

**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, Siakel, and Sundberg; City Attorney Keane; City Administrator Lerud; City Clerk Thone; Finance Director Rigdon; Planning Director Darling; Director of Public Works Brown; Building Inspector Pazandak, and City Engineer Fauske

Absent: Councilmember Labadie

**B. Review Agenda**

**Siakel moved, Johnson seconded, approving the agenda as presented. Motion passed 4/0.**

**2. CONSENT AGENDA**

Mayor Zerby reviewed the items on the Consent Agenda.

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

- A. City Council Work Session Meeting Minutes of June 24, 2019**
- B. City Council Regular Meeting Minutes of June 24, 2019**
- C. Approval of the Verified Claims List**
- D. Ordinance 568/RESOLUTION NO. 19-063: 2019 S-14 City Code Supplement, "A Resolution Approving Publication of Ordinance 568 Enacting and Adopting the 2019-S-14 Supplement to the Code of Ordinances for the City of Shorewood."**
- E. Accept Hennepin County Residential Recycling Grant, RESOLUTION NO. 19-066, "A Resolution Accepting 2019 Hennepin County Residential Recycling Grant"**

**Motion passed 4/0.**

**3. MATTERS FROM THE FLOOR**

## CITY OF SHOREWOOD REGULAR COUNCIL MEETING MINUTES

July 8, 2019

Page 2 of 11

Joe Lugowski, 24710 Glen Road, noted that last April he posted a picture and a comment on SeeClickFix for Glen Road near the little church that is deteriorating. He stated that nothing has been done and asked if there was an expected timeframe for this to be repaired.

Public Works Director Brown stated that they will try to get out to this location in the next week or so.

### 4. PUBLIC HEARING

#### A. Hazardous Building Determination: 5815 Club Lane

City Administrator Lerud stated that the construction of the addition at 5815 Club Lane has had a long history within the City. He noted the sequence of events and the timeline surrounding this property is included in the Council packet. He explained that staff has been very patient with the property owners in an effort to resolve the issue. He explained that because there are continuing structural and code compliance issues, and the City has not received a viable plan for bringing it into compliance, staff is recommending that the Council approve the removal of the hazardous addition, and the original structure be restored. He reviewed numerous pictures that were taken at this property during the March 21, 2019 inspection. He showed a picture taken by law enforcement from the partial building collapse that occurred in May of 2017 where one of the residents were injured. He explained staff is concerned about the safety of the residents of the structure as well as on the neighboring properties. He noted that he received an e-mail from a representative for the property owners late this afternoon and has made copies for the Council.

Chris Renz, Chestnut Cambronne, stated that he is representing the Riedels and are asking the Council to postpone the decision to pass Resolution No. 19-067. He stated that Mr. Riedel is a long-standing resident and has lived in the City his entire life and has been at this property since 2001. He stated that they have attempted to improve the property and do much of the work on their own. He stated that the Riedels have tried to submit information to the City when they have been asked and have attempted to work with the City. He noted that he has only personally been involved in this situation for the past two months, but in that time, they have secured financial backing, reengaged the structural engineer, located a contractor that has provided an estimate, and interacted with the City on a number of occasions. He reiterated that he, and the homeowners, have been working with the City to try to address the issues raised by the City, but it has been a very tight timeline. He stated that the Riedels have invested a lot of time and money in this project and the resolution proposed by the City is to basically take all of that and throw it away. He stated that he thinks that approach is unnecessary because there is a route to get this project finished, his clients just need some time. He stated that they would like to have another month to work on the issues and noted that he thinks this situation is different than someone who has refused to work with the City and refused to comply with the rules.

Mayor Zerby asked what the City could expect by delaying this decision another thirty days.

Mr. Renz stated that the plans will be reformatted, the structural engineer will be able to overlay those plans with his measurements, there would be a detailed contractual bid from the contractor, and the structural engineer could test the existing materials to ensure that they are structurally sound. He explained that when these things are accomplished, they will be able to get a construction plan in place that identifies all the areas of concern from the City.

