

CITY OF SHOREWOOD  
CITY COUNCIL REGULAR MEETING  
MONDAY, NOVEMBER 23, 2020

5755 COUNTRY CLUB ROAD  
COUNCIL CHAMBERS  
7:00 P.M.

**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/HR Director Thone; Finance Director Rigdon; Planning Director Darling; Director of Public Works Brown; and, City Engineer Budde

Absent: None

**B. Review and Adopt Agenda**

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

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

**2. CONSENT AGENDA**

Mayor Zerby reviewed the items on the Consent Agenda.

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

- A. City Council Regular Meeting Minutes from November 9, 2020**
- B. Municipal Election Canvas Board Meeting Minutes from November 13, 2020**
- C. Approval of the Verified Claims List**
- D. Approval of Assessment Agreements for Water Connections RESOLUTION NO. 20-121, "A Resolution Certifying Special Assessments on the 2021 Hennepin County Property Tax Rolls."**
- E. Approve Donation of Park Bench from Resident, Lynette Trygstad RESOLUTION NO. 20-122, "A Resolution Accepting a Donation for Installation of a Park Bench for the Minnetonka Country Club Open Space."**
- F. General Election Update**

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

**3. MATTERS FROM THE FLOOR**

Petra Cripe, 450 W Lake Street, noted that she had lived at this address for about twenty years. She stated that she has a seventeen-year-old son and an eleven-year-old son who has Down's syndrome and autism. She stated that in May, the neighboring property owner tore down a fence and created a new entry into the dredge scrap yard just a few steps from their driveway. She asked the owner of the dredge company what was going on and was told that he thought the fence was just being moved. She stated that when she asked Jabore when the fence would be replaced, she was told that it would not be replaced. She stated that she asked him about the increased liability of kids getting hurt, he told her that he was not worried because he had good insurance. She stated that at the time, she asked both Shorewood and Excelsior to help her, but both said that their hands were tied and they could not help. She stated that she then asked an attorney for some advice and was told to look into their C.U.P. She stated that after pouring over the documents, she realized that the fence needs to be there and that there were other conditions within the C.U.P that were not being met. She stated that it appears that Shorewood did not inspect which was supposed to be done every 3 years. She stated that she feels that the Council back in 1990 showed great forethought in meticulously crafting this C.U.P in order to protect residents such as herself. She stated that she has been working with Planning Director Darling for over six months and yet there is still no fence, but assured the Council that Planning Director Darling has been trying to help her and this is not a complaint about her. She stated that a portion of her driveway has been removed and a temporary orange construction fence is in place where the old fence was. She stated that Jabore has been in front of her house and frequently does high speed drive-bys and has been so bold as to totally block her driveway without notice. She stated that he has yelled at her husband and continues to harass her family. She reiterated that according to the C.U.P., the fence needs to be in place. She stated that her eleven-year-old son is non-verbal and if he were to gain access to their site, he could be pinned by machinery or scrap and would not be able to cry out for help. She stated that this would be catastrophic. She stated that she is begging the City to do the right thing and enforce the conditions of the C.U.P.

Planning Director Darling stated that she has been working with Ms. Cripe and Mr. Jabore who owns the adjacent property to get the fence reinstalled. She stated that after she was told about the fence coming down, she had gone through the approvals for the development and found that a fence is required. She stated that she made Mr. Jabore install a temporary chain link construction fence in order to secure the area and hopefully prevent Ms. Cripe's son from wandering onto the adjacent property. She stated that the street reconstruction project did require access through into the dredging company property which is why the original gate came down. She stated that she has been talking with Mr. Jabore about getting that fence reinstalled and knows that his fencing contractor has been on site a few times. She stated that apparently some special equipment such as a vacuum truck, will be needed on site in order to clear holes. She stated that there are also a lot of utilities in the area, which have been marked several times. She noted that she can call him tomorrow to find out where they are in this process.

