

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 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: Councilmembers Johnson and Sundberg

B. Review Agenda

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

Roll Call Vote: Labadie, 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.

- A. City Council Regular Meeting Minutes of September 14, 2020**
- B. Approval of the Verified Claims List**
- C. Set Special Meeting Date to Canvas Municipal Election**
- D. Resolution Designating 2021 Polly Places, Adopting RESOLUTION NO. 20-106, "A Resolution Designating 2021 Polling Precinct Locations for the City of Shorewood."**
- E. Approve Extension for Matthew Sayer Addition Located at 20325 Excelsior Boulevard Adopting RESOLUTION NO. 20-107, "A Resolution Approving Extension to the Preliminary Plat Approval for the Matthew Sayer Addition located at 20325 Excelsior Boulevard."**

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

3. MATTERS FROM THE FLOOR

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Jan Callison, Hennepin County Commissioner, provided an update related to COVID-19, the Minneapolis Recovery, Elections and the 2021 budget. She noted that this is her last year serving as a Commissioner. She stated that the County has about 1/5 of the State's population, there has been a disproportionate impact from COVID-19 in terms of hospitalizations, cases and deaths. She reviewed the disparities they have found based on race and age throughout the County. She noted that the City of Shorewood has about 8,000 people and had 82 confirmed cases as of about two weeks ago and less than five deaths related to COVID-19. She reviewed some of the areas that the CARES funding had been allocated throughout the County. She gave an overview of the small business relief program in the Shorewood area. She explained that the County moved aggressively to ensure that there was not a COVID outbreak in their homeless shelters which involved moving about 500 at risk elderly or ill people out of the shelters and into hotel spaces. She shared other ways the County is helping to provide housing stability for the homeless. She shared some pictures of some of the damages that occurred in Minneapolis during the unrest that happened in May and commended the Sheriff's department for their work throughout these challenging times. She stated that they are currently estimating that there was about \$5,000,000 in damages and expect about \$3.6 million of that to be paid by insurance. She gave a brief overview of the 2020 election expectations as well as a preview of the 2021 County budget. She stated that their goal is to have no increase in the property tax levy which will require a \$40 million cut to their budget. She stated that there will be major unknowns as they begin to work on the budget related to COVID expenses which includes housing expenses such as the hotel rooms for the homeless population. She cautioned that the budget outlook for both 2021 and 2022 may be grim. She noted that she took office in 2009 and will be leaving office in 2020. She gave an overview of some of the changes and differences between 2009 and 2020 during her time as a Commissioner. She explained that the County is aware of the City's proposal for the storm water pond on County property and are reviewing the proposal.

Mayor Zerby stated that 2020 has been a challenging year for everybody and appreciates everything Commissioner Callison has done.

Councilmember Siakel stated that she is not sure where the name Wedgewood Forest came from, but the City is looking to find a solution that works for everybody. She thanked Commissioner Callison for her service and everything she has done for the community of Shorewood.

Councilmember Labadie also extended her thanks for Commissioner Callison for her service.

Petra Cripe, 450 West Lake Street, asked if the Council was aware that the 911 system is down, nation-wide and they have given an alternate phone number for the public to use in case of emergency. She reiterated that the news has reported that the 911 system is out nationwide and gave no time estimated for its recovery.

Mayor Zerby noted that he just pulled it up on a local news site and lists the number that Hennepin County and Minnetonka residents should call in the event of an emergency..

Councilmember Labadie stated that she has two items that she would like to raise, as a resident, during Matters from the Floor.

Jennifer Labadie, 5510 Howards Point Road, stated that several residents have raised concerns to her about speed on Old Market Road and Covington Road. She asked the City to reach out to the South Lake Minnetonka Police Department about the possibility of getting a speed study done in this area. She stated that the second concern that has been brought to her attention by several

residents is that senior residents in Shorewood Ponds and The Seasons have expressed the desire to have increased amenities in City parks that are targeted and geared more towards seniors, specifically in Freeman Park and the old skate park locations. She asked if staff and the Parks Commission could put this item on an upcoming agenda for discussion and report back to Council.

