

1. Agenda Packet

Documents:

[07-14-25 CC REG MTG AGENDA PACKET.PDF](#)

CITY OF SHOREWOOD
CITY COUNCIL REGULAR MEETING
MONDAY, JULY 14, 2025

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

For those wishing to join the live meeting, please go to shorewoodMN.gov/CityCouncil for the meeting link. Pursuant to MN Statute 2024, Section 13D.02, subdivision 4, members may participate in the meeting by interactive technology. Councilmember Maddy will participate by interactive technology.

AGENDA

1. CONVENE CITY COUNCIL MEETING

A. Pledge of Allegiance

B. Roll Call

Mayor Labadie____
Maddy____
Sanschagrín____
Gorham____
DiGruttolo____

C. Review and Adopt Agenda

Attachments

2. CONSENT AGENDA The Consent Agenda is a series of actions which are being considered for adoption this evening under a single motion. These items have been reviewed by city council and city staff and there shall be no further discussion by the council tonight on the Consent Agenda items. Any council member or member of city staff may request that an item be removed from the Consent Agenda for separate consideration or discussion. If there are any brief concerns or questions by council, we can answer those now.

Motion to approve items on the Consent Agenda & Adopt Resolutions Therein:

- | | |
|---|-----------------------------|
| A. City Council Work Session Minutes of June 23, 2025 | Minutes |
| B. City Council Regular Meeting Minutes of June 23, 2025 | Minutes |
| C. Verified Claims List | Claims List |
| D. 5815 Club Lane Hazardous Building Demolition Agreement | Planning Director Memo |
| E. Approve Public Works LEO New Hire | City Clerk/HR Director Memo |
| F. Pavement Management Software Renewal | Public Works Director Memo |

3. MATTERS FROM THE FLOOR This is an opportunity for members of the public to bring an item, that is not on tonight's agenda, but related to the governance of the City of Shorewood, to the

attention of the City Council. In providing this limited public forum, the City of Shorewood expects respectful participation. We encourage all speakers to be courteous in their language and behavior, and to confine their remarks to those facts that are relevant to the question or matter under discussion. Please remember that this is a public business meeting, available for viewing on television and the internet by members of the public, including children. Consistent with FCC rules, obscenity, and profane or indecent language will not be tolerated by the presiding officer. Anyone wishing to address the Council should raise their hand, or if attending remotely please use the “raise hand” function on your screen and wait to be called on. Please make your comments from the podium and identify yourself by your first and last name and your address for the record. Please limit your comments to three minutes. No discussion or action will be taken by the Council on this matter. If requested by the Council, City staff will prepare a report for the Council regarding the matter and place it on the next agenda.

4. REPORTS AND PRESENTATIONS

- A. Tour de Tonka – Minnetonka Community Education Executive Director Kim Carlson

5. PARKS

- A. Report by Commissioner Sylvester on 06-24-25 Park Commission Meeting Minutes

6. PLANNING

- | | |
|---|------------------------|
| A. Remove from Table: Subdivision Ordinance Code Amendments | Planning Director Memo |
| Location: City Wide | Ordinance 617 |
| Applicant: City of Shorewood | Resolution 25-064 |

7. ENGINEERING/PUBLIC WORKS

8. GENERAL/NEW BUSINESS

9. STAFF AND COUNCIL REPORTS AND DISCUSSION

- ### A. Staff

- ## 1. Communications Update Communications/Recycling Coordinator Memo

- ## B. Mayor and City Council

10. ADJOURN

**CITY OF SHOREWOOD
CITY COUNCIL WORK SESSION MEETING
MONDAY, JUNE 23, 2025**

**5755 COUNTRY CLUB ROAD
COUNCIL CHAMBERS
5:30 P.M.**

MINUTES

1. CONVENE CITY COUNCIL WORK SESSION MEETING

Mayor Labadie called the meeting to order at 5:32 P.M.

A. Roll Call

Present. Mayor Labadie; Councilmembers Labadie, Maddy, Sanschagrín, Gorham, and DiGruttolo; City Attorney Shepherd; City Administrator Nevinski; Parks and Recreation Manager Czech; City Clerk/HR Director Thone; Planning Director Griffiths; Director of Public Works Morreim; and City Engineer Budde

Absent: None

B. Review Agenda

Maddy moved, Sanschagrín seconded, approving the agenda as presented. Motion passed 5/0.

2. PLANNING COMMISSION INTERVIEWS

The Council conducted interviews with candidates for the open Planning Commission meeting, including asking questions about their background, history, past service to the city, and their overall experience.

5:30 – Will Rouff

5:38 – Brandon Braithwaite

5:46 – Naomi Berg – did not attend.

Mayor Labadie suggested that the Council table this item in order to come back to conduct the last interview later in the evening.

Maddy moved, Sanschagrín seconded, tabling the Planning Commission Interviews until later tonight. Motion passed 5/0.

3. BUDGET – LONG-TERM FINANCIAL MANAGEMENT PLAN – NORTHLAND SECURITIES

Finance Director Schmuck reminded the Council that the City had engaged Northland Securities to help pull together a Long-Term Financial Management Plan (LTFP). She reviewed the budget schedule, public engagement opportunities, and explained that Tammy Omdal from Northland Securities would be giving a more detailed presentation on the LTFP.

Tammy Omdal, Northland Securities, outlined some of her background and experience in public finance. She reviewed the LTFP and explained that it was not a budget and was intended to serve

CITY OF SHOREWOOD WORK SESSION COUNCIL MEETING MINUTES

JUNE 23, 2025

Page 2 of 3

as an ongoing guide for managing the City's funds. She explained the study objectives for revenue sufficiency, levy, and rate calculations and outlined the approach of the study. She reviewed details of the LTFP related to new development, net tax capacity, City tax rate, City tax levy, projected City cash balances for funds, projected utility rates, comparison of utility rates with other cities, water rates, sanitary sewer rates, stormwater rates, recycling rates, capital project spending and sources of revenue, existing and planned new debt issuance, tax levy for debt service payments, outstanding debt, details within the General Fund, SCEC Fund, Debt Service Funds, Municipal State Aid (MSA) Fund, Street Improvement Fund, Park Capital Improvement Fund, Equipment Replacement Fund, and Community Infrastructure Fund. She explained that this was also an agenda item for the regular City Council meeting, where she would give an abbreviated presentation of the information she just shared.

Mayor Labadie explained that the Council typically did not take public comments during their Work Session meetings, but in order to allow more timely feedback, they would take comments now about the budget material that was just presented. She stated that anyone was welcome to send comments or questions to City staff, Council, or schedule a time to meet with staff to discuss the budget presentation.

Councilmember Sanschagrín asked if Ms. Omdal had seen other cities use this kind of report to identify potential cost savings. Ms. Omdal stated that she had seen it used in that matter and shared examples where councils had seen the long-term projections and had asked staff to look at their CIP or at the timing of staffing additions.

Councilmember Gorham stated that there was a spike in the CIP in 2029 and asked how that related to taking on debt. Ms. Omdal referenced table 4 of the CIP and Debt section and stated that there are a few larger projects in 2029, which is why there was a spike depicted. She stated that bonding for street improvements was assumed.

City Administrator Nevinski stated that he believed that the project would be the Grant Lorenz reclamation project.

Councilmember Gorham asked if there was anything safety-related that needed a fresh take based on Ms. Omdal's presentation. City Administrator Nevinski stated that staff had talked about taking a closer look at when projects needed to happen and if they were ready to do some of the bigger improvements, such as including a watermain in a street project. He stated that if they were not ready to make some of those improvements, that may change the scope of the projects.

Finance Director Schmuck explained that the requested action at the regular City Council meeting was to accept the LTFP from Northland Securities and explained that they would pass them along as tools and stated that she will be able to test and model different scenarios with this tool.

Councilmember DiGruttolo stated that she had some questions about some of the assumptions that were made and the sensitivity analysis. Councilmember Sanschagrín asked if the model assumed that the cost of debt is generally below inflation.

Finance Director Schmuck stated that Northland Securities also does bond issuance on a regular basis, so they took the existing debt spectrum in March of 2025 and added fifty basis points to it as the assumptions going forward. She explained that it was based on real-time debt issuance, and they had added the fifty basis points to be conservative.

CITY OF SHOREWOOD WORK SESSION COUNCIL MEETING MINUTES

JUNE 23, 2025

Page 3 of 3

Councilmember DiGruttolo asked if the data that was used to make assumptions about the net tax capacity and the growth was based on what the Met Council had imposed on the City for future growth.

Finance Director Schmuck clarified that they had stayed very conservative on that right now because many of those legislative decisions had not been made. She stated that they only based the assumptions on what has been determined and noted that for tax capacity, they utilized the County Assessor's office and their projections for the valuations. She stated that the city was trying to encourage public feedback and had done a significant amount of outreach to the public and reminded residents that there are open office hours on Tuesday afternoons and Wednesday mornings, but were also open to scheduling appointments outside of those hours.

Mayor Labadie asked for a motion to return the meeting to the Planning Commission Interviews agenda item.

Maddy moved, DiGruttolo seconded, to remove the Planning Commission Interviews from the table. Motion passed 5/0.

#2 PLANNING COMMISSION INTERVIEWS – Continued...

6:30 – Beth Brown

The Council conducted the final interview for the open Planning Commission meeting and asked questions about Ms. Brown's background, history, and experience.

4. ADJOURN

Maddy moved, Gorham seconded, Adjourning the City Council Work Session Meeting of June 23, 2025, at 6:49 P.M. Motion passed 5/0.

ATTEST:

Jennifer Labadie, Mayor

Sandie Thone, City Clerk

CITY OF SHOREWOOD
CITY COUNCIL REGULAR MEETING
MONDAY, JUNE 23, 2025

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

MINUTES

1. CONVENE CITY COUNCIL REGULAR MEETING

Mayor Labadie called the meeting to order at 7:01 P.M.

A. Roll Call

B. Pledge of Allegiance

Present. Mayor Labadie; Councilmembers Maddy, Sanschagrín, Gorham, and DiGruttolo; City Attorney Shepherd; City Administrator Nevinski; City Clerk/HR Director Thone; Planning Director Griffiths; Director of Public Works Morreim; Park and Recreation Manager Czech; Finance Director Schmuck, and, City Engineer Budde

Absent: None

C. Review Agenda

Maddy moved, DiGruttolo seconded, approving the agenda as presented.

Motion passed.

2. CONSENT AGENDA

Mayor Labadie reviewed the items on the Consent Agenda.

Councilmember Sanschagrín asked to remove item 2.D. from the Consent Agenda.

Maddy moved, Gorham seconded, Approving the Motions Contained on the Consent Agenda and Adopting the Resolutions Therein.

A. City Council Work Session Minutes of June 9, 2025

B. City Council Regular Meeting Minutes of June 9, 2025

C. Approval of the Verified Claims List

D. ~~Data Practices Policy Annual Review~~ – (moved to 8.B.)

E. 2025 Deer Management Program Agreement

F. Concert in the Park & Movie in the Park Food Trucks, Adopting RESOLUTION NO. 25-063, "A Resolution Approving Food Trucks for Public Events – Concert in the Park and Movie in the Park."

CITY OF SHOREWOOD REGULAR COUNCIL MEETING MINUTES

JUNE 23, 2025

Page 2 of 11

- G. **Water Assessment Agreement – 23622 Smithtown Road, Adopting RESOLUTION NO. 25-064, “A Resolution Approving and Adopting a Special Assessment”**
- H. **Water Assessment Agreement – 6180 Church Road, Adopting RESOLUTION NO. 25-065, “A Resolution Approving and Adopting a Special Assessment.”**
- I. **Retail Liquor License Renewal, Adopting RESOLUTION NO. 25-058, “A Resolution Approving 2025 Retail Liquor License Renewal.”**

Motion passed.

3. MATTERS FROM THE FLOOR

4. REPORTS AND PRESENTATIONS

A. Long-Term Financial Management Plan – Northland Securities

Finance Director Schmuck reminded the Council that the City had engaged Northland Securities to help build a Long-Term Financial Management Plan (LTFP) as a tool for future planning needs. She introduced Tammy Omdal of Northland Securities and explained that she had given a more in-depth presentation during the Council Work Session and would give a summary presentation of the Plan during the regular meeting. She noted that a recording of both would be available on the City's website.

Tammy Omdal, Northland Securities, explained that the LTFP was intended to serve as an ongoing guide for management of the City's funds. She reviewed the key takeaways, study objectives including revenue sufficiency and levy/rate calculations, expected changes in new development within the City, net tax capacity, City tax rate, City tax levy, projected utility rates, capital project spending, capital projects source of revenue, existing and planned new debt issuance, and outstanding debt. She reminded the Council that the LTFP was not the City budget and that the information in the study had been based on assumptions that reflect a snapshot in time, so actual factors may vary from what was presented.

Councilmember Sanschagrin asked if Ms. Omdal had any thoughts on how Shorewood compared to other cities she had worked with. Ms. Omdal stated that Shorewood was very similar and shared examples of similarities she had seen, such as rising rates for utility services.

Councilmember DiGruttolo asked if the model was able to help the city keep rates, levies, and fees more consistent. Ms. Omdal stated that much of this points to the Capital Improvement Plan (CIP) and explained that this was where the ability to have the most impact on the tax levy would be located.

Councilmember Gorham stated that the LTFP was a tool for the City and asked if it was available in Excel and if staff would receive training on the tool. MS. Omdal stated that Northland Securities is a public finance firm, not software developers, but when they put together an LTFP, part of the agreement is to turn over the Excel models, and there is some limited training.

Councilmember DiGruttolo asked if the Council could get a consolidated list of the assumptions that were used in putting together the LTFP. Finance Director Schmuck stated that, within the

CITY OF SHOREWOOD REGULAR COUNCIL MEETING MINUTES

JUNE 23, 2025

Page 3 of 11

report, every fund has variations for the assumptions that were there, but she could put together something more concise if the Council would like. Councilmember DiGruttolo stated that she would like the assumptions to be in a more concise form. She stated that Finance Director Schmuck had done a lot of outreach throughout the city and asked if she planned to publish any part of the LTFP.

Finance Director Schmuck noted that the report was included in the Council meeting packet which was already available on the city website and would also be on the Budget page as part of Work Session Two. She reminded the Council that if residents had questions or concerns, staff had open office hours where residents were available to speak with them.

Councilmember Sanschagrín asked if staff were building a list of Frequently Asked Questions. Finance Director Schmuck stated that she had not received any questions about it yet.

Maddy moved, Gorham seconded, Approving the Long-Term Financial Management Plan, as presented.

Motion passed.

B. Excelsior Fire District Budget Presentation – Fire Chief Mackey

City Administrator Nevinski noted that Fire Chief Mackey and Assistant Fire Chief Basinger would be giving a presentation to the Council related to the budget and stated that currently, the budget was being proposed to increase by a little over eleven percent.

Fire Chief Mackey gave an overview of the Excelsior Fire District, their goals, 2026 budget objectives, where they started, number of active full-time firefighters, percentage of covered duty officer shifts, years of experience within the Fire District, overview of the various positions in the Fire District including the Fire Chief, Assistant Chief, and Battalion Chiefs. He reviewed the proposed 2026 Operating budget breakdown between the member cities and noted that it was based on a formula. He referenced the Self-Contained Breathing Apparatus (SCBA) and explained that it was personal protective equipment for the firefighters, which expires every fifteen years, and reviewed the budget information for replacement of the SCBA and the SCBA compressor unit.

Councilmember Sanschagrín asked for more information on the financing rates that Fire Chief Mackey had obtained. Fire Chief Mackey stated that Assistant Chief Basinger could cover this more deeply and explained that they are at 5.25, and noted that Deephaven had offered to finance it under 5 percent.

Councilmember Sanschagrín asked about the ISO rating and the OSHA standard requirements. Fire Chief Mackey explained that ISO stood for Insurance Services Office, and they come out and look at things like training, facilities, response times, and staffing, and assign points, up to one hundred. He noted that the Fire District was currently at seventy-two point three points, which gives them an ISO rating of three. He outlined what can happen in a surprise OSHA inspection related to the expiration dates of various equipment pieces and the financial consequences if there is expired equipment. He explained that the Fire District did not receive any fines during the last surprise inspection because they had just purged their old gear and donated it to Ukraine. He noted that they are open to creative options to pay for the SCBA equipment, but cautioned that they just did not want to lower their standard of care for the community.

CITY OF SHOREWOOD REGULAR COUNCIL MEETING MINUTES

JUNE 23, 2025

Page 4 of 11

Councilmember Sanschagrín asked if the City could do anything to help the Fire District become more effective and reduce costs, such as help with recruitment through the City's communications department. Fire Chief Mackey stated that they had tried to utilize the City and explained that the biggest thing they can do is support in this kind of moment. He stated that he knows that they are asking a lot with the proposed budget, especially considering the recent issues with the replacement of the chiller, and just asked the Council to continue to support them.

Councilmember DiGruttolo asked when Fire Chief Mackey felt the budget might start to level out. Fire Chief Mackey explained that they work with Abdo on their audits and budget, but noted that there are things that they cannot control, like trucks, but explained that he has tried to keep the proposed budget increases to between ten and twelve percent.

Mayor Labadie thanked Fire Chief Mackey and Assistant Fire Chief Basinger for presenting the proposed budget to the Council. Fire Chief Mackey encouraged anyone who may have additional questions to give him a call.

5. PARKS

A. Report by Commissioner Wenner on May 20, 2025, Park Commission Meeting

City Administrator Nevinski noted that Park Commissioner Wenner was slated to give the update, but she was ill tonight. He gave a brief overview of the discussion and recommendations from the May 20, 2025, Park Commission meeting.

6. PLANNING

A. Report by Commissioner Holker on June 3, 2025, Planning Commission Meeting

Planning Commissioner Holker reviewed the discussions and recommendations from the June 3, 2025, Planning Commission meeting and answered questions from the Council.

B. Tingewood HOA Common Area PUD Concept Plan

Location: Parcel ID – 3511723110072

Applicant: Tingewood Homeowners Association

Planning Director Griffiths outlined the request for the Tingewood HOA for an amendment to an existing subdivision to subdivide their common areas into one additional lot that would be sold and developed with a single-family home. He noted that the Planning Commission had recommended approval subject to the conditions included within the resolution, but reminded the Council that tonight's agenda item was for a concept plan, so if this was approved tonight, the applicant would still need to move forward with several applications with the City. He briefly reviewed some of the concerns that had been raised by residents at the public hearing.

Councilmember Gorham asked what had determined the shape of the proposed lot. He noted that this was an interesting applicant and asked what discretion the Council had. Planning Director Griffiths stated that the applicant desired to have a simpler lot line. He explained that this was a legislative request because there was already an approved PUD for the Tingewood neighborhood, so the Council's discretion was to make a decision based on findings of fact. He noted that this application did meet the intent of the City's Comprehensive Plan and explained

CITY OF SHOREWOOD REGULAR COUNCIL MEETING MINUTES

JUNE 23, 2025

Page 5 of 11

that staff had been unable to find the records for the original PUD, other than the minutes. He stated that the original PUD was approved in the early 1970s, which predates modern record-keeping methods.

Councilmember DiGruttolo stated that there were a few people who lived near this neighborhood who were against this application and asked if they had any legal action those individuals could take. City Attorney Shepherd explained that if someone wanted to challenge a land use decision, the court would be looking at whether or not the City's decision was reasonable or arbitrary and capricious. He noted that, when courts look at Council decisions, they generally are not allowed to rely on citizen comments or neighborhood disgruntlement alone.

Councilmember Sanschagrín asked about the absence of the original PUD and if the Council should be concerned. City Attorney Shepherd noted that it would be nice if the City had the original document, but they do not. He explained that pragmatically, they know it had been approved and also that an applicant can come in and ask for a change to the PUD, so he did not have any concerns.

Mayor Labadie asked if there was a representative of the applicant who wanted to address the Council. Lisa Swann, President of the Tinglewood HOA, explained that their buildings were in great need of improvements, such as new siding, new roads, and new roofs, but they do not have the needed money. She explained that their intent with this proposal was not to be a poor neighbor and would follow the City's guidelines.

Councilmember Sanschagrín acknowledged that this was early in the City's process but asked about the stormwater issue. Planning Director Griffiths stated that the City has seen development on much steeper slopes than this parcel, such as Summit Avenue, and cautioned that the City did not have enough information to make a detailed decision. City Engineer Budde noted that the stormwater issues can be solved to meet the City's requirements.

Councilmember Sanschagrín stated that if this is approved tonight, he wanted to make sure that they paid very close attention to that during the next phase of the process.

Councilmember Gorham stated that a benefit of a PUD is that it opens up natural areas, and with the grading that will be necessary, it seemed like it would be intrusive to the site, and this was using the open space to carve out a lot, which seemed fundamentally opposed to the PUD approach.

Mayor Labadie asked Planning Director Griffiths what the next step in this process would be. Planning Director Griffiths stated that if this request were approved, the applicant would need to make an application to the City for a PUD development and final stage plan, which would include very detailed grading and stormwater management plans. He stated that they would also need to request a rezoning as well as a minor subdivision and outlined the City's process for those to also flow through the Planning Commission before the Council. He stated that there would be a lot more work necessary before anything could happen and reminded the Council that this was the concept stage, where they were looking for approval of their conceptual layout before they spent time and money on the detailed analysis.

Councilmember Gorham cautioned that the premise and motivation behind this application were to bring an influx of cash to the HOA.

CITY OF SHOREWOOD REGULAR COUNCIL MEETING MINUTES

JUNE 23, 2025

Page 6 of 11

Councilmember Sanschagrín stated that it would be helpful to look at the minutes from the original PUD. Planning Director Griffiths explained that the minutes from the meeting just say that the Council discussed the PUD and it was approved.

Councilmember Maddy stated that there are plenty of other situations where the City did not have records and were just working with what they had. He stated that this is a conforming lot split and did not understand what the controversy would be, and reminded the Council that this was a concept plan.

Councilmember Gorham explained that he understood it was a conforming lot, but had trouble with the premise of the PUD creating this open space, and now they are coming back to carve out a portion of it to sell it.

Councilmember Maddy stated that if the density was changing to more than two units per acre, this would be a different conversation.

Mayor Labadie explained that she agreed with Councilmember Maddy that the parameters have been met by the applicant to get through this stage of the process, which is the concept stage.

Councilmember DiGruttolo stated that she agreed with what Councilmember Gorham had tried to articulate, that when this was originally designed, the intent was one thing, and now it is something different.

Councilmember Sanschagrín stated that he was leaning towards the concerns described by Councilmember Gorham related to the original intent of the PUD. He explained that he was concerned that this would be working against the original intent of the PUD and also about the potential water issues, which should weigh into this process.

Councilmember DiGruttolo stated that she agreed, especially if the intent of the subdivision was to raise money for the HOA.

Councilmember Maddy asked City Attorney Shepherd if the Council should be debating the reason the applicant wanted this lot split or just the issue at hand with the concept plan application. City Attorney Shepherd stated that they should not be debating the reason the applicant wanted to sell the lot and encouraged the Council to look at the application before them and whether it meets the City's standards and requirements of the Code. He noted that this would also amend the PUD, and that was a choice the Council had, regardless of what may have happened in the 1970s.

Councilmember Sanschagrín stated that they would be amending a PUD that the City did not have. City Attorney Shepherd explained that they knew that they were carving out a piece of the land that was part of the underlying PUD and parcel that would be subdivided off and developed separately. He stated that the Council was talking about the concept plan that had been presented to them.

Mayor Labadie asked City Attorney Shepherd if the intent of the original HOA is irrelevant to the current PUD concept plan application. City Attorney Shepherd suggested that the Council go with what they know and agreed that in a perfect world, they would have more information on the PUD approval from 1970, but they do not have that. He stated that what they know is that this PUD concept plan shows an array of townhomes with some extra land, similar to an outlot and stated

CITY OF SHOREWOOD REGULAR COUNCIL MEETING MINUTES

JUNE 23, 2025

Page 7 of 11

that what the Council was being asked to consider was whether they were comfortable carving out a piece of the land because the PUD can exist without this chunk of land.

Councilmember Gorham asked what the Council's discretion was in that scenario because PUDs generally had some give and take. City Attorney Shepherd stated that this was a legislative and zoning decision, so they do have some latitude.

Mayor Labadie asked Planning Director Griffiths to describe the character of the neighborhood. Planning Director Griffiths gave a brief overview of the surrounding neighborhood.

Councilmember Gorham stated that if it was not for the clustering of the buildings, this parcel would not have been able to be built on and asked Councilmember Maddy could divorce the PUD from the lot.

Councilmember Maddy stated that if they cut the proposed piece out, it would still meet all of the City's current requirements for density, and subdivision is a property right they should have.

Maddy moved, Gorham seconded, Adopting RESOLUTION NO. 25-059, "A Resolution Approving a PUD Concept Plan for the Tinglewood HOA Common Area Located at Parcel ID - 3511723110072."

Motion passed.

C. Impervious Surface Definition City Code Amendment

Location: City-Wide

Applicant: City of Shorewood

Planning Director Griffiths reviewed the background of the importance and goal of having the impervious surface requirement and explained that the proposed definition was based on the DNR's model ordinance for what constituted impervious surface. He noted that the Planning Commission held a public hearing on this item with no comments being shared and had unanimously recommended approval.

Councilmember Gorham noted that the Tonka United tournament scheduled for last week was cancelled due to the recent rain, except for the games on turf, which highlighted the difference in what they were trying to do with water retention.

Gorham moved, DiGruttolo seconded, Adopting ORDINANCE 622, Amending Shorewood City Code Chapter 1201 Zoning Regulations to Update the Definition of Impervious Surface.

Motion passed.

7. ENGINEERING/PUBLIC WORKS

A. Approve Plans and Authorize Bidding for SE Area Water Improvement, City Project 24-08

City Engineer Budde explained that the City had been planning to do improvements and repairs to the SE Area Well for quite a while and reminded the Council that they had approved something

CITY OF SHOREWOOD REGULAR COUNCIL MEETING MINUTES

JUNE 23, 2025

Page 8 of 11

earlier this year that preordered some of the materials for this project, because of the lead times necessary. He stated that this project had been approved by the Minnesota Department of Health and was ready for bids and explained that, if approved, staff would open bids in mid-July and come back to the Council for award of the bid at their July 28, 2025, meeting, with construction slated for September through December. He reviewed the estimated total project costs, which were about thirty-five thousand dollars over budget, and described the two alternatives that had been added to the bidding process, but noted that neither of them would have to be done.

Councilmember DiGruttolo asked how this was thirty-five thousand dollars over budget. City Engineer Budde explained that it was estimated to be over budget by that amount.

Sanschagrin moved, Gorham seconded, Adopting RESOLUTION NO. 25-060, “A Resolution Approving Final Plans and Specifications and Authorizing Bidding for the SE Area Water Improvements Project; City Project 24-08.”

Motion passed.

B. Authorize Preparation of Final Plans and Specifications for Galpin Lake Trail Project, City Project 25-01

City Engineer Budde shared background and financial considerations regarding the City's pursuit of a pedestrian connection in this area. He reminded the Council that the city was awarded a grant through the Safe Routes to School (SRTS) and gave an overview of the proposed plans to build one segment of the trail. Staff recommends approval to authorize the preparation of the plans and specifications for this project.

Councilmember Maddy asked if the lift station was still there. City Engineer Budde explained that the Met Council has abandoned the lift station as part of the larger project happening in the area and was no longer needed.

Councilmember Sanschagrin asked if MnDOT was aware of this project. City Engineer Budde stated that they were aware of it and had essentially given the City the funds for it. He gave a brief description of some of the conversations that have been happening related to this area and the MnDOT project slated for their 2029 pavement preservation project.