Ms. Cripe stated that the fence posts are in place, but the fence is not, so she does not think the utilities are an issue at this point.

**4. PUBLIC HEARING - NONE**

**5. REPORTS AND PRESENTATIONS - NONE**

**6. PARKS**

**A. Report by Commissioner Garske on November 10, 2020 Park Commission Meeting**

Commissioner Garske gave an overview of the November 19, 2020 Park Commission meeting as outlined in the minutes.

**7. PLANNING**

**A. Report by Commissioner Eggenberger on November 17, 2020 Planning Commission Meeting**

Commissioner Eggenberger gave an overview of the November 17, 2020 Planning Commission meeting as outlined in the minutes.

Councilmember Labadie asked if there was a date for the joint Parks/Planning Commission meeting.

Planning Director Darling stated that it has not been scheduled yet because she needs to compare calendars to see what will work best for both groups.

Councilmember Labadie stated that she is the City representative for the Excelsior Fire District Board and at one of the meetings, the chief had mentioned that the fire lanes are used for emergency lake access but are no longer used to gain access to water. She suggested that the City get a report from the Excelsior Fire District regarding the fire lanes before the joint meeting that details how many times each of the fire lanes have been used for emergency access. She stated that she thinks this information should be considered if vacation of the fire lanes is being discussed.

Planning Director Darling stated that she can discuss this with Chief Mackey.

Councilmember Labadie noted that last year there were some concerns regarding Fire Lane #3 with the jersey barriers only being located on the street side. She asked if the Planning Commission had discussed putting the barriers on the lake side.

Planning Director Darling stated that they have discussed it, but does not think they have been installed yet. She stated that she will coordinate with Public Works staff on this issue.

Councilmember Siakel stated that she believes one of the suggestions was to install the barriers only at the lake side.

Councilmember Labadie stated that she agreed that was the suggestion because there were problems with snowmobilers leaving the lake, going up the fire lane and then coming upon the barriers, which created problems. She stated that she thinks having the barriers on the lake side would prevent this type of issue.

Park Commissioner Garske stated that it would be good for the Park and Planning Commissions to know which fire lanes the Excelsior Fire District would be interested in being able to access, in addition to the information on where they have used them for emergency access.

**8. ENGINEERING/PUBLIC WORKS - NONE**

**9. GENERAL/NEW BUSINESS**

**A. Mayoral Emergency Declaration 20-03**

City Administrator Lerud explained that the City has been operating under Emergency Declaration 20-02 since early summer. He stated that the declaration re-opened public buildings following the closure with the original response to COVID-19. He stated that Governor Walz recently issued Executive Order 20-99 which dialed back activities due to the uncontrolled spread of COVID-19 that is currently taking place. He explained that there are three staff members who have tested positive for COVID-19 and others have been in quarantine. In order to minimize the risk of the spread of COVID-19, Mayor Zerby issued Emergency Declaration 20-03 on November 19, 2020 which closes the City facilities through the four-week period contained in Governor Walz's Executive Order. He explained that the City has taken steps to make it possible for staff to work from home more efficiently and noted that in order for a Mayoral Emergency Declaration to be valid beyond three days, it must be approved by the City Council.

**Sundberg moved, Siakel seconded, Adopting RESOLUTION NO. 20-123, "A Resolution Approving Mayoral Declaration 20-03."**

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

**10. STAFF AND COUNCIL REPORTS**

**A. Administrator and Staff**

**1. October 2020 General Fund Budget Report**

Finance Director Rigdon gave an overview of the October 2020 General Fund report. He stated that the City revenues are at about sixty percent for the year and noted that this will improve once the taxes come in early December, which should bring the revenues to one-hundred percent. He stated that the expenditures are also on target with the budgeted amount.

