is April 8 - April 12, 2019 and during that week there will be a Statewide tornado drill that will take place on April 11 at 11:45 a.m. and 6:45 p.m.

#### **Other**

Public Works Director Brown stated there is still flooding at the intersection of Grant Lorenz Road and Noble Road. He stated that they will continue to monitor the situation and will remove the barriers when it is safe to do so. He commended his staff for their work in this difficult and busy season.

Mayor Zerby asked about the bumpy roads throughout the City. Public Works Director Brown stated that they are asking for patience because with the wet conditions it has been a bad year for pot holes and noted that they do have crews out patching them as they have time. He stated that seasonal weight restrictions have been put on and they are being enforced.

Mayor Zerby stated that much of the silt fencing on the golf course development has disappeared and there appears to be quite a bit of dirt on the roads. He asked if the City can look and make sure that the sites are being contained.

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City Clerk Thone stated that the Spring Clean Up and Shred events will be on May 18, 2019. She stated that the 2018-2019 Photo Contest has just wrapped up and there were a lot of great submissions.

City Administrator Lerud noted that Councilmember Labadie had attended the Excelsior Fire District Board meeting and asked him to update the Council. He gave a brief overview of the meeting and noted that Fire Chief Gerber's last day is March 28, 2019 and noted that Interim Fire Chief Ken Prillaman had been hired.

**B. Mayor and City Council - NONE**

**11. ADJOURN**

**Sundberg moved, Siakel seconded, Adjourning the City Council Regular Meeting of March 25, 2019, at 8:35 P.M. Motion passed 3/0.**

**ATTEST:**

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Debbie Siakel, Mayor Pro-Tem**

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Sandie Thone, City Clerk**