Councilmember Sanschagrin stated that the diagram looks like it spills over a bit into Excelsior. City Engineer Budde confirmed that it spilled into Excelsior, but they have written a letter of support for this project.

Sanschagrin moved, DiGruttolo seconded, Adopting RESOLUTION NO. 25-061, “A Resolution to Prepare Final Plans and Specifications for Galpin Lake Trail Project; City Project 25-01.”

Motion passed.

8. GENERAL/NEW BUSINESS

A. Appoint Commissioners

CITY OF SHOREWOOD REGULAR COUNCIL MEETING MINUTES

JUNE 23, 2025

Page 9 of 11

City Clerk/HR Director Thone explained that the City Council held interviews for the Planning Commission vacancy at their earlier Work Session meeting.

The Council discussed the candidates and their support for what various candidates could bring to the table in serving the city, and reviewed language in the code about finding people from the islands to serve.

Sanschagrín moved, Labadie seconded, Adopting RESOLUTION NO. 25-062, “A Resolution Appointing Will Ruoff as a Planning Commissioner.”

Motion passed.

B. Data Practices Policy Annual Review (formerly Consent Agenda item 2.D.)

Councilmember Sanschagrín explained that he had pulled this item from the Consent Agenda because it was important to show transparency and was worth a discussion. He stated that he had asked questions of City Clerk/HR Director Thone prior to the meeting about the number of requests received, which was 207 in 2024 and 91 requests so far in 2025. He asked how the city handles situations where the requests are less than one hundred pages, and if it was handled differently when they received electronic copies.

City Clerk/HR Director Thone stated the charges are the same whether it was electronic or paper copies at .25 per page if under 100 pages.

Councilmember DiGruttolo asked why they were the same charges. City Clerk/HR Director Thone explained that the intent is that the staff time put into data requests is the same, regardless of the medium in which it was provided.

Councilmember DiGruttolo explained that she had a bit of an issue with the proposed charges and stated that the Council, at their off-site meeting, expressed that transparency was one of their top three goals. She stated that the cost of being transparent and giving people access to data would be a disincentive and could be perceived as oppressive.

City Clerk/HR Director Thone stated that she is happy this has come to discussion because there seems to be some misconceptions surrounding data requests. She gave an overview of the types of data requests that were received in 2024/2025 and how long it took to turn them around. She noted that in 2024, the city had only charged \$185 for all data provided to data requesters and explained that most of the requests were completed at no charge. The majority of paying requesters are private businesses using the data for their respective business purposes, not residents. She stated that so far in 2025, the city had charged only a total of \$35.00 for data requests and reiterated that most the requests were not from residents. She noted that the number of requests has gone down because much of the data is available on the city website. She explained that the types of larger requests are for employee salary data or rental/building permits/licenses and come from businesses, attorneys, or realtors. The statute allowing cities to charge for the data is reasonable considering most of them are turning around and using the data to make money.

Councilmember DiGruttolo suggested that they update the policy to have up to a certain dollar amount free for residents and another rate for non-residents or businesses. She explained that she would like to make this as frictionless as possible for residents to get access to data.

CITY OF SHOREWOOD REGULAR COUNCIL MEETING MINUTES

JUNE 23, 2025

Page 10 of 11

Mayor Labadie asked City Attorney Shepherd if the city was following the State statutes relating to data requests. City Attorney Shepherd stated that the current policy does follow State statute and explained that he would have to look into the idea raised by Councilmember DiGruttolo about splitting things between residents and non-residents.

Councilmember Sanschagrín asked City Clerk/HR Director Thone to describe what has been done to make data available. City Clerk/HR Director Thone gave a brief overview of the ways that the city has worked to make more data available, such as the website, and the agenda software that would be in place later in 2025.

Mayor Labadie asked if there was a way residents could come into City Hall and see the data without there being a cost. City Clerk/HR Director Thone stated that all data requests can be inspected for free at City Hall.

Councilmember DiGruttolo noted that the State statute says that the city 'may' require the requester to pay the costs for the data, and not 'must'.

Sanschagrín moved, Gorham seconded, Adopting RESOLUTION NO. 25-057, "2025 City Data Practices Policies."

Motion passed.

9. STAFF AND COUNCIL REPORTS AND DISCUSSION

A. Staff

Public Works Director Morreim noted that they were doing a lot of turf management in the parks and open spaces and are almost done flushing sewers for the year. He stated that they were planning to begin doing some buckthorn removal in Freeman Park.

City Engineer Budde stated that the mill and overlay project had just started with some tree clearing on Eureka and Wild Rose and was also coordinating with the County on the Mill Street watermain project.

Finance Director Schmuck explained that they were continuing to work through the budget schedule.

City Clerk/HR Director Thone stated that the city had received seventy applicants for the Administrative Assistant position, which will not close for another week. She stated that they had also received 28 applications for the LEO position and would interview seven candidates beginning tomorrow. She noted that the new City Planner, Aaron Osowski, will begin on June 30, 2025. She explained that on the advice of the State and County, the city had removed all of the City Council candidate information, including addresses and phone numbers, from the website out of caution.

Planning Director Griffiths stated that the July Planning Commission meeting had been cancelled because there were no applications to be reviewed. He stated that staff was working through a number of the water options that the Council had given direction on and anticipated that those

CITY OF SHOREWOOD REGULAR COUNCIL MEETING MINUTES

JUNE 23, 2025

Page 11 of 11

would be brought back before them in July. He noted that they were also beginning the zoning audit project with the consultant next week.

City Attorney Shepherd noted that he would be at the upcoming League of Minnesota Cities conference.

City Administrator Nevinski stated that the SLMPD Board had approved the Chief's employment contract last week.

B. Mayor and City Council

Councilmember Gorham thanked everyone for their hard work on the water discussion because he knew a lot of work had gone into it. He explained that he would be unable to serve as the Council Liaison at the June 24, 2025, Park Commission meeting and asked if anyone could fill in for him.

Councilmember Sanschagrín stated that he was able to attend the Park Commission meeting.

Mayor Labadie stated that she and City Administrator Nevinski had attended the Minnetonka Superintendent luncheon with the area mayors and administrators, where they reviewed the district budget for the coming year. She attended the Campfire Minnesota Beach Waterfront Grand Re-opening. She expressed appreciation to the SLMPD for sending an officer to be outside of Representative Myers' house. She noted that she met with Representative Myers earlier today about some potential issues where Shorewood may need legislative help. She stated that Senator Johnson Stewart would also be holding a meeting with the area's mayors.

10. ADJOURN

Maddy moved, Sanschagrín seconded, Adjourning the City Council Regular Meeting of June 23, 2025, at 9:48 P.M.

Motion passed.

ATTEST:

Jennifer Labadie, Mayor

Sandie Thone, City Clerk



City Council Meeting Item

Title/Subject: Verified Claims
Meeting Date: July 14, 2025
Prepared by: Michelle Nguyen, Senior Accountant
Reviewed by: Jeanne Schmuck, Finance Director
Attachments: Claims Lists

Item
2C

Background:

Council is asked to verify payment of the attached claims. The claims include compensation, operational or contractual expenditures anticipated in the current budget, or otherwise approved by the Council. Funds will be distributed following approval of the claims list.

Claims for Council authorization:

Payroll-06-30-2025-ACH	\$64,374.86
Payroll-06-30-2025-AP	\$45,646.95
Midwest Mailing-2 nd qtr billing	\$2,256.11
Council-07-14-2025	\$765,564.67
Shalo Lee	\$1,800.00

Total Claims: Checks & ACH	\$879,642.59
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Financial or Budget Considerations

The expenditures have been reviewed and determined to be reasonable, necessary, and consistent with the City's budget.

Action Requested

Motion to approve the claims list as presented.

Clearing House

Distribution Report

User: mnguyen
Printed: 06/30/2025 - 12:58PM
Batch: 00030.06.2025



Account Number	Debit	Credit	Account Description
700-00-1010-0000	0.00	64,374.86	CASH AND INVESTMENTS
700-00-2170-0000	64,374.86	0.00	GROSS PAYROLL CLEARING
	64,374.86	64,374.86	
Report Totals:	64,374.86	64,374.86	

Accounts Payable

Computer Check Proof List by Vendor

User: mnguyen
 Printed: 06/30/2025 - 1:37PM
 Batch: 00001.07.2025 - Payroll-06-30-2025



Invoice No	Description	Amount	Pmt Date	Acct Number	Reference
Vendor: 5	EFTPS - FEDERAL W/H			Check Sequence: 1	ACH Enabled: True
PR-06-30-2025	PR Batch 00003.06.2025 Federal Income Tax	9,743.22	06/30/2025	700-00-2172-0000	PR Batch 00003.06.2025 Federal Income T
PR-06-30-2025	PR Batch 00003.06.2025 Medicare Employer Po	1,363.68	06/30/2025	700-00-2174-0000	PR Batch 00003.06.2025 Medicare Emplo
PR-06-30-2025	PR Batch 00003.06.2025 FICA Employer Portio	5,830.86	06/30/2025	700-00-2174-0000	PR Batch 00003.06.2025 FICA Employer I
PR-06-30-2025	PR Batch 00003.06.2025 Medicare Employee Pc	1,363.68	06/30/2025	700-00-2174-0000	PR Batch 00003.06.2025 Medicare Emplo
PR-06-30-2025	PR Batch 00003.06.2025 FICA Employee Portio	5,830.86	06/30/2025	700-00-2174-0000	PR Batch 00003.06.2025 FICA Employee I
	Check Total:	24,132.30			
Vendor: 11	MINNESOTA DEPARTMENT OF REVENUE			Check Sequence: 2	ACH Enabled: True
PR-06-30-2025	PR Batch 00003.06.2025 State Income Tax	4,459.71	06/30/2025	700-00-2173-0000	PR Batch 00003.06.2025 State Income Tax
	Check Total:	4,459.71			
Vendor: 2	MISSION SQUARE RETIREMNT-302131-457			Check Sequence: 3	ACH Enabled: True
PR-06-30-2025	PR Batch 00003.06.2025 Deferred-MissionSq-Fl	2,246.20	06/30/2025	700-00-2176-0000	PR Batch 00003.06.2025 Deferred-Missior
	Check Total:	2,246.20			
Vendor: 1091	MSRS-MN DEFERRED COMP PLAN 457			Check Sequence: 4	ACH Enabled: True
PR-06-30-2025	PR Batch 00003.06.2025 Deferred Comp-MSRS	25.00	06/30/2025	700-00-2176-0000	PR Batch 00003.06.2025 Deferred Comp-1
	Check Total:	25.00			
Vendor: 665	OPTUM BANK			Check Sequence: 5	ACH Enabled: True
PR-06-30-2025	PR Batch 00003.06.2025 HSA-Optum Bank-Em	1,558.11	06/30/2025	700-00-2183-0000	PR Batch 00003.06.2025 HSA-Optum Ban
	Check Total:	1,558.11			
Vendor: 9	PERA			Check Sequence: 6	ACH Enabled: True
PR-06-30-2025	PR Batch 00003.06.2025 MN PERA Benefit Em	7,085.15	06/30/2025	700-00-2175-0000	PR Batch 00003.06.2025 MN PERA Benef

Invoice No	Description	Amount	Pmt Date	Acct Number	Reference
PR-06-30-2025	PR Batch 00003.06.2025 MN-PERA Deduction	6,140.48	06/30/2025	700-00-2175-0000	PR Batch 00003.06.2025 MN-PERA Dedu
	Check Total:	13,225.63			
	Total for Check Run:	45,646.95			
	Total of Number of Checks:	6			

Accounts Payable

Computer Check Proof List by Vendor

User: mnguyen

Printed: 07/03/2025 - 9:58AM

Batch: 00002.07.2025 - Midwest 2nd qtr billing



Invoice No	Description	Amount	Pmt Date	Acct Number	Reference
Vendor: 286	MIDWEST MAILING SYSTEMS INC			Check Sequence: 1	ACH Enabled: True
81090	Utility-Svc	110.18	07/03/2025	621-00-4400-0000	
81090	Utility-Svc	110.18	07/03/2025	601-00-4400-0000	
81090	Utility-Svc	110.18	07/03/2025	611-00-4400-0000	
81090	Utility-Postage	453.85	07/03/2025	621-00-4208-0000	
81090	Utility-Postage	453.85	07/03/2025	601-00-4208-0000	
81090	Utility-Postage	453.84	07/03/2025	631-00-4208-0000	
81090	Utility-Postage	453.85	07/03/2025	611-00-4208-0000	
81090	Utility-Svc	110.18	07/03/2025	631-00-4400-0000	
	Check Total:	2,256.11			
	Total for Check Run:	2,256.11			
	Total of Number of Checks:	1			

Accounts Payable

Computer Check Proof List by Vendor

User: mnguyen
Printed: 07/09/2025 - 3:47PM
Batch: 00003.07.2025 - Council-07-14-2025



Invoice No	Description	Amount	Pmt Date	Acct Number	Reference
Vendor: 102	ABDO LLP			Check Sequence: 1	ACH Enabled: True
508322	2024 Audit State Reporting	900.00	07/14/2025	101-16-4301-0000	
	Check Total:	900.00			
Vendor: 105	ADVANCED IMAGING SOLUTIONS			Check Sequence: 2	ACH Enabled: True
INV358441	Konica Minolta/C658 Copier	1,210.18	07/14/2025	101-19-4221-0000	
INV359019	Konica Minolta/C658 Copier-Monthly Base Rate	52.00	07/14/2025	101-19-4221-0000	
	Check Total:	1,262.18			
Vendor: 817	ARCPOINT LABS OF EDINA			Check Sequence: 3	ACH Enabled: False
15978	FMCSA Testing	45.00	07/14/2025	101-32-4305-0000	
	Check Total:	45.00			
Vendor: 1412	ARVIG			Check Sequence: 4	ACH Enabled: True
June-2025	Act#3101049-Monthly Phones/Internet Services	1,073.52	07/14/2025	101-19-4321-0000	
	Check Total:	1,073.52			
Vendor: 868	BANK OF MONTREAL			Check Sequence: 5	ACH Enabled: True
Jun-2025-AndyE	Hardware	2.79	07/14/2025	101-32-4245-0000	
Jun-2025-Brenda	Office Supplies	46.42	07/14/2025	101-13-4200-0000	
Jun-2025-ChrisH	Signs	9.69	07/14/2025	101-52-4245-0000	
Jun-2025-ChrisH	Bags	8.67	07/14/2025	101-32-4245-0000	
Jun-2025-ChrisH	Hose Rack	7.56	07/14/2025	101-52-4245-0000	
Jun-2025-ChrisH	Oreill-Supplies	55.84	07/14/2025	101-32-4245-0000	
Jun-2025-ChrisH	Markers	17.34	07/14/2025	101-32-4200-0000	
Jun-2025-ChrisH	Cemstone-Concrete Sealer	90.62	07/14/2025	101-32-4250-0000	

Invoice No	Description	Amount	Pmt Date	Acct Number	Reference
Jun-2025-ChrisP	Hardware	0.54	07/14/2025	101-32-4245-0000	
Jun-2025-ChrisP	Sq MN Topsoil	82.20	07/14/2025	101-32-4250-0000	
Jun-2025-ChrisP	Concrete Forms	122.29	07/14/2025	101-32-4250-0000	
Jun-2025-ChrisP	Cemstone -Concrete	619.75	07/14/2025	101-32-4250-0000	
Jun-2025-ChrisP	Home Depot-Rebar	32.88	07/14/2025	101-32-4250-0000	
Jun-2025-ChrisP	Sq MN Topsoil - Material Disposal	2,270.78	07/14/2025	101-32-4400-0000	
Jun-2025-ChrisP	Sq MN Topsoil - Log Disposal	51.38	07/14/2025	101-32-4400-0000	
Jun-2025-ChrisP	Home Depot-Concrete	135.76	07/14/2025	101-32-4245-0000	
Jun-2025-CityCard	Curbside Waste-SSCC	143.61	07/14/2025	201-00-4400-0000	
Jun-2025-CityCard	Curbside Waste-Public Works	454.67	07/14/2025	101-32-4400-0000	
Jun-2025-CityCard	Chanhassen-18505-000-Water Charge	6.92	07/14/2025	601-00-4263-0000	
Jun-2025-CityCard	Republic Services-Residents Recyeling Svcs	15,507.80	07/14/2025	621-00-4400-0000	
Jun-2025-CityCard	AT&T - Wade's Ipad	23.49	07/14/2025	101-24-4321-0000	
Jun-2025-CityCard	Culligan Bottled Water-Solar-SCEC	78.00	07/14/2025	201-00-4245-0000	
Jun-2025-CityCard	Republic Services-Organic Recycling	301.60	07/14/2025	621-00-4400-0026	
Jun-2025-CityCard	Chanhassen-18505-001-Water Charge	1,104.02	07/14/2025	601-00-4263-0000	
Jun-2025-CityCard	Republic Services-Spring Cleanup	6,817.46	07/14/2025	621-00-4347-0000	
Jun-2025-CityCard	Stericycle- Shredded-Spring Cleanup	1,358.70	07/14/2025	621-00-4347-0000	
Jun-2025-CityCard	Culligan Bottled Water - C.H.	40.00	07/14/2025	101-19-4223-0000	
Jun-2025-EricW	Canva-Parks Community Servey Business Card	45.00	07/14/2025	101-53-4351-0000	
Jun-2025-JakeG	Sensible Land Use Coalition-Memebership Rene	75.00	07/14/2025	101-18-4433-0000	
Jun-2025-JakeG	APA-Job Posting	25.00	07/14/2025	101-18-4351-0000	
Jun-2025-Jeanne	GFOA Membership-Jeanne	170.00	07/14/2025	101-15-4433-0000	
Jun-2025-Jeanne	MNGFOA Day to Unite	16.00	07/14/2025	101-15-4331-0000	
Jun-2025-Jeanne	GFOA ACFR Certificate Application Fee	460.00	07/14/2025	101-16-4301-0000	
Jun-2025-Jeremy	Fuel	47.86	07/14/2025	101-32-4212-0000	
Jun-2025-Jeremy	Nte-Chainsaw	171.35	07/14/2025	101-32-4221-0000	
Jun-2025-Jeremy	Zep - Cleaning Products	573.94	07/14/2025	101-32-4245-0000	
Jun-2025-Jeremy	Pirtek-Hydraulic Line	271.28	07/14/2025	601-00-4221-0000	
Jun-2025-Jeremy	Rdo Eqmt-Multi-one Parts	597.74	07/14/2025	101-52-4221-0000	
Jun-2025-Jeremy	Hydraulic Line	134.25	07/14/2025	101-32-4221-0000	
Jun-2025-Marc	LCM-Conf. Hotel -Maddy	340.84	07/14/2025	101-11-4331-0000	
Jun-2025-Marc	LCM- Conf. Hotel - DiGruttolo	340.84	07/14/2025	101-11-4331-0000	
Jun-2025-MattM	Car Chargers	34.97	07/14/2025	101-32-4245-0000	

Invoice No	Description	Amount	Pmt Date	Acct Number	Reference
Jun-2025-MattM	Sign-Park Bathrooms	38.98	07/14/2025	101-52-4245-0000	
Jun-2025-MattM	Communications	17.00	07/14/2025	101-32-4321-0000	
Jun-2025-Meliss	Wright County - Notary Renewal	21.80	07/14/2025	101-13-4433-0000	
Jun-2025-Mitch	Amazon	219.01	07/14/2025	201-00-4200-0000	
Jun-2025-Mitch	Plunketts Pest Control	90.00	07/14/2025	201-00-4400-0000	
Jun-2025-Mitch	Tide Dry	260.89	07/14/2025	201-00-4400-0000	
Jun-2025-Mitch	Staff Scheduling	15.00	07/14/2025	101-53-4245-0000	
Jun-2025-Nelia	ECM - Sun Sailor Subscription	52.00	07/14/2025	101-13-4433-0000	
Jun-2025-Nelia	MCFOA-Membership	50.00	07/14/2025	101-13-4433-0000	
Jun-2025-Nelia	Heartsmart-AED Pads - Supplies	58.65	07/14/2025	101-19-4245-0000	
Jun-2025-Nelia	Staff Meeting	109.07	07/14/2025	101-13-4245-0000	
Jun-2025-Robert	Fuel	87.30	07/14/2025	101-32-4212-0000	
Jun-2025-RyanB	Sq MN Topsoil-Sweeping Disposal	226.56	07/14/2025	631-00-4400-0000	
Jun-2025-RyanB	Hardwar	1.33	07/14/2025	101-52-4245-0000	
Jun-2025-Sandie	Docking Stations	89.40	07/14/2025	101-19-4321-0000	
Jun-2025-Sandie	Laptop Chargers	58.58	07/14/2025	101-19-4321-0000	
Jun-2025-Sandie	Snack-Meeting	32.23	07/14/2025	101-13-4245-0000	
Jun-2025-Sandie	Batteries	37.05	07/14/2025	101-19-4245-0000	
Jun-2025-Sandie	HDMI Cables	15.28	07/14/2025	101-19-4321-0000	
Jun-2025-Sandie	HDMI Cables	15.99	07/14/2025	101-19-4321-0000	
Jun-2025-TimK	Fuel	644.88	07/14/2025	101-32-4212-0000	
Jun-2025-TimK	Pressure Gauge	9.99	07/14/2025	601-00-4245-0000	
Jun-2025-TimK	Sewer Cleaning Supplies	33.88	07/14/2025	611-00-4245-0000	
Jun-2025-ToddR	Trees	11.58	07/14/2025	101-52-4247-0000	
Jun-2025-ToddR	Fuel	36.20	07/14/2025	101-32-4212-0000	
Jun-2025-ToddR	Home Depot-Wood	44.65	07/14/2025	101-32-4245-0000	
Jun-2025-ToddR	Bottled Water	41.88	07/14/2025	101-32-4245-0000	
Jun-2025-Wade	Fuel	59.00	07/14/2025	101-24-4212-0000	
Jun-2025-Wade	Asurion - Protection Plan - will be refunded	109.99	07/14/2025	101-24-4200-0000	
Jun-2025-Wade	Amazon-Screen Remote Controller-Drone with l	1,299.00	07/14/2025	101-24-4200-0000	
	Check Total:	36,482.02			
Vendor: UB*00665	Melissa & Louis Berezovsky			Check Sequence: 6	ACH Enabled: False
	Refund Check 008930-000, 5780 Ayrshire Lane	47.37	07/09/2025	631-00-2010-0000	

Invoice No	Description	Amount	Pmt Date	Acct Number	Reference
	Refund Check 008930-000, 5780 Ayrshire Lane	47.37	07/09/2025	621-00-2010-0000	
	Refund Check 008930-000, 5780 Ayrshire Lane	94.74	07/09/2025	601-00-2010-0000	
	Refund Check 008930-000, 5780 Ayrshire Lane	110.52	07/09/2025	611-00-2010-0000	
	Check Total:	300.00			
Vendor: 677	BOLTON & MENK, INC.			Check Sequence: 7	ACH Enabled: True
364375	Proj.# 0C1.120898-1-GIS-Utilities-Planning	1,192.50	07/14/2025	101-18-4303-0000	
367138	Proj.# 0C1.126162-2023-2024-Pond Maintananc	2,160.00	07/14/2025	631-00-4303-0000	
367139	Proj.# 0C1.133334-2024 Mill & Overlay/Smitht	714.00	07/14/2025	419-00-4303-0000	
367141	Proj.# 0C1.123603-General Engineering	8,470.90	07/14/2025	101-31-4303-0000	
367142	Proj.# 24X.136948-2025 Mill & Overlay Design	12,077.50	07/14/2025	420-00-4303-0000	
367143	Proj.# 24X.135611-6180 Cardinal Drive	7,238.50	07/14/2025	880-00-2210-0000	
367144	Proj.# 0C1.125586-Gaplin Lake Road/TH7 Trail	1,295.00	07/14/2025	422-00-4303-0000	
367148	Proj.# 0C1.120898-3-GIS-Utilities-Stormwater	810.00	07/14/2025	631-00-4303-0000	
367148	Proj.# 0C1.120898-1-GIS-Utilities-Planning	472.50	07/14/2025	101-18-4303-0000	
367148	Proj.# 0C1.120898-1-GIS-Utilities-Planning	1,110.00	07/14/2025	101-18-4400-0000	
367148	Proj.# 0C1.120898--2-GIS-Utilities-Water	810.00	07/14/2025	601-00-4303-0000	
367148	Proj.# 0C1.120898-4-GIS-Utilities-Street	2,915.00	07/14/2025	880-00-2210-0000	
367149	Proj.# 0C1.130016-Lake Park Villas-24250Smit	775.00	07/14/2025	880-00-2210-0000	
367150	Proj.# 0C1.127484-Maple Shores Developmen	520.00	07/14/2025	880-00-2210-0000	
367151	Proj.# 0C1.129164-Mill Street Trail	2,432.00	07/14/2025	417-00-4303-0000	
367152	Proj.# 0C1.134621-Minnesota Inboard-19765Hw	702.50	07/14/2025	880-00-2210-0000	
367154	Proj.# C16.122391-MS4 Administration	1,007.50	07/14/2025	631-00-4302-0009	
367155	Proj.# 24X.136257-SE Area Water Improvement	2,332.00	07/14/2025	601-00-4303-0000	
367156	Proj.# 25X.137799-SE Well Pump Rebuild-SE W	225.00	07/14/2025	601-00-4303-0000	
367157	Proj.# C16.120341-Shorewood Ln Ravine Resto	1,230.00	07/14/2025	631-00-4303-0000	
367158	Proj.# 24X.137116-Shorewood Meadow--Obser/	256.50	07/14/2025	880-00-2210-0000	
367159	Proj.# C16.121587-Smithtown Pond Const. Adm	2,050.00	07/14/2025	631-00-4303-0000	
367160	Proj.# C16.121661-Walnut Grove Villas - Shaefc	585.00	07/14/2025	880-00-2210-0000	
367162	Proj.# 24X.136951-Water Connection Program	615.00	07/14/2025	601-00-4303-0000	
	Check Total:	51,996.40			
Vendor: 1221	CAMPBELL KNUTSON P.A.			Check Sequence: 8	ACH Enabled: True
3526-0000G-42	General Matters/Administration	4,855.00	07/14/2025	101-16-4304-0000	

Invoice No	Description	Amount	Pmt Date	Acct Number	Reference
3526-0001G-42	Planning & Zoning Services	905.00	07/14/2025	101-16-4304-0000	
3526-0009G-30	Code Enforcement-5815 Club Lane	1,263.67	07/14/2025	101-16-4304-0000	
3526-0999G-45	Prosecution	5,871.71	07/14/2025	101-16-4304-0000	
	Check Total:	12,895.38			
Vendor: 136	CENTERPOINT ENERGY-GAS			Check Sequence: 9	ACH Enabled: True
06-24-2025	20630 Manor Rd	31.97	07/14/2025	101-52-4380-0000	
06-24-2025	5735 Country Club Rd-SCEC	86.23	07/14/2025	201-00-4380-0000	
06-30-2025	5755 Country Club Rd	59.54	07/14/2025	101-19-4380-0000	
06-30-2025	20405 Knightsbridge Rd	33.07	07/14/2025	601-00-4394-0000	
06-30-2025	28125 Boulder Bridge	35.28	07/14/2025	601-00-4396-0000	
06-30-2025	6000 Eureka Road	52.97	07/14/2025	101-52-4380-0000	
06-30-2025	24200 Smithtown Rd	149.83	07/14/2025	101-32-4380-0000	
	Check Total:	448.89			
Vendor: 896	CINTAS CORPORATION			Check Sequence: 10	ACH Enabled: False
20415984	SCEC - Mats	70.67	07/14/2025	201-00-4223-0000	
20419213	SCEC - Mats	70.67	07/14/2025	201-00-4223-0000	
20419214	City Hall - Mats	194.00	07/14/2025	101-19-4223-0000	
	Check Total:	335.34			
Vendor: 144	CITY OF EXCELSIOR			Check Sequence: 11	ACH Enabled: True
2nd Qtr-2025-Water	Quarterly Water Usage	8,434.30	07/14/2025	601-00-4261-0000	
	Check Total:	8,434.30			
Vendor: UB*00662	Suzanne Claiborne			Check Sequence: 12	ACH Enabled: False
	Refund Check 008762-000, 20542 Excelsior Blv	45.14	07/09/2025	611-00-2010-0000	
	Refund Check 008762-000, 20542 Excelsior Blv	38.68	07/09/2025	601-00-2010-0000	
	Refund Check 008762-000, 20542 Excelsior Blv	19.34	07/09/2025	631-00-2010-0000	
	Refund Check 008762-000, 20542 Excelsior Blv	19.34	07/09/2025	621-00-2010-0000	
	Check Total:	122.50			
Vendor: 456	CORE & MAIN, LP			Check Sequence: 13	ACH Enabled: False
X216237	Valve Parts	1,928.06	07/14/2025	601-00-4245-0000	