## **CITY OF SHOREWOOD REGULAR COUNCIL MEETING MINUTES**

**July 8, 2019**

**Page 3 of 11**

Mayor Zerby asked if the Riedel family would plan to live in the structure during the extra thirty days.

Mr. Renz stated that this is the only home they own, so yes.

Councilmember Siakel asked why the Council had not received any response to this issue before now. She stated that this item was discussed at the June 24, 2019 meeting and nobody was present to discuss it. She stated that there has not been any communication or response before 5:30 this evening when the e-mail was sent to the City. She stated that there has been a long history of non-response from the Riedels regarding this issue.

Mr. Renz stated that there was a delay on his end because he was under the impression that he would be getting the June 12, 2019 letter a week earlier than that. He stated that he was also under the impression from the face to face meeting, that this item was not going to be on the agenda for June 24, 2019. He stated that there was also the Fourth of July holiday as well as the Riedel family having to repurchase the software that they were using to design the space because it had expired.

Councilmember Siakel asked if there had ever been an approved plan, other than the pilings that were put in many years ago, for this project. She asked if the homeowners have ever had an actual building permit for any of the work done on the home.

Mr. Renz stated that they have had a building permit application.

Building Inspector Pazandak stated that the process was outlined in the packet and noted that they applied for a permit in 2004 which expired in 2005 due to not completing the application requirements. He stated that the homeowners started again with some drawings in 2007 and the City was able to issue a permit for only the footings at this point because the owners had committed to finishing the rest of the issues "soon". He stated that there has been work done without proper permits and noted that staff has had numerous conversations with the homeowners about how to bring this project into compliance before coming to the recommendation they are suggesting tonight.

Councilmember Siakel stated that it appears as though much of the building and construction that has gone on has been without any input, permitting, inspection or authorization from the City.

Building Inspector Pazandak stated that the homeowner had called him out to the property to inspect the footings for the deck, but he could not do that because the deck was not on the original permit. He stated that they worked with the City and there was a building permit issued. He explained that the homeowners were part of the negotiation process for the permit, but the permit expired without completion. He stated that the porch was specifically not included in this permit and yet the porch was constructed.

Councilmember Sundberg asked if an additional thirty days would be enough time for them to address all of the issues surrounding this property.

Building Inspector Pazandak stated that he cannot say, but noted that there is a history with these property owners and staff has made many attempts to work with them. He stated that staff has laid out their case in the staff report.

## **CITY OF SHOREWOOD REGULAR COUNCIL MEETING MINUTES**

**July 8, 2019**

**Page 4 of 11**

Councilmember Sundberg asked if the issues and problems that were discovered with the most recent inspection were serious or minor and not life threatening.

Building Inspector Pazandak explained that there are three certified building officials and a structural engineer that consider the building unsafe. He stated that he thinks it has been fortunate that there has not been a heavier windstorm that could have caused injury and damage.

Councilmember Johnson stated that there are children that live in this house and it is deemed unsafe. He asked if there were concerns that there could be some sort of accident in the next thirty days. He stated that he asks this question because there has already been one partial collapse of the building.

City Administrator Lerud stated that following the meeting last February the homeowners were told not to occupy the addition. He stated that they have not been back to check on that issue, but the homeowners have most definitely been told that they are not to occupy the addition space. He clarified that there is nothing wrong with the original home and that the concerns are only with the addition.

Councilmember Siakel read aloud a portion of the MNSPECT report that stated, "there are so many serious code violations, and that rectifying them would require disassembly of much of the addition, the building should be declared unsafe and demolished under the procedures in MN Rule 1300.0180 and MN Statute 463.15-26." She stated that even if the City gave them a thirty-day period, the engineering reports are saying that the building process will have to be started over in order for it to be done correctly.

Mr. Renz stated that the information she is referring to are not official engineering reports but are simply observations made by structural engineers without any testing. He stated that they have submitted a report from a certified structural engineer from Safe Haven. He stated that they have taken this information to submit changes that need to be made to their contractor that would make it safe. He stated that he appreciates the City's patience in this matter and they are just asking for an additional thirty days.

