

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, 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 Budde

Absent: Councilmember Siakel

B. Review Agenda

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

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

2. CONSENT AGENDA

Mayor Zerby reviewed the items on the Consent Agenda.

Councilmember Johnson asked about item E related to 26275 Smithtown Road and noted that this address had an amount of \$5,000 rather than \$10,000 and asked why this amount was different. City Administrator Lerud stated that there are a number of people that already partially paid toward their water access charge, so that amount has been taken in as a credit against the water access charge.

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

- A. City Council Regular Meeting Minutes of October 26, 2020**
- B. Approval of the Verified Claims List**
- C. Spring Brook Software Upgrade**
- D. Approve Contract with Hennepin County Assessor, Adopting RESOLUTION NO. 20-114, "A Resolution Approving a Contract with Hennepin County to Provide Assessment Services to the City of Shorewood."**

CITY OF SHOREWOOD REGULAR COUNCIL MEETING MINUTES

NOVEMBER 9, 2020

Page 2 of 6

- E. Approval of Assessment Agreements for Water Connections, Adopting RESOLUTION NO. 20-115, “A Resolution Certifying Special Assessments on the 2021 Hennepin County Property Tax Rolls.”**
- F. Authorize Purchase of Public Works Equipment One, F350 Pickup Truck**
- G. Regular Appointment of Light Equipment Operator-Utilities**
- H. Accept Hennepin County Recycling Grant Amendment, Adopting RESOLUTION NO. 20-116, “A Resolution Authorizing Amendment to Residential Recycling Grant Agreement with Hennepin County.”**

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

3. MATTERS FROM THE FLOOR

4. PUBLIC HEARING

A. Unpaid Bill Assessment Hearing

Finance Director Rigdon explained the annual process of certifying the delinquent accounts for inclusion on the assessment rolls. He noted that the total amount is similar to last year.

Mayor Zerby opened the public hearing at 7:08 p.m.

City Administrator Lerud stated that the City received a written objection from the property owner at 5355 Shady Hill Circle who is objecting to the stormwater assessment portion of their bill.

Lauren Ridel, 5815 Club Lane, stated that they object to the assessment.

There being no additional public comment, Mayor Zerby closed the public hearing at 7:10 p.m.

5. REPORTS AND PRESENTATIONS

6. PARKS

A. Freeman Park Baseball Field Drainage

City Engineer Budde explained that the Freeman Park Field number four has been washing out and creating dangerous rills along the first base line. He noted that Public Works has had to correct this problem every spring and after each moderate rain event. He explained that staff is proposing to correct the situation by collecting stormwater run-off in a new storm sewer main along the edge of the parking lot and the north side of the field which would direct the storm water away from the field and outlet to the west. He stated that the Parks Commission recommended that it be added to the CIP in order for the project to be completed by the spring softball season. He stated that the City received three quotes for the work with the lowest from Schneider Excavating and Grading out of Norwood/Young America. He stated that he has spoken with the contractor and they would like to begin as soon as allowed with the hope that the work could be finished sometime this fall.

The Council discussed whether approval should be given before this item goes back to the Parks Commission. Planning Director Darling stated that she believes the Parks Commission would be supportive of the Council moving forward with this item. Councilmember Johnson stated that, as the Parks Commission liaison, he concurs that the Parks Commission would be very supportive of moving forward with this project.

Mayor Zerby noted that the resolution appears as though it needs some wording changes because it has a different contractor and dollar amount listed in a portion of the document. City Engineer Budde apologized for missing that and noted that it will be corrected.

Councilmember Labadie asked if staff really feels this will be able to completed this fall with the current weather forecast and conditions. City Engineer Budde stated that he checked the weather for the next ten days and it seems favorable other than a few days where frost is possible. He stated that he expects work to actually be able to begin within two weeks and is hopeful that the weather conditions will continue to be favorable. He confirmed that the contract price is \$69,602.29.

Sundberg moved, Labadie seconded, Adopting the corrected RESOLUTION NO. 20-117, “A Resolution Accepting Quote and Awarding Contract for the Freeman Park Drainage Improvements Project 20-10.”

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

7. PLANNING

A. Approve Variance to Shoreland Regulations

Location: 5710 Ridge Road

Applicant: Richard and Ingrid Hoyt

Planning Director Darling gave an overview of the variance request by Richard and Ingrid Hoyt. She reminded the Council that they had reviewed this request at their October 26, 2020 meeting and found that the criteria for the variance were satisfied. She reviewed the additional conditions that were included in the resolution.

Richard Hoyt asked if there was a way to address the discrepancy related to the canopy structure. Planning Director Darling stated that if the Council wants to give a similar approval of what was granted in 1997, there was no canopy or screen that was allowed at that time. She stated that if the Council wants to allow it, the City will require proof that they will meet wind loading up to 115 miles per hour.

Councilmember Johnson asked if Mr. Hoyt had any concerns with the additional four conditions as proposed by staff. Mr. Hoyt stated that he has not seen the document being referred to so he was not sure. Councilmember Johnson read aloud the new conditions as proposed by staff.

Planning Director Darling noted that there is one additional condition that the accessory building near the shoreline be removed. Mr. Hoyt stated that he understands that was a requirement, but it is quite a job because it used to be the Dayton well house and has poured concrete. He stated that the rationale was that it created some hard cover that was considered inappropriate but given the fact that the new structure is 275 square feet less than the original proposal, perhaps an exception could be made for that requirement.