Invoice No	Description	Amount	Pmt Date	Acct Number	Reference
	Check Total:	1,928.06			
Vendor: 1361	COSTCO-CITI CARDS			Check Sequence: 14	ACH Enabled: True
06-23-2025-Nelia	General Supplies	45.94	07/14/2025	101-13-4245-0000	
	Check Total:	45.94			
Vendor: UB*00656	Denise H. & Nick Councilman			Check Sequence: 15	ACH Enabled: False
	Refund Check 005646-001, 26020 Smithtown L	23.04	06/20/2025	631-00-2010-0000	
	Refund Check 005646-001, 26020 Smithtown L	53.57	06/20/2025	611-00-2010-0000	
	Refund Check 005646-001, 26020 Smithtown L	23.04	06/20/2025	621-00-2010-0000	
	Check Total:	99.65			
Vendor: 1096	DAVEY RESOURCE GROUP, INC.			Check Sequence: 16	ACH Enabled: True
9000119889	Forestry Consulting Services	325.00	07/14/2025	101-32-4400-0000	
	Check Total:	325.00			
Vendor: 166	EARL F. ANDERSEN			Check Sequence: 17	ACH Enabled: False
0139890-IN	No Parking Signs	270.00	07/14/2025	101-32-4245-0000	
0140010-IN	Misc. Signs	208.50	07/14/2025	101-32-4245-0000	
	Check Total:	478.50			
Vendor: 167	ECM PUBLISHERS INC			Check Sequence: 18	ACH Enabled: True
1053570	2024 Financials Republication	975.00	07/14/2025	101-15-4351-0000	
1053571	2024 TIF Republication	68.75	07/14/2025	470-00-4351-0019	
1053775	2024 Financials Republication	670.80	07/14/2025	101-15-4351-0000	
1053776	2024 TIF Republication	47.30	07/14/2025	470-00-4351-0019	
1056652	Water Treatment Facility BID	280.20	07/14/2025	601-00-4433-0000	
	Check Total:	2,042.05			
Vendor: 1554	JAMES FREY			Check Sequence: 19	ACH Enabled: False
20765Radisson	Variance Application on Christmas Lake withdra	500.00	07/14/2025	101-18-3413-0000	
20765Radisson	Variance Application on Christmas Lake withdra	500.00	07/14/2025	880-00-2200-0000	
	Check Total:	1,000.00			

Invoice No	Description	Amount	Pmt Date	Acct Number	Reference
Vendor: 199	GMH ASPHALT COPORATION			Check Sequence: 20	ACH Enabled: False
PV#1-2025M&O	PV#1-2025 Mill & Overlay-Retained-Contract P	-9,317.34	07/14/2025	420-00-2060-0000	
PV#1-2025M&O	PV#1-2025 Mill & Overlay - Proj.#24X.136948	186,346.74	07/14/2025	420-00-4680-0000	
	Check Total:	177,029.40			
Vendor: 200	GOPHER STATE ONE CALL			Check Sequence: 21	ACH Enabled: True
5060748	Monthly Rental	148.95	07/14/2025	601-00-4400-0000	
5060748	Monthly Rental	148.95	07/14/2025	631-00-4400-0000	
5060748	Monthly Rental	148.95	07/14/2025	611-00-4400-0000	
	Check Total:	446.85			
Vendor: 211	HAWKINS, INC.			Check Sequence: 22	ACH Enabled: True
7108997	Chlorine for Treatment	1,288.58	07/14/2025	601-00-4245-0000	
	Check Total:	1,288.58			
Vendor: 1384	HD SUPPLY FORMERLY HOME DEPOT PRO			Check Sequence: 23	ACH Enabled: False
871794228	SECE Supplies	60.72	07/14/2025	201-00-4245-0000	
871794236	SECE Supplies	69.61	07/14/2025	201-00-4245-0000	
	Check Total:	130.33			
Vendor: 689	HENNEPIN COUNTY ACCOUNTS RECEIVABLE			Check Sequence: 24	ACH Enabled: False
1000249473	REC0001086-View Recorded Documents	15.00	07/14/2025	101-18-4400-0000	
	Check Total:	15.00			
Vendor: UB*00659	Mark & Jane Henning			Check Sequence: 25	ACH Enabled: False
	Refund Check 009179-000, 19627 Waterford Ct	3.89	06/20/2025	601-00-2010-0000	
	Refund Check 009179-000, 19627 Waterford Ct	1.94	06/20/2025	631-00-2010-0000	
	Refund Check 009179-000, 19627 Waterford Ct	4.54	06/20/2025	611-00-2010-0000	
	Refund Check 009179-000, 19627 Waterford Ct	1.95	06/20/2025	621-00-2010-0000	
	Check Total:	12.32			
Vendor: 1550	JO HOO			Check Sequence: 26	ACH Enabled: False
89732018	User Credit Conversation Refund-Late Open of I	46.00	07/14/2025	201-00-3410-0000	

Invoice No	Description	Amount	Pmt Date	Acct Number	Reference
	Check Total:	46.00			
Vendor: 1359	HOWLING WOLF EMBROIDERY			Check Sequence: 27	ACH Enabled: False
5328	Shorewood Logo Hat/Shirt	25.00	07/14/2025	101-11-4245-0000	
5328	Shorewood Logo Hat/Shirt	72.00	07/14/2025	101-13-4245-0000	
	Check Total:	97.00			
Vendor: UB*00661	Linda & David Huntley			Check Sequence: 28	ACH Enabled: False
	Refund Check 005015-000, 5380 Barrington We	3.22	06/20/2025	601-00-2010-0000	
	Refund Check 005015-000, 5380 Barrington We	1.61	06/20/2025	631-00-2010-0000	
	Refund Check 005015-000, 5380 Barrington We	3.76	06/20/2025	611-00-2010-0000	
	Refund Check 005015-000, 5380 Barrington We	1.61	06/20/2025	621-00-2010-0000	
	Check Total:	10.20			
Vendor: 1401	JENCO PROPERTY MAINTENANCE			Check Sequence: 29	ACH Enabled: False
6684	Landscaping Maint. MTCE-Badger-City Hall-PV	665.00	07/14/2025	101-19-4400-0000	
6684	Landscaping Maint. MTCE-Badger-City Hall-PV	665.00	07/14/2025	101-52-4400-0000	
	Check Total:	1,330.00			
Vendor: 1332	JERRY'S PRINTING			Check Sequence: 30	ACH Enabled: False
100100	Road Milling Lawn Signs	170.00	07/14/2025	101-32-4245-0000	
100134	Public Meeting Notice Window Envelopes	340.00	07/14/2025	101-18-4200-0000	
	Check Total:	510.00			
Vendor: 1552	JOHN KRAEMER & SONS, INC.			Check Sequence: 31	ACH Enabled: False
4565EnchantedPt	Escrow Refund - 4565 Enchanted Point-Permit #	29,775.00	07/14/2025	880-00-2200-0000	
	Check Total:	29,775.00			
Vendor: UB*00666	William & Amy Johnson			Check Sequence: 32	ACH Enabled: False
	Refund Check 008390-000, 6135 Cathcart Dr	106.62	07/09/2025	611-00-2010-0000	
	Refund Check 008390-000, 6135 Cathcart Dr	45.69	07/09/2025	631-00-2010-0000	
	Refund Check 008390-000, 6135 Cathcart Dr	45.69	07/09/2025	621-00-2010-0000	
	Check Total:	198.00			

Invoice No	Description	Amount	Pmt Date	Acct Number	Reference
Vendor: 1515	KATH FUEL OIL SERVICE CO.			Check Sequence: 33	ACH Enabled: True
829714	Fuel for Trailer	1,073.37	07/14/2025	101-32-4212-0000	
830281	Fuel for Trailer	722.86	07/14/2025	101-32-4212-0000	
	Check Total:	1,796.23			
Vendor: 247	DREW KRIESEL			Check Sequence: 34	ACH Enabled: False
112629	SCEC Event Setup/Teardown	616.00	07/14/2025	201-00-4248-0000	
	Check Total:	616.00			
Vendor: 251	LAKE MINNETONKA CONSERVATION DISTRICT			Check Sequence: 35	ACH Enabled: True
2025Q3Shore	Quarterly Levy Dues	5,565.50	07/14/2025	101-11-4433-0000	
	Check Total:	5,565.50			
Vendor: 1378	MAYA MAINTENANCE LLC			Check Sequence: 36	ACH Enabled: True
1528	Janitorial Services-SCEC	460.00	07/14/2025	201-00-4400-0000	
1528	Janitorial Services-SCEC-Event Setup/Teardown	201.25	07/14/2025	201-00-4248-0000	
1539	Janitorial Services-PWs Facility	520.00	07/14/2025	101-32-4400-0000	
	Check Total:	1,181.25			
Vendor: 279	METROPOLITAN COUNCIL (WASTEWATER)			Check Sequence: 37	ACH Enabled: True
1190696	Monthly Waste Water Svc	89,535.36	07/14/2025	611-00-4385-0000	
	Check Total:	89,535.36			
Vendor: 453	METROPOLITAN COUNCIL (SAC)			Check Sequence: 38	ACH Enabled: True
2nd Qtr-2025-SAC	Quarterly SAC Report	27,061.65	07/14/2025	611-00-2082-0000	
	Check Total:	27,061.65			
Vendor: 286	MIDWEST MAILING SYSTEMS INC			Check Sequence: 39	ACH Enabled: True
81094	Shore Report - Mailing Service	166.04	07/14/2025	101-53-4400-0000	
81094	Shore Report - Mailing Service	338.00	07/14/2025	101-13-4400-0000	
81094	Shore Report - Mailing Postage	459.00	07/14/2025	101-13-4208-0000	
81094	Shore Report - Mailing Postage	225.45	07/14/2025	101-53-4208-0000	
	Check Total:	1,188.49			

Invoice No	Description	Amount	Pmt Date	Acct Number	Reference
Vendor: 11	MINNESOTA DEPARTMENT OF REVENUE			Check Sequence: 40	ACH Enabled: True
2nd Qtr-2025-Sales	Quarterly Water Sales Tax - 2nd Qtr-2025	1,226.00	07/14/2025	601-00-2081-0000	
	Check Total:	1,226.00			
Vendor: 298	MINNESOTA DEPARTMENT OF LABOR & INDUSTRY			Check Sequence: 41	ACH Enabled: False
ABR0350222X	Pressure Vessels	10.00	07/14/2025	101-32-4437-0000	
ABR0350240X	Pressure Vessel	10.00	07/14/2025	101-32-4437-0000	
	Check Total:	20.00			
Vendor: 1551	MULTIVENTURE PROPERTIES, INC.			Check Sequence: 42	ACH Enabled: False
91102399	Refund of Refundable Facility Deposit	200.00	07/14/2025	201-00-3410-0000	
	Check Total:	200.00			
Vendor: 1553	KRISTIN OLSON			Check Sequence: 43	ACH Enabled: False
4445EnchantedCo	Variance Appl. Incompleted Withdraw-4445 Enc	500.00	07/14/2025	880-00-2200-0000	
4445EnchantedCo	Variance Appl. Incompleted Withdraw-4445 Enc	500.00	07/14/2025	101-18-3413-0000	
	Check Total:	1,000.00			
Vendor: 325	ON SITE SANITATION -TWIN CITIES			Check Sequence: 44	ACH Enabled: True
1919244	South Shore-5355 St Albans Bay	85.40	07/14/2025	101-52-4400-0000	
1919245	Freeman Park-6000 Eureka Rd	256.20	07/14/2025	101-52-4400-0000	
1919246	Christmas Lk Rd-5625 Merry Ln	383.08	07/14/2025	101-52-4400-0000	
1919247	Cathcart Park-26655 W- 62nd St	85.40	07/14/2025	101-52-4400-0000	
1919248	Silverwood Pk-5755 Covington R	85.40	07/14/2025	101-52-4400-0000	
	Check Total:	895.48			
Vendor: UB*00657	David & Katina Peterson			Check Sequence: 45	ACH Enabled: False
	Refund Check 005790-000, 5900 Covington Rd	36.04	06/20/2025	611-00-2010-0000	
	Refund Check 005790-000, 5900 Covington Rd	15.45	06/20/2025	631-00-2010-0000	
	Refund Check 005790-000, 5900 Covington Rd	15.45	06/20/2025	621-00-2010-0000	
	Refund Check 005790-000, 5900 Covington Rd	30.90	06/20/2025	601-00-2010-0000	
	Check Total:	97.84			
Vendor: UB*00663	Michael & Teri Quick			Check Sequence: 46	ACH Enabled: False

Invoice No	Description	Amount	Pmt Date	Acct Number	Reference
	Refund Check 008405-000, 19890 Muirfield Ctr	15.28	07/09/2025	621-00-2010-0000	
	Refund Check 008405-000, 19890 Muirfield Ctr	30.57	07/09/2025	601-00-2010-0000	
	Refund Check 008405-000, 19890 Muirfield Ctr	15.29	07/09/2025	631-00-2010-0000	
	Refund Check 008405-000, 19890 Muirfield Ctr	35.65	07/09/2025	611-00-2010-0000	
	Check Total:	96.79			
Vendor: 305	SAFEBUILT LLC-LOCKBOX #88135			Check Sequence: 47	ACH Enabled: False
2027403	Inspection Services	1,610.88	07/14/2025	101-24-4400-0000	
	Check Total:	1,610.88			
Vendor: 346	SAFETY SIGNS			Check Sequence: 48	ACH Enabled: False
INV309910	Marking Paint & Flags	250.85	07/14/2025	611-00-4245-0000	
	Check Total:	250.85			
Vendor: 1555	SAXON FLEET SERVICES			Check Sequence: 49	ACH Enabled: False
F250122-1	2025 - Ford F-550 Chassis - 1FD0W5HT2SEC7	67,951.00	07/14/2025	403-00-4640-0000	
	Check Total:	67,951.00			
Vendor: 1176	SCHNEIDER EXCAVATING & GRADING, INC.			Check Sequence: 50	ACH Enabled: False
PV#2-2024PMI-Maryl	PV#2 -2024 Pond Maint Improvement-Mary Lak	26,508.26	07/14/2025	631-00-4303-0000	
	Check Total:	26,508.26			
Vendor: UB*00664	William & Rhea Schwalbach			Check Sequence: 51	ACH Enabled: False
	Refund Check 006520-000, 21986 Bracketts Rd	2.08	07/09/2025	621-00-2010-0000	
	Refund Check 006520-000, 21986 Bracketts Rd	2.09	07/09/2025	631-00-2010-0000	
	Refund Check 006520-000, 21986 Bracketts Rd	4.17	07/09/2025	601-00-2010-0000	
	Refund Check 006520-000, 21986 Bracketts Rd	4.86	07/09/2025	611-00-2010-0000	
	Check Total:	13.20			
Vendor: 355	SHRED-N-GO _446138			Check Sequence: 52	ACH Enabled: True
184808	Shredded Svc	78.93	07/14/2025	101-19-4223-0000	
	Check Total:	78.93			
Vendor: 360	SOUTH LAKE MINNETONKA POLICE DEPARTMENT			Check Sequence: 53	ACH Enabled: True

Invoice No	Description	Amount	Pmt Date	Acct Number	Reference
April-2025-HCPF	Hennepin County Processing Fees	311.80	07/14/2025	101-21-4440-0000	
	Check Total:	311.80			
Vendor: 1181	SPLIT ROCK MANAGEMENT, INC.			Check Sequence: 54	ACH Enabled: True
97461	Custodial Service-CH Building	487.00	07/14/2025	101-19-4223-0000	
	Check Total:	487.00			
Vendor: 1101	SPRINGBROOK HOLDING COMPANY LLC			Check Sequence: 55	ACH Enabled: True
INV-021178	Springbrook-CivicPay Fees	7.75	07/14/2025	601-00-4450-0000	
INV-021178	Springbrook-CivicPay Fees	7.75	07/14/2025	611-00-4450-0000	
INV-021178	Springbrook-CivicPay Fees	7.75	07/14/2025	631-00-4450-0000	
INV-021178	Springbrook-CivicPay Fees	7.75	07/14/2025	621-00-4450-0000	
	Check Total:	31.00			
Vendor: 1170	SPS WORKS			Check Sequence: 56	ACH Enabled: True
IV00577399	Engraved Plastic Plate	25.25	07/14/2025	101-18-4200-0000	
	Check Total:	25.25			
Vendor: 296	STATE OF MN-MINNESOTA DEPARTMENT OF HEALTH			Check Sequence: 57	ACH Enabled: False
2nd Qtr-2025-SS	Quarterly Water Surcharges	3,893.00	07/14/2025	601-00-2082-0000	
	Check Total:	3,893.00			
Vendor: 694	TIMESAVER OFF SITE SECRETARIAL, INC.			Check Sequence: 58	ACH Enabled: True
30675	Council Meeting	629.51	07/14/2025	101-13-4400-0000	
30677	Park Meeting	212.50	07/14/2025	101-53-4400-0000	
36076	Concil Meeting	419.25	07/14/2025	101-13-4400-0000	
	Check Total:	1,261.26			
Vendor: 1348	TOSHIBA AMERICA BUSINESS SOLUT			Check Sequence: 59	ACH Enabled: True
5034769021	PWs - Printer Lease-Acct#450-0104647-000	140.20	07/14/2025	101-32-4400-0000	
5035020509	SCEC - Printer Lease-Acct#450-0107118-000	130.07	07/14/2025	201-00-4400-0000	
	Check Total:	270.27			
Vendor: 384	TOTAL PRINTING SERVICES			Check Sequence: 60	ACH Enabled: False

Invoice No	Description	Amount	Pmt Date	Acct Number	Reference
14199	Park & Rec Summer Insert	520.00	07/14/2025	101-53-4351-0000	
14199	Newsletters	1,210.00	07/14/2025	101-13-4351-0000	
	Check Total:	1,730.00			
Vendor: 386	TWIN CITY WATER CLINIC			Check Sequence: 61	ACH Enabled: True
22526	Monthly Water Testing	120.00	07/14/2025	601-00-4400-0000	
	Check Total:	120.00			
Vendor: 1003	US BANK TRUST N.A.-WIRE ONLY			Check Sequence: 62	ACH Enabled: True
2917030	Act#0131232NS-Series-2021A	13,805.00	07/14/2025	321-00-4711-0000	
2917030	Act#0131232NS-Series-2021A	2,736.07	07/14/2025	631-00-4711-0000	
2917030	Act#0131232NS-Series-2021A	277.98	07/14/2025	611-00-4711-0000	
2917030	Act#0131232NS-Series-2021A	3,435.45	07/14/2025	601-00-4711-0000	
2917030	Act#0131232NS-Series-2021A	110.00	07/14/2025	601-00-2150-0000	
2917030	Act#0131232NS-Series-2021A	9.00	07/14/2025	611-00-2150-0000	
2917030	Act#0131232NS-Series-2021A	89.00	07/14/2025	631-00-2150-0000	
2917048	Act#0103911NS-Series2020A	3,924.77	07/14/2025	601-00-4711-0000	
2917048	Act#0103911NS-Series2020A	12,855.63	07/14/2025	320-00-4711-0000	
2917048	Act#0103911NS-Series2020A	686.00	07/14/2025	631-00-2150-0000	
2917048	Act#0103911NS-Series2020A	17,196.33	07/14/2025	631-00-4711-0000	
2917048	Act#0103911NS-Series2020A	73.00	07/14/2025	611-00-2150-0000	
2917048	Act#0103911NS-Series2020A	156.00	07/14/2025	601-00-2150-0000	
2917048	Act#0103911NS-Series2020A	1,842.03	07/14/2025	611-00-4711-0000	
2917074	Act#0178271NS-Series-2023A	-1,123.00	07/14/2025	611-00-3940-0000	
2917074	Act#0178271NS-Series-2023A	12,673.00	07/14/2025	611-00-4711-0000	
2917074	Act#0178271NS-Series-2023A	-1,549.00	07/14/2025	601-00-3940-0000	
2917074	Act#0178271NS-Series-2023A	65,100.00	07/14/2025	323-00-4711-0000	
2917074	Act#0178271NS-Series-2023A	17,480.00	07/14/2025	601-00-4711-0000	
2917074	Act#0178271NS-Series-2023A	13,547.00	07/14/2025	631-00-4711-0000	
2917074	Act#0178271NS-Series-2023A	1,123.00	07/14/2025	611-00-2400-0000	
2917074	Act#0178271NS-Series-2023A	-1,201.00	07/14/2025	631-00-3940-0000	
2917074	Act#0178271NS-Series-2023A	1,549.00	07/14/2025	601-00-2400-0000	
2917074	Act#0178271NS-Series-2023A	1,201.00	07/14/2025	631-00-2400-0000	

Invoice No	Description	Amount	Pmt Date	Acct Number	Reference
	Check Total:	165,996.26			
Vendor: 392	VALLEY-RICH CO. INC.			Check Sequence: 63	ACH Enabled: False
34508	Watermain Break	6,400.50	07/14/2025	601-00-4400-0000	
34509	Watermain Break	4,853.50	07/14/2025	601-00-4400-0000	
34534	Watermain Break	5,690.74	07/14/2025	601-00-4400-0000	
	Check Total:	16,944.74			
Vendor: 421	VERIZON WIRELESS			Check Sequence: 64	ACH Enabled: False
6117466228	612-581-3780-Planning Dept	41.40	07/14/2025	101-18-4321-0000	Acct #842017386-00001
6117466228	612-581-4018-Jeanne Schmuck	46.40	07/14/2025	101-15-4321-0000	Acct #842017386-00001
6117466228	612-581-2856-Eric Wilson	41.40	07/14/2025	101-13-4321-0000	Acct #842017386-00001
6117466228	612-581-4949-Sandie Thone	41.40	07/14/2025	101-13-4321-0000	Acct #842017386-00001
6117466228	612-581-3931-Marc Nevinski	46.40	07/14/2025	101-13-4321-0000	Acct #842017386-00001
6117466228	612-297-1196/638-0176 & 952-292-2968/7023	164.21	07/14/2025	101-32-4321-0000	Acct #842017386-00001
6117466228	612-297-1196/638-0176 & 952-292-2968/7023	82.11	07/14/2025	601-00-4321-0000	Acct #842017386-00001
6117466228	651-420-0864-Aaron Osowski	54.43	07/14/2025	101-18-4321-0000	Acct #842017386-00001
6117466228	763-204-5849-Jake Griffiths	41.40	07/14/2025	101-18-4321-0000	Acct #842017386-00001
6117466228	612-581-6609-WadeWoodward	41.40	07/14/2025	101-24-4321-0000	Acct #842017386-00001
6117466228	612-581-5835-Mitchell Czech	41.40	07/14/2025	201-00-4321-0000	Acct #842017386-00001
6117466228	612-297-1196/638-0176 & 952-292-2968/7023	-82.10	07/14/2025	101-32-4321-0000	Acct #842017386-00001
	Check Total:	559.85			
Vendor: UB*00660	Robert & Kristina Willock			Check Sequence: 65	ACH Enabled: False
	Refund Check 005533-000, 26190 Oak Leaf Trl	31.09	06/20/2025	631-00-2010-0000	
	Refund Check 005533-000, 26190 Oak Leaf Trl	74.82	07/09/2025	611-00-2010-0000	
	Refund Check 005533-000, 26190 Oak Leaf Trl	32.07	07/09/2025	621-00-2010-0000	
	Refund Check 005533-000, 26190 Oak Leaf Trl	32.07	07/09/2025	631-00-2010-0000	
	Refund Check 005533-000, 26190 Oak Leaf Trl	62.18	06/20/2025	601-00-2010-0000	
	Refund Check 005533-000, 26190 Oak Leaf Trl	31.09	06/20/2025	621-00-2010-0000	
	Refund Check 005533-000, 26190 Oak Leaf Trl	72.54	06/20/2025	611-00-2010-0000	
	Refund Check 005533-000, 26190 Oak Leaf Trl	64.14	07/09/2025	601-00-2010-0000	
	Check Total:	400.00			

Invoice No	Description	Amount	Pmt Date	Acct Number	Reference
Vendor: 1055	WL HALL CO INTERIOR SERVICE			Check Sequence: 66	ACH Enabled: False
16896	Annual Wall Maint.	1,160.00	07/14/2025	201-00-4223-0000	
	Check Total:	1,160.00			
Vendor: 408	WM MUELLER & SONS INC			Check Sequence: 67	ACH Enabled: True
312775	Road Materials	371.52	07/14/2025	101-32-4250-0000	
312851	Road Materials	368.00	07/14/2025	101-32-4250-0000	
313162	Road Materials	55.37	07/14/2025	101-32-4250-0000	
313191	Road Materials	34.47	07/14/2025	101-32-4250-0000	
313468	Road Materials	283.02	07/14/2025	101-32-4250-0000	
	Check Total:	1,112.38			
Vendor: 411	XCEL ENERGY, INC.			Check Sequence: 68	ACH Enabled: True
932596852	Lift Station Street Lights	556.80	07/14/2025	611-00-4380-0000	L.S. Street Lights
932596852	Amesbury	1,927.65	07/14/2025	601-00-4394-0000	Amesbury
932596852	P.W. Bldg Svc	221.89	07/14/2025	101-32-4380-0000	P.W. Bldg Svc
932596852	S.E. Area Svc	620.01	07/14/2025	601-00-4398-0000	S.E. Area Svc
932596852	C.H. Svcs	572.53	07/14/2025	101-19-4380-0000	C.H. Svcs
932596852	P.W. Street Lights Svc	4,254.13	07/14/2025	101-32-4399-0000	P.W. Street Lights Svc
932596852	Parks	368.57	07/14/2025	101-52-4380-0000	Parks
932596852	Boulder Bridge	16.96	07/14/2025	601-00-4396-0000	Boulder Bridge
933061748	5735 Country Club Rd	655.12	07/14/2025	201-00-4380-0000	5735 Country Club Rd
933095515	5755 Country Club Rd	49.91	07/14/2025	101-19-4380-0000	5755 Country Club Rd
933224942	24253 Smithtown Rd	437.53	07/14/2025	601-00-4395-0000	24253 Smithtown Rd
933372351	5700 County Rd 19	57.47	07/14/2025	101-32-4399-0000	5700 County Rd 19
933372351	5700 County Rd 19 - Unit Light	156.68	07/14/2025	101-32-4399-0000	5700 County Rd 19 - Unit Light
933429474	4931 Shady Isalnd Road	18.11	07/14/2025	611-00-4380-0000	4931 Shady Isalnd Road
933431516	28125 Boulder Bridge Drive	3,298.54	07/14/2025	601-00-4396-0000	28125 Boulder Bridge Drive
	Check Total:	13,211.90			
Vendor: UB*00658	Louis Zakariasen			Check Sequence: 69	ACH Enabled: False
	Refund Check 005562-000, 25610 Park Ln	19.46	06/20/2025	611-00-2010-0000	
	Refund Check 005562-000, 25610 Park Ln	8.34	06/20/2025	621-00-2010-0000	
	Refund Check 005562-000, 25610 Park Ln	8.35	06/20/2025	631-00-2010-0000	

Invoice No	Description	Amount	Pmt Date	Acct Number	Reference
	Refund Check 005562-000, 25610 Park Ln	16.69	06/20/2025	601-00-2010-0000	
	Check Total:	52.84			
	Total for Check Run:	765,564.67			
	Total of Number of Checks:	69			

Accounts Payable

Computer Check Proof List by Vendor

User: mnguyen
Printed: 07/10/2025 - 9:42AM
Batch: 00004.07.2025 - Council-07-14-2025-Shalo Lee



Invoice No	Description	Amount	Pmt Date	Acct Number	Reference
Vendor: 353	SHALO LEE MROZEK			Check Sequence: 1	ACH Enabled: False
07-17-2025Event	Concert in the Park Entertainment	1,800.00	07/14/2025	101-53-4444-0000	
	Check Total:	1,800.00			
	Total for Check Run:	1,800.00			
	Total of Number of Checks:	1			



City Council Meeting Item

Title/Subject: 5815 Club Lane Hazardous Building Demolition Agreement
Meeting Date: July 14, 2025
Prepared by: Jake Griffiths, Planning Director
Reviewed by: Marc Nevinski, City Administrator
Attachments: Copy of April 29, 2024 Court Order
Copy of May 30, 2025 Court Order
Agreement with Bollig & Sons, Inc.