Building Inspector Pazandak stated that regarding the brevity of the reports from MNSPECT and Oswell Engineering, when they walked in and saw the building and knew that the property owners would be paying for the reports, they tried to reduce the cost of the reports as much as possible rather than going to the expense of putting together a full, extensive and expensive report. He stated that the result of their inspections was so clear that they were able to put together a brief report with their findings simplified. He stated that there are so many issues with the addition that making a full, detailed list would be quite encumbering.

Councilmember Johnson asked about the statement in item 3b that stated that the plan does not consider water damage to construction materials.

Building Inspector Pazandak stated that the plan does not address water damage to the construction materials. He stated that Derek Phillips of Safe Haven acknowledged that the design would need to be based on the evaluation of the materials.

Mr. Renz noted that Mr. Phillips of Safe Haven is the structural engineer that has been engaged to provide this analysis.

## **CITY OF SHOREWOOD REGULAR COUNCIL MEETING MINUTES**

**July 8, 2019**

**Page 5 of 11**

Councilmember Sundberg asked City Attorney Keane if the City should allow the additional thirty days if the City would be liable for anything happening in that time period. She asked, for example, if something collapsing on the structure would be an issue.

City Attorney Keane stated that his understanding is that there is no occupancy or habitation of the addition for safety purposes. He stated that he is not prepared to answer the question regarding the possibility of something collapsing on the structure.

Councilmember Sundberg asked if Building Inspector Pazandak could answer that question.

Building Official Pazandak stated that it would depend on the incident, for example, if there were high enough winds, there may be some risk because, for example, they cut the rafters in order to put in the addition. He noted that the City is really focusing on the addition and not the existing home.

City Attorney Keane stated that the City has been thorough and conscientious and has followed its obligations to the code and the safety of others. He stated that he is confident that the City's actions are well within the expectations of diligence and thoroughness.

Mayor Zerby noted that there have been a number of opportunities and missed deadlines in the timeline information from the staff report and is not sure what an additional thirty days will do. He asked if the new plan was to update or submit completely new plans.

Councilmember Siakel asked if there was a completion date for this project.

Mr. Renz stated that they are still trying to figure out exactly what the City wants and feels they are getting close and feels that they will be able to do that if they are given the additional thirty days.

Mayor Zerby stated that what the City wants is clearly laid out in State building codes as well as the City building codes. He stated that he feels it is black and white and there actually is not too much to figure out.

Mr. Renz stated that they have not seen it quite as black and white as that. He stated that their hope is to come back with an engineering report that addresses what needs to be done, assessing the structural integrity of the existing materials and have a full scope of drawings from the structural engineer and add a contractor estimate and have a building permit package ready for the application process.

Mayor Zerby noted that it appears as though he is saying that the same engineering firm that already submitted one set of incomplete plans to the City would be handling the process in the next thirty days.

Mr. Renz noted that the incomplete plans were that there were two measurements that were missing.

Mayor Zerby asked if work would begin immediately if the City would allow a thirty-day extension in order for them to put together a complete building permit application.

Mr. Renz stated that work would begin as soon as the contractor is ready and able to proceed.

## CITY OF SHOREWOOD REGULAR COUNCIL MEETING MINUTES

July 8, 2019

Page 6 of 11

Councilmember Johnson stated that in Building Inspector Pazandak's letter, item 2D mentions the foundation does not extend to the first-floor joist framing which needs to be evaluated for design requirements. He asked how a design could overcome a foundation that is not supporting joists.

Building Inspector Pazandak stated that there were a number of questions that he had for Derek Phillips from Safe Haven and not just a few missing measurements. He explained the assembly of the foundation and the vertical wall.

Councilmember Johnson asked if he felt this issue could be properly designed in thirty days.

Building Inspector Pazandak stated that it could be designed in thirty days, but that is only addressing the structural issues. He explained that there is also the energy code, windows, walls, room layout and stairs, for example. He stated that there has never been a complete evaluation of the building because the repairs were so enormous. He reiterated that they would need to have someone come in and do a full evaluation of everything and not just the structural elements. He stated that he believes the repairs necessary are greater than what the property owners or their representative are understanding.