4. PUBLIC HEARING

5. REPORTS AND PRESENTATIONS

6. PARKS

A. Report by Commissioner Hirner on September 1, 2020 Joint Parks and Planning Commission Meeting and September 22, 2020 Parks Commission Meeting

Planning Director Darling stated that she does not see Commissioner Hirner on the call but noted that Planning Commissioner Riedel could give an overview of the Joint Parks and Planning Meeting.

Planning Commissioner Riedel gave a brief overview of the September 1, 2020 Joint Parks and Planning Commission meeting surrounding fire lanes in the City as reflected in the minutes. He gave a brief summary of the locations of the fire lanes and their current condition as well as the discussion from the meeting regarding the possibility of vacating them or using these locations as public access since they are no longer needed to access water for fighting fires.

Councilmember Siakel stated that there were a number of technical issues when the meeting began that prevented a number of residents from getting involved in the meeting. She stated that she feels there are probably quite a few additional comments and input the City could gather from residents that were unable to participate. She stated that she was disappointed with how one of the Commissioners spoke to residents during the joint meeting and felt this behavior was uncalled for. She stated that residents have the right to speak and express their opinions. She reiterated that all residents regardless of where they live or what their thoughts are should be heard and should be respected. She stated that she believed there were inappropriate comments made by people who represent the City and she feels that cannot be allowed to happen again.

Planning Director Darling gave a brief overview of the September 22, 2020 Parks Commission meeting as reflected in the minutes.

B. Adopt a Policy for the Open Space in the Minnetonka Country Club Subdivision

Planning Director Darling explained that when the original open space areas of Minnetonka Country Club were discussed, they were meant to be very natural open space areas, but there have been a lot of requests for service in those areas. She stated that maintenance has not yet been turned over to the City, but staff felt it was important to note that these requests have been coming in. She stated that staff feels it is important for the City to put into words what the intent is with regard to maintenance. She explained that wetland buffer areas should not be mowed and should be left natural. She stated that the eco-turf areas are not to be maintained as lawn areas, but will be mowed about once a month and would be monitored for noxious weeds. She stated that the natural areas would like to be mowed or hayed once per season. She stated that trees either dead or alive are part of an open space environment so they propose that any trees

that would die would be left, as is, to become habitat and would only be removed if they are a high-risk tree, which is defined in the policy. She noted that the policy also includes information on how the City would accept private improvements in open space areas. She explained that staff is proposing that the donations be taken on in the same manner as the City handles park donations, like a bench or other improvement. She stated that this means staff would review the location and send it before the Parks Commission before it heads to the City Council. She stated that the policy also states that the HOA needs to review the request before it is submitted to the City and notify the property owners in the area.

Mayor Zerby asked if this agreement would be with the HOA. Planning Director Darling stated that this is a policy moving forward on how the City would both maintain the open space area and accept donations within the Minnetonka Country Club. She stated that this policy is to give staff guidance moving forward.

Mayor Zerby asked if there were any markers in place that defined where the City responsibility lies versus HOA responsibility. Planning Director Darling stated that she does not believe these areas are marked but she could put something together.

Mayor Zerby noted that wetlands typically have markers delineating their presence and feels that this may be helpful in this instance also. He stated that he would like there to be some way for residents to know this information without littering the area with too many signs.

Labadie moved, Siakel seconded, Approve the Policy for Open Space Areas within the Minnetonka Country Club subdivision, as presented.

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

7. PLANNING

A. Report by Commissioner Riedel on September 1, 2020 Joint Parks and Planning Commission Meeting

Given under agenda item 6A.

8. ENGINEERING/PUBLIC WORKS

A. Update on Shorewood Oaks Drainage, City Project 20-04

City Engineer Budde gave an update on the Shorewood Oaks Drainage project. He stated that in June 2020, the Council approved the feasibility study and authorized preparation of final plans. He stated that as part of the feasibility study, they did a questionnaire with the residents about their issues with water. He stated that at the time of the study, he believed the solution would be to put in a sump structure, thinking that these sump service lines were much shallower than what has ended up being reality. He stated that several residents reached out to him about this and he confirmed their input by digging through City records. He stated that now he has done the research, staff has had to approach this in a different manner than originally proposed. He noted that they have determined the water situation in Freeman Park contributed to the situation in 2014. He gave an overview of the external wall and external drain tile of the homes in Shorewood Oaks as well as some scenarios that had happened in the past with water and the homes. He explained that there are limited solutions knowing this information: service line disconnections with clean