Item 2D

Background

A comprehensive timeline documenting the hazardous conditions at 5815 Club LN is included within the attached court orders dated April 29, 2024 and May 30, 2025. The determination that the structure is hazardous, and that demolition is required, has already been made by the City Council and has been adjudicated and affirmed by the Court. The matter before the City Council is limited to authorizing a contract to carry out the court-ordered demolition.

The City solicited bids from three demolition contractors. The attached bid from Bollig & Sons, Inc. in the amount of \$56,598.00 is recommended for approval. One competing proposal was incomplete, and another was significantly more costly due to the omission of foundation removal from its scope of work. Please note that the final project cost may vary depending on the extent of personal property removal or the need for asbestos testing and abatement prior to demolition.

Financial Considerations

Upon completion of the work, the City will recover its costs as an assessment against the property in accordance with Minn. Stat. 463.21 and 463.22.

Action Requested

Motion and second to approve the attached agreement with Bollig & Sons, Inc. to complete hazardous building demolition and related site restoration at 5815 Club LN, and to authorize the City Administrator to execute and administer the agreement.

A simple majority vote of the City Council is required.

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF HENNEPIN

FIRST JUDICIAL DISTRICT

Case Type: Civil Other/Misc.

City of Shorewood, a Minnesota municipal
corporation,

Case File No.: 27-CV-24-379
Referee Tiffany Sedillos

Plaintiff,

**ORDER FOR JUDGMENT AND
JUDGMENT**

vs.

Jeremy Riedel, Joshua Riedel, and U.S. Bank,
N.A.,

Defendants.

On **Monday, April 22, 2024 at 9:30 a.m.**, the above-entitled matter came on for hearing before the undersigned, Hennepin County Housing Court Referee, on the City of Shorewood's motion for summary enforcement of an Order to Correct or Remove Hazardous Conditions for the property located at 5815 Club Lane, Shorewood, Minnesota ("Property") pursuant to Minn. Stat. § 463.19.

The City was represented by John S. Brooksbank, of Campbell Knutson, Professional Association, 860 Blue Gentian Road, Suite 290, Eagan, Minnesota 55121. Defendants Jeremy Riedel and Joshua Riedel appeared *pro se*. Defendant U.S. Bank, N.A., did not appear.

The above-entitled matter came on before the Hennepin County Housing Court on the Notice of Motion and Motion for Summary Enforcement from the City of Shorewood for relief regarding the property located at 5815 Club Lane in the City of Shorewood, County of Hennepin, State of Minnesota [hereinafter: Subject Property]. Based upon the testimony,

evidence, and arguments presented, and all of the files, records, and proceedings, the Court makes the following:

FINDINGS OF FACT

1. The Subject Property is located in the City of Shorewood (“City”). The legal description of the Subject Property is:

Lot 45, Auditor’s Subdivision No. 133, Hennepin County, Minnesota.

2. The Subject Property is owned by Jeremy Riedel and Joshua Riedel (the “Owners”). U.S. Bank, N.A., holds a mortgage on the property.

3. The Owners constructed an addition to the Subject Property starting in approximately 2007, with construction continuing until the present day. The City has not issued a building permit for the Subject Property since 2015.

4. On March 19, 2019, building inspectors with MNSpect, LLC, and engineers with Oswell Engineering inspected the Subject Property. They found that the addition had been constructed on and around the house on the Subject Property and contained code violations and safety hazards. The addition lacked sufficient foundations, supports, and engineering. The addition further showed evidence of inadequate construction, including improper framing, potential water damage, sagging of joists, improper or missing hangers, and improperly installed footings. The addition further contained non-standard construction techniques, including using the structure of the original house as structural support. The original roof of the Subject Property was contained within, and venting into, the interior of the addition. These nonstandard techniques did not have supporting engineering review.

5. Later in 2019, the Owners submitted another building permit application for the addition. The City reviewed this application, and found that it did not address the structural safety concerns raised.

6. On July 13, 2022, engineers with Bolton & Menk, Inc. inspected the property again. The engineers found that the structure was still in violation of building codes. The Owners had continued construction work without further permits. Nor had the Owners supplied sufficient engineering review to ensure the soundness of the structure. Bolton & Menk found that the Subject Property contained moisture damage, inadequate structural support, and improper installation of structural materials.

7. In July 2023, the Owners applied for another building permit for the addition. This application was supported by a report by Prieve Engineering. The report contained photographs showing that the condition was substantially the same as during the 2022 Bolton & Menk inspection. The City found that the Prieve Engineering report failed to address necessary structural concerns raised by the City's prior engineering inspections. The City noted that the report does not address all the issues listed in the Oswell Structural Engineering Report (dated 3/28/2019) and the Bolton and Menk Structural Engineers Report (dated 9/12/2023). Without this information, City staff could not conclude that the work done on the addition to date could be safely continued.

8. The City has worked with the Owners to attempt to bring the Subject Property into compliance and ensure the safety of its occupants.

9. When that failed, on November 27, 2023, the City Council issued an Order for the Removal of the Hazardous Condition located at the Subject Property. This Order directed the Owners to correct the hazardous conditions within thirty (30) days of said Order.

10. By December 12, 2023, all Owners and lienholders of the Subject property had been served the Order by personal service. The Order directed the Owners and lienholders to correct the hazardous conditions within thirty (30) days, or to file an answer disputing the City's findings within twenty (20) days.

11. Neither the Owners nor any other lienholder filed an Answer with the Court or served an Answer upon the City.

CONCLUSIONS OF LAW

1. The City of Shorewood has properly served Jeremy Riedel and Joshua Riedel, the property owners of the Subject Property, and U.S. Bank, N.A., the holder of a mortgage interest in the Subject Property, with the Hazardous Building Order in accordance with Minnesota Rule of Civil Procedure and Minn. Stat. § 463.15 et seq.

2. Neither the Owners of the Subject Property nor U.S. Bank, N.A., served an answer or otherwise responded to defend against the above-entitled action.

3. Pursuant to Minn. Stat. § 463.19 this Court, upon the presentation of such evidence as it may require, has the authority to affirm or modify the Order for Repair or Removal of Hazardous Building and Hazardous Conditions and enter judgment accordingly, fixing a time after which the governing body may proceed with the enforcement of the Order.

4. The Subject Property constitutes Hazardous Building as defined by Minn. Stat. § 463.15, subd. 3.

5. The Owners have failed to show that the hazardous conditions on the Subject Property can be repaired.

Based upon all the files, memorandums of law, and proceedings herein, and having carefully considered the arguments of counsel, **IT IS HEREBY ORDERED:**

1. The City's Motion for Summary Enforcement is hereby **GRANTED**.
2. The Owners of the Subject Property shall have a licensed contractor either submit full plans addressing the structural concerns at the Subject Property, including plans to make all necessary repairs and ensure the stability of the structure, or remove the addition to the Subject Property, within thirty (30) days of the date of this order. All necessary work for the demolition or reconstruction of the addition shall be completed by October 31, 2024.
3. If the Owners do not have the necessary plans completed and submitted, or begin removal of the addition, within thirty (30) days of the date of this order, the City is hereby authorized to immediately enter the Property and to take any action necessary to repair or remove the existing hazards identified in the Order to Correct or Remove Hazardous Conditions. This action may include demolition of the addition, destruction and removal of all personal property within the addition, destruction and removal of all personal property located on the property, and grading of the property.
4. If the City must act to remove the addition, the City's actions shall be limited to said removal. The City shall not be obliged to take action with regard to the original house on the Subject Property. The Owners remain responsible for ensuring that the original structure remains structurally sound, fit for habitation, and compliant with the Building Code and Property Maintenance Code.
5. The City may recover its costs from the repairs, razing, correction or removal, including attorney's fees and costs, as an assessment against the Subject Property in accordance with Minn. Stat. §§ 463.21 and 463.22.

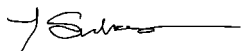
6. This Order shall be binding on all owners and lien holders of record as well as their successors in interest, if any.

7. The Clerk of Court shall either give to the parties or mail to the parties by first class mail a copy of this Order.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Recommended By:

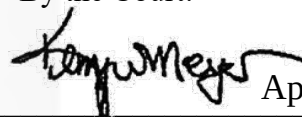
Sedillos, Tiffany



2024.04.29

Referee Tiffany Sedillos 09:03:23 -05'00'

By the Court:



Apr 29, 2024

District Court Judge

Hennepin County Housing Court

April 29, 2024

Date

JUDGMENT

I hereby certify that the above Order constitutes the entry of Judgment of the Court.

Dated: Apr 29, 2024, 2024.

Court Administrator:

By: 

Turpin, Hannah

2024.04.29 09:36:18 -05'00'

State of Minnesota

Hennepin

District Court

Judicial District:	Fourth
Court File Number:	27-CV-24-379
Case Type:	Civil

City of Shorewood, a Minnesota municipal corporation,
Plaintiff,

vs.

ORDER

Jeremy Riedel, Joshua Riedel, and U.S. Bank, N.A.,
Defendants.

This matter came on for a motion hearing before the Honorable Tiffany Sedillos, Referee of District Court on May 5, 2025.

Plaintiff was present through Marc Nevinski, City Administrator. Plaintiff shall hereafter be known as the City. Defendant Joshua Riedel was present. Defendants shall hereafter be known as Owners.

John Brooksbank, Attorney for the City of Shorewood, appeared.

Based on the verified petition, testimony, evidence, and arguments presented, and all of the files, records, and proceedings, the Court makes the following:

Findings Of Fact

1. The Subject Property is in the City of Shorewood ("City"). The legal description of the Subject Property is Lot 45, Auditor's Subdivision No. 133, Hennepin County, Minnesota.

2. The Subject Property is owned by Jeremy Riedel and Joshua Riedel (the "Owners"). U.S. Bank, N.A., holds a mortgage on the property.

3. The Owners constructed an addition to the Subject Property starting in approximately 2007, with construction continuing until the present day. The owners initially only had a building permit to construct footings, rather than the entire addition. The Owners later acquired a building permit for the addition in early 2015. This permit expired on June 15, 2015. A City inspection on July 29, 2015, observed that construction was approximately 30% complete. The Owners have continued to construct the addition since 2015 without valid building permits.

4. On April 29, 2024, this Court issued an Order granting the City's Motion for Summary Enforcement. That Order found the addition to the Subject Property constituted a hazardous building as defined in Minn. Stat. Chapter 463. The Order granted the Owners a final 30 days to submit plans to remove the addition. If the Owners did not, the Order granted the City the right to enter the property and remove the addition and assess the cost of doing so against the property.

5. On February 12, 2025, the City filed a Request for Post-Judgment Discovery. The City requested that the Court order post-judgment discovery, in the form of ordering the Owners to allow the City entry onto, and inspection of, the Property.

6. The Court set this matter for a February 26, 2025, hearing. Plaintiff appeared at the hearing; Defendants failed to appear at the hearing. After the hearing, the Court issued an Order granting the City's Motion for Post-Judgment Discovery.

7. On April 29, 2025, the City filed a motion for an amended judgment. The City moves the Court to "amend its order to allow the City to remove the entire structure." Mem. of Law in Support of Pl. Mot. for Am. J. p. 5. The City argues, "[t]he City will be unable to practically remove just the addition and leave the original structure. Removing just the addition would leave the original home structure in dangerous condition, subject to immediate weather and further wildlife infiltration, and with a compromised ability to support itself." *Id.*

8. The Court set this matter for a May 5, 2025, motion hearing. Plaintiff and Defendant Joshua Riedel were present at the motion hearing.

9. Following the motion hearing, on May 9, 2025, Defendants filed a Site Evaluation. The Site Evaluation was prepared by Thomas A. Weber, P.E. and states,

Summary of Findings:

1. It is my professional opinion as a professional engineer licensed in the state of Minnesota that it is feasible to repair the existing structure to comply with the Minnesota Residential Code 2020.
2. It is my professional opinion as a professional engineer licensed in the state of Minnesota that the addition does not meet minimum building code, but with the proper remediation, the existing structural elements may be preserved and made code compliant.
3. It is my professional opinion as a professional engineer licensed in the state of Minnesota that the original home requires structural repairs should the addition be removed. These repairs are to comply with the current Minnesota Residential Code 2020.

Defendants' Correspondence May 9, 2025, p. 1.

10. Plaintiff filed a responsive memorandum on May 22, 2025. Plaintiff argues, “[a]ny discussion related to repair of the addition is long since forfeit.” City of Shorewood’s Response Memorandum to Engineering Site Evaluation p. 2. Plaintiff continues, “[t]he Court issued an order finding the addition to be a hazardous structure on April 29, 2024. Defendants did not appeal that order, and it is final.” *Id.* Plaintiff further argues, “the Site Evaluation filed by Defendants is distinctively incomplete.” *Id.* Plaintiff notes that the Site Evaluation does not contain any plans, calculations, or analysis and does not properly calculate the time or cost it would take to repair the structure. See *id.* at p. 2-3.

Conclusions Of Law

11. Plaintiff argues that evidence that has been newly discovered by Plaintiff justifies relief under Minnesota Rules of Civil Procedure Rule 60.02(f). Upon a motion, “the court may relieve a party or the party’s legal representatives from a final judgment . . . and may grant such other relief as may be just for . . . [a]ny other reason justifying relief from the operation of the judgment.” Minn. R. Civ. Pro. 60.02(f). For newly discovered evidence to be considered by the Court, the Minnesota Supreme Court has found that:

(1) newly discovered evidence must not have been discoverable before the relevant proceeding by the exercise of reasonable diligence . . . (2) the evidence must be relevant and admissible and . . . (3) the evidence must not be cumulative, contradictory, or impeaching, but must be such as will likely affect the outcome of the case.

Bender v. Bernhard, 971 N.W.2d 257, 266 (Minn. 2022)(quotations omitted).

12. Plaintiff argues that they could not know that remediation of the hazardous condition would require the City to remove both the addition and the attached structure until Plaintiff was able to properly inspect the Property. Plaintiff argues that the inspection of the Property was delayed until after judgment had been entered in this matter by the Court, because “[t]he property owners continued to refuse the City entry into the property until the Court granted the City further post-judgment discovery.” Memorandum of Law in Support of Plaintiff’s Motion for Amended Judgment Under Minn. R. Civ. P. 60.02 p. 7. Plaintiff argues that “[t]he damage caused to the original house by removal of the addition would be continual and unpredictable.” Affidavit of Thomas Wade Woodward ¶8.

13. Defendants have not demonstrated that the City’s evidence could have been previously discovered, nor have they credibly rebutted its relevance or impact. The Site Evaluation provided by Defendants is conclusory and lacks sufficient technical detail to undermine the City’s assertions. Further, Defendants’ new report was filed over one year after judgment was entered in this matter. Defendants’ request to modify the judgment and prevent abatement of the hazardous condition is untimely and insufficient.

ORDER

1. The City's motion for an amended judgment is granted.

2. The Court's April 29, 2024 Order is hereby amended to authorize the City to enter the Subject Property and to take any action necessary to repair or remove the existing hazards, including if necessary the demolition of the entire structure, destruction, and removal of all personal property within the property, removal of the foundation, back filling and grading, and any other work the City deems necessary to abate the hazardous conditions.

3. The Court's April 29, 2024, Order otherwise remains in effect unchanged.

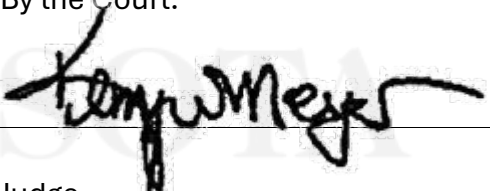
4. The Clerk of Court shall serve/e-serve a copy of this Order on all parties or their attorneys as appropriate.

☒ **Let Judgment Be Entered Accordingly**

Recommended By:

By the Court:


Sedillos, Tiffany
2025.05.30
Tiffany Sedillos 15:47:52 -05'00'
Housing Court Referee May 30, 2025


May 30, 2025
Judge Date

Judgment

I hereby certify that the above Order constitutes the entry of Judgment of the Court.

Dated: May 30, 2025

Hile,
Court Administrator
By: Elizabeth
Digitally signed
by Hile, Elizabeth
Date: 2025.05.30
15:54:53 -05'00'

Deputy

CONTRACT FOR LOCAL IMPROVEMENT
Abatement of Hazardous Structure
5815 Club Lane, Shorewood, MN 55331

THIS AGREEMENT is made this 14th day of July, 2025 ("Effective Date") by and between BOLLIG & SONS, INC., a Minnesota company with its principal office at 11401 County Road 3, Hopkins, MN 55343 ("Contractor"), and the City of Shorewood, Minnesota, a Minnesota municipal corporation located at 5755 Country Club Rd, Shorewood, MN 55331 (the "City"):

RECITALS

- A. Contractor is engaged in the business of construction and demolition.
- B. The City desires to hire Contractor to complete the removal of a hazardous structure.
- C. Contractor represents that it has the professional expertise and capabilities to provide the City with the requested work.
- D. The City desires to engage Contractor to provide the work described in this Agreement and Contractor is willing to provide such work on the terms and conditions in this Agreement.

NOW, THEREFORE, in consideration of the terms and conditions expressed herein, the City and Contractor agree as follows:

AGREEMENT

1. **The Work.** Contractor shall perform the work more fully described in the attached **Exhibit A** (the "Work"). The Work includes all work and services required by this Agreement, whether completed or partially completed, and includes all labor, materials, equipment, and services provided or to be provided by Contractor to fulfill Contractor's obligations. All Work shall be completed according to the specifications set forth in the attached **Exhibit A**. Contractor shall at all times keep the premises free from accumulation of waste materials and debris caused by Contractor's operations.
2. **Time for Completion.** After contract execution and approval of submittals, Contractor shall attend the construction planning meeting and the City and Contractor shall create a project schedule and coordinate with other work being completed in the council chambers space. Contractor shall provide the City with a product delivery schedule and agree to a substantial completion date ("Substantial Completion Date"). The Contractor shall proceed diligently and shall complete the Work to the satisfaction and approval of the City's Building Inspector on or before the Substantial Completion Date. If Contractor gives written notice of a delay over which Contractor has no control, the City may, at its discretion, extend the Substantial Completion Date.

If Contractor is delayed for any reason in the commencement or performance of the Work, to the extent of such delay will prevent the Contractor from completing the Work (or any portion thereof) by the Substantial Completion Date, Contractor's remedy for such delay shall be an extension of the Substantial Completion Date and additional costs incurred by Contractor resulting from the delay. All such extension requests shall be made according to the requirements and procedures set forth in this Agreement.

3. **Consideration.** Unless otherwise agreed to by the Parties, the e consideration, which the City shall pay to Contractor, shall not exceed \$56,598.00 (the "Contract Sum"). The Contract Sum shall be for both the Work performed by Contractor and the expenses incurred by Contractor in performing the Work. The City shall make progress payments to Contractor monthly.

Contractor shall submit statements to the City containing a detailed list of project labor and hours, rates, titles, and amounts undertaken by Contractor during the relevant billing period. The City shall pay Contractor within thirty (30) days after receiving a statement from Contractor.

4. **Extra Work.** Unless approved by the City in writing, Contractor shall make no claim for extra work done or materials furnished, nor shall Contractor do any work or furnish any materials not covered by the plans and specifications of this Agreement. Any such work or materials furnished by Contractor without written City approval shall be at Contractor's own risk and expense. Contractor shall perform any altered plans ordered by the City; if such alteration increases or reduces the cost of doing such work, the actual amount of such change shall be increased or decreased from the contract price for the Work.

5. **Contract Documents.** The Contract Documents shall consist of this Agreement; all exhibits to this Agreement, which are incorporated herein by reference; any supplementary drawings, plans, and specifications; and other documents listed herein. In the event of a conflict among the various provisions of the Contract Documents, the terms shall be interpreted in the following order of priority:

- a. Modifications to this Agreement
- b. This Agreement, including all exhibits
- c. Supplementary drawings, plans, specifications
- d. Other documents listed in this Agreement

Drawings shall control over Specifications, and detail in drawings shall control over large-scale drawings. All capitalized terms used and not otherwise defined in this Agreement, but defined elsewhere in the Contract Documents, shall have the meaning set forth in the Contract Documents.

6. **Expense Reimbursement.** Contractor shall not be compensated separately for necessary incidental expenses. All expenses of Contractor shall be built into Contractor's fixed compensation rate, unless reimbursement is provided for an expense that received the prior written approval of the City, which approval may be provided via electronic mail.

7. **Approvals.** Contractor shall secure the City's written approval before making any expenditures, purchases, or commitments on the City's behalf beyond those listed in the Work. The City's approval may be provided via electronic mail.

8. **Protection of Persons and Property.** Contractor shall be responsible for initiating, maintaining and supervising all safety precautions and programs in connection with the performance of the Work. Contractor shall take reasonable precautions for the safety of, and shall provide reasonable protection to prevent damage, injury, or loss to:

- a. Persons performing the Work and other persons who are directly affected by the Work;
- b. The Work and materials and equipment to be incorporated therein; and
- c. Other property at the site or adjacent to the site, such as trees, shrubs, lawns, walks, pavement, roadways, structures and utilities.

Contractor shall promptly remedy damage and loss to property to the extent directly caused by Contractor or any of its subcontractors, agents, or anyone directly or indirectly employed by any of them.

9. **Acceptance of the Work.** All of the Contractor's work and labor shall be subject to the inspection and approval of the City. If any materials or labor are rejected by the City as defective or unsuitable, then the materials shall be removed and replaced with other approved materials and the labor shall be done to the satisfaction and approval of the City at the Contractor's sole cost and expense. Contractor shall replace at Contractor's expense any loss or damage to the Work, however caused, which occurs during the construction thereof or prior to the final delivery to and acceptance of the Work by the City. Any payment made to Contractor, shall not be construed as operating to relieve Contractor from responsibility for the construction and delivery of Work. Acceptance of the completed Work shall be evidenced only by a Certificate of Final Completion issued by the City, which shall state the date on which the City accepts the completed Work (the "Final Completion Date").

10. **Warranty.** Contractor represents and warrants that it has the requisite training, skills, and experience necessary to complete the Work, is appropriately licensed by all applicable agencies and governmental entities, and will complete the Work in a manner consistent with the level of care and skill ordinarily exercised by professionals currently providing similar work. Contractor further represents and warrants to the City that the materials and equipment furnished under this Agreement are of good quality and new, unless this Agreement requires or permits otherwise. Contractor further warrants that the Work will conform to the requirements of this Agreement and will be free from defects. Work, materials, or equipment not conforming to these requirements may be considered defective. Contractor shall promptly correct any defective Work. Costs of correcting such defective Work, including additional testing and inspections, the cost of uncovering and replacement, and compensation for any additional services and expenses made necessary thereby, shall be at Contractor's expense. Contractor's warranty shall exclude remedy for damage or defect caused by abuse, alterations to the Work not executed by Contractor or its subcontractors, agents, or anyone hired or employed by any of them, improper or insufficient maintenance, improper operation or normal wear and tear under normal usage.

11. **Guarantee.** Contractor guarantees the quality of work under this contract for a period of one year after the Final Completion Date (the "Guarantee Period"). Contractor agrees to perform fully all other guarantees as set forth in the specifications. If any of the Work is found to be not in accordance with the requirements of the Contract during the Guarantee Period, Contractor shall correct it promptly after receipt of written notice from the City to do so. The City shall give such notice promptly after discovery of the condition. If Contractor fails to correct nonconforming Work within a reasonable time after receipt of notice from the City, the City may correct the Work at Contractor's expense.

The Guarantee Period shall be extended with respect to portions of Work first performed after the Final Completion Date by the period of time between final payment and the actual completion of that portion of the Work. The one-year period for correction of Work shall not be extended by corrective Work performed by Contractor pursuant to this Section.

Nothing contained in this Section shall be construed to establish a period of limitation with respect to other obligations Contractor has under the Contract Documents. Establishment of the one-year period for correction of Work as described in this Section relates only to the specific obligation of Contractor to correct the Work, and has no relationship to the time within which the obligation to comply with the Contract Documents may be sought to be enforced, nor to the time within which proceedings may be commenced to establish Contractor's liability with respect to Contractor's obligations other than specifically to correct the Work.

12. **Termination.** This Agreement shall remain in force and effect commencing from the effective date and continuing until the completion of all of the parties' obligations hereunder, unless terminated by the City or amended pursuant to the Agreement. Notwithstanding any other provision hereof to the contrary, this Agreement may be terminated as follows:

- a. The parties, by mutual written agreement, may terminate this Agreement at any time;
- b. Contractor may terminate this Agreement in the event of a breach of the Agreement by the City upon providing thirty (30) days' written notice to the City;
- c. The City may terminate this Agreement in the event of a breach of the Agreement by the Contractor upon providing thirty (30) days' written notice to the Contractor; or
- d. The City may terminate this Agreement immediately upon Contractor's failure to have in force any insurance required by this Agreement.

In the event of a termination, the City shall pay Contractor for Work performed to the date of termination and for all costs or other expenses incurred prior to the date of termination.

13. **Changes in the Work.** Changes in the Work may be accomplished after execution of the Contract by change order. The City, without invalidating the Agreement, may order changes in the Work within the general scope of the Agreement consisting of additions, deletions, or other revisions, with the Contract Sum and Substantial Completion Date being adjusted accordingly. Such changes in the Work shall be authorized by written Change Order signed by the City and Contractor, or by written Construction Change Directive signed by the City and the City's design consultant ("Designer"). Upon issuance of the Change Order or Construction Change Directive, the Contractor shall proceed promptly with such changes in the Work, unless otherwise provided in the Change Order or Construction Change Directive.