Councilmember Siakel stated that item 2 of the proposed resolution states that the owners would be required to remove the addition of the structure. She stated that there is no time frame and asked how long the City would give them to remove the structure. She asked if language could be included in the resolution that for example, gave them sixty days to remove the structure unless there is compelling evidence that would make the City reconsider. She stated that it is nice to work with the residents whenever possible.

City Administrator Lerud stated that the City has worked with the residents for several years. He stated that rather than change the language of the resolution he would suggest that the Council not take action for thirty days.

Mayor Zerby opened the public hearing for comment at 7:38 p.m.

Josh Riedel, 5815 Club Lane, asked for the thirty days to present the items that Mr. Renz outlined. He stated that the City has been more than patient with them but he is asking them to allow them the opportunity to bring this up to code and resolve the issue. He asked that the Council not pass the proposed resolution tonight.

Councilmember Siakel stated that it is an unfortunate situation and she feels badly for the property owners, but she is basing her opinion on the work that staff has put into this situation and their recommendation. She explained that she is leaning towards moving in favor of the proposed resolution.

Councilmember Sundberg stated that she agrees this is a difficult situation. She stated that she sees the length of this process and the many attempts by the City to help the homeowner with this process and to hold up its responsibility to assure safe structures. She stated that she is a bit on the fence on this issue because she is not sure allowing thirty days will make a difference either way. She stated that she finds it difficult to believe that they will be able to come with a plan that addresses all the issues within thirty days.

## CITY OF SHOREWOOD REGULAR COUNCIL MEETING MINUTES

July 8, 2019

Page 7 of 11

Mayor Zerby stated that he wants to find a way to work with the residents but staff has already worked extensively with them over an amazingly large amount of time. He stated that he feels that this is the first time the Council has seen the residents and feels the gravity of the situation is weighing on them. He stated that he is inclined to give them one more shot and grant the thirty-day extension.

Councilmember Siakel stated that she keeps coming back to the opinions expressed in both of the engineering reports and everything that staff has already done over the past fifteen years. She stated that there has already been one incident where someone was injured and does not see how things will be any different in thirty days.

Councilmember Johnson stated that he comes back to whether or not there is a safe place for the occupants to be during the next thirty days. He stated that it appears as though there is a safe place inside of the existing structure, not the addition. He stated that he is empathetic and could see the City allowing thirty days to allow for progress but noted that in his mind, the progress would have to be significant.

Councilmember Siakel stated that if the Council even considers giving the additional thirty days, she feels that more direction needs to be given. She stated that it is not just about having an engineer say what it is going on with the structure. She stated that it is having a plan that gets this place done and inhabitable, which has not been mentioned by anybody. She stated that she thinks the City needs to clearly lay out what is expected in thirty days.

Councilmember Johnson stated that in thirty days, ideally, he would like there to be an actual building permit.

City Administrator Lerud stated that the process for a building permit requires about a ten to fourteen-day review process. He stated that he agrees with Councilmember Siakel that it needs to be clear that this is not just structural even though that is what discussion has focused on tonight. He noted that the City has never seen any plans for sheetrock, electrical, plumbing, insulation, windows or any of the interior plans.

Councilmember Siakel asked if the City had any legal recourse for a situation like this where work has continued to be done without permitting. She stated that there is a real history of that happening in this situation with these residents.

City Administrator Lerud stated that these situations are extremely rare. He stated that the City has tried for a very long time to work with the residents.

**Siakel moved to Adopt RESOLUTION NO. 19-067, “A Resolution Ordering the Removal of an Illegal Structure at 5815 Club Lane.”**

Councilmember Siakel asked if approving this resolution would stop the resident from coming back with a full building permit application.

City Administrator Lerud stated that it would not prevent them from coming back with a full building permit. He noted that the City has not been in a hurry to remove this structure and this is just the first step in a long process.