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outs; backflow preventer valves; storm water lift station; direct piping to lower base of Smithtown Pond. He stated that staff believes the best option is the direct piping to the lower basin of Smithtown Pond. He explained that this is the only solution he came up with that would allow the existing drain tile system in Shorewood Oaks to function as it is and not cause any additional issues. He noted that estimated cost is \$217,000 and noted that the City had already budgeted \$190,000 for this project. He stated that this could not be addressed this year because they need the lower basin to be excavated out, so it will need to be constructed in 2021.

Councilmember Siakel stated that she would like to hear from the Shorewood Oaks residents to get their feedback on the proposed solution.

Mayor Zerby asked about the forty-eight-inch pipe that runs parallel to an eight-inch pipe and noted that from a layman's standpoint, that seems redundant. City Engineer Budde explained that the forty-eight-inch pipe drains the water for all of the Shorewood Oaks development and some of the stuff from Strawberry Lane and also conveys the water from the drain tile system and will still function largely the way it is intended. He stated that the reason they also need the eight-inch pipe is that the drain tiles would be disconnected from the storm sewer system and connected to a new manhole so that this system and the existing drain tile system functions independently of the storm sewer system in the street. He agreed that it is a bit redundant, but the pipes serve two very different purposes. Mayor Zerby asked if there were any Shorewood Oaks residents who would like to address the Council.

Don Aslesen, 26055 Shorewood Oaks Drive, asked if the two pipes would have one going to the north and one going to the south.

City Engineer Budde stated that was correct. Mr. Aslesen asked if they did any camera work in the storm drains. City Engineer Budde stated that they did not because from what they could understand just by popping the manholes, the stuff in the street was functioning adequately, so the City getting access to the services is challenging without digging holes.

Mr. Aslesen stated that he and Public Works Director Brown had discussed the possibility of capping the line, but as he looks at the proposal, the forty-eight-inch pipe makes sense, but feels the eight-inch pipe may be a bit skimpy. He expressed concern about debris and sticks that could plug up the pipe and asked if there would be clean outs for the eight-inch piping so there are not any restrictions.

City Engineer Budde stated that they are anticipating the placement of four or five man holes at about four hundred feet from each other. He stated that they are not anticipating any debris coming through here because the drain tiles are capturing ground water so everything is really filtered through the existing ground, so it should be pretty clean water. He noted that there is a chance for sediment from a break but that should be able to continue through because it has the appropriate velocity for self-cleaning.

Mr. Aslesen stated that in 2014 there was a lot of debris that plugged up the storm drain, especially at Burlwood and Shorewood Oaks. He reiterated that eight inches did not seem large enough especially if the storm drains are six inch.

City Engineer Budde stated that from a hydraulic point of view it is adequate but some of the design will need to be tweaked to allow for open cut construction. He stated that may try to flatten it out which may mean they could to upsize to a twelve-inch pipe.

Mr. Aslesen asked if a twenty-foot drop was typical. City Engineer Budde stated that it is and asked him to envision that the invert or bottom of the pipe is ten feet below ground, so there is about a ten-foot elevation and in the current condition there is about a four- or five-foot elevation and the water backs up. He explained that the City is on pace to build the Smithtown Pond in 2021 and this project can proceed once that is built out, which means it will be during the latter half of 2021.

Dave Eisenmann, 26320 Shorewood Oaks Drive, thanked the Council for their attention to this ongoing issue within Shorewood Oaks. He stated that he understands that although the best solution is about a year out from now, they do like the solution that was presented by City Engineer Budde. He expressed his appreciation to City Engineer Budde and the Council for taking the time to help their neighborhood. He noted that on the map of the neighborhood, he was disappointed that some of the neighbors did not reply to the City survey because there would have been more marked red in the area. He stated that he had also sent video of some kids swimming in the north soccer fields of Freeman Park in the flood of 2014.

Mr. Aslesen stated that he had neglected to thank City Engineer Budde, Works Director Brown, and the Council for their work on this issue.