Adjustments in the Contract Sum and Substantial Completion Date resulting from a change in the Work shall be determined by mutual agreement of the parties or, in the case of a Construction Change Directive signed only by the City and Designer, by the Contractor's cost of labor, material, equipment, and reasonable overhead and profit, unless the parties agree on another method for determining the cost or credit. Pending final determination of the total cost of a Construction Change Directive, the Contractor may request payment for Work completed pursuant to the Construction Change Directive. When the City and Contractor agree on adjustments to the Contract Sum and Substantial Completion Date arising from a Construction Change Directive, the City and Designer will prepare a Change Order.

The Designer, in consultation with the City, will have authority to order minor changes in the Work not involving adjustment in the Contract Sum or extension of the Substantial Completion Date and not inconsistent with the intent of the Contract Documents. Such changes shall be effected by written order and shall be binding on the City and Contractor. The Contractor shall carry out such written orders promptly. If the Contractor believes that the proposed minor change in the Work will affect the Contract Sum or Substantial Completion Date, the Contractor shall notify the Designer and shall not proceed to implement the change in the Work.

14. **Amendments.** No amendments may be made to this Agreement except in a writing signed by both parties.

15. **Remedies.** In the event of a termination of this Agreement by the City because of a breach by Contractor, the City may complete the Work either by itself or by contract with other persons or entities, or any combination thereof. These remedies provided to the City for breach of this Agreement by Contractor shall not be exclusive. The City shall be entitled to exercise any one or more other legal or equitable remedies available because of Contractor's breach.

16. **Records/Inspection.** Pursuant to Minnesota Statutes § 16C.05, subd. 5, Contractor agrees that the books, records, documents, and accounting procedures and practices of Contractor, that are relevant to the contract or transaction, are subject to examination by the City and the state auditor or legislative auditor for a minimum of six years. Contractor shall maintain such records for a minimum of six years after final payment. The parties agree that this obligation will survive the completion or termination of this Agreement.

17. **Indemnification.** To the fullest extent permitted by law, Contractor, and Contractor's successors or assigns, agree to protect, defend, indemnify, save, and hold harmless the City, its officers, officials, agents, volunteers, and employees from any and all claims; lawsuits; causes of actions of any kind, nature, or character; damages; losses; and costs, disbursements, and expenses of defending the same, including but not limited to attorneys' fees, to the extent directly resulting from or arising out of Contractor's (or its subcontractors, agents, volunteers, members, invitees, representatives, or employees) performance of the duties required by or arising from this Agreement, or to the extent directly caused by any negligent act or omission or willful misconduct by Contractor, or arising out of Contractor's failure to obtain or maintain the insurance required by this Agreement. Nothing in this Agreement shall constitute a waiver or limitation of any immunity or limitation on liability to which the City is entitled. The parties agree that these indemnification obligations shall survive the completion or termination of this Agreement.

18. **Insurance.** Contractor shall maintain reasonable insurance coverage throughout this Agreement. Contractor agrees that before any work related to the approved project can be performed, Contractor shall maintain at a minimum:

- a. Worker's Compensation Insurance as required by Minnesota Statutes, section 176.181;
- b. Business Auto Liability covering vehicles owned by Contractor and non-owned vehicles used by Contractor, with policy limits not less than \$2,000,000 per accident, for bodily injury, death of any person, and property damage arising out of the ownership, maintenance, and use of such motor vehicles, along with any statutorily required automobile coverage;
- c. Commercial General Liability in an amount of not less than \$1,000,000 per occurrence, \$2,000,000 general aggregate, and \$2,000,000 for products-completed operations hazard, providing coverage for claims including:
 - i. Damages because of bodily injury, sickness or disease, including occupational sickness or disease, and death of any person;
 - ii. Personal and advertising injury;
 - iii. Damages because of physical damage to or destruction of property, including loss of use of such property;
 - iv. Bodily injury or property damage arising out of completed operations; and
 - v. Contractor's indemnity obligations under this Agreement.

To meet the Commercial General Liability and Business Auto Liability requirements, Contractor may use a combination of Excess and Umbrella coverage. Prior to commencement of the Work, Contractor shall provide the City with a current certificate of insurance including the following language: "The City of Shorewood is named as an additional insured with respect to the commercial general liability, business automobile liability and umbrella or excess liability, as required by the contract. The umbrella or excess liability policy follows form on all underlying coverages." Such certificate of liability insurance shall list the City as an additional insured and contain a statement that such policies of insurance shall not be canceled or amended unless 30 days' written notice is provided to the City, or 10 days' written notice in the case of non-payment.

19. **Compliance with State Withholding Tax.** Before final payment is made for the Work on this project, Contractor must make a satisfactory showing that it has complied with the provisions of Minnesota Statutes, section 290.92 requiring the withholding of State Income Tax for wages paid employees on this project by providing to the Physical Development Director a Certificate of Compliance from the Commissioner of Taxation. Contractor is advised that before such Certificate can be issued, Contractor must first place on file with the Commissioner of Taxation an affidavit, in the form of an IC-134, that Contractor has complied with the provisions of Minnesota Statutes Section 290.92.

20. **Assignment.** Neither the City nor Contractor shall assign this Agreement or any rights under or interest in this Agreement, in whole or in part, without the other party's prior written consent. Any assignment in violation of this provision is null and void. Neither the City nor Contractor shall assign, or transfer any rights under or interest (including, but without limitation, moneys that may become due or moneys that are due) in the Agreement without the written consent of the other except to the extent that the effect of this limitation may be restricted by law. Unless specifically stated to the contrary in any written consent to an assignment, no assignment will release or discharge the assignor from any duty or

responsibility under this Agreement. Nothing contained in this paragraph shall prevent Contractor from employing such independent consultants, associates, and subcontractors, as it may deem appropriate to assist it in the performance of the Work required by this Agreement. Any instrument in violation of this provision is null and void.

21. **Independent Contractor.** Contractor is an independent contractor. Contractor's duties shall be performed with the understanding that Contractor has special expertise as to the Work which Contractor is to perform and is customarily engaged in the independent performance of the same or similar work for others. Contractor shall provide or contract for all required equipment and personnel. Contractor shall control the manner in which the Work is performed; however, the nature of the Work and the results to be achieved shall be specified by the City. The parties agree that this is not a joint venture and the parties are not co-partners. Contractor is not an employee or agent of the City and has no authority to make any binding commitments or obligations on behalf of the City except to the extent expressly provided in this Agreement. All Work provided by Contractor pursuant to this Agreement shall be provided by Contractor as an independent contractor and not as an employee of the City for any purpose, including but not limited to: income tax withholding, workers' compensation, unemployment compensation, FICA taxes, liability for torts and eligibility for employee benefits.

22. **Compliance with Laws.** Contractor shall exercise due professional care to comply with applicable federal, state and local laws, rules, ordinances and regulations in effect as of the Effective Date. Contractor's guests, invitees, members, officers, officials, agents, employees, volunteers, representatives, and subcontractors shall abide by the City's policies prohibiting sexual harassment and tobacco, drug, and alcohol use as defined on the City's Tobacco, Drug, and Alcohol Policy, as well as all other reasonable work rules, safety rules, or policies, and procedures regulating the conduct of persons on City property, at all times while performing duties pursuant to this Agreement. Contractor agrees and understands that a violation of any of these policies, procedures, or rules constitutes a breach of the Agreement and sufficient grounds for immediate termination of the Agreement by the City.

23. **Permits and Fees.** Unless otherwise provided in the Contract Documents, the Contractor shall secure and pay for the building permit as well as other permits, fees, licenses, and inspections by government agencies necessary for proper execution and completion of the Work that are customarily secured after execution of the Contract and legally required at the time bids are received or negotiations concluded. The cost of a demolition permit from the City of Shorewood shall be waived, however, a permit shall still be applied for and obtained by the Contractor.

24. **Entire Agreement.** The Contract Documents shall constitute the entire agreement between the City and Contractor, and supersede any other written or oral agreements between the City and Contractor.

25. **Third Party Rights.** The parties to this Agreement do not intend to confer any rights under this Agreement on any third party.

26. **Choice of Law and Venue.** This Agreement shall be governed by and construed in accordance with the laws of the state of Minnesota. Any disputes, controversies, or claims arising out of this Agreement shall be heard in the state or federal courts of Hennepin County, Minnesota, and all parties to this

Agreement waive any objection to the jurisdiction of these courts, whether based on convenience or otherwise.

27. **Work Products and Ownership of Documents.** All records, information, materials and other work products, including, but not limited to the completed reports, drawings, plans, and specifications prepared and developed in connection with the provision of the Work pursuant to this Agreement shall become the property of the City, but reproductions of such records, information, materials and other work products in whole or in part may be retained by Contractor. Regardless of when such information was provided, Contractor agrees that it will not disclose for any purpose any information Contractor has obtained arising out of or related to this Agreement, except as authorized by the City or as required by law. These obligations survive the termination of this Agreement.

28. **Conflict of Interest.** Contractor shall use reasonable care to avoid conflicts of interest and appearances of impropriety in representation of the City. In the event of a conflict of interest, Contractor shall advise the City and, either secure a waiver of the conflict, or advise the City that it will be unable to provide the requested Work.

29. **Agreement Not Exclusive.** The City retains the right to hire other professionals, contractors and service providers for this or other matters, in the City's sole discretion.

30. **Data Practices Act Compliance.** Any and all data provided to Contractor, received from Contractor, created, collected, received, stored, used, maintained, or disseminated by Contractor pursuant to this Agreement shall be administered in accordance with, and is subject to the requirements of the Minnesota Government Data Practices Act, Minnesota Statutes, Chapter 13. Contractor agrees to notify the City within three business days if it receives a data request from a third party. This paragraph does not create a duty on the part of Contractor to provide access to public data to the public if the public data are available from the City, except as required by the terms of this Agreement. These obligations shall survive the termination or completion of this Agreement.

31. **No Discrimination.** Contractor agrees not to discriminate in providing the Work under this Agreement on the basis of race, color, sex, creed, national origin, disability, age, sexual orientation, status with regard to public assistance, or religion. Violation of any part of this provision may lead to immediate termination of this Agreement. Contractor agrees to comply with Americans with Disabilities Act as amended ("ADA"), section 504 of the Rehabilitation Act of 1973, and the Minnesota Human Rights Act, Minnesota Statutes, Chapter 363A. Contractor agrees to hold harmless and indemnify the City from costs, including but not limited to damages, attorneys' fees and staff time, in any action or proceeding brought alleging a violation of these laws by Contractor or its guests, invitees, members, officers, officials, agents, employees, volunteers, representatives and subcontractors. Upon request, Contractor shall provide accommodation to allow individuals with disabilities to participate in all Work under this Agreement. Contractor agrees to utilize its own auxiliary aid or service in order to comply with ADA requirements for effective communication with individuals with disabilities.

32. **Authorized Agents.** The City's authorized agent for purposes of administration of this contract is the City Administrator or designee. Contractor's authorized agent for purposes of administration of this contract is Chad Fix or designee who shall perform or supervise the performance of all Work.

33. **Notices.** Any notices permitted or required by this Agreement shall be deemed given when personally delivered or upon deposit in the United States mail, postage fully prepaid, certified, return receipt requested, addressed to:

CONTRACTOR
Bollig & Sons, Inc.
ATTN: Chad Fix
11401 County Rd 3
Hopkins, MN 55343
cfix@bolligandsons.com

THE CITY
City of Shorewood
ATTN: Marc Nevinski
5755 Country Club Rd
City of Shorewood, MN
mnevinski@shorewoodmn.gov

or such other contact information as either party may provide to the other by notice given in accordance with this provision.

34. **Waiver.** No waiver of any provision or of any breach of this Agreement shall constitute a waiver of any other provisions or any other or further breach, and no such waiver shall be effective unless made in writing and signed by an authorized representative of the party to be charged with such a waiver.

35. **Headings.** The headings contained in this Agreement have been inserted for convenience of reference only and shall in no way define, limit or affect the scope and intent of this Agreement.

36. **Payment of Subcontractors.** Contractor agrees to pay all laborers employed and all subcontractors furnishing material to Contractor in the performance of this contract. If Contractor fails to pay any claims and demands for labor and materials, the City may apply the monies due to Contractor toward paying and satisfying such claims and demands. The City has the right to apply monies due to Contractor towards paying any accrued indebtedness or any claim which may hereafter come due against Contractor. The amount of such payments shall be deducted from the balance due to the Contractor; provided that nothing herein nor any variation from the amounts and timing of the installments shall be construed as impairing the right of the City or of those to whose benefit the bond herein agreed upon shall insure, to hold Contractor or surety liable on the bond for any breach of the conditions of the same nor as imposing upon the City any obligation to laborers, materialmen, contractors, or sureties to pay or to retain for their benefit any monies coming to the contractor hereunder.

Pursuant to Minnesota Statutes, Section 471.425, Subdivision 4(a), Contractor must pay any subcontractor within ten (10) days of Contractor's receipt of payment from the City for undisputed services provided by the subcontractor. Contractor must pay interest of one and one-half percent (1½%) per month or any part of a month to the subcontractor on any undisputed amount not paid on time to the subcontractor. The minimum monthly interest penalty payment for an unpaid balance of \$100.00 or more is \$10.00. For an unpaid balance of less than \$100.00, Contractor shall pay the actual penalty due to the subcontractor. A subcontractor who prevails in a civil action to collect interest penalties from the Contractor shall be awarded its costs and disbursements, including attorney's fees, incurred in bringing the action.

37. **Severability.** In the event that any provision of this Agreement shall be illegal or otherwise unenforceable, such provision shall be severed, and the balance of the Agreement shall continue in full force and effect.

38. **Signatory.** Each person executing this Agreement ("Signatory") represents and warrants that they are duly authorized to sign on behalf of their respective organization. In the event Contractor did not authorize the Signatory to sign on its behalf, the Signatory agrees to assume responsibility for the duties and liability of Contractor, described in this Agreement, personally.

39. **Counterparts and Electronic Communication.** This Agreement may be executed in two or more counterparts, each of which shall be deemed an original, but all of which taken together shall constitute one and the same instrument. This Agreement may be transmitted by electronic mail in portable document format (pdf) and signatures appearing on electronic mail instruments shall be treated as original signatures.

40. **Recitals.** The City and Contractor agree that the Recitals are true and correct and are fully incorporated into this Agreement.

IN WITNESS WHEREOF, the City and Contractor have caused this Independent Contractor Agreement to be executed by their duly authorized representatives in duplicate on the respective dates indicated below.

Bollig & Sons Inc :

By: Joe Curran

Name: Joe Curran

Title: Assistant Controller

CITY OF SHOREWOOD, MN:

By: _____
_____, Mayor

By: _____
Name, title

EXHIBIT A
PROJECT SUMMARY & SCOPE
OF WORK

BOLLIG & SONS INC.
11401 COUNTY ROAD 3
HOPKINS, MN 55343
952-938-4133
office@bolligandsons.com

Revised June 3, 2025

City of Shorewood

Attn: Jake Griffiths, Wade Woodward

jgriffiths@ci.shorewood.mn.us, building@ci.shorewood.mn.us

JOB SITE: 5815 Club Lane, Shorewood

Job Description: Option #3 Demo Addition and Existing House and Foundation –

Mobilization for install and removal of erosion control 2 at \$150.00 each.	Bid Price \$ 300.00
Install bio-logs only 600 feet at \$2.00 per foot removal not included.	Bid Price \$ 1,200.00
Removal bio-logs only 600 feet at \$1.50 per foot removal not included.	Bid Price \$ 900.00
Construction entrance if required to access site install / removal.	Estimate Price \$ 1,200.00
Inlet protection --- at \$325.00 each if required.	Bid Price \$ TBD
Hydro seed disturbed area 18,000 SF at \$0.25 per SF.	Estimate Price \$ 4,500.00
Demo permit.	Bid Price \$ N/C
Asbestos testing.	Bid Price \$ 650.00
Asbestos removal.	Estimate Price \$ TBD
Disconnect water and sewer at lot line,	Bid Price \$ 2,875.00
Seal one existing well if found not sealed.	Estimate Price \$ 3,500.00
(Perforating well not included if required by state)	
Empty structure to make demo ready need to verify after owner cleans out what they can.	Estimate Price \$ 5,500.00
Remove house and addition portion and foundation from site.	Bid Price \$ 34,308.00
Backfill and grade yard.	Estimate Price \$ 2,645.00
Supply common fill as needed 420 CY at \$6.00 per CY.	Estimate Price \$ 2,520.00

Total of above Work \$ 56,598.00

NOTE: (Detached Garage to stay)

Assumed city is waiving all permit fees again. Delay because of owner billed hourly at time and material.
Owner to have tool and personal items all removed and away from demo area prior to arrival.
To empty structure of non-demo landfill item billed at time and material and disposal fee's.
Demo figure normal conditions no extra deep foundation or extra thick concrete.
Tree, stump and over growth removal not included. No utility conflicts figured.
No winter conditions. No restoration included. Roofing and siding restoration not included.
Machine and labor price is good for 30 days. Material price is good for 15 days.

Accepted Owner Signature: _____ Date: _____
Email or mail back to Bollig to proceed.

Thank you for the opportunity to work with you on this project.
We do appreciate your business.
Respectfully,

Dan Meyer Estimator Cell 612-322-1880 Email dmeyer@bolligandsons.com
Chad Fix Job Supervisor Cell 612-369-7380 Email cfix@bolligandsons.com



City Council Meeting Item

Title/Subject: Light Equipment Operator (LEO) Appointment: Robert Hochsprung
Meeting Date: July 14, 2025
Prepared by: Sandie Thone, City Clerk/Human Resources Director
Reviewed by: Marc Nevinski, City Administrator
Matt Morreim, Public Works Director
Attachments: None

Background

The city recently recruited qualified candidates for the Light Equipment Operator (LEO) in the Public Works department. The city received 28 applications for the position, which closed on June 8^h. Staff interviewed six well-qualified candidates for the opening on June 24th. The staff interview panel included Public Work's Director Matt Morreim, Public Work's Supervisor Chris Heitz and City Clerk/HR Director Sandie Thone.

A conditional job offer was presented to and accepted by Robert Hochsprung. Robert currently works at the City of Apple Valley as a Streets Maintenance II position. He previously worked for over ten years at the Apple Valley Fire Department as a firefighter and captain. Robert and his wife recently relocated to Shorewood. If approved, his start date will be Monday, July 28, 2025.

Financial Considerations

Staff recommend Robert's compensation rate be set at the AFSCME "After 2 Years" rate of \$34.01 per hour on the wage schedule. The position will be reviewed at the 6-month anniversary for consideration of permanent appointment and a six-month step increase. The position is non-exempt, PERA eligible, and receives full benefits.

Action Requested

Motion to approve the hire of Robert Hochsprung as a probationary employee in the capacity of Light Equipment Operator (LEO) for the City of Shorewood. A simple majority vote by the Council is required.



City Council Meeting Item

Title/Subject: Approving Renewal of Road Management Software
Meeting Date: July 14, 2025
Prepared by: Matt Morreim, Public Works Director
Reviewed by: Marc Nevinski, City Administrator
Attachments: Vaisala RoadAI Proposal

Background:

The city has a capital program and pavement management plan for road maintenance and construction. While funding and project type vary from year to year, a critical part of the capital program is analyzing, identifying and prioritizing the capital funds.

Beginning in 2023, public works staff began utilizing Vaisala RoadAI to provide a quick, accurate and non-biased pavement management inspection and condition rating. Staff are able to drive all city streets in approximately 1 day to video and accurately inspect them. The pavement rating and information guides the capital plan project scope and will continue to guide capital scoping for future road projects.

Additionally, while driving all of the streets, staff were able to identify issues with drainage, signage, road conditions (potholes) or unique right-of-way issues that were observed. Staff regularly utilize the videos, pavement data and identified issues to perform proactive maintenance and inspect areas.

Staff meet with Vaisala on a monthly basis for training, to ask questions, and provide feedback on the RoadAI system. These meetings have been of significant benefit to staff in improving inspections and pavement results.

Lastly, all asset condition data is digitally stored and can be utilized in a future asset management system that will allow staff to track ratings over an extended period of time.

The cost of the annual renewal is \$9,522.

Financial Considerations:

Cost of the renewal of the road management software is \$9,592 and adequate funding exists in the Public Works Fund 32.

Action Requested:

Motion to approve renewal of the Vaisala RoadAI road management software.

A majority vote by the Council is required.

City of Shorewood
RoadAI

Surveying Using Computer Vision With AI Enabled Learning

Version	Status	Date/Name	Description of Change	Approver
1.0	Approved	06/08/2025 / Holmquist Jennifer	Original	JEHOLM

Contents

1 Overview..... 3

2 The Strategic Case 4

3 Service Description 5

4 General Conditions of Subscriptions Services..... 7

5 Financial Case 6

6 Agreement 7

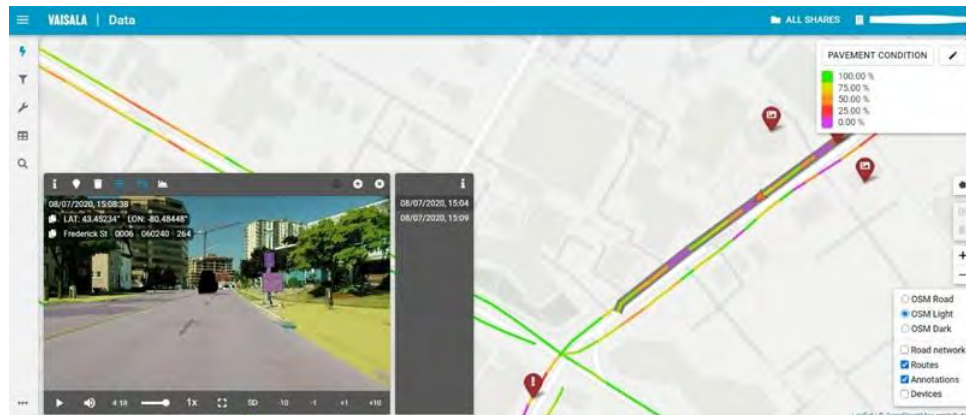
City of Shorewood – RoadAI

This document sets out Vaisala's proposal for the implementation of RoadAI technology to deliver efficiency gains, cost savings and service improvements to the surveying, inspection, auditing and ongoing asset management practices at City of Shorewood.

1 Overview

The technology uses a smart phone to collect video data which is then processed using Computer Vision; this process automatically analyses the video data and the Vaisala RoadAI applies PCI methodology to categorize and report pavement defects, so that it can be integrated with existing asset management systems. Video data can be collected at normal driving speeds, and because the analysis process is fully automated, results are available within a few hours of upload, enabling data to be collected and results produced across the whole road network multiple times per annum, with lower investment and resource than current processes demand.

Figure 1 – Pavement Condition Heatmap



Road Condition data generated by RoadAI can replace the condition surveys currently carried out in City of Shorewood, and because of the frequency and repeatability of the data collection, identify any lengths of highway that are deteriorating rapidly in a more timely fashion, enabling the programming of maintenance works more efficiently.

2 The Strategic Case

2.1 Safety Inspections

RoadAI provides a range of tools that are designed to support reactive maintenance and safety inspection teams, taking a significant amount of network investigations and inspections off the network and into a desktop environment, reducing the number of ad hoc site visits, and bringing environmental and safety benefits, while providing greater oversight and efficiency to the process of network management.

Surveyors also have the facility to interact with the video footage and 'drop pins' on the map UI, by using a media button linked to the mobile phone.

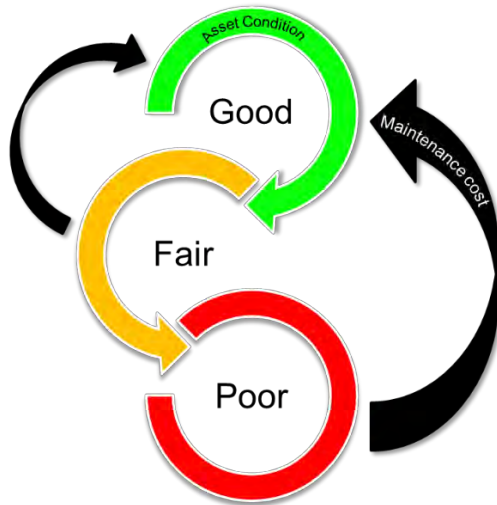
Once the data is loaded onto the system, computer vision analysis is used to derive much more value that can be leveraged by other functions...

2.2 Road Condition Surveys

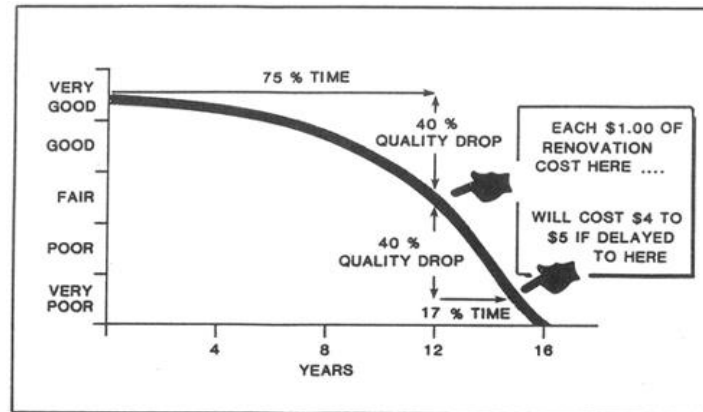
Road condition data is generated automatically, without allocating resource specifically to condition surveys, and reported at a much higher frequency, to enable the planning of maintenance works to be focused on areas where lower cost treatments can be deployed, to prevent the development of more serious defects, and ultimately extend the life of the asset. RoadAI enables road condition data to be generated using non-specialist tools and personnel, while still providing data that is consistent, accurate, and auditable. Using RoadAI in this way enables:

- Early intervention with lower cost treatments based on asset condition to deliver >5% increase to the life of the asset
- Data driven forward program planning – consistent, objective road condition data
- On demand reports – network deterioration modelling

2.2.1 Investment Model



<https://www.fhwa.dot.gov/publications/research/infrastructure/pavements/13038/011.cfm>



2.3 Traffic Signs and Lines

Video data that has been collected by inspection teams can be further analysed to generate traffic sign inventory, and road marking condition data, to enable data driven risk based management of these assets, and driving improvements in service delivery at a fraction of the previous cost.

3 Service Description

The RoadAI service has been configured in consultation with the City of Shorewood project team, and is based on a combination of the following core elements:

- Organizational Base License
- Data Collection Licenses
- Application Layers
- Data Storage

3.1 Organizational Base License

The Organization Base License (OBL) covers provision of the core service including:

- Anonymization of data.
- Map based user interface (UI).
- Geospatial video.
- Annotation tools.
- Unlimited client logins and access to UI.

The cost of the organizational base license is based on the size of the organization ¹, and the duration of the contract.

- Proposed Length of Road Section for inclusion in the project – 50 miles.
- Contract duration - 12 months
- Contract period – 07/1/2025 to 06/30/2026

3.2 Data Collection Licenses

Based on anticipated use profile and in consultation with the City of Shorewood project team, we have configured this proposal to include 1 Basic data collection license.

3.3 Application Layers

RoadAI can be configured to enable different application layers to suit the objectives of City of Shorewood. Application layers can be activated or deactivated each year, and the contract value adjusted to reflect the application layers in use. The application layers currently available are:

3.3.1 Road Condition

Data is analyzed and reported in 10 or 100 yard sections tied to the sectional reference data² for City of Shorewood's desired road network.

Defects can be viewed as discreet heatmap layers on the map-based UI, or as a combined overall condition heatmap.

Defects can be exported as Excel file or Shapefile.

¹ Defined by network length proposed by City of Shorewood, this is taken as 50 miles.

² Network reference data to be provided by City of Shorewood as shapefile or similar.