**Sundberg seconded the motion. Motion passed 3/1 (Zerby Nay).**

**5. NO REPORTS AND PRESENTATIONS**

**6. PARKS**

**A. Accept Quotes and Authorize Construction of Park Buildings, Badger Park 5745 Country Club Road**

Planning Director Darling explained that the City has received estimates for the construction of park buildings at Badger Park. She noted that because each building is a different type of construction there are estimates from different builders. She reviewed the estimate details for the shelter and noted that it is close to the staff estimate and staff is suggesting that there be a separate quote for the stonework around the columns. She noted that only one quote was received for the restroom building which also came in close to the staff estimate. She noted that the cost for these projects would come from the park dedication fund and staff recommends approval.

Councilmember Siakel asked why only one quote was received for the restroom facility.

Planning Director Darling stated that she thinks it was a combination of the underground foundation work that was required as well as the fact that the economy is doing well, so there is a lot of competition for jobs.

**Sundberg moved, Johnson seconded, Adopting RESOLUTION NO. 19-068, “A Resolution Accepting Estimates and Authorizing Construction for Two Buildings at Badger Park at 5745 Country Club Road.” Motion passed 4/0.**

**7. PLANNING**

**8. ENGINEERING/PUBLIC WORKS**

**A. Resolution Establishing No Parking on the North Side of Park Lane**

Public Works Director Brown explained that it was incorrect in the packet and should be for no parking on the “south” side of Park Lane. He stated that this issue was first raised by a resident, but staff has also witnessed the problem and recommends approval of the revised resolution. He noted that residents have commented on the horseshoe drive which is Pond View Drive, but noted that is a private roadway and does not fall under the jurisdiction of the City for no parking action.

Mayor Zerby thanked the residents of Shorewood Ponds for attending tonight’s meeting. He stated that the City may want to make sure that parking restrictions are communicated and make sure they understand that No Parking signs actually mean “No Parking”.

**Siakel moved, Johnson seconded, Adopting RESOLUTION NO. 19-069, “A Resolution Prohibiting Parking Along the South Side of Park Lane.” Motion passed 4/0.**

Public Works Director Brown stated that he would hope to have the signs installed sometime in the next week.

**B. Revision to 2019 Capital Improvement Program, Shady and Enchanted island Project, City Project 18-11**

**CITY OF SHOREWOOD REGULAR COUNCIL MEETING MINUTES**

**July 8, 2019**

**Page 9 of 11**

City Engineer Fauske explained that the City is making some progress on the archeological study on Shady Island and Enchanted Island, but the City still does not have a full report in order to move forward with the project. She explained that the project team sat down and decided that with the full report not completed and the difficulty in moving forward, even under the best-case scenario, they are asking the Council to officially put this project on hold for 2019 and move it to 2020.

**Johnson moved, Sundberg seconded, Adopting RESOLUTION NO. 19-070, “A Resolution Postponing Improvements of the Enchanted Island and Shady Island Street Reclamation Project, City Project 18-11, to 2020.” Motion passed 4/0.**

**C. Accept Proposal for Professional Services from Inspec, Inc. for Roof Replacement Project, City Project 19-06**

Public Works Director Brown noted that the 2018 Capital Improvement Program (CIP) had listed a roofing project for the Public Works building. He stated that the project did not move forward and was mistakenly not included for the 2019 CIP. He stated that they have been up on the roof a few times and the roof has significant problems that are causing damage to the decking as well as the interior of the building. He stated that the roofing supplier put together an estimate for the City, however he considers it a “Cadillac” plan because it came in at \$350,000 which he feels is too high. He stated that staff has talked about the fact that the school district has become very proficient with these types of projects and when the City talked to them were told that Inspec, Inc. does all of their roofs in the area and are a reputable firm. He stated that staff asked Inspec to put together a proposal which is for \$24,700 for their services. He noted that when staff looked at the roof, they found a number of the drains were installed incorrectly back in 1993. He stated that alleviating that issue will involve some structural design that was not included in the \$24,700 amount.

Johnson stated that he is in favor of this approach.

Mayor Zerby asked if the City let the roof go too long and whether there should be some type of policy or procedure in place so this type of thing does not happen again.

Public Works Director Brown stated that staff has talked to Inspec about how often roof structures should be inspected and those types of questions already.

