

**MINUTES**

**1. CONVENE CITY COUNCIL REGULAR MEETING**

Mayor Zerby called the meeting to order at 7:04 P.M.

*Due to the Centers for Disease Control recommendation to limit the number of people present at a meeting, and pursuant to MN Statute 13D.02, the City Council meeting was held via electronic means.*

**A. Roll Call**

Present: Mayor Zerby; Councilmembers Johnson, Labadie, and Siakel; 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: Councilmember Sundberg

**B. Review Agenda**

**Siakel moved, Labadie seconded, approving the agenda as presented.**

**Roll Call Vote:** Labadie, Johnson, Siakel, Zerby voted Aye. **Motion passed.**

**2. CONSENT AGENDA**

Mayor Zerby reviewed the items on the Consent Agenda.

**Labadie moved, Siakel seconded, Approving the Motions Contained on the Consent Agenda and Adopting the Resolutions Therein, and to move item F to 9.C on the agenda.**

- A. City Council Regular Meeting Minutes of May 11, 2020**
- B. Approval of the Verified Claims List**
- C. Approve 2020 Data Practices Polices and Updates RESOLUTION NO. 20-047, "A Resolution - 2020 Data Practices Policies."**
- D. Accept Bids and Award Contract for 2020 Pavement Marking, City Project 20-02, RESOLUTION NO. 20-048, "A Resolution to Award Contract, City Project 20-02."**
- E. Approval of Reimbursement Resolution, RESOLUTION NO. 20-049, "A Resolution Declaring the Official Intent of the City of Shorewood to**

**Reimburse Certain Expenditures from the Proceeds of Bonds to be Issued by the City.”**

- F. Right of Way Encroachment Agreement: 5885 Mill Street, RESOLUTION NO. 20-050, “A Resolution Approving a Right-of-Way Encroachment Agreement for 5885 Mill Street.” – ITEM MOVED TO 9.C.**
- G. Authorization to Hire Two Temporary Seasonal Workers**

**Roll Call Vote:** Labadie, Johnson, Siakel, Zerby voted Aye. **Motion passed.**

### **3. MATTERS FROM THE FLOOR**

Jeremy Gavin, 20755 Park View Lane, noted that once Governor Walz gives the okay for things to start opening up, his softball team would like to begin scheduling one on one team games. He asked the Council to keep in mind, as they are creating policies, that the need for local fields will even be greater this year than in the past.

Mayor Zerby asked City Administrator Lerud to give an update on the policy discussions. City Administrator Lerud stated that he was planning to give the updated under item 10.A.3, but will give it now instead. He stated that they are working on policies to open City Hall, Shorewood Community and Event Center and open field space rental for the City. He noted that the updated guidance information came out so close to the meeting that they were not able to formulate a policy and have it ready for the Council to consider at tonight’s meeting but noted that it will be on the June 8, 2020 agenda.

### **4. PUBLIC HEARING**

### **5. REPORTS AND PRESENTATIONS**

#### **A. Dorothy Pederson, Riley Purgatory Bluff Creek Watershed Board**

Dorothy Pederson from the Riley Purgatory Bluff Creek Watershed Board gave a summary of what happened during 2019 in the watershed district. She stated that all of the lakes within the watershed district passed water clarity, however, Silver Lake did not pass for algae and phosphorus. She noted that Purgatory Creek also tested on the high end for phosphorus. She stated that during 2019 they monitored thirteen lakes and one wetland. She stated that Lotus Lake was infested with zebra mussels last year and they have found that Lake Riley also has them. She gave an overview of the education that the Riley Purgatory Bluff Creek Watershed District has done and their work on improving groundwater. She noted that the watershed District has entered into a partnership with several cities, including Shorewood, to work on a better way to treat stormwater ponds in a more efficient manner. She stated that they are hoping to have more information on this by late summer and the hope is that it will be a more affordable option for everyone. She gave an overview of the upcoming agreement with the City of Chanhassen to address the erosion on Silver Lake near Pleasant View Avenue. She stated that they have also started looking at all the wetlands in the watershed district to evaluate their health. She shared some of the volunteer efforts such as Adopt a Dock and Adopt a Drain that she has been involved in. She thanked the Council for their support for her appointment on the Riley Purgatory Bluff Watershed Board and asked for their continued support for another term.

Mayor Zerby stated that he has always been impressed with what the Riley Purgatory Creek Watershed District has been able to accomplish with their size of budget and staffing level. He stated that he supports Ms. Pederson's efforts to continue serving on their Board.

Councilmember Labadie asked Ms. Pederson to share a link or further information on the Adopt a Drain and Adopt a Dock programs with the City so it can be posted on the City website. Mayor Zerby suggested that Ms. Pederson also work with the Lake Minnetonka Cable Commission because they are always looking for content for their network.