3.3.2 Line Markings

Data is analyzed using computer vision process to identify line marking condition based on visible deterioration. Line marking condition data is available to export in Excel or Shapefile format in 10 or 100 yard sections.

3.3.3 Road Signs

Road signs are automatically detected and created as point objects on the UI map layer. Signs can be extracted in Excel reports with location and condition data, and URL linking back to UI to view images and video of sign location.

4 General Conditions of Subscriptions Services

Vaisala Group's General Conditions of Subscription Services apply. To see all, reference below titled "General Conditions of Subscription Services of Vaisala Group as modified for The City of Shorewood, MN, June 16th, 2023. All the information contained herein is confidential and the IPR remains the property of Vaisala. Copying or sharing of this information without permission of the author is prohibited. All pricing quoted in US Dollars subject to tax which will be applicable at the prevailing rate at the time of invoicing.

General Conditions of Subscription Services of Vaisala Group as modified for The City of Shorewood, MN, June 16th, 2023

Observations for a Better World

Vaisala enables enhanced safety, efficiency and decision making through its measurement products and related services.

Our way of operating is driven by customer focus, innovation, integrity and collaboration. They guide us in our everyday activities, both within Vaisala and with our partners and customers.



These **General Conditions of Subscription Services of Vaisala Group** ("Conditions") govern and explain the terms under which a Vaisala Group Company, as identified in a quotation, acknowledgement of order or invoice (hereinafter "Vaisala", "we", "us" or "our"), agrees to the provision of subscription services ("Subscription Services") to Vaisala's customer ("Customer", "you" or "your"). By submitting a purchase order (including orders and click-throughs in Vaisala Online Store and other platforms referencing these Conditions), request for offer or any other document to acquire Subscription Services, acting on any Vaisala document referencing these Conditions, or using or accessing any of the Subscription Services, you acknowledge: (a) your complete acceptance of these Conditions; and (b) that any terms accompanying your document(s) have no effect and shall

not apply. If you are an individual acting on behalf of a legal entity, you represent and warrant that you are authorized to act on behalf of such entity, in which case “you” will refer to such legal entity.

Our transaction with you shall solely be governed by these Conditions and related Vaisala documentation for the given transaction, which hereby together constitute the full contract (“Contract”) between us and you. In the event of conflict between the Service Description(s) (as defined hereinafter) and these Conditions, the Service Description(s) shall prevail.

The Contract may be superseded or amended only by a separate written agreement agreed upon and executed by the parties (“Agreement”).

5 Common conditions

1	Prices and Payment; Vaisala Invoicing; Taxes	1.1 Subscription Services, fees and other relevant information are set out in our quotation, acknowledgement of order and/or related documentation. Subscription Services, together with associated terms and conditions, may be further detailed in the documentation specific to a given Subscription Service (“Service Description”) attached to or referenced in our quotation or acknowledgement of order, or otherwise made available to you. 1.2 We will invoice you for the recurring fees of the Subscription Services annually in advance. Additional fees for metered usage components, optional features, add-ons and extra charges will be invoiced upon their occurrence. We have the right to increase the fees by notifying you in writing at least sixty (60) calendar days prior to the last day of the then-current Subscription Period (as defined in Section 14 below). In addition, in the event roaming or other telecommunication charges linked to the Subscription Services increase, we reserve the right to increase the fees correspondingly with thirty (30) days written notice at any time. 1.3 Except for refunds under Section 8.3 and Section 26, all fees are non-refundable. 1.4 Once we have established any credit limitations, our pricing is based on net 30 days payment terms from the date of invoice. We may agree to apply different payment terms, for which additional charges may apply. All payments must be made directly by you.
		1.5 We do not include any taxes, duties or additional charges of any kind in our fees, and will add all such separately chargeable items to your invoice amount as applicable. Each party complies with applicable tax regulations and pays all applicable taxes directly to the appropriate authorities. 1.6 Any amount outstanding after the due date shall accrue interest at the rate of twelve percent (12%) per annum or the highest amount allowable by law, whichever is lower, from the date your invoice becomes due. Upon the first day of delay, we reserve the right to suspend provision of Subscription Services until any unpaid amount, including interest, has been paid in full.
2	Data Definitions; Licenses	2.1 For the purposes of the Contract, the following definitions apply: “Product Data” means data pertaining to the performance, condition, and maintenance of Vaisala-provided products (“Products”) that you may acquire from us (and consequently have the ownership of such Products) in a transaction separate from the provision of Subscription Services. For avoidance of doubt, any data pertaining to any equipment owned by us is not Product Data, and we retain all rights to such data.

“Measurement Data” means data measured or generated by any equipment owned by you (or third parties) and made available to us in relation to Subscription Services, as well as related metadata (such as location and timing of the measurement). For avoidance of doubt, any data pertaining to any equipment owned by us is not Measurement Data, and we retain all rights to such data.

“Generalized Data” means data based on further processing of Measurement Data or Product Data, or combination thereof with other data or materials, which data (i) doesn’t include information on your identity, and (ii) doesn’t include data items of Measurement Data as such but only in aggregated form or combined with other data items (excluding metadata contained in the Measurement Data which may be included as such).

2.2 Subject to the payment of fees and conditioned on your (and the authorized end-users’) compliance with the Contract, you are hereby granted a limited, non-exclusive, non-transferable, non-sublicensable license to use Subscription Services and information, data, forecast or similar item provided or generated by Subscription Services for your internal business purposes during the Subscription Period. Service Description(s) may provide you with broader or additional licenses.

2.3 You may not, directly or indirectly, and shall not permit any authorized end-users to: (i) copy, modify, or create derivative works of Subscription Services, information, data, forecasts, or similar items provided or generated by Subscription Services; (ii) rent, lease, lend, sell, license, sublicense, assign, distribute, publish, transfer, or otherwise make available Subscription Services and information, data, forecast or similar item provided or generated by Subscription Services to third parties; (iii) reverse engineer, disassemble, decompile, decode, adapt, or otherwise attempt to derive or gain access to any software component of Subscription Services; (iv) remove any proprietary notices from Subscription Services or associated documentation; or (v) use Subscription Services in any manner or for any purpose that infringes, misappropriates, or otherwise violates any intellectual property right or other right of any person, or that violates any applicable law. Service Description(s) may provide you with a limited, non-exclusive, non-transferable, non-sublicensable license allowing some of the excluded items in (i) and (ii).

2.4 When and to the extent we have access to Measurement Data or Product Data in relation to or in connection with the provision of Subscription Services, you hereby grant the following licenses:

1. We shall have the right to process Product Data for the purposes of provision of Subscription Services to you and for our quality control, research and development purposes.
2. We shall have the right to process Measurement Data for the purposes of providing Subscription Services to you (including support and maintenance).

3. We shall have the right to create sets of Generalized Data based on Measurement Data and/or Product Data. Such sets of Generalized Data shall be regarded as separate and independent data sets, and your rights, title or interest in Measurement Data and Product Data shall not encompass such Generalized Data.

2.5 We shall have the right to use Measurement Data and/or Product Data for the purposes of quality control, research, and development (including without limitation right to develop our machine learning systems) and provision of value-added services to third parties, provided always that the information or data disclosed to third parties is Generalized Data and that Measurement Data or Product Data as such is not disclosed to third parties.

2.6 Except as explicitly provided in this Section 2, each party retains its respective rights.

3	Responsibility for Use of Subscription Services; Customer Responsibilities	3.1 The use and application of any information, data, forecast, or similar item provided or generated by the Subscription Services shall be your sole responsibility and/or the authorized end-users of those Subscription Services. You and/or the authorized end-users shall assume all liabilities and obligations with respect to any use or application, including integration with your own products and services (when allowed), of such information, data, forecast or similar item. 3.2 You will cause the authorized end-users to comply with the Contract and shall be responsible for their actions and omissions. If you suspect any violation by any of the authorized end-users, you will notify us without delay and shall terminate their access to Subscription Services in addition with any other appropriate mitigation measures. 3.3 You are solely responsible for the security and use of your and the authorized end-users' login and access credentials. If you suspect that an unauthorized person has gained access to Subscription Services, you will notify us without delay in addition with any other appropriate mitigation measures. 3.4 Except for the items provided by us as part the Subscription Services, you are responsible for acquiring, installing, configuring, and maintaining all hardware and software necessary for your access to and use of Subscription Services. You are solely responsible for arranging, maintaining, and paying for appropriate communication network connections to enable your access to and use of Subscription Services. 3.5 We retain the ownership of any item (other than Products) provided by us to you as part of Subscription Services. You are hereby granted a limited, non-transferable, non-sublicensable license to use such items for the purpose of enabling the provision of the related Subscription Services by us. 3.6 Unless otherwise stated, the delivery term for the items delivered by us to you shall be DAP [<i>your delivery address</i>] (Incoterms 2020). DAP [<i>applicable Vaisala facility delivery address</i>] (Incoterms 2020) applies when you return to us any item owned by us.
4	Limitation of Liability	4.1 Subscription Services are priced in accordance with proper limitations of liability. Any variation from the following limitations may result in a fee increase or other changes. Please carefully read the following limitation of liability provisions. 4.2 Except in the case of gross negligence, willful misconduct, or fraud, our maximum liability to you, and your maximum liability to us, shall not exceed the fees of Subscription Service(s) paid during a period of twelve (12) months prior to the event causing any such liability. Neither party will be liable to the other for any indirect losses, such as loss of profit or goodwill, or costs of cover purchase, even if such loss was reasonably foreseeable. 4.3 Nothing in this Section 4 is intended to affect our rights which cannot be limited or excluded based on the applicable law. Nothing in this Section 4 or in the Contract constitutes a waiver by you of any applicable statutory or common law immunities or liability limitations.
5	General Indemnity	5.1 Within the limits provided for in Section 4, each party shall be responsible for its own acts, including the acts of its respective directors, officers, officials, members, managers, employees, consultants, contractors, and agents related to third party claims, demands, suits, actions, or proceedings (and resulting costs, expenses and liabilities), which arise from personal injury, death, or tangible property loss attributed to, or caused by, either party's negligent performance under the Contract or by Subscription Services supplied by us. 5.2 The foregoing indemnity shall not apply to the extent that such injury, death, or tangible property loss is caused in whole or in part by the willful misconduct, gross negligence, or fraud of the party seeking to be indemnified.

6	Force Majeure	6.1 Despite our coordinated efforts and intentions to provide Subscription Services to you as planned, the parties realize that not all things go according to plan. This Section 6 provides relief to each party in Force Majeure events, as detailed below. 6.2 Neither party shall be liable for delay or other failure to duly fulfil its obligations (except for your payment obligations) due to a Force Majeure event. Force Majeure events are events beyond the commercially reasonable control of the affected party and may include events affecting suppliers and subcontractors. 6.3 The party affected by a Force Majeure event shall notify the other party in writing (with email being sufficient) as soon as reasonable. Each party shall be entitled to terminate the Contract by notice in writing if performance of the Contract is suspended under this Section 6 for more than six (6) months.
7	Acceptance; Warranty; Disclaimer	7.1 Subscription Services shall be deemed accepted by you upon us providing or you accessing Subscription Services (or part thereof) unless we receive a substantiated written claim within seven (7) days after provision or accession of Subscription Services (or part thereof). 7.2 We provide Subscription Services with the degree of skill and care reasonably expected from a skilled and experienced supplier of services substantially similar to the nature and complexity of Subscription Services, in material conformance with the Contract and associated documentation, including Service Description(s). 7.3 Following your substantiated written claim of Subscription Services (or part thereof) not being compliant with this Section 7, presented within the time period set forth in Section 7.1, we will reperform such non-compliant Subscription Services without undue delay. This is the sole remedy available to you for any non-compliance with this Section 7. 7.4 Warranty does not apply in the event that: (i) Subscription Services are not used in accordance with the Contract and associated documentation, including the Service Description(s); or (ii) any non-compliance is caused by you, authorized end-users, or by any product or service not provided by us; or (iii) any non-compliance is caused by an event out of our control. Further, you acknowledge that access to and use of Subscription Services are dependent on the availability and functionality of third-party communications networks, and that we are not responsible for unavailability, slow-downs, or any other issue you may experience in accessing or using Subscription Services resulting from such networks. 7.5 We do not make any representations or warranties, express or implied, statutory or otherwise, regarding the merchantability, suitability, originality, or fitness for a particular use or purpose, non-infringement or results to be derived from the use of or integration of Subscription Services with other services, or that the operation of Subscription Services will be secure, uninterrupted, or error free. Further, we do not make any representations or warranties, express or implied, statutory or otherwise, that any information, data, forecast or similar item will occur or has occurred as the reports, forecasts, graphics, data, or information included in or delivered to you by Subscription Services, state, represent or depict. 7.6 Further, you acknowledge that forecasting is an inexact science. All forecasts provided as part of or in connection with Subscription Services inherently contain errors, and thus they are provided “as is” without warranty of any kind, either expressed or implied.
8	Modifications	8.1 We constantly strive to develop and improve Subscription Services. We may modify Subscription Services and associated documentation, including Service Description(s), at any time. Modifications may include optional new features of Subscription Services, which you may use subject to the then-current Service Description(s) and additional fees (when applicable). However, we will not implement such modification(s) until we have notified you of the modification(s), and allowed you forty-five (45) days to review the proposed modifications(s). That notice will include a full description of the proposed modification(s), a proposed timeline for implementation, a detailed breakdown of any change in costs, and any other relevant information related to the proposed modification(s). 8.2 We will notify you of modifications by email, release notes, our website, making available an updated Service Description, via the Subscription Services user interface, or other appropriate means.

- 8.3** If you determine, in your sole discretion, that a proposed modification is not solely an enhancement, and it materially reduces Subscription Services, you may terminate the Contract in relation to Subscription Services so materially reduced, by providing written notice to us (with email being sufficient) within forty-five (45) days after receipt of our notice given in accordance with Section 8.2. We will refund the fees applicable to the terminated Subscription Services for the remainder of their Subscription Period. If you determine, in your sole discretion, that the modification(s) render(s) the Subscription Services no longer useful for your purposes and/or any additional fees render the cost of the Subscription Services to exceed your approved budget or allocation for the Subscription Services, you may terminate the Contract in its entirety after the completion of your 45-day review period, without any further obligations in the Contract, including no further obligation for payment after the month in which you terminate the Contract. We will refund the fees applicable to the terminated Subscription Services for the remainder of their Subscription Period. You will give us notice of the termination of the Contract in its entirety as set forth above in this Section 8.3.
- 8.4** We may modify these Conditions at any time and will inform you of such modifications in the same manner as we will notify you of proposed modification(s) as set forth in Section 8.2 of this Contract. The modified Conditions shall be applied from the start of the Subscription Period immediately following the modification date. You will have the same termination rights provided to you in Section 8.3 of this Contract. Unless you notify us as provided in Section 8.3, by continuing to use Subscription Services after notice and review of proposed modification(s), you agree to and accept all the modifications to these Conditions.

9	Suspension	9.1 Upon written notice to you (with email being sufficient), we may suspend provision of Subscription Services if we reasonably determine: (i) payment for our fees is not received by the date on which payment is due; (ii) you or your use (including use by the authorized end-users) of Subscription Services is in breach of the Contract; (iii) your use (including use by the authorized end-users) of Subscription Services poses a security risk to Subscription Services or other users; or (iv) suspension is required pursuant to our receipt of a subpoena or other request by a law enforcement agency. 9.2 You will remain responsible for all fees incurred before and during the suspension. You will not be entitled to any service credits (if applicable) or other compensation under the Contract that you might have otherwise accrued during the period of suspension.
10	Security; Maintenance	10.1 We employ reasonable security measures consistent with relevant industry practices and in accordance with our security procedures as amended from time to time. 10.2 In order to provide you with well-functioning Subscription Services, we perform both scheduled and unscheduled maintenance work. We inform you of scheduled maintenance windows through appropriate channels and may inform you of unscheduled maintenance activities in advance or after they take place. 10.3 You acknowledge that maintenance work may impact the functioning and availability of Subscription Services and agree that you shall have no recourse against us based on such impacts. In the calculation of service level agreement metrics (if any), impacts of any maintenance work shall be excused and excluded.
11	Attribution	11.1 To the extent you are allowed to make any information, data, forecast, or similar item provided or generated by Subscription Services available to third parties (other than your affiliates), you shall include a notation that indicates that the information, data, forecast and similar items are provided by Vaisala. 11.2 You may not use the Vaisala logo or text, or any third-party attribution, in any way that implies that your products or services are provided or endorsed by us or any such third party.
12	Analyses	12.1 We may create analyses utilizing information derived from your (and the authorized end-users') use of Subscription Services ("Analyses"). Analyses typically anonymize and aggregate information on such use, and in other respects they will comply with Vaisala's Privacy Policy. Analyses may be combined with Product Data and Measurement Data.

12.2 We may use Analyses for: (i) development of Subscription Services' features and functionality, performance, workflows and user interfaces and development of new products and services, (ii) improving our technical support, (iii) capacity and demand planning, (iv) training and

	developing machine learning algorithms, (v) verification of security measures and data integrity, and (vi) identification of trends and developments, creation of indices and benchmarking.
Subcontractors and Suppliers	13.1 In order to provide quality Subscription Services and to serve you in an efficient manner, we may use subcontractors and third-party suppliers in connection with the provision of Subscription Services. 13.2 We remain responsible for the activities of our subcontractors and suppliers.
Subscription Period; Auto-Renewals	14.1 The Contract shall become effective on: (i) us granting you access to Subscription Services, or you otherwise accessing or using Subscription Services; (ii) the date defined in our quotation or acknowledgement of order; (iii) the date defined in the applicable Service Description; or (iv) start of the Freemium or Trial (as defined in Section 16), whichever is the earliest ("Effective Date"). The Contract shall remain effective for a period of twelve (12) months from the Effective Date ("Subscription Period"). The Subscription Period will automatically renew for a period of corresponding length, unless terminated in accordance with Section 14.2 below. The Contract applies to all renewed Subscription Periods. There shall be no more than three (3) automatic renewals of the Subscription Period. 14.2 Each party may opt-out of auto-renewal of any Subscription Period by notifying the other party in writing. If you wish to continue use of the Subscription Services after the last day of the third automatic renewal Subscription Period, a new contract will be required. You shall give us notice of your intention to enter into a new contract by notifying us in writing. At the end of the third automatic renewal Subscription Period, unless you give us written notice, this Contract will terminate on its terms at the end of the last day of the third automatic renewal Subscription Period. Any notice given under this Section 14.2 shall be sufficient if delivered by email to the other party at least sixty (60) days prior to the end of last day of the applicable Subscription Period.
Additional Software; License	15.1 To the extent we separately grant you a license for software for installation on your infrastructure in connection with providing you Subscription Services, such license is governed by the General License Conditions of Vaisala Group, which are available here: https://www.vaisala.com/en/vaisala-policies#terms-and-conditions

1 Freemiums and Trials

16 Definitions; Applicability	16.1 Freemium services ("Freemium") mean the provision of Subscription Services free of charge, coupled with the option to acquire additional features of those Subscription Services for a charge. 16.2 A trial ("Trial") means the provision of Subscription Services free of charge for trial purposes for a limited period of time. 16.3 When Subscription Services consist of, or include, Freemiums or Trials, Sections 16-19, in addition to Common conditions and Governance conditions, apply to those Subscription Services or to the applicable part thereof.
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17 License	17.1 You are hereby granted a limited, non-exclusive, non-transferable, non-sublicensable license to use the Freemiums and Trials for your internal business purposes. Commercial use of Freemiums and Trials is prohibited. 17.2 Freemiums are provided for a period defined in the associated documentation. A Subscription Period for optional, for-a-charge features of Freemiums shall be defined in the associated documentation. 17.3 You may try out the Trials for a period beginning on the date when we provide you with the access to Trials and ending at the end of the defined trial period. 17.4 We reserve the right at any time to terminate the Trials for convenience and without prior notice.
18 Invoicing	18.1 Freemiums and Trials are provided free of charge. 18.2 Recurring fees for the optional features of the Freemiums are invoiced annually in advance.
19 No Warranty	19.1 Freemium and Trials are provided with limited features and functionality, without any support and “as is”/”as available” without indemnification or warranty of any kind. Warranty in Section 7 and indemnification in Section 26 do not apply to Freemiums and Trials. 19.2 Notwithstanding the above, for-a-charge features of Freemiums carry the standard warranty set forth in Section 7 and Section 26 applies to such features.

2 Implementation services

20 Definition; Applicability	20.1 Implementation services (“Implementation Services”) mean professional services related to the deployment of Subscription Services, including for example integration, parametrization, data transfers and conversions. 20.2 When the deployment of Subscription Services includes Implementation Services, Sections 20-24, in addition to Common conditions and Governance conditions, apply to such Implementation Services or to the applicable part thereof.
21 License	21.1 You are hereby granted a limited, non-exclusive, non-transferable, non-sublicensable license to use the results and deliverables of the Implementation Services for your internal business purposes only in connection with the relevant Subscription Services during the Subscription Period.
22 Customer Obligations	22.1 You agree to contribute to the provision of Implementation Services with respect to the factors that are under your control and/or as reasonably instructed by us. 22.2 You agree to make without delay the decisions necessary for the proper and timely provision of Implementation Services. Further, you shall assign all the resources, personnel and time required for the timely and efficient provision of Implementation Services as reasonably instructed by us.
23 Invoicing	23.1 We will invoice you for the fees upon completion of the Implementation Services.

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- 24 Acceptance; Warranty** **24.1** Shall have the same provisions as Section 7.1 (“written claim”).
24.2 We provide Implementation Services with the degree of skill and care reasonably expected from a skilled and experienced supplier of services substantially similar to the nature and complexity of Implementation Services, in material conformance with the Contract and associated documentation, including Service Description(s).
24.3 Shall have the same provisions as Section 7.3 (City’s “sole remedy”).
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Governance conditions

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- 25 Confidentiality** **25.1** We have specific and unique data, information, knowledge, and know-how regarding Subscription Services and their applications. All the data and information provided by us to you, inclusive of Service Descriptions, fees, drawings, technical data, technology, and materials, which is not publicly available, is proprietary and confidential to us (“Vaisala Information”). You agree to use Vaisala Information only for the purposes of the Contract. You will not disclose Vaisala Information to third parties (except to your affiliates) or copy, decompile, modify, reverse engineer, or create derivative works out of Vaisala Information. To the extent permitted by Minnesota Statutes, Chapter 13, the Minnesota Government Data Practices Act (the “Act”) or other applicable law, or as required by a valid Order from a court of competent jurisdiction, you agree to not disclose proprietary Vaisala Information. We acknowledge that any Vaisala Information that we provide to you will be subject to the Act or other applicable law with you must comply.
25.2 We agree not to use any of your data, including the data of your representatives, officials, employees, contractors, vendors, agents, or volunteers, for marketing activities related to our Subscription Services, including marketing by our channel partners and representatives.
25.3 Reserved.
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- 26 Intellectual Property** **26.1** We, other Vaisala Group Companies, and our suppliers and licensors own all intellectual property rights in and related to Subscription **Rights and** Services, including software code, graphic design, layout and user interfaces, Service Descriptions, associated documents, related know-how, **Indemnification** knowledge and processes, and any derivative works of them. All rights not expressly granted to you in the Contract are reserved by us, other Vaisala Group Companies, and our suppliers and licensors.
26.2 Licenses to Product Data and Measurement Data are set forth in Section 2.4.
26.3 Subscription Services may utilize open source or other third-party software which are subject to their respective license terms, which are deemed to be incorporated into, and in case of conflict, supersede, these Conditions. We are not responsible for the availability or fulfillment of any such software.
26.4 Subscription Services may include links to or integrations with online and other services made available by third parties (other than Vaisala Group Companies) that are accessed through Subscription Services, and they are subject to terms and conditions of those third parties’ services. You are deemed to have accepted such terms and conditions by using those third-party services.
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- 26.5** We act diligently to avoid third party intellectual property rights violations. If it is asserted that any Subscription Services or part thereof violates any third-party intellectual property right, we reserve the right to modify Subscription Services to remove such violations, or, if not commercially reasonable, refund prepaid fees for, and immediately terminate provision of, Subscription Services or parts thereof so affected.
- 26.6** In the event remedy under Section 26.5 is not available, we shall hold harmless, defend and indemnify you, and each of your directors, officers, members, managers and employees (collectively, the “Customer Indemnified Parties”) from and against any and all damages, losses, liabilities, costs and expenses suffered or incurred by any of Customer Indemnified Parties in any action, suit, litigation, arbitration or dispute brought by a third party arising or resulting from any claim that Subscription Services provided to you infringe any copyright, patent, or trademark, constitute a misappropriation of any trade secret, or violate any other intellectual property or proprietary right of any third party.
- 26.7** Customer Indemnified Parties shall without delay notify us in writing about any such action, suit, litigation, arbitration or dispute, and they shall not settle or make any admissions in respect of the same. We shall be given the option, at our expense, to control the action, suit, litigation, arbitration or dispute, and you shall give all necessary information, authorization and assistance to defend the same.
- 26.8** The provisions of this Section 26 are your sole remedy and our sole liability for any intellectual property infringements.
- 26.9** You shall hold harmless, defend and indemnify us, and each of our directors, officers, members, managers and employees and our suppliers (“Vaisala Indemnified Parties”) from and against any and all damages, losses, liabilities, costs and expenses suffered or incurred by any of Vaisala Indemnified Parties in any action, suit, litigation, arbitration or dispute brought by a third party arising or resulting from any claim that your use of Subscription Services, in a manner which is not compliant with the Contract, infringe any copyright, patent, or trademark, constitute a misappropriation of any trade secret, or violate any other intellectual property or proprietary right of any third party.

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- 27 Export Control; 27.1** Each party acknowledges that Subscription Services and any information, data, forecast or similar item provided or generated by the **Licenses and Subscription Services** may be subject to export control regulations as set forth by (i) the U.S. Department of Commerce Export Administration **Authorizations** Regulations (EAR), U.S. Department of State International Traffic in Arms Regulations (ITAR) or other requirements of the U.S. Government; (ii) European Commission regulations; (iii) United Nations Security Council resolutions; and (iv) applicable local regulations (together the “Export Control Regulations”) regulating the export and re-export of Subscription Services and any information, data, forecast or similar item provided or generated by Subscription Services.
- 27.2** You represent that you, your affiliates and the authorized end-users of Subscription Services are not named on any Export Control Regulations list of restricted parties.
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- 27.3** Each party hereby agrees not knowingly export or re-export Subscription Services (and any information, data, forecast or similar item provided or generated by Subscription Services), directly or indirectly, to any country or a foreign national of a country in violation of the Export Control Regulations.
- 27.4** You shall have full responsibility for obtaining any export and import licenses and other authorizations required to export, import and use Subscription Services. We shall not be obliged to commence performance of the Contract until all necessary licenses and authorizations have been obtained.
- 27.5** You acknowledge that violation of this Section 27 may lead to termination of the Contract, refusal to enter into any future transaction with you, and indemnity under Section 5 (General Indemnity).