Councilmember Johnson stated that he believes the Council goal in this situation is to apply the same variance that was already in place for Mr. Hoyt.

Johnson moved, Sundberg seconded, Adopting RESOLUTION NO. 20-112, “A Resolution Approving a Variance to the Shoreland Regulations for a Deck for Property Located at 5710 Ridge Road”

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

8. ENGINEERING/PUBLIC WORKS

9. GENERAL/NEW BUSINESS

A. Shorewood-Excelsior Sanitary Sewer Service Agreement

City Administrator Lerud stated that at the October 13, 2020 work session meeting, staff presented information about the 1991 and 1971 sewer agreements between Shorewood and Excelsior. He explained that as past billings were examined it was discovered that that the City has been billed for sewer service that was not provided. He stated that the Council directed staff to bring a notice of cancellation to a future meeting for consideration and referred to the clause in the 1991 agreement that allows for cancellation. He stated that staff has also drafted a resolution to include that the City should continue to seek a refund for the value of the service paid for but not provided and direct staff to work with Excelsior staff to develop and agreement that reflects the actual costs.

Mayor Zerby noted that he and Councilmember Johnson have a meeting scheduled with members of the Excelsior Council in the next few weeks regarding this issue.

Labadie moved, Sundberg seconded, Adopting RESOLUTION NO. 20-118, “A Resolution Cancelling the 1991 Sanitary Sewer Service Agreement Between Shorewood and Excelsior.”

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

B. Approval of Unpaid Bills Assessment

Finance Director Rigdon explained that this item is a continuation of agenda item 4A, the public hearing for the delinquent utilities and other charges.

Mayor Zerby asked about the two people who objected to their assessment and asked what bearing that would have on Council action. City Administrator Lerud stated that by objecting, the residents have kept their rights to appeal this to the courts, but their objections do not have any bearing on whether the Council should take action on this item. City Attorney Keane concurred.

Sundberg moved, Labadie seconded, Adopting RESOLUTION NO. 20-119, “A Resolution Certifying Unpaid Charges on the 2021 Hennepin County Property Tax Rolls.”

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

10. STAFF AND COUNCIL REPORTS

A. Administrator and Staff

1. Election Update

City Clerk Thone expressed her appreciation to City staff, election judges, and residents for their assistance in the unique election process this year. She gave an overview of the unofficial election results. She stated that the County is continuing to count ballots so the Council will not see actual results in their packet until late in the day on November 12, 2020 prior to the canvassing meeting on November 13, 2020 at 4:00 p.m.

2. Woodside Road/Woodside Lane Street Project Update

Public Works Director Brown stated that Woodside Road was paved last Friday with the base course, with the exception of the cul-de-sac at the very end. He stated that there is a storm sewer revision that is still under review by the Indian Affairs Council, so the City is waiting for that approval before proceeding with the cul-de-sac which will likely not happen until spring. He stated that there is still one small area that will need to be corrected near Howards Point and the contractor will be exposing the sanitary sewer manholes. He stated that there has been some very positive feedback regarding this project.

3. Shady Island Bridge Forcemain Update

Public Works Director Brown stated that the forcemain was found that the heat tape was not functioning. He explained that only a portion of the tape was found to be defective. He stated that they are planning to install a temporary frost blanket over this section of the pipe to get through the winter months. He stated that he has asked Bolton and Menk to look at replacement of this pipe in 2021.

Mayor Zerby asked if there was an alert system that would be activated if this pipe were to freeze.

Public Works Director Brown stated that they will be putting an alert on the pipe for low temperatures and are also incorporating a little LED light so when the crew members drive out to check the lift stations, they can observe the light and make sure the heat tape and frost blankets are functioning correctly.

4. Enchanted and Shady Island Street Project Update

Public Works Director Brown stated that this project has been paved and noted that the reason this was included on the agenda is that they have been talking with the watershed district regarding the miles of silt fence that is in place on the island. He stated that according to the watershed district requirements, that has to remain in place until a vegetative cover has been established which will not happen until the spring. He stated that it is unfortunate, especially when they are clearing snow, but they need to keep the silt fence in place in order to meet those regulations.

Mayor Zerby recommended that this information be shared with residents so they know what is going on and why the silt fence is still in place.

Public Works Director Brown stated that this is another project that went well and they have gotten a lot of positive feedback from residents.

5. Badger Park Grant

Planning Director Darling stated that the Badger Park playground rehabilitation project is coming to a close. She noted that the City had received one-hundred fifty thousand dollars in grant money from the DNR and twenty-five thousand dollars from Hennepin County. She stated that the City had received the full amount from the DNR and are awaiting the last payment from Hennepin County.

B. Mayor and City Council

Councilmember Johnson stated that the Christkindlsmarkt will be occurring this year but will take on a bit of a different form and be more spread out at Excelsior Commons. He stated that you will need a reservation to attend and tickets are available at www.excelsiorchristmas.com.

Councilmember Labadie stated that she had a resident ask about the plans for Artic Fever. City Administrator Lerud stated that anyone who is interested in getting involved or participate in Artic Fever to reach out to Julie Moore or Twila Grout at the city.

11. ADJOURN

Labadie moved, Johnson seconded, Adjourning the City Council Regular Meeting of November 9, 2020, at 8:04 P.M.

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

ATTEST:

Scott Zerby, Mayor

Sandie Thone, City Clerk