Charlie Poey, 26360 Shorewood Oaks Drive, apologized and stated that he did not contribute to the survey sent out by the City, but noted that his property could be marked in red also because they had significant flooding in his basement. He stated that he worries about the development happening on Alexander Lane and how that may adversely affect water levels with a heavy rainfall. He stated that he is excited to see the City help solve this issue in the future.

Mayor Zerby thanked City Engineer Budde for the update and noted that the Council looks forward to the next steps.

Councilmember Siakel stated that the Council has heard about various water problems in this area and has tried to look at them as a whole instead of piecemealing a solution together. She stated that there seems to be a lot of disinformation surrounding Freeman Park and there was a resident at the last Council meeting asking why the City even needed a drainage pond. She asked City Administrator Lerud if staff can start a timeline of the issues and concerns that have been brought forward by residents that build to a story so if the Council gets questions about why it is moving forward on some of these projects that it will help explain why the City is doing it. She stated that there seems to be the impression that the Council is destroying trees and has created a solution to a problem that does not exist when in actuality, there is a problem. She stated that she thinks staff has been terrific in this situation and commended City Engineer Budde for being so responsive to residents in this neighborhood, but noted that this does not always come out to the remainder of the City. She stated that she feels the City has put together a macro plan to not only address Shorewood Oaks, but to address the issue in the whole area in order to make it safer and better for the future.

City Administrator Lerud stated that he completely agreed that the plan put into place over the last few years is a comprehensive way to address all these issues. He stated that there have been other residents that have given the impression that this information is not out there and staff believes it is, but they are going to make sure that they are telling the story. He stated that staff is working on an additional way to communicate this information to residents.

Councilmember Siakel stated that will be great and reiterated that staff has done a great job and residents have been very patient. She stated that to have a few people come along with bad or alternative “facts” and misinformation to try to derail progress that will benefit a lot of people would be a travesty.

Mayor Zerby noted that the resident she was referring to from the last meeting was invited to meet with staff. He stated that meeting was held last week and stated that the thought is to come up with a way to update the information and make it a bit more digestible for residents.

B. Authorize Culvert and Catch Basin Repairs, City Project 20-09

City Engineer Budde stated that every year the City completes a catch basin and culvert repair project in order to improve drainage and correct any drainage issues. He stated that this year the plans are to correct the culvert crossing at Blue Ridge Lane and Lake Virginia Drive as well as at Eureka Road and Smithtown Road. He stated that the City received four quotes with the lowest being from G.F. Jedlicki. He explained that the City budgeted thirty-thousand dollars for this project and asked that it be completed by October 31, 2020.

Mayor Zerby asked about the differences in pricing between the four bidders. He stated that one of the bigger differences seemed to be related to site grading. He asked if staff was comfortable with this vendor since the other three bidders had pricing similar to each other in the higher range.

City Engineer Budde stated that staff is comfortable with this vendor and noted that G.F. Jedlicki has been the low bidder on a number of projects this year and thinks that is why the pricing is lower because they are already coming to town to work on Beverly Drive and Cajed Lane projects as well as the Mary Lane project so their mobilization costs will be less. City Administrator Lerud noted that they were also the low bidder on the Echo Road stormwater repair and the man hole replacements along Smithtown Road.

Siakel moved, Labadie seconded, Adopting RESOLUTION NO. 20-108, “A Resolution to Award Contract for the 2020 Catch Basin and Culvert Repair Project, City Project 20-09.”

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

9. GENERAL/NEW BUSINESS

A. Utility Rates Review

Finance Director Ridgon stated that the City is considering increasing utility rates. He stated that the Council approved a ten-year CIP in May of 2020 along with a five-year street reconstruction plan. He stated that the City recently issued bonds for seven and a half million dollars of which over half was related to utilities. He stated that the CIP needs a utility rate increase in order to sustain the funds and not have a deficit. He reviewed the projected quarterly increase of \$15.60 for 15,000 gallons of water. He explained that because of COVID-19 the Council had decided to delay the increase and start with October through December usage that will be billable in January of 2021. He noted that here was also information included in the packet regard the Water, Sewer, and Storm Water fund rates as well.

Zerby moved, Siakel seconded, Adopting ORDINANCE 574, “An Ordinance Titled, “Utility Service Charges”.