28	Termination	Except as provided in Section 8 of this contract, the parties agree as follows: 28.1 In the event either party files for bankruptcy, makes arrangements with creditors due to financial difficulties, goes into voluntary or compulsory liquidation other than for the purpose of reconstruction, or has a receiver appointed, the other party may, without prejudice to any other rights or remedies, terminate the Contract with immediate effect by written notice (with email being sufficient). 28.2 In the event that either party materially breaches the Contract and fails to cure the breach within thirty (30) days after being notified, the nonbreaching party may terminate the Contract with immediate effect. 28.3 In any event of termination, we shall be entitled to payment for Subscription Services already provided. 28.4 Upon expiry or termination, to the extent permitted by the Act, other applicable law, Order from a court of competent jurisdiction, or the City's Data Retention Schedule, you shall (i) discontinue use of the Subscription Services and related information, data and other items; (ii) delete all copies of the Subscription Services components from your infrastructure; (iii) return or delete all Vaisala Information.
29	No Assignment	29.1 Neither party shall be permitted to assign or transfer the Contract to another company (unless by us to a Vaisala Group Company), in whole or in part, or any rights or obligations hereunder, except with the written authorization of the other party. Such authorization shall not be unreasonably withheld. Any attempted assignment in violation of this Section 29 shall be null and void. 29.2 Nothing in this Section 29 shall limit our right to use subcontractors and third-party suppliers.
30	Non-Waiver	30.1 Failure to enforce any right under the Contract will not be deemed a waiver of future enforcement of that or any other right.
31	Data Privacy	31.1 We value the privacy of the representatives of our customers and agree to use their personal data only for the purposes of the Contract and for marketing activities related to our Subscription Services, including marketing by our channel partners and representatives. More information can be found in our Privacy Policy located at https://www.vaisala.com/en/vaisala-policies#privacy-policy.
32	Reference Rights	32.1 We may refer to you as our customer in sales presentations and sales activities with other customers. Upon written consent from you, we may refer to you as our customer in all types of communication and media.
33	Governing Law and Dispute Resolution	33.1 The Contract shall be governed by and constructed in accordance with the laws of the State of Minnesota. 33.2 The parties shall first try to resolve any dispute relating to or arising from the Contract through good faith negotiations. If the parties are unable to resolve the dispute through negotiations, the parties shall have right to pursue all of its rights at law or in equity in the Federal District Court for the District of Minnesota, or in the District Court, Fourth Judicial District, Hennepin County, Minnesota.



Name: City of Shorewood – RoadAI
Owner: Jennifer Holmquist
Created: 06/08/2025
Identifier: CITYOFSHOREWOOD-RDAI-2025-2026

Status: Approved
Revision: 1
Pages: 6 (5)

3 Financial Case

Set out overleaf are the annual costs for delivering the service over the next 12 months.

3.1 Costs

Item	Qty	Unit Cost
Base License, including Road Condition, Road Markings and Road Signs application layer processing	1	\$7,500.00
Data collection license (250 hours)	1	\$2,000.00
Data Storage (hours)	23 hours	\$92.00
Total Cost		\$9,592.00

All pricing is shown in US Dollars exclusive of tax which will be applicable at the prevailing rate at the time of invoicing.

3.2 Payment Schedule

100% 4 weeks after receipt of order



Name: City of Shorewood – RoadAI
Owner: Jennifer Holmquist
Created: 06/08/2025
Identifier: CITYOFSHOREWOOD-RDAI-2025-2026

Status: Approved
Revision: 1
Pages: 7 (5)

4 Agreement

Signed on behalf of Vaisala Inc.

Signed on behalf of City of
Shorewood

Signature _____
Name _____
Position _____
Date _____

Signature _____
Name _____
Position _____
Date _____

Billing Address (please fill out)

Contact Name: _____

Address: _____

Email: _____

Phone: _____



Name:

of Wisconsin – RoadAI

Owner:

Henry Brocklehurst

Created:

18/11/2020

Identifier:

ROAD-AI-Y1-MERGE-V2.3.docx

Status:

Approved

Revision:

1

Pages:

1 (1)



City of Shorewood

City Council Meeting Item

Item
4A

Title/Subject: **Tour de Tonka Presentation**
Meeting Date: July 14, 2025
Prepared by: Marc Nevinski, City Administrator
Attachments: **None**

Ms. Kim Carlson, Executive Director of Minnetonka Community Education, will provide an update on Tour de Tonka.

**CITY OF SHOREWOOD
PARK COMMISSION MEETING
TUESDAY, JUNE 24, 2025**

**5755 COUNTRY CLUB RD
SHOREWOOD CITY HALL
7:00 P.M.**

MINUTES

1. CONVENE PARK COMMISSION MEETING

Chair Hirner convened the meeting at 7:00 p.m.

A. Roll Call

Present: Chair Hirner, Commissioners Garske, Bahneman, and Sylvester;
City Council Liaison Sanschagrin; Parks and Recreation Director
Czech

Absent: Commissioner Wenner

B. Review Agenda

Commissioner Bahneman moved to approve the agenda, as written. Commissioner Garske seconded the motion. Motion carried 4-0.

2. APPROVAL OF MINUTES

A. Park Commission Meeting Minutes of May 20, 2025

Commissioner Garske moved to approve the minutes of the May 20, 2025, meeting as written. Commissioner Sylvester seconded the motion. Motion carried 4-0.

3. MATTERS FROM THE FLOOR

There were none.

4. GENERAL BUSINESS

A. Tonka United Soccer Association Presentation

Noel Quinn, Tonka United Soccer Association gave a brief presentation on their organization and noted that they were one of the biggest soccer clubs located in the Twin Cities, with 2,091 participants in recreational soccer, 960 participants in competitive soccer, 1,300 participants in camps/clinics. This past year, the Tonka Splash Tournament had over 465 teams participate, which made it the second largest tournament in the State. He shared information on where the participants come from, season details, practice scheduling, pros and cons of the facilities used in the City, facility needs, and ideal requests of their clubs, ways they are working to be efficient, desire to have their own facility and form partnerships with cities and school districts.

Chair Hirner stated that there was a big soccer facility in Blaine and asked what having that type of facility in this area would do for their soccer club.

Mr. Quinn stated that he believes that they would be able to double their current size, which would be about 2,000 year-round soccer players and about 4,000 seasonal soccer players. He stated

that he felt that they would be able to host about another 50% of players with their existing facilities, scattered over several sites, but having their own facility would help them maximize their membership. He explained that the biggest thing would be that it would make things simpler for the families and would help with the overall retention of players.

Commissioner Garske stated that Mr. Quinn had mentioned that parking at Freeman had been a challenge and asked if that was primarily during their bigger tournaments.

Mr. Quinn stated that it was common even when it wasn't related to tournaments.

Commissioner Garske asked if they had any recommendations on what could fix the parking situation.

Mr. Quinn stated that he did not currently have any ideas for what may help fix the parking issues.

Chair Hirner asked what kinds of things could be done to the fields to help enhance the experience for the players and their families.

Mr. Quinn stated that in an ideal world, they would have turf so they could guarantee play for more weeks in the year and longer within the year, and would also love to see lights in place. He stated that he would also love to see foundations built in, so that, in the future, a dome could be put into place.

Chair Hirner asked about alignment with European timing, which is during Minnesota winter, and what they may do to Tonka United's participation during the winter months.

Mr. Quinn stated that they are close to the maximum number of kids that they can have play right now. He noted that it is hard to create relationships and get contracts for the domed places because every sport in Minnesota was in the same boat. He stated that MLS moving a little earlier will drive any of their numbers for winter soccer and thinks they will see more impact in their spring recreational soccer and competitive tryouts in July. He noted that they rent an indoor facility in Eden Prairie and run some free soccer during the winter, which helped them bring in 90 children who had never played soccer before, and 60 of those children signed up to play summer recreational soccer. He stated that is where they would like access to more facilities, for example, with a domed field, to have free entry into soccer.

Chair Hirner asked which parks Tonka United currently played in.

Parks and Recreation Director Czech stated that they primarily use Freeman Park but have used Manor Park in the past for some practices.

Mr. Quinn stated that he had been with the club for the last two years, and they had only used Freeman Park in that time. He explained that Freeman Park was one of four key sites for their club and was where most of their recreational soccer took place.

Parks and Recreation Director Czech thanked Mr. Quinn and Tonka United Soccer for their continued involvement in the City's events and activities.

Mr. Quinn stated that they have an army of people within the club who want to volunteer and get involved in various events and activities. He stated that the club supports this involvement and wants them to be involved and have a bit of ownership.

B. Parks Master Plan Update and Stakeholder Sessions

Parks and Recreation Director Czech reminded the Commission that he would provide an update on the Parks Master Plan at each of their meetings. He stated that Chair Hirner, Commissioner Wenner, and various members of City staff met with the Bolton and Menk consultant on June 2, 2025, for a park tour. He stated that he believed this tour provided a good overview for the consultant and explained that, based on the tours, they were putting together an inventory and analysis of their existing amenities. He stated that they have a call scheduled in July to review findings, which would be brought back before the Commission. He stated that the next stage of the process will involve community engagement. He noted that there was a park and recreation survey completed that should be blasted out to residents in the near future. He stated that there would also be some engagement events, the first will be during the Concert in the Park event on July 17, 2025, at Freeman Park. He explained that another key piece of engagement would be holding stakeholder listening sessions, which were meant to engage groups who were already active in the City's park system. He noted that these listening sessions will take place sometime in late July or early August. He explained that they are looking for input from the Commission on what five groups they felt may be a good fit to participate in the listening sessions.

The Commission discussed possible groups that they felt would be a good fit for participation in the stakeholder listening sessions, including: Barry Brown and the group from Freeman Park that has been involved in buckthorn removal; Mr. Babcock who had ties to Freeman and Manor Parks; community gardeners/monument adopters; former Park Commissioners; the various athletic associations and the pros and cons of grouping them together for the session rather than separately; the possibility of including a short survey for the individual athletic associations in addition to the overall survey; seniors; teenagers; families with young children; ways to communicate with local families with children by contacting the school district or PTO organizations; and allowing two of the group sessions to be taken up by the athletic associations; pickle ball community.

Park and Recreation Director Czech thanked the Commission for their input and explained that he would start reaching out to some of these groups and would give the Commission an update at the next meeting. He explained that, technically, the survey was up and live, but the City had not promoted it yet, because they were waiting until the website was up and running, and explained that the survey would be open through early August. He noted that typically, the Commission conducts parks tours, but this year, the tours took place with the consultant and a small group of staff and Commission members. He stated that they were planning to bring a list of all the maintenance items that were found on last year's tours and updates on what has been done and what was ongoing, for their next meeting. He reminded the Commission that, because they were not doing the official park tours this year, they had discussed the idea of the Commission checking out parks on an individual basis and reporting back. He asked if the Commission would be able to check things out at the City's parks, send him updates, and then he could add them to the most recent list for discussion at the next meeting. He asked if the Commission felt it might also be a good idea to hit families with kids or teenagers, for instance, while they were at the park with the survey. He explained that his thinking was that they could develop a 3-question survey related to their feelings about the park. He stated that he may be

able to put together a card with a QR code that will connect people to the survey, so as the Commission was in the parks, they could hand them out and encourage people to take the survey.

There was a consensus of the Commission to direct staff to pursue the creation of a smaller questionnaire and card with a QR code that would lead people to the larger survey to have available to hand out at parks.

C. Concert in the Park Preview

Parks and Recreation Director Czech stated that the City's Concert in the Park will be on July 17, 2025, in Freeman Park and will be sponsored by Midco. He explained that the headliner, Shalo Lee Band, has been a crowd favorite in the past. A new component will be Back to Rock as openers for Shalo Lee Band. He gave an overview of the schedule for the event and noted that there would be food trucks, including Soft Serve Social and a pizza truck. He noted that as part of this event, Bolton and Menk would be there engaging park visitors regarding the Parks Master Plan project. He encouraged the Commission to participate in the public engagement efforts.

5. REPORTS / UPDATES

A. City Council

Councilmember Sanschagrin gave an overview of recent Council discussions and actions the Commission may be interested in.

B. Staff

Park and Recreation Director Czech stated that the last few weeks have been busy for the Parks and Recreation Department with things like a Spanish camp, soccer camp, and football quarterback clinic. Staff are currently working through budget projections for the 2026 season.

C. Commission

Commissioner Sylvester stated that she has tried to visit various parks during the week and take note of what was being used. She stated that the basketball courts at Cathcart and Silverwood almost always have people on them.

Chair Hirner stated that he had noticed that at Silverwood, now that they put in the new net and fixed the wall that both tennis and basketball were being used more frequently. He stated that the picnic tables are often hauled over to the area so people have a way to sit down. He noted that this showed that if the City kept things refreshed, the community would use the parks.

Commissioner Garske suggested that additional picnic tables be added to the CIP. He stated that they could also consider providing benches for the soccer fields.

7. ADJOURN

Commissioner Bahneman moved to adjourn the Park Commission Meeting of June 24, 2025, at 8:17 p.m. Commissioner Garske seconded the motion. Motion carried 4-0.



City Council Item

Title/Subject: Remove from Table: Subdivision Ordinance Code Amendments
Meeting Date: July 14, 2025
Prepared by: Jake Griffiths, Planning Director
Reviewed by: Marc Nevinski, City Administrator
Attachments: Previous Memorandums and Relevant Minutes
Public Comments Received
Consultant's Memo
Code Changes Summary
Ordinance 617
Resolution for Summary Publication

Item
6A

Applicant: City of Shorewood
Location: City Wide

Removal from Table

At the April 28, 2025 City Council meeting, the Council tabled action on the subdivision ordinance code amendments until a discussion regarding the larger plan for the municipal water system could be discussed. At the June 9, 2025 City Council meeting, the Council directed staff to move forward with updates to the subdivision ordinance requiring connection to the municipal water system for new subdivisions. As the discussion regarding the larger plan for the municipal water system has now occurred, prior to City staff's presentation or any discussion on the proposed amendments the Council is requested to make the following motion:

Motion and second to remove the subdivision ordinance code amendments from the table. This motion requires a simple (3/5) majority vote of the City Council.

Background

For the past several months, City staff have been working with its consultant on updates to the City's subdivision regulations. This included an audit of the entire City Code by the City's consultant, meetings with City staff, and the following public meetings:

- December 3, 2024 Planning Commission meeting.
- January 7, 2025 Planning Commission meeting.
- January 27, 2025 City Council work session.
- March 4, 2025 Planning Commission public hearing.
- April 28, 2025 City Council public hearing.
- June 9, 2025 City Council meeting.

Copies of the memorandums and relevant minutes from these meetings are attached. The goal of the subdivision ordinance update is to implement the direction of the Comprehensive Plan to

keep the City's land use controls up to date as a means to implement the direction of the Comprehensive Plan. The current subdivision ordinance has not been substantially updated in decades and is largely outdated.

Broader Updates to the Subdivision Ordinance

Please see the attached memorandum from the City's consultant for detailed information on the broader updates to the subdivision ordinance. A summary of changes is also attached for reference. The majority of these changes are procedural updates that reflect City Council direction, changes to state statute and case law, and current best practices.

Required Connection to Municipal Water System

The largest policy discussion regarding the proposed amendments was whether or not to require new subdivisions to connect to the municipal water system. At the January 27, 2025 City Council work session, and June 9, 2025 City Council meeting, the City Council had in depth discussions regarding this topic. Ultimately, at both meetings the City Council directed City staff to draft the proposed amendments to require new subdivisions to connect to the municipal water system. If municipal water was not available to a property, subdivision would be deemed premature and would not be allowed until municipal water service was available.

Updates to Language Since Ordinance was Tabled

Since the code amendments were tabled at the April 28, 2025 meeting, City staff worked with its consultant to update the language to reflect the City Council's discussions. This included meeting with Councilmember Sanschagrin and incorporating his comments where appropriate into the amendment and additional review by the City Attorney. The changes that have been made in between meetings are not substantive policy changes, but rather are minor tweaks that assist with the ordinance's clarity and intent.

Financial Considerations

The City's consultant has stayed within budget for this project. The only additional costs going forward would be those associated with publication of an ordinance summary if the ordinance is adopted. If the ordinance is not adopted, there will be additional costs associated with making revisions.

Action Requested

Consistent with the City Council's direction at the January 27, 2025 work session, and June 9, 2025 City Council meeting, the following actions are requested:

1. Motion and second to adopt Ordinance 617 amending Shorewood City Code Title 900 Public Right-of-Way and Property and Title 1200 Zoning and Subdivision Regulations.

Action on this motion requires a simple majority vote of the City Council.

2. Motion and second to approve the resolution authorizing summary publication for Ordinance 617.

Action on this motion requires a minimum 4/5 vote of the City Council.



Planning Commission Report

To: City of Shorewood Planning Commission
From: Beth Richmond
Date: November 25, 2024
Subject: Subdivision Code Update
Meeting Date: December 3, 2024

Project Introduction

Over the next several months, the City of Shorewood will undergo a process to update its subdivision code. The intent of the update process is to modernize the code, enhance user-friendliness, ensure code consistency with local, state, and federal requirements and court rulings, and incorporate municipal best practices.

HKGi was hired by the City to complete this update process. The project is separated into four tasks:

1. Project Kick-Off
2. Code Audit
3. Draft Revisions
4. Code Adoption

Representatives from HKGi met with City Staff in September 2024 to kick off the code update project. At this meeting, Staff provided a description of the issues and concerns that they regularly experience while administering the subdivision code. From that meeting, as well as our own analysis, HKGi developed a code audit report which identifies the issues with the current code and summarizes the potential code updates that the City may wish to consider.

Code Audit Findings

The code audit report identifies the strengths and weaknesses of the City's current subdivision code in terms of usability, organization, effective standards, and inconsistencies within code sections and between relevant plans and existing regulations. This report summarizes the broader issues identified with the current subdivision code in order to provide direction for Staff and HKGi as the ordinance drafting process begins. The audit report is attached for your review.

Major themes identified as part of the code audit will be discussed in greater detail at the Planning Commission meeting and include the following:

- Improve usability of the code
- Implement the Comprehensive Plan
- Update and simplify subdivision review procedures
- Enhance park dedication regulations
- Modernize design standards

A more detailed issue list of potential code issues and changes was also created and will be used by Staff and HKGi to ensure that all issues are addressed.

Planning Commission Discussion

At the meeting, Planning Commissioners will have the opportunity to provide feedback on the current subdivision code. Commissioners should come prepared to discuss any areas of the code which may be confusing or challenging to administer. Specifically, Commissioners will be asked to provide input on the review process for subdivisions which are not processed with a plat, including minor subdivisions, lot combinations, and registered land surveys.

Next Steps

Commissioners are advised that the City Council will also have the opportunity to provide feedback on the code update at a January worksession. Council will be focused on policy-level issues relating to the subdivision code, including required water service, premature subdivisions, and the procedure for processing non-platted subdivisions.

HKGi will incorporate feedback from the Planning Commission and City Council into the final audit document. Once complete, HKGi will use the audit document to begin drafting the updates to the Code. The City is targeting March 2025 as the anticipated completion date for this project.

Attachment

- » Draft code audit report

City of Shorewood

Code Audit



Introduction

The City's subdivision regulations were first adopted in 2002, and have seen only targeted updates since then. After two decades, the existing regulations as a whole have become outdated and are no longer effective for Staff and the community. In August 2024, the City of Shorewood selected HKGi, a Minneapolis-based consulting firm with extensive experience in code updates, to provide technical assistance in updating the City's subdivision regulations. Working with HKGi, the City will undertake a comprehensive update of the entire subdivision code to modernize the regulations, enhance user-friendliness, ensure code consistency with local, state, and federal requirements and court rulings, and incorporate municipal best practices.

The subdivision code update project is separated into four tasks:

1. Project Kick-off
2. Code Audit
3. Draft Ordinance Revisions
4. Public Hearing and Adoption of Ordinance Revisions

HKGi met with City Staff in September to kick off the project. At this meeting, Staff provided further context and understanding of the issues and concerns that they regularly experience while administering the subdivision code.

The second task is the completion of an audit of the subdivision code. The code audit identifies the strengths and weaknesses of the City's current subdivision code in terms of usability, organization, effective standards, and inconsistencies within code sections and between relevant plans and existing regulations. This report summarizes the broader issues identified with the current subdivision code to provide direction for Staff and HKGi as the ordinance drafting process in Task 3 begins. Direction from the City's Comprehensive Plan is also incorporated into this report. A more detailed list of potential code issues and changes has been created based on this evaluation and is attached. Staff and HKGi will use this list to ensure that all issues identified are addressed. The following detailed code evaluation documents are attached:

- » Detailed issue list
- » Existing procedures chart
- » Potential code reorganization

Major Themes for Improvement

This report highlights major themes for improvement and outlines key areas for specific improvements that have been consolidated from the detailed issue list. For a complete list of all recommended updates, see the attached detailed issue list.

Improve Usability of Code

The current code's organization and language are difficult and often confusing for staff, elected and appointed officials, and members of the public to use. This is largely due to the current organizational structure of the code and the updates that have been completed in piecemeal fashion for the last two decades. Suggested updates to improve the usability of the Code include the following:

- » Reorganize code provisions by grouping similar topics together and moving language that is more frequently used toward the beginning of the chapter.
- » Consolidate and eliminate redundant and conflicting language where appropriate.
- » Use illustrations, graphics, and tables where appropriate to explain complex concepts and standards, compare regulations, and summarize detailed lists of information.
- » Address inconsistencies in capitalization, terminology, and cross-references that may have resulted from intermittent updates over the last two decades.

Implement the Comprehensive Plan

Updates to the subdivision code should incorporate all applicable recommendations and policies of the 2040 Comprehensive Plan. The plan recommendations that pertain to this subdivision code update are listed below:

- » Require all subdivision requests to consider how nearby land might develop in the future, ensuring new subdivisions do not negatively impact surrounding neighborhoods and street systems.
- » Ensure that newly subdivided lots avoid challenging lot configurations such as backlot divisions, flag lots, and gerrymandered property lines.
- » Require properties to connect to the municipal water system where it is available when subdivision requests are for commercial purposes or residential uses. The City reserves the right to deny permission for a subdivision development or redevelopment for subdivision if City water is not available at that property.
- » Incorporate requirements for non-motorized connections into subdivision requests as identified by the comprehensive plan.
- » Adjust code regulations to ensure that development agreements are carefully crafted to plan for future development. For example, public right-of-way can be required for future streets.
- » Require formal platting procedures for the subdivision of land, allowing metes and bounds divisions only in the simplest of cases.

Update and Simplify Subdivision Review Procedures

Requirements for the reviewing and processing of subdivision applications are scattered throughout the code, making it difficult to understand which review process applies to a given application. HKGi recommends consolidating all procedural requirements into a single section to more easily find these requirements and determine which process should be used.

In an effort to reduce barriers, increase efficiency, and lower costs for both staff and applicants, several updates are recommended that will streamline the administration and processing

procedures for subdivision requirements including updating application submittal requirements, reducing the number of public hearings required, and the creation of an administrative approval process for simple subdivisions. The proposed updates to subdivision procedures include:

- » Create a single procedures section to reduce repetition and improve ease of use which includes sections 1202.03, 1202.04, 1202.08, 1202.09, and 1202.10.
- » Create a common procedures subsection to eliminate repetitive language.
- » Update code to align with state statute requirements, particularly pertaining to review deadlines and subdivision exemptions.
- » Add language to specify how the City will determine if a subdivision is premature. This may include requirements for City services such as water.
- » Review and update application submittal requirements for each individual application to reflect current city practices.
- » Simplify the administration of procedures and public hearing requirements. Consider eliminating public hearings for variance applications in order to streamline the review process.
- » Consider the creation of an administrative approval process for certain types of minor subdivisions when no variances are required.
- » Clarify the circumstances under which a minor subdivision may be processed.

Enhance Park Dedication Regulations

Section 1202.06 Public Lands, is currently very brief. This section should be a tool for the City to leverage for the creation of sufficient public open spaces throughout the City. Suggested updates to this section include the following:

- » Expand park dedication language to clarify the City's authority to require park dedication, specify the type of land that is acceptable for dedication, and clarify the circumstances under which the City will accept land dedication instead of a cash fee.
- » Separate the dedication requirements for residential and non-residential subdivisions.
- » As part of this update, review and evaluate park dedication requirements based on a development's proportionate share. In the future, a full park dedication study should be completed to determine the appropriate land dedication and fee amount based on the market value of land and the City's future plans for parks and open space.

Modernize Design Standards

Section 1202.05 Design Standards includes requirements for how subdivisions should be designed, including lots, blocks, streets, easements, and utilities. These standards should be updated to reflect 2024 best practices as well as the expectations and current practices of the community. Recommendations for modernizing design standards include:

- » Clarify requirements related to lot area, lot size, and density to be consistent with the Comprehensive Plan and zoning code and to maintain Shorewood's unique character.

- » Work with the City Engineer to update technical standards such as those related to street size.
- » Clarify the circumstances under which private streets may be created in the City and establish design specifications for these roadways to ensure space for emergency vehicle access.
- » Consider expanding requirements for water service as part of lot subdivisions.
- » Allow City to require right-of-way or trail easements in areas that are identified in the Comprehensive Plan as a non-motorized corridor as part of the subdivision process.

Next Steps

This code diagnosis will be used by HKGi and Staff as a framework for the completion of Task 3: Draft Ordinance Revisions. HKGi will work with Staff to draft the ordinance revisions from November to February. Beginning in early 2025, draft language will be available for Planning Commission and City Council review, with an anticipated adoption date of March 2025 for the updated subdivision code.

City Planner Griffiths explained that the point of this was to clarify how they would be approved and that the setback for manufactured homes would also apply to the micro units.

Chair Eggenberger opened the Public Hearing at 7:14 P.M. noting the procedures used in a Public Hearing. There being no comment, he closed the Public Hearing.

Commissioner Johnson moved, Commissioner Holker seconded, recommending approval of the City Code Amendments regarding Sacred Communities and Micro Unit Dwellings, as presented. Motion passed 4/0.

B. PUBLIC HEARING – CITY CODE AMENDMENTS – ADMINISTRATION, AMENDMENTS, CONDITIONAL USE PERMITS AND INTERIM USE PERMITS
Applicant: City of Shorewood
Location: City-wide

City Planner Griffiths reviewed the proposed City Code amendments to the City's zoning code related to Conditional Use Permits, Interim Use Permits, and zoning text amendments. He explained that this was really a clean-up of the code related to a section that had been accidentally removed during a previous update and also updating some of the terminology.

Chair Eggenberger asked if staff had found any areas that were concerning when this was reviewed or if the changes needed were just cosmetic.

Planning Director Darling explained that the cause for concern was that at some point the section of the code regarding the review criteria was accidentally removed and needed to be reinstated, as soon as possible.

Chair Eggenberger opened the Public Hearing at 7:20 P.M. noting the procedures used in a Public Hearing. There being no comment, he closed the Public Hearing.

Commissioner Holker moved, Commissioner Johnson seconded, recommending approval of the City Code Amendments – Administration, Amendments, Conditional Use Permits And Interim Use Permits, as presented. Motion carried 4/0.

5. OTHER BUSINESS –

A. Discussion of Subdivision Code Amendments

Beth Richmond, HKGi, gave an overview of their company and explained that over the next few months, they will be working through the process of updating the City's subdivision code in order to modernize it, make it more user-friendly, incorporate the City's best practices and also ensure Code consistency.

Commissioner Johnson asked how HKGi wanted the Commission's feedback and noted that they want their feedback today, but they do not have anything to actually look at.

Ms. Richmond explained that they are planning to come back to the Commission at their February meeting in order to get feedback on the actual code language. She explained that tonight they were just looking for general feedback from the Commission about whether there may be specific areas within the code that they have seen that have caused problems. She noted that she can review some of the findings that HKGi has found in their initial review and noted that may trigger

some areas where the Commission could give feedback as well. She noted that the major themes that they saw in their review were: the need to improve the usability of the code because its organization and language are difficult and confusing; implement the Comprehensive Plan; update and simplify the subdivision review procedures; enhance park dedication requirements; and modernization of the design standards.

Chair Eggenberger asked what would happen if the City changes the code and it affects someone's property.