City Administrator Lerud stated that the Council should discuss the letter that was sent out regarding the miscalculated tax rate. He stated that Finance Director Rigdon had included him in an e-mail that was sent to the County that explained that he felt they had miscalculated the City's tax rate by not including the levy for debt service. He stated that Finance Director Rigdon was correct and reiterated that the mistake was by the County. He stated a revised Truth in Taxation statement will be sent out and wanted to make it clear to the Council and the residents that it was not the City that made the miscalculation. He noted that the difference will not be significant.

Finance Director Rigdon agreed that the difference should be fairly minor but noted that the County taxed too little.

Councilmember Johnson stated that the way the letter is phrased implies that the mistake was on the City side and not the County.

City Administrator Lerud stated that he does not want to point fingers, but wanted to make it clear to the Council that the mistake was not one that the City made.

**2. Timber Lane update**

City Administrator Lerud stated that staff has been seeking additional bids for the installation of a barrier to block access from the west side of Timber Lane because the initial bid received was very high. He stated that the City has received two additional bids, but noted that the low bid is contingent upon work being done in the spring of 2021 and the higher bid would complete the work this fall. He stated that staff is looking for direction from the Council on the preferred timing of this work.

Public Works Director Brown explained that the weather has been mild enough that construction can still happen this fall.

Councilmember Siakel stated that she knows that there have been staffing issues within the Public Works department and asked if this project would put a strain on them.

Public Works Director Brown stated that the work proposed would be done by a contractor so it does not put a strain on Public Works. He stated that the question is whether the City wants to spend about an extra one-thousand five hundred dollars to get the work completed this fall rather than waiting until the spring.

Mayor Zerby stated that he does not have strong feelings about this, but would prefer to wait until next spring.

Councilmember Johnson asked if there had been complaints received during the winter months.

City Administrator Lerud stated that the complaints he has received have generally been received during the spring and summer.

Councilmember Johnson stated that he would prefer to wait until spring and would ask that the adjacent property owners to notified.

Councilmember Siakel stated that she feels it may be better to do it now and the difference in price is pretty minimal. She stated that if it is not done now then the City will have to address it again in the spring.

Councilmember Johnson stated that he can understand that there are savings to be had by being efficient and would change his opinion to support completing the work this fall.

Councilmember Labadie agreed that it may be beneficial to complete this project sooner rather than later.

Councilmember Sundberg stated that she is comfortable moving forward with the project this fall.

**3. Park Survey Update**

Planning Director Darling explained that the City is sending out a survey to residents regarding senior and adult park use. She noted that a copy of the draft questions were included in the Council packet.

Councilmember Labadie stated that she is excited that this survey is being done. She stated that she has gotten quite a bit of feedback from residents stating that they would like additional amenities for seniors.

Councilmember Sundberg asked if the survey results would be published.

Planning Director Darling stated that the results will come back to the Parks Commission first and then to the Council, but the survey results could be also included in a future newsletter article.

**Other**

City Engineer Budde stated that the work has begun on the Freeman Park drainage improvements near the baseball field and noted that it should be completed by the end of next week.

Planning Director Darling thanked the Council for the authorization for the large document printer/scanner/copier. She stated that it has been installed and other than a few tweaks that are still needed it is ready to be used. She stated that having this printer will be especially helpful during the current shut down related to COVID-19.

**B. Mayor and City Council**

Councilmember Johnson stated that he and Mayor Zerby are meeting with Excelsior tomorrow as part of the subcommittee to discuss the sewer overcharge situation. He stated that they already had a Zoom call with the mayor and one other councilmember and discussed doing an audit of all the connections to make sure that both sides agree on the number of actual connections.

Councilmember Labadie explained that the Excelsior Fire District Board meeting scheduled for November will be postponed until December.

Councilmember Sundberg wished everyone a very happy Thanksgiving.

**11. ADJOURN**

**Labadie moved, Johnson seconded, Adjourning the City Council Regular Meeting of November 23, 2020, at 7:42 P.M.**

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

**ATTEST:**

  
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**Sandie Thone, City Clerk**

  
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**Scott Zerby, Mayor**