## **6. PARKS**

### **A. Accept Bids and Award Contract for the Badger Park Tennis Courts, City Project 20-01**

City Engineer Budde explained that the City opened a total of six bids on May 19, 2020 and the low bid was submitted by Bituminous Roadways out of Shakopee. He stated that the City has worked with them on a number of projects and noted that the bid came in about eleven percent below the estimate.

**Siakel moved, Johnson seconded, Adopting RESOLUTION NO. 20-051, "A Resolution to Award Contract, City Project 20-01."**

**Roll Call Vote:** Labadie, Johnson, Siakel, Zerby voted Aye. **Motion passed.**

## **7. PLANNING**

### **A. Report by Commissioner Gorham on May 5, 2020 Park Commission Meeting**

Planning Commissioner Gorham gave an overview of the May 5, 2020 Park Commission meeting as reflected in the minutes.

### **B. Renewal of a Special Home Occupation Permit Applicant: Thomas Ramy Location: 5825 Country Club Road**

Planning Director Darling explained that this application is for a renewal of a Special Home Occupation permit to allow the applicant to conduct a wood working business in his attached garage. She noted that staff has received no complaints since the original permit was granted. She stated both staff and the Planning Commission recommend approval subject to the conditions listed in the staff report.

Councilmember Labadie asked if he anticipated his business dramatically increasing over the next year. Mr. Ramy stated that he does not think there is a dramatic increase in business on the horizon and noted if that was the case, he would not be using his home as a business.

Councilmember Johnson stated that this comment is not directed at Mr. Ramy, but noted that there seems to be a disconnect because the City does not allow signage for this type of business, yet many times there is a vehicle that is basically a sign parked at the residence.

Mayor Zerby asked what kinds of things Mr. Ramy made. Mr. Ramy stated that he specializes in things like custom wine racks and mantels. He noted that he had made the start and finish arch at the Klondike Dog Derby.

**Johnson moved, Labadie seconded, Adopting RESOLUTION NO. 20-052, “A Resolution Approving the Renewal of a Special Home Occupation Permit for Property Located at 5825 Country Club Road.”**

**Roll Call Vote:** Labadie, Johnson, Siakel, Zerby voted Aye. **Motion passed.**

**C. Variance to Front Setback for a Garage Addition**  
**Applicant: Janelle Holle and Curtis Beuning**  
**Location: 5815 Howards Point Road**

Planning Director Darling stated that this request is for a variance to the front setback for a garage addition. She noted that staff and the Planning Commission have reviewed the request and recommend approval, subject to conditions as listed in the staff report. She noted that it was a split decision from the Planning Commission.

Councilmember Labadie stated that she attended the Planning Commission meeting and although there was one dissenting opinion, she feels this is an appropriate situation for a variance to be granted.

**Labadie moved, Siakel seconded, Adopting RESOLUTION NO. 20-053, “A Resolution Approving a Front Setback Variance for Property Located at 5815 Howards Point Road.”**

**Roll Call Vote:** Labadie, Johnson, Siakel, Zerby voted Aye. **Motion passed.**

**8. ENGINEERING/PUBLIC WORKS**

**A. Notice for Public Hearing for Mary Lake Outlet, City Project 19-09**

City Engineer Budde stated that this item is notice that there will be a public hearing for the Mary Lake Outlet at the June 22, 2020 Council meeting. He noted that staff is planning to present information to the City of Excelsior at one of their upcoming Council meetings to keep them informed.

Mayor Zerby asked about the DNR response time once the public hearing has been held. City Engineer Budde stated that the DNR will not begin permitting until there is about a sixty percent complete plan set. He stated that he thinks the City has done a really good job of keeping everyone in the loop and anticipates that their permitting process will only be a month or two, but noted that construction should still be able to be wrapped up in 2020.

**Siakel moved, Johnson seconded, Adopting RESOLUTION NO. 20-054, “A Resolution Calling a Public Hearing for Mary Lake Outlet, City Project 19-09.”**

City Administrator Lerud noted that there was someone on Zoom that raised their hand.

Maeve Gallivan, stated that she doesn't have a comment on this item but just received the correct Zoom information.

Mayor Zerby explained that the Council would complete this item and then come back to Ms. Gallivan for comment.

**Roll Call Vote:** Labadie, Johnson, Siakel, Zerby voted Aye. **Motion passed.**

Mayor Zerby asked Ms. Gallivan to share her concern or question.

## **MATTERS FROM THE FLOOR – CONTINUED**

Maeve Gallivan, 22680 Galpin Lane, stated that she wanted to update the Council regarding the Galpin Lake sidewalk issue. She noted that she had created a petition that has been sent to local representatives which currently has one hundred and four signatures. She stated that they are also planning to call their representatives and asked that the Council also be in touch with the representatives on this issue.

Mayor Zerby suggested that there be an item at a future Council meeting with a resolution in support of this petition.

City Administrator Lerud stated that he will prepare a resolution for the next Council meeting.

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

### **A. Resolution Approving On-Sale Liquor License Fee Rebate**

City Clerk Thone explained that as a result of Governor Walz's order on March 17, 2020, a few local businesses were shuttered, the American Legion and Tino's. She stated that in an attempt to do something to assist these businesses, staff is asking Council to consider granting a twenty-five percent rebate for their liquor license fees for these two on-sale liquor establishments. She noted that there are several other cities that are doing similar rebates for their businesses.

Councilmember Labadie stated that she appreciated the comparison with what other communities are doing in this situation and asked if other nearby lake communities, such as Excelsior, have done this. City Clerk Thone stated that she does not know the answer, but has not readily seen that other lake communities have done this type of thing.

Councilmember Siakel stated that she thinks it is a good idea and will have a minimal impact on the City, but will help these businesses.

**Labadie moved, Johnson seconded, Adopting RESOLUTION NO. 20-055, "A Resolution Approving On-Sale Liquor License Rebates Due to COVID-19 Pandemic."**

**Roll Call Vote:** Labadie, Johnson, Siakel, Zerby voted Aye. **Motion passed.**

### **B. Temporary Expansion of Outdoor Premises to On-Sale Liquor Establishments**

City Clerk Thone stated that this item is intended to allow a temporary expansion to the outdoor seating areas at American Legion and Tino's. She explained the order from Governor Walz that they can be serving outdoors starting June 1, 2020. She stated that this temporary expansion of their outdoor premises will allow them to serve customers and maintain the appropriate social distancing as required.

Councilmember Johnson asked how this will be work for the American Legion that is surrounded by residential properties. City Clerk Thone stated that the parameters set by the State are quite detailed and noted that it needs to be contiguous and contained. She noted that this resolution does not mean that these two establishments will take advantage of this temporary change, but this will give them the opportunity if they would like to.

**Labadie moved, Zerby seconded, Adopting RESOLUTION NO. 20-056, “A Resolution Approving Temporary Expansion of Outdoor Premises to On-Sale Establishments in Shorewood.”**

Councilmember Johnson stated that he will vote in support of this but asked that the City consider the potential of noise pollution to the existing neighbors.

The Council discussed potential hypothetical situations if there were complaints or issues and how they would be handled.

**Roll Call Vote:** Labadie, Johnson, Siakel, Zerby voted Aye. **Motion passed.**

**C. Right of Way Encroachment Agreement: 5885 Mill Street (Moved from 2.F.)**

City Administrator Lerud noted that staff has been working with the property owner at 5885 Mill Street, to provide a water service line following direction from the Council. He noted that the draft agreement was included in the packet but noted that since the packet was sent out there have been changes suggested by the property owner. He reviewed the requested changes to the agreement and noted that staff finds them acceptable.

**Johnson moved, Siakel seconded, Adopting RESOLUTION NO. 20-050, “A Resolution Approving a Right-of-Way Encroachment Agreement for 5885 Mill Street.”**

**Roll Call Vote:** Labadie, Johnson, Siakel, Zerby voted Aye. **Motion passed**

**10. STAFF AND COUNCIL REPORTS**

**A. Administrator and Staff**

**1. Utility Rates**

City Administrator Lerud stated that given the situation with the COVID-19 pandemic, staff thought it would be appropriate to delay the annual discussion on changing utility rates at this time. He suggested that this be delayed until the third or fourth quarter of the year.

**2. April General Fund Budget Report**

Finance Director Rigdon gave an overview of the April General Fund Budget report and asked that the Councilmembers contact him if they have specific questions.

**3. Re-Opening Update**

City Administrator Lerud noted that he had given this update during Matters from the Floor but reiterated that they are working on policies to re-open facilities.

**Other**

City Clerk Thone explained her absence at the beginning of tonight's meeting was due to a weather alert.

Planning Director Darling stated that the 2019 population estimate from the Met Council has been received and has the City at seven thousand nine-hundred thirty-four people and two thousand nine-hundred and two households, which is an increase. She noted that the Badger Park playground opened up before the Memorial Day weekend, which meant there were lots of kids out there using the new equipment. She stated that she is hoping the one remaining bit of concrete work will be completed soon.

Mayor Zerby noted that feels that the new playground looks great and commended staff for their work on that project.

**B. Mayor and City Council**

Councilmember Labadie noted that there is a Fire Board meeting on May 27, 2020 if anyone would like to participate via electronic means.

**11. ADJOURN**

**Johnson moved, Labadie seconded, Adjourning the City Council Regular Meeting of May 26, 2020, at 8:20 P.M.**

**Roll Call Vote:** Labadie, Johnson, Siakel, Zerby voted Aye. **Motion passed.**

**ATTEST:**

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**Scott Zerby, Mayor**

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**Sandie Thone, City Clerk**