Planning Director Darling stated that there are some regulations within State Statute that would pertain because they cannot apply changes that they make to subdivisions until at least two years after they have been recorded. She stated that they would have legal non-conforming rights once they are approved so, in the future this could make some properties non-conforming.

The Commission asked questions about the process for changes and requirements that will be needed for subdivisions.

Ms. Richmond outlined some recommendations they will make to organize and consolidate the document, numbering within the document, increasing efficiencies, and possibly lowering the costs, and noted that they wanted to have a conversation about non-platted subdivisions as well. She reiterated that tonight they were looking for feedback from the Commission about whether they have seen things as they have worked with the subdivision code and if there were specific things that they found confusing or challenging. She stated that if they did not have the specific language in front of them tonight, they were welcome to send them to staff so they could be forwarded to HKGi.

Commissioner Holker asked if all the updates would require approval by the Planning Commission, the City Council and would also require a public hearing. She asked if they would have several meetings to go through the updates or if it would all be approved at one time.

Ms. Richmond stated that they were planning to come to the Planning Commission at their February meeting.

Planning Director Darling asked if they intended to have the Commission look at the entire section all at once.

Ms. Richmond explained that they have the ability through Conveyo, where they can post drafts of the document so the Commission can look at and it add comments, which would give them the opportunity to review it without having to do it on the fly. She stated that would be the tool that would allow the Commission to be able to look at the new proposed text in full and be able to understand what it will look like.

Planning Director Darling confirmed that they would also hold a public hearing.

Commissioner Gorham asked if Ms. Richmond had taken a look at the City's PUD section.

Ms. Richmond stated that the PUD section was not in the subdivision code and explained that their intent was to try to specifically stay within the subdivision code.

Commissioner Gorham asked about subdivisions, as they related to the Comprehensive Plan, how HKGi would incorporate things like statements relating to physical appearance or Shorewood's unique character.

Ms. Richmond stated that typically when a city has unique characteristics or things that they want to memorialize, they talk to staff about what that looks like as far as the subdivisions that they are creating. She stated that it could be something where they reference the Comprehensive Plan to certain maps that show topography or natural features that should be protected and reiterated that for these types of things, they will often work closely with staff.

Commissioner Gorham stated that the City has not seen a lot of subdivisions, but the last two that came through there was some discussion about their effect on the character of Shorewood and asked if this was something that Ms. Richmond saw being addressed within the code.

Ms. Richmond stated that was a tricky comment to make because it was hard to know if that was something that was controlled by the subdivision code or the zoning code.

Planning Director Darling stated that the subdivision ordinance only pertains to how property is subdivided and not what it is subdivided for and the zoning ordinance will tell them what they use the property for.

The Commission discussed the notification process including when a public hearing would be necessary, when things would be handled administratively versus needing Planning Commission/City Council involvement, and ways to make sure it was not subjective.

Ms. Richmond thanked the Commission for their feedback and questions and reiterated that if anything came to mind following the meeting to let staff know so they can pass the information along to her.

6. REPORTS

- **Council Meeting Report**

Council Liaison Zerby reported on matters considered and actions taken during the Council's recent meetings.

Chair Eggenberger expressed his appreciation to Council Liaison Zerby for everything he did for both the Planning Commission and the City.

- **Draft Next Meeting Agenda**

Planning Director Darling stated the next agenda the Commission would review the medium density ordinance amendments and a small variance request for a portico. She explained that tonight would be Commissioner Gorham's last meeting with the Commission because of his swearing-in as a Councilmember.

Chair Eggenberger thanked Commissioner Gorham for his service on the Commission. He suggested that they take time tonight to choose liaisons for the upcoming City Council meetings.

January – Commissioner Holker

February – Commissioner Eggenberger



Planning Commission Meeting Item

Item 5B

Title/Subject: Subdivision Ordinance Update
Meeting Date: January 7, 2024
Prepared by: Marie Darling, Planning Director
Attachments: Memo of proposed Changes
Draft Regulations
Memo from December 3, 2024

APPLICANT: City of Shorewood
LOCATION: City-Wide
REVIEW DEADLINE: NA

BACKGROUND

This will be the first discussion of the draft ordinance and will pertain to the procedures. The attached is not a final draft, but a work in progress. Please consider the application process for each type of application and either compare the new draft processes in the attached to the current processes as shown in Section 1202 of city code (either in your code books or available on the website) or how you recall the application processes have functioned from various application that you have reviewed. Suggestions to improve the process of applications are appropriate for this meeting as well.

Request:

Please review the drafts and let staff know if the Commission finds additional amendments are necessary to create smooth processes or if the draft language should be amended for clarity or context. Staff will share your comments with the consultants.

Please keep in mind that staff will be discussing the policy issues with premature subdivision/water connections with the city council at an upcoming retreat or worksession.

conformity and a variance was required because the portico was at 5 feet from the front face of the house. He stated that if it were 4 feet or less, it would be considered a permitted encroachment and this process would not be needed.

Commissioner Holker asked why the building permit had been denied in September 2024.

Planning Director Darling explained that the building permit was denied because the portico does not meet the setback.

Eric Magistad, 6040 Cajed Lane, thanked the staff for the work they have done on his behalf through this process. He stated that they have worked with their contractor for the last 9 years and were confident in his ability to deliver on the conditions that were being recommended by City staff.

Commissioner Huskins noted that the rendering submitted was very different than the existing photograph.

Mr. Magistad stated that the rendering that was submitted to the contractor as their 'inspiration' did not really fit the façade of their house. He explained that they know what the dimensions will be, but were not exactly sure what it would end up looking like in the end.

Holker moved, Huskins seconded, to recommend approval of the variance request from the Side Yard Abutting a Street Setback for a Proposed Portico at 6040 Cajed Lane, subject to the conditions included in the staff report. Motion passed 4/0.

Chair Eggenberger stated that this item would come before the City Council on January 27, 2025.

B. Discussion of Subdivision Regulations Amendments Related to Administration and Enforcement Procedures
Applicant: City Initiated

Planning Director Darling explained that the City had hired a consultant to redraft the City's subdivision ordinances and this discussion was intended to submit feedback to the consultants on their initial draft and also allow them to give whatever other feedback the Commission may have. She explained that the consultants were trying to get all of the administrative pieces of the ordinances into one place so people would not have to skip around between applications types and design standards.

Commissioner Johnson asked if there were any administrative procedures that would apply now that did not before, for example, if there were zoning administrator approval of things that previously would have been handled in a different manner.

Planning Director Darling stated that there were some of those differences proposed and they were looking for input from the Commission on those things but explained that if the Commission wasn't comfortable with those changes, they could be pulled back a bit.

Commissioner Johnson explained that she was not sure how they would know whether they were comfortable with it or not because they do not know exactly what the impacts may be. She asked if there was something like review by the City Attorney and asked if there was anything that would highlight that this item was new to this subsection, but has been in place for another subsection. She stated that the Commission did not have that information and was something that would be

difficult for them to be able to do on their own. She reiterated her question on whether there would be City Attorney review that would be required.

Planning Director Darling stated that the City Attorney would absolutely review these changes.

Commissioner Johnson stated that she would love to see it highlighted in order to show places where there would no longer be Planning Commission review or a public hearing where there previously had been. She stated that from what she has seen it looks like public hearings have disappeared in some cases.

Planning Director Darling suggested that they start walking through the draft information included in the packet because she thinks that will make it easier for the Commission to understand. She reiterated that the consultants were trying to consolidate all the procedures in one section and were also trying to make it consistent how each procedure was presented. She explained that one thing she liked was that they were taking all of the common procedures across the board and were putting them in one section at the beginning which she felt would be helpful because there would not be repeats, but noted that in this draft she had noticed some repeats.

Commissioner Huskins stated that for people looking for information, for example, for a cemetery, what they were looking to do was not applicable to this section. He explained that he felt it would be helpful to include direction to the portion of code that would apply for their situation.

Commissioner Johnson stated that she would also make that suggestions for items 1 and 2.

Commissioner Huskins stated that his sense of doing this work was to streamline it in order to make it more readable and easier for people to use which he felt his suggestion would do.

Planning Director Darling continued review of the draft document and stated that staff could not issue a building permit for any lot that was not created in compliance with the chapter.

Commissioner Huskins noted that in the building permit section of 'Common Procedures' section he was expecting to see a statement that said, 'here is the process by which you can get a building permit', but he felt nothing in this section told him how to do that and simply tells him what he could not do.

Planning Director Darling stated that she understood his point and suggested that 1 and 2 needed to go under Introductory Provisions. She moved the discussion onto the third subdivision related to who would be authorized to file applications and subdivision 4 related to application fees. She noted that she would like to add an additional statement that made it clear that no application would be accepted without the actual application form, so people could not just simply submit their documentation.

Commissioner Johnson noted that under application fees there is a statement that says that escrow amounts 'may' be required and asked if that should be changed to 'will'.

Planning Director Darling suggested changing the wording to 'an escrow amount shall be required by the City, subject to Chapter 1301'. She moved the discussion onto subdivision 5, pre-application meetings and explained that they could come in for a meeting before they actually submit their application in order to allow staff to take a look at it and give initial comments. She noted that in the current Code this seemed to be required and she would like to make this more

discretionary. She noted that if they come in for a pre-application meeting, she would like to change the language so it is clear that they must bring in a sketch for staff to look at.

Commissioner Huskins asked if there was a charge to the applicant when there is a pre-application meeting.

Planning Director Darling stated that there would not be a charge to the applicant in that situation because it would be handled by staff and not consultants.

Commissioner Huskins gave the example of the City receiving an application that had many holes in it which had not held a pre-application meeting.

Planning Director Darling acknowledged that was what usually happened.

Commissioner Huskins stated that he did not think the fees were structured according to how much time staff spends reviewing an application. He explained that he felt that encouraging applications to have the pre-application meeting would end up as a benefit to staff because it would reduce the amount of time they would have to spend correcting issues. He stated that this was why he was thinking, in most cases, it would be better to have a requirement for a pre-application meeting.

Planning Director Darling noted that most developers come in before they submit their application and meet with staff because it also saves them time and money.

Commissioner Holker asked if there were any laws that kept the City from requiring a pre-application meeting.

Planning Director Darling stated that with any planning and zoning application they have the right to submit the land-use applications and she did not think the City could turn it down solely because they had not met with staff ahead of time.

City Planner Griffiths explained that the other thing that they would potentially run into was possible litigation related to what would really be considered an application requirement. He stated that as soon as you do application requirements then they start triggering review timelines that are required by State statutes. He stated that if they required a pre-application meeting, that would start the clock sooner.

Planning Director Darling agreed that they would have to be really careful with that timeline but noted that there were cities that required fees just to have basic questions answered.

Commissioner Huskins stated that if they leave this as discretionary, he asked if there was something that they could include that the procedure or process was intended to encourage this type of meeting, even if it was not required.

Chair Eggenberger suggested language that simply stated that 'all applicants were encouraged to meet with the Zoning Administrator'. He asked if the applicant could choose to invite additional city staff to the meeting.

Planning Director Darling explained that sometimes the applicant will say that they have more questions for the engineer, for example. She clarified that she did not think language should be added and should be left to her discretion on who will attend the meeting.

Commissioner Johnson asked if the Zoning Administrator was a new position.

Planning Director Darling stated that it was not and was the statutory definition of her principle job duties.

Chair Eggenberger asked where an applicant would go if they have issue with the Zoning Administrator.

Planning Director Darling explained that they can appeal it, but noted that in a small town such as Shorewood, they will have to work with her, even if they do not like her because the City staff was too small, so they do not have duplication of duties amongst staff like other cities may have. She explained that the appeal process would go through the Planning Commission and then onto the City Council. She moved the discussion onto subdivision 6, coordination of applications and 7, deadline for actions.

Commissioner Huskins stated that he felt the fees in a situation for coordination of applications needed to be clearly outlined. He suggested that there be language that says that each application fee would be additive and that there would not be a discount for coordination of applications.

Commissioner Johnson stated that she did not fully understand the deadline for action and noted that she felt it should be based on some application, but if there were a bunch of them bouncing around, she questioned which application the deadline would apply to.

Planning Director Darling explained that it would be for the complete application for preliminary approval.

Commissioner Huskins stated that if there were multiple applications, the clock would start ticking when all of them were completed.

Commissioner Johnson cautioned that she just didn't want the City to be responsible for having a deadline that was too early due to confusion about what 'delivery of an application' really was.

Planning Director Darling stated that there was a lot of case law on this topic so she did not think it would be confusing for applicants but noted that she would make sure that the City Attorney reviewed this language. She noted that subdivision 8 related to the premature subdivision was not really common so they want to move that.

Commissioner Huskins asked if there was convention for use of the word 'premature'.

Planning Director Darling explained that it was very intentional.

Commissioner Huskins stated that from a layperson's perspective he felt that by saying something was premature that meant that there was some cure in order to make it mature, but he felt some of the conditions listed were not actually curable.

Planning Director Darling stated that was correct and if the applicant cannot solve the problems that were listed, then they should not submit an application for subdividing.

City Planner Griffiths stated that he felt the word 'premature' and much of this had a lot of case law that goes into them. He stated that the word 'premature' had been heavily litigated and comes directly from court review for subdivision ordinances.

Commissioner Huskins asked whether an incurable factor would perpetuate this to be premature for eternity.

Planning Director Darling stated that was correct, until something resolved the situation and explained that the City had the right to turn it down if the property was essentially not ready to be subdivided.

Commissioner Huskins explained that he was fine with it but just felt it was a very strange word to use.

Planning Director Darling noted that in this case, premature meant, not ready.

Commissioner Huskins stated that he felt some of the conditions were more than not ready and would never be ready.

Commissioner Huskins referenced item (6) in this section regarding providing public improvements.

Planning Director Darling acknowledged that she was not sure what that meant and stated that she also had some questions for the consultant about this.

Commissioner Johnson referenced the language that stated that it must be provided at public expense and asked if that meant that they were supposed to provide a park that was in a subdivision.

Planning Director Darling stated that many subdividers do that.

Commissioner Johnson asked if that was how the City wanted it to continue and noted that she felt that there ought to be very little that is actually paid by the public.

Planning Director Darling agreed that she felt that they needed to have more internal conversations with the consultants about what they intended with this section. She stated that she gets the impression that it was serving as more of a catch-all section, which made her a bit nervous.

Commissioner Huskins stated that he also questioned the use of the word 'reasonably' and gave the example of something that was aesthetically pleasing to one person would not be for another. He questioned what was meant by using the word reasonably in this statement and asked whose reason would take precedence.

Planning Director Darling reiterated that was something that they would have to discuss with the consultants.

Commissioner Johnson asked if there was anything with a premature application that would come before the Planning Commission.

Planning Director Darling stated that depending on the type of application, it may come before the Planning Commission as well as the City Council. She moved the discussion onto subdivision 11, appeal of decisions and explained that if someone did not like something she decided would be appealed directly to the City Council but noted that in the Zoning Ordinance it would go to the Planning Commission first. She noted that, in this case, they could also have the Commission review it and make a recommendation to the Council as well.

Chair Eggenberger asked if the 30 days in item 11.b. was statutory.

Planning Director Darling stated that she was not sure if that was exactly what it said in statute or if they were just putting a time period in there.

Commissioner Johnson questioned the use of the word 'delivery' and if that meant by e-mail, phone call, putting it in USPS, receipt of USPS, or by certified mail. She stated that she felt that 30 days was a tight timeline so she felt that there should be something that talks about specifics related to delivery.

Planning Director Darling explained that typically it was the date that the Council acted on a resolution, but if there was an administrative review, it may be the date that she put something in writing and sent it out. She noted that e-mail had the same weight as USPS mail.

Commissioner Huskins asked if in 11.b, 'serve' was implying a subpoena.

City Planner Griffiths clarified that it would not necessarily be a subpoena but they would essentially inform the City with the notice of the appeal, and there would be a signed authorization by the City that it was received.

Commissioner Huskins explained that he wanted to just point this out in case it needed further clarification in future drafts. He referenced subdivision 10.a where it stated, 'unless substantial changes have been made which warrant reconsideration' and questioned the use of the word 'substantial'. He explained that he would prefer it be something more clear that remediates all prior concerns that were raised.

Planning Director Darling stated that was usually her determination on whether it was substantially changed and explained that this was trying to prevent nuisance subsequent applications. She moved the discussion onto subdivision 12, registered land surveys and explained that she recommended this be put into applications because they are a separate type of application and not really a procedure. She noted that for subdivision 13, amendments, she liked having this section because it essentially was saying that if they were amending their preliminary plat, for example, they had to follow the same procedure that they did for the first one.

Commissioner Johnson stated that was not the way she read it and had actually thought it meant that the actual subdivision had to go through this review.

Planning Director Darling stated that these were actual amendments to the code and agreed that they were not appropriate for the common practices as well.

Commissioner Huskins referenced subdivision 12.c. and noted that he read this and was surprised because he did not think the Planning Commission ever had anything to do with building permits.

Planning Director Darling explained that the Planning Commission does because they review preliminary plats and this was saying that the City cannot issue a building permit on registered land surveys until they have actually been approved.

City Planner Griffiths noted that registered land surveys are a bit goofy because of the way they are done. He explained that there may be situations where a registered land survey could get approved and accepted for a property but the City may not be aware of it. He stated that this section was basically saying that if this happens and the City has not seen it yet, there was not an obligation to issue a building permit until they go through the whole process, as usual.

Planning Director Darling moved the discussion on the administrative adjustments and noted that this was something new and reviewed various examples of the circumstances when this process would be used. She asked if the Commission would want to notify people in order to let them know what was going on in the neighborhood. She stated that there could be a situation where they are notified and then get upset because they cannot really do anything and stating their opposition would not really impact the outcome.

Commissioner Johnson asked if this was already in City Code.

Planning Director Darling stated that it was not already in the City Code.

City Planner Griffiths noted that this is a process that exists in many other communities in the Twin Cities area and explained that many times it is an alternative to judicial review for small issues.

Commissioner Johnson stated that she felt this seemed like it was a bit more than a minor adjustment and explained that she was not sure she could support it.

Commissioner Holker noted that it would still have to fall within the guidance for the zoning, so the City cannot turn it down.

Commissioner Johnson referenced the administrative adjustment 1.c. where it talks about not being in violation of this chapter, the Zoning Code or the building code and asked if it should also include the Comprehensive Plan.

Planning Director Darling explained the division of a base lot and shared examples around the City.

Commissioner Johnson asked if an administrative adjustment could be made without notifying the other side.

Planning Director Darling clarified that one person would own it until it was subdivided. She noted that there was one other type of subdivision that the City has no authority over which would be a condo plat where they would not own the land and just owned a portion of the home. She reiterated that this would be another type of subdivision but would not be under the City's purview.

Commissioner Johnson stated that the question for the Commission to consider was whether they want to separate the administrative adjustments out or leave them within the minor subdivision.

There was consensus of the Commission to separate administrative adjustments from minor subdivisions.

Commissioner Johnson asked for additional context on a base lot.

Planning Director Darling gave an overview of base lots and shared an example of the lots at Lake Park Villas and explained that development was a unit lot/base lot subdivision. She moved the discussion onto minor subdivisions and noted that her recommendation was that it not be more than 2 lots and should not be on any lot that was not previously platted.

Commissioner Huskins asked about the items that referenced in the R-1D zoning district neither lot may be greater than 125% of the minimum lot size for the zoning district.

Planning Director Darling stated that she has not yet found the story for why that was included in the City's current code and had planned to ask the consultants to remove this from the code.

Commissioner Johnson noted that this language was also used in the administrative adjustment section.

Planning Director Darling explained that she felt the language should also be removed from that section.

Commissioner Johnson asked if this was something that normally the Planning Commission would have normally considered, but now it goes straight to the City Council.

Planning Director Darling explained that was what the consultant had suggested and noted that they could continue to have it go before the Planning Commission. She explained that the current procedure for a minor subdivision did not include notice to the neighborhood if it didn't require a variance and, in her opinion, if you have a public process, there should be some type of notice given.

Commissioner Johnson clarified that her question was whether it would make more sense for it to come to the Planning Commission first and make a recommendation.

Commissioner Holker stated that she keeps going back to the fact that if there are no variances, whether there would ever be a reason that the Commission wouldn't recommend approval other than their own personal preference. She noted that she wonders if it should come before the Planning Commission and would need to have a public hearing if there was actually nothing that could be done if people didn't like it, as long as it fit within the City guidelines. She stated that if there was nothing that the City can do about it she would question why they would want to just frustrate the public by coming and giving their opinion, when essentially the City would say thank you, but we cannot change anything.

Chair Eggenberger stated that he agreed with Commissioner Holker.

Commissioner Huskins stated that the issue would then become if there is a variance, it would have to come before the Planning Commission and would require a public hearing. He stated that he felt that there would be people there who would pay no attention to the variance request because they hate what is there.

Commissioner Johnson asked, if they made the determination that a public hearing would only be necessary if there was a variance request, who would make sure that it complied with all the City Code and everything.

Commissioner Holker stated that she assumed that would be handled by the Planning Department.

Commissioner Johnson referenced subdivision 4b under minor subdivisions and stated that she felt that this should just be for the Comprehensive Plan and not include mission, values, and policies.

Commissioner Huskins stated that he felt it came back to whether the City Council would want the Planning Commission to look at the cut-and-dried minor subdivisions even if there were no variances and asked how the Commission felt about that approach.

Planning Director Darling confirmed that was a question that she would be asking the Council.

Chair Eggenberger noted that even if the Commission didn't review it, staff would still give the Council a recommendation.

There was a consensus that the Commission was comfortable with no notice requirements.

Commissioner Johnson suggested that wherever there was a statement that included the Comprehensive Plans mission, vision and values, that they take a look at that and explained that she was not sure how 'squishy' that was supposed to be.

City Planner Griffiths stated that his guess was that wording was intended to encompass the entire Comprehensive Plan, but noted that they could probably say the same thing using less words.

Planning Director Darling moved the discussion onto preliminary plats and noted that the proposal was not very different than the current process. She noted that the things that will likely change would be to modernize the submittal requirements.

City Planner Griffiths explained that preliminary and final plats have the most statutory guardrails in place and can be more standardized from city to city.

Planning Director Darling explained that she would like to extend how long the application approval was good for and would like to change it from 6 months to 12 months.

Commissioner Huskins noted that what had caught his eye within the summary of changes was under subdivision variances where it talked about removal of the need for a public notice/hearing.

Planning Director Darling stated that she would like to change that to a public meeting because the published notice in the newspaper does nothing. She stated that she thinks only once or twice in her 30 years of planning has she had people come and ask about legal notices.

Commissioner Johnson referenced the preliminary plat requirements and asked if the third party permissions for things such as trails that go through property had to be identified.

Planning Director Darling stated that it would not need to be identified and explained that it would be a permit from another jurisdiction that the City would have to see before they could subdivide.

Commissioner Huskins asked if they could move onto park dedication and asked why there was a difference in the park dedication calculation between residential and non-residential developments.

Planning Director Darling explained that usually, commercial projects do not have to pay the same rate of park dedication that residential does which was in direct proportion to the lesser use generated by commercial properties which is why it was changed from 8% to 5%.

Commissioner Johnson stated that she would like to see this amount remain at 8% for both commercial and residential.

Commissioner Huskins asked if a parcel had already paid park dedication at the beginning whether it would be required to pay more if they subdivided.

Planning Director Darling stated that they be required to pay more, but they would get credit for the amount that they had previously paid.

Commissioner Johnson asked about subdivision 2 under park dedication regarding cash in lieu of land and suggested that this be struck wherever it appeared in the document because it was primarily based on the value of raw land. She stated that it talks about going into the City Park Fund but there isn't much said about the use of it once it goes into that fund and explained that she objected because she felt there ought to be a dedication of land because that is a big part of what makes Shorewood what it is today.

Planning Director Darling explained that Shorewood was a built-out City, according to the Comprehensive Plan which meant that they do not acquire more land for parks unless it was directly adjacent to an existing park or in an area of need, such as south of Galpin Lake. She stated that what the City was looking for with each subdivision was the cash payment and noted that most of the park dedication that the City receives is actually in the form of cash in lieu of land. She explained that this cash goes into a special fund and are used for improvements to existing parks or acquisition of park land.

Commissioner Johnson stated that this says that you cannot get any more existing land but she felt that they could if they kept the existing percentages.

City Planner Griffiths stated that one thing to think about is when they talk about acquiring land, it has to be within the boundary of the subdivision, if the City was going to take park land. He clarified that meant that they could not go somewhere else and buy additional property but would mean that if someone, for example, came forward with a 3-lot subdivision on one acre of land, that parkland would have to be contained within the area and would essentially be a postage stamp park. He explained that the park dedication money allows the City to accept the payment and then spend the money in a location to buy land adjacent to an existing park rather than being shoehorned into the exact site location.

Commissioner Huskins asked who made the determination about land versus money for park dedication.

Planning Director Darling explained that the requests go to the Park Commission for a recommendation to the City Council, but noted that it goes back to the Comprehensive Plan and what it says which is that the City would prefer to have cash over having small bits of land throughout the City.

Commissioner Johnson asked if trails would be considered parks.

Planning Director Darling stated that some cities do consider trails as parks, but in Shorewood, they are funded through the Street Fund, except for things like the trails in Freeman Park.

Commissioner Johnson stated that she just felt that this language did not have enough meat around it.

Planning Director Darling agreed that the language in this section may still need a bit of work.

Commissioner Johnson stated that she would be interested in seeing how the percentages for park dedication were handled in other cities, such as for commercial properties, and reiterated that she felt the language used was a bit weak. She clarified that she did not like that the City could not get land.

Chair Eggenberger asked if the Commission was ready to wrap up their discussion on this agenda item.

Commissioner Johnson asked if the Commission would see this document again after the revisions have been made.

Planning Director Darling stated that it would come back before the Commission.

Chair Eggenberger recessed the meeting at 9:07 p.m. and reconvened at 9:11 p.m.

C. Discussion of Zoning Ordinance Amendments to the R-3A and Related Amendments
Needed to Implement Medium Density Land Use
Applicant: City Initiated

Planning Director Darling gave an overview of the Zoning Ordinance amendments to the R-3A that were necessary in order to implement medium density land use that would allow 6-8 units per acre. She outlined some of the amendments she was proposing including changing 'elderly housing' to 'age-restricted housing'.

Commissioner Huskins asked about the use of the term subdivision and if when he sees it he should be thinking about the previous agenda item.

Planning Director Darling stated that was correct but noted that there is one section that was currently located in the Zoning Ordinance that she was recommending be moved to the Subdivision Ordinance which was the subdivision of twin homes and townhomes into separate lots for ownership.

Commissioner Huskins stated that he also thought it was very clear that they were cutting out two-family homes from this because they cannot get the density, but in many portions of the document two family homes were still included.

Planning Director Darling suggested that they go through those because in some cases there will be standard conditions that apply to more than just these two zoning districts. She began the overview of the proposed changes beginning with definitions and the removal of quadrominium and just refer them to townhouses.



City Council Work Session Item

Title/Subject: Discussion of Policy Issues for the Subdivision Regulations Amendments

Meeting Date: January 27, 2025

Prepared by: Marie Darling, Planning Director

Reviewed by: Marc Nevinski, City Administrator

Attachments: Map showing Properties with Access to Municipal Water

Item
WS 3

Background

Staff and the Planning Commission have recently begun reviewing the consultant's draft of the subdivision ordinance update. The first section reviewed was the regulations concerning the applications and procedures and park dedication. To finalize this section, staff is requesting City Council direction on several policy issues that impact the ordinance:

Lot Line Adjustments/Subdivison of two-family lots. Staff review only?

In the past, lot line adjustments followed the minor subdivision procedures. A minor subdivision is currently reviewed without notice