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

10. STAFF AND COUNCIL REPORTS

A. Administrator and Staff

1. August 2020 General Fund Budget Report

Finance Director Rigdon stated that overall, the funds are looking good. He noted that license and permits are currently at 150 of budget. He stated that expenditures through the eight-month time period is at about 67 percent which is right on the money.

2. Update on Woodside Road/Lane Reclamation Project

Public Works Director Brown stated that he is pleased to report that most of the services have been installed on Woodside Road. He stated that then they will be flushing the water mains and conducting bacteria samples and once those are back, they will give notice to residents that it is acceptable to have their contractors come in and hook up with the watermain if they met the administrative requirements. He stated that the services portion of the project has been a challenge, but overall, the project has been going well.

3. Update on Enchanted and Shady Island Reclamation Project

Public Works Director Brown stated that the islands have been reclaimed and the base asphalt is in place. He stated that the contractor is preparing for the last lift and noted that this project has also gone very well. He stated that there will also be a follow up project that staff has talked about through this process which is the otto sealing of the gravel roadway out there in addition to the two other gravel roadways on the mainland. He stated that City Engineer Budde is working on getting quotes for that project with the hope that it can still be completed this fall.

4. Fire call notice

City Administrator Lerud stated that currently when there is a major incident such as a house fire, notice of that call is sent to the board member and the alternate board member of all of the cities. He asked if that is something that the Council would like to be notified of in the future. He noted that he would like to get feedback from Councilmember Johnson and Councilmember Sundberg as well. He stated that if the Council would like this information included in their e-mail regardless of the community, he can communicate that information to the fire department.

Mayor Zerby stated that he thinks this is something that the entire Council should be aware of when there is a house fire.

Councilmember Siakel stated that the Council has been getting really weird e-mails from the fire district and questioned if there is something going on with security. She stated that she does not know if what she is getting is spam or if something else is happening.

City Administrator Lerud stated that he would be very cautious with e-mails and would not open any attachments. He stated that the e-mails began coming about a week ago and when he reached out to their technology person, he was told to disregard them. He stated that the most

recent e-mails seem to be a bit more sophisticated, so he will reach out again to them because it is affecting the entire fire district and not just South Lake Police Department.

Mayor Zerby stated that he has found the key is to look at the e-mail address of where the e-mail is coming from and not just the name. He stated that from what he has seen those e-mails are not coming from inside the organization and thinks perhaps a better spam filter could be put on them.

5. General Election Update

City Clerk Thone gave a brief update on the general election and noted that they have already processed 243 absentee ballots last week which is more typical for the entire 46-day AB period leading up to the election. She extended a huge thank you to the election staff at City Hall for putting in long hours in addition to getting their regular work completed. She noted that there is a drop box at City Hall for people to bring in their mail-in ballots. She noted that the City Hall hours are 8:00 am to 4:30 pm Monday through Friday and the Saturday before the election from 10:00 a.m. to 3:00 pm, and Monday, November 2, 2020 from 8:00 p.m. to 5:00 p.m.

Other

City Administrator Lerud gave an update on 5815 Club Lane, which is the building the Council declared a hazardous building earlier this year. He stated that the property has been on the market, but there does not appear to be a buyer, so the City will be pushing this forward for legal action.

B. Mayor and City Council

Councilmember Labadie stated that last Wednesday at the Excelsior Fire District meeting, Chief Mackey had one line item on the agenda addressing fire lanes. He stated that he made brief comments that many of the fire lanes throughout all of the cities in the District are still being used. He stated that they are not being used to access and pump water, but are still being used for water access for rescues both by EFD and SLMPD and are used both in summer and winter time. She stated that she plans to meet with Chief Mackey within the next week so and ask for a summary of how many times the ten fire lanes in Shorewood have been used for this type of purpose because she thinks it is very important information to share with the Commissions going forward as they discuss fire lanes. She stated that she will report any information she receives back to Council and Planning Director Darling.

11. ADJOURN

Labadie moved, Siakel seconded, Adjourning the City Council Regular Meeting of September 28, 2020, at 8:40 P.M.

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

ATTEST:

Scott Zerby, Mayor

Sandie Thone, City Clerk