Mayor Zerby stated that hopefully this is a lesson learned because he knows there are a number of other structures in the City that have roofing systems and thinks inspecting them on a regular basis is a good idea.

Public Works Director Brown stated that the drone technology has become quite affordable and may make sense in this type of situation.

**Johnson moved, Sundberg seconded, to Accept the Proposal for Professional Services from Inspec., Inc. for Roof Replacement Project, City Project 19-06. Motion passed 4/0.**

**9. GENERAL/NEW BUSINESS**

**A. SCEC Logo and Brochure**

## CITY OF SHOREWOOD REGULAR COUNCIL MEETING MINUTES

July 8, 2019

Page 10 of 11

City Administrator Lerud stated that for the last few months staff has been working to design the logo and brochure for the Shorewood Community and Event Center (SCEC). He stated that staff is looking for feedback from the Council on which logo they like and feedback on the brochure. He noted that he sees one picture that he would like to see changed in the brochure.

Councilmember Sundberg and Mayor Zerby stated that they prefer the logo that has the gray and blue contrast that is labeled "Bold CEC – E".

Councilmember Sundberg stated that she feels the portion of the brochure that mentions "max" numbers could be a little more clearly worded that it is talking about people. She stated that the location of the facility is tough to describe.

City Administrator Lerud stated that he agreed and noted that when you use Google Maps and come down County Road Nineteen, it announces "you have arrived at your destination", and agreed that will be difficult to overcome.

Councilmember Siakel suggested including language that says the facility shares parking with City Hall and Badger Park or that it shares the campus with Badger Park and City Hall.

City Administrator Lerud stated that he thinks those changes are a good idea.

Councilmember Johnson stated that he does have a few ideas and may submit them in writing.

**Siakel moved, Zerby seconded, to Accept the SCEC Logo labeled Bold CEC-E and the Brochure, subject to Councilmember Johnson working with staff to clarify language and pictures for the SCEC brochure.**

Councilmember Sundberg asked that the map be revised.

Mayor Zerby suggested that an e-mail be included along with a phone number.

**Motion passed 4/0.**

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

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

Public Works Director Brown stated that they have been spending a lot of time patching the roadways. He stated that work has been interrupted over the last week because there have been a number of trees that have fallen over due to the saturated soils. He stated that they have gone to a "casual pump" for management of the elevation of Merry Lake. He explained that they are not down to the level that they had hoped which was lowering the water level by a foot but are hoping to get some help from dry weather in order to get the water levels back down to where they belong.

Councilmember Johnson stated that Strawberry Lane appears to have been patched from the trail north, but not from the trail to the south.

**CITY OF SHOREWOOD REGULAR COUNCIL MEETING MINUTES**

**July 8, 2019**

**Page 11 of 11**

Public Works Director Brown stated that it is an example of patching that was interrupted by falling trees.

Mayor Zerby noted that there are a few drainage issues still listed on SeeClickFix and asked if they had been investigated.

Public Works Director Brown stated that they had taken a look at those issues and City Engineer Fauske has responded by letting the homeowners know that the culverts that cross under the LRT are owned and operated by Hennepin County. The City has informed Hennepin County about the issue and they have acknowledged it and stated that they will be monitoring it.

City Engineer Fauske stated that they are in the process of looking over the contracts for the upcoming mill and overlay and noted that she will bring the proposed schedule for the work to the Council.

Mayor Zerby asked when the striping would be done.

City Engineer Fauske stated that she believes they had until August to have the striping complete. She stated that she will give the Council an update at their next meeting.

Planning Director Darling stated that the goats have done their work and have been removed from Freeman Park. She announced that she has a volunteer summer intern working with her.

**B. Mayor and City Council**

Councilmember Johnson introduced his daughter, Olivia, who sat in on tonight's meeting.

**11. ADJOURN**

**Sundberg moved, Johnson seconded, Adjourning the City Council Regular Meeting of July 8, 2019, at 8:19 P.M. Motion passed 4/0.**

**ATTEST:**

\_\_\_\_\_  
**Scott Zerby, Mayor**

\_\_\_\_\_  
**Sandie Thone, City Clerk**