

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, 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: None

B. Review Agenda

Mayor Zerby noted that staff has asked that item 8.A. be moved to a future meeting.

Labadie moved, Siakel seconded, approving the agenda as amended. Motion passed 5/0.

2. CONSENT AGENDA

Mayor Zerby reviewed the items on the Consent Agenda.

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

- A. City Council Work Session Meeting Minutes of July 22, 2019**
- B. City Council Regular Meeting Minutes from July 22, 2019**
- C. City Council Special Work Session Minutes of July 31, 2019**
- D. Approval of the Verified Claims List**
- E. Accept Final Improvements, Authorize Final Payment, Boulder Bridge MCC Project, City Project 18-01 RESOLUTION NO. 19-075, "A Resolution Accepting Final Improvements and Authorizing Final Payment for the Boulder Bridge Motor Control Center Project, City Project 18-01."**

Motion passed 5/0.

3. MATTERS FROM THE FLOOR

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Pat Niemi, 23895 Elder Turn, stated that she had owned this property since 1969 and explained that it is currently a rental property. She stated that there have been drainage problems that have taken about one-third of the yard and have caused some of their big trees to die. She stated she has written letters to the City in the past but this is her first time appearing before the Council to try to get some assistance in resolving the issue because this is the worst it has ever been. She stated that this problem is not just in her yard but many of the yards in the area have water and have large trees dying all around Mary Lake. She asked when the City would be doing something to fix the problem. She stated that this problem has been going on for years and started when the new homes were built at the end of Minnetonka Drive.

Public Works Director Brown stated that Mary Lake has been pumped four times in the last twenty-three years. He stated that the City has looked at a way to come up with a permanent solution to pump the lake, but the alternatives were too expensive. He stated that because of the intense rain this year, they have set up a temporary pumping station from Mary Lake to Lake Linden with the hope it would buy the City time to let the lake naturally percolate. He noted that the lake has not needed to be pumped in the last few weeks and the water is receding, just not as quickly as they would like.

Mayor Zerby stated that the City is pumping the lake but it is not keeping up with the amount of rain that has been falling. He noted that in the most recent newsletter from Minnehaha Creek Watershed they stated that this spring has been the fifth wettest spring on record.

Ms. Niemi stated that this year is by far the worst it has ever been and noted that they lost a wood utility shed a few years ago because the water was up at least twenty feet. She stated that the City brought material to her driveway and a neighbor's driveway in order for them to be able to access their garages. She stated that when she drove through the area earlier today, she noticed that now the blacktop is cracking and breaking. She stated that ten to fifteen feet of the cul-de-sac is covered in water and noted that there is a green telephone access box that was once on soil that has been under water for a few years. She stated that in order to get to the fence or the telephone box, you would have to walk through water up to your knees. She stated that pumping is not enough unless the City would like to start buying out properties to allow the lake to expand. She stated that this problem is very serious and hopes that the Council takes it seriously and does something before properties are lost. She expressed her thanks to the Council for listening.

Mayor Zerby asked Public Works Director to look into the issue and present the Council with some possible solutions.

Councilmember Siakel stated that it is her understanding that Mary Lake did not have a natural outlet, so whatever is there just collects there. Public Works Director Brown stated that was correct and noted that Lake Linden also does not have a natural outlet. Mayor Zerby asked if there could also be a way to determine what the water level should be at.

Public Works Director Brown stated that there are tools available that help determine what the normal water line should be.

Don Aslesen, 26055 Shorewood Oaks Drive, stated that he had contacted Councilmember Johnson about an article that was in the Lakeshore Weekly that talked about the Pledge of Allegiance and he suggested that he come before the Council. He stated that he would like to ask the Council to consider reciting the Pledge of Allegiance at the beginning of meetings out of respect to the flag and what it represents. He stated that many other cities in the area include the Pledge of Allegiance in their Council meetings and asked the Council to do some soul searching

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and consider it. He stated that the Pledge of Allegiance honors the flag, military service members, police, fire and emergency responders as well as the people in the community.

Councilmember Sundberg thanked Mr. Aslesen for coming to the Council with this idea. She stated that she is a bit embarrassed to admit that it did not occur to her that the Council did not recite the Pledge of Allegiance. She stated that she is happy to include it in the meetings and noted that she was glad he included more than just the military because she thinks it falls under a civic responsibility and can serve as a reminder of that duty.

4. PUBLIC HEARING - NONE

5. REPORTS AND PRESENTATIONS

A. Laura Hotvet and Jen Weiss – Excelsior Chamber of Commerce

Ms. Hotvet and Ms. Weiss gave an overview of the Lake Minnetonka Fourth of July Celebration. Ms. Weiss noted that the Firecracker Race is a tradition that has lasted forty-one years and that this year two thousand five hundred people participated which was a record. She stated that this is the only public fireworks over Lake Minnetonka and explained that the fireworks barge is in the City and the fireworks are deployed out of the City of Shorewood. She stated that the event partners with Shorewood businesses such as THN Enterprises and Shorewood Marina and Yacht Club for the barge. She reviewed the funding and noted that they fundraise for one-hundred percent of the budget and noted that it costs approximately ninety-thousand dollars to put on the event. She reviewed the area city contributions as well as a breakdown of cost per citizen.

Mayor Zerby noted that the population numbers they have for Shorewood are wrong and should be about half of what they have listed. Ms. Weiss noted that they had gotten that number by looking on-line at the census information. She noted that the City is the only city that has achieved the Platinum Level in Sponsorship which means the City's logo is on the event website, posters, postcards. She stated that the City logo is also on the banner that crosses Water Street and the day of event signage near the Ferris wheel. They noted that prior to 2015, the City had contributed five-thousand dollars annually but in 2015 increased the donation to seven thousand five hundred dollars. She reviewed some of the challenges facing the event since it is completely community funded.

Mayor Zerby asked how much the Firecracker Run and the Bingo and Burgers by the Bay covered of the overall costs. Ms. Hotvet stated that it varies but the Excelsior Rotary Club is a huge fund raiser and believes that they donated twenty thousand dollars this year. She stated that she believes about \$25,000 came in from the Firecracker Run.

Councilmember Siakel stated that the discussion about the costs for the event started because of the presentation made by Community Education. She stated that residents had come forward and asked about the high cost of paying for a family to run the Firecracker Run. She stated that the City needs to look at expenses and noted that the number one cost to the City is Public Safety. She said that it raises the question of what the City is contributing to and noted that Excelsior on the Fourth of July looks very different now than it did five years ago.

Councilmember Labadie stated that when Communication Education presented before the Council, they questioned them about where the money goes because they said that a portion of the money goes towards the fireworks. She stated that she expected that there would be a little

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bit more of an accounting for the finances at tonight's presentation. She stated that as Councilmember Siakel mentioned, the run is borderline cost prohibitive if you have three or four children and want to the run the race. She stated that people want to know how much of their entry fees are going towards fireworks. She stated that she would have liked to have seen these numbers prior to the Fourth of July celebration. She stated that she wants to know exactly what the Council is giving the City money to and she is not convinced that she has a clear picture yet. She stated that the residents enjoy this event and it is great that the City is on the platinum level of advertising but noted that she did not think the City was giving its money in order to be on posters and flyers, but because residents enjoy the event. She stated that she thinks residents want more feedback than they are getting. She stated that she did want to compliment the grounds crew that was used after the event because they did a great job and you could hardly tell an event had happened.

B. Curt Mackey, EFD Fire Chief

EFD Fire Chief Mackey explained that the majority of the budget was prepared by his predecessor, and if he is not able to answer council questions tonight, he will get answers back to the council. He noted that the 2020 budget was presented to the Fire Board in late July and shows a budget of \$52,407 which is a 2.95 percent increase for each city. He gave a brief overview of the proposed 2020 budget and noted that the primary reason for the increases are due to staffing and gave an overview of the details surrounding those costs.

Mayor Zerby asked why there had been an increase of 300 percent for the part-time fire inspector hours. He stated that he does not believe the City has had that much growth. EFD Fire Chief Mackey stated that this position has been understaffed for several years and noted that he cannot speak specifically to Shorewood because he has only been on the job for five weeks. He stated that he can speak with the Fire Marshall to see how she calculated those hours specifically for Shorewood and get that information back to the Council.

Councilmember Siakel stated that she thinks the issue is that the increases come to the City, but the benefits go to Excelsior. She stated that she believes the situation is becoming more and more unbalanced. EFD Fire Chief Mackey stated that they do run reports by city so he thinks it should be fairly easy to capture some of those numbers for the Council.

Johnson moved, Siakel seconded, Approving the 2020 EFD budget, as presented. Motion passed 5/0.

C. Mike Meehan, SLMPD Chief

SLMPD Chief Meehan gave a brief overview of the 2020 budget and noted that there is a proposed increase of 3.6 percent for their total operating budget. He explained that there was \$92,000 in unspent funds from the 2018 operating budget that was reinvested into the 2020 budget in order to bring the overall increase of contributing cities to 2.1 percent. He stated that the increase will primarily cover salaries and wages as part of the implementation of a new pay philosophy that resulted from a study the department conducted this past year. He stated that the hope is that it will help guide both recruitment and retention for the future of the department.

Mayor Zerby stated that he is very pleased with SLMPD Chief Meehan's budgeting abilities and what he has put forth for the last few years. He stated that he believes the payroll study was a good idea.

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Councilmember Siakel asked for SLMPD Chief's opinion on the speed bumps at Birch Bluff Road and Pleasant Avenue. She said that she has been getting calls about them and has been telling people that those were put in by Tonka Bay, not the City.

SLMPD Chief Meehan stated that he believes that the jury is still out on their effectiveness. He stated that he does not believe there has been enough data gathered yet, but it is difficult to capture data in real world situations because it does not exist in a vacuum. He stated that there have been some angry residents that have pulled up the temporary speed bumps and threw them in the swamp as well as a few cyclist accidents including one that was quite serious. He stated that he thinks the neighborhood is pleased with them, but noted that he is personally not a big fan of them. He noted that if there continues to be an increase in temporary speed bumps throughout the community, it will affect the police department's response time and their ability to get places quickly. He stated that it may be better to attempt to gather data when school is back in session because he thinks there is some existing baseline data that it can be compared to.

Councilmember Johnson asked if EFD Chief Mackey had any comments on the speed bumps and their effect on response times. EFD Chief Mackey stated that he would echo SLMPD Chief Meehan's comments. He stated that they have responded to a number of pedal bike incidents in these areas and one was quite severe. He stated that speed bumps are hard on their apparatus. He stated that he had taken pictures of all the speed bumps and sent them to Hennepin County ambulance service and asked them to distribute it to their drivers because the ambulance hit them hard when they responded to the pedal bike incident because they did not know they were there.

SLMPD Chief stated that they have also seen complaints about vehicles driving into yards to go around and avoid the speed bumps. He stated that residents were putting debris in the right-of-way as a way to step this, which puts the City at liability so they have to go and have the residents remove the debris.

Councilmember Sundberg asked about the frequency that the fire and police departments were being called to the senior living facilities. SLMPD Chief Meehan stated that he cannot give an answer tonight but can certainly gather that data and get it back to the Council. He stated that off the top of his head, he thinks the calls to the senior care facilities may be a little bit more robust than they had anticipated and believes the majority of the calls are for medical assistance. He stated that at the non-assisted living facility they do help with lift assists because it would be the same as an apartment building. He explained that in an assisted living facility the facility staff would be responsible for those services.

Councilmember Sundberg stated that she knows some communities are having huge issues with this type of thing. SLMPD Chief Meehan stated that lift assists are a bit problematic because they do see more than in the past and they are also seeing heavier people, so the department runs the risk of worker's compensation injuries when they are lifting the large people without enough help. He stated that it often leads to a call to the fire department which brings more people to lift but expends a lot of resources on a non-emergency call.

EFD Chief Mackey stated that he thinks the fire and police department have a good relationship and the thought process with the larger patients is to not risk an injury to the ones responding. He stated that he does believe it is a bit of a slippery slope because ultimately anyone who has fallen down needs some type of response because you do not know the extent of the injury. He

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stated that he thinks these facilities do not want the liability for their staff to just go in and pick someone up who has fallen so it turns into a 911 call.

SLMPD Chief Meehan stated that sometimes it is hard to know if they should be there or not, but he believes that if you are in the business of caring for people and they fall, that should be part of your business operation. He noted that the calls are not always for when people are down on the floor, sometimes they are called to assist them in the restroom or sometimes they are in a private home and are stuck in their chair. Councilmember Sundberg stated that she agrees with SLMPD Meehan that some of these facilities are shirking their responsibilities.

Councilmember Labadie thanked both the Fire and Police Department for sending people out to the neighborhoods for National Night Out. She stated that it is not just the neighborhoods with children that enjoy this event. She noted that her neighborhood was able to see the transport vehicle that is used by S.W.A.T. and there were twenty adult neighbors that gathered around and asked questions.

Johnson moved, Sundberg seconded, Approving the 2020 SLMPD Proposed Budget. Motion passed 5/0.

SLMPD Chief Meehan expressed his appreciation to the Council for their continued support and stated that it is felt all over the department.

6. PARKS

A. Request for Cathcart Hockey Boards Painting Event Funding

Planning Director Darling explained that the Parks Commission has been concerned about the appearance of the hockey boards at Cathcart Park. She stated that her predecessor had looked into alternatives of replacing the wooden boards with something more attractive, but that was cost prohibitive. She noted that replacement of the boards is included in the CIP for 2021. She stated that one of the Commissioners had seen another community paint the boards which greatly improved the appearance. She noted that Tonka Bay painted their hockey boards earlier this year using volunteer labor. Staff put together some costs for the City to hold their own volunteer labor painting event. She stated that they are estimating that the total cost for the project will be around twelve hundred dollars. She explained that she has some leftover grant money that could help pay for this which would bring the cost down.

Councilmember Johnson asked City Attorney Keane if there would be any concern regarding liability for having volunteers do this type of work. City Attorney Keane stated that assuming that customary safety precautions would be in place, and the volunteers would not create additional risks to others that are enjoying the park, it should not cause any liability concerns.

Councilmember Sundberg asked if the plan was to also paint the inside of the hockey boards. Planning Director Darling stated that it was proposed to paint both the inside and the outside of the hockey boards. Councilmember Johnson stated that the insides are usually painted and noted that the pucks hitting the inside of the boards will leave a mark, but that is expected. He asked if the hockey association had been invited to participate in this volunteer activity.

Planning Director Darling noted that it had been advertised in the City newsletter but she had not contacted the hockey association and asked them about volunteering. Councilmember Johnson suggested that the City "volun-tell" the hockey association to be involved. Councilmember

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Labadie asked if there was an age restriction on the volunteers and asked if kids would be allowed to volunteer. Planning Director Darling stated that she would think older kids could certainly help with the roller and brush painting but not use the power equipment.

Councilmember Labadie stated that she thinks that should be specified in the advertising and noted that she believes that volunteer hours for this could qualify for volunteer hours for the Presidential Volunteer Award. She stated that she thinks this would be a great event that the schools would support. Councilmember Siakel stated that it also may be something that the Boy Scouts may be interested in.

Siakel moved, Johnson seconded, Approving the Request for Funding for the Cathcart Park Hockey Board Painting Event. Motion passed 5/0.

Councilmember Labadie suggested alerting the newspaper in order to get some positive press coverage.

7. PLANNING

8. ENGINEERING/PUBLIC WORKS

A. Accept Proposal for Professional Services, AE2S SE Well and Filter Plan PLC Replacement, City Project 19-07

Public Works Director Brown explained that the Programmable Logic Controller (PLC) is a computer that controls the well, chemical treatment, the water filtration system and the water reclamation system. He stated that the proposal submitted by AE2S, is from the same company that the City worked with on the Boulder Bridge project. He stated that the proposal is under the budgeted amount and staff recommends approval.

Mayor Zerby stated that there have been a few comments recently about discolored water and asked if that was out of this well house. Public Works Director Brown stated that discolored water is a very common phenomenon and can sometimes come from an infiltration system inside the home. He explained other instances for discoloration such as low usage of water or times of use that are heavier, such as when everyone starts up their irrigation systems at the same time in the spring.

Johnson moved, Siakel seconded, Accepting the Proposal for Professional Services, AE2S Well and Filter Plan PLC Replacement, City Project 19-07. Motion passed 5/0.

9. GENERAL/NEW BUSINESS - NONE

10. STAFF AND COUNCIL REPORTS

A. Administrator and Staff

1. Date of First City Council Meeting in September

City Administrator Lerud stated that in previous discussions some of the Councilmembers noted that there would be some conflicts with the planned Council meeting on September 9, 2019. He stated that an alternate date that has been proposed is Thursday, September 5, 2019.

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Johnson moved, Siakel seconded to move the first Council meeting in September from September 9, 2019 to September 5, 2019. Motion passed 5/0.

Other

Director Brown stated that the Public Works crews continue to take on the patching work and noted that they hope to be out on the islands next week working on patching. He noted that crews will be out patching until the snow comes, but after the islands, some of the crews will shift to working with Davey Tree to take care of some of the tree issues around the City. He stated that they will also begin conducting stormwater inspections and cleaning of the sanitary sewer mains as required by the insurance carrier.

Mayor Zerby noted that there had been a few potholes around the Christmas Lake area that have been there for a while that Public Works may want to take a look at.

Planning Director Darling stated that the last set of park tours will be August 13, 2019. She noted that there has been some difficulty working with the foundations for the Badger Park picnic shelter. He stated that if it is determined that a new foundation design is necessary that would increase the costs of the shelter by over fourteen thousand dollars. She explained that Building Inspector Pazandak has been working between the construction company and the foundation designers to find some other alternatives. She stated that she should be able to present this information at the next Council meeting.

City Administrator Lerud asked the Council what direction they would like to go with regard to the Chamber of Commerce request for funding for the Fourth of July event.

Councilmember Johnson stated that he is comfortable with the amount the City has contributed in the past.

There was consensus to keep the donation amount the same as in the past.

B. Mayor and City Council

11. ADJOURN

Sundberg moved, Labadie seconded, Adjourning the City Council Regular Meeting of August 12, 2019, at 8:16 P.M. Motion passed 5/0.

ATTEST:

Scott Zerby, Mayor

Sandie Thone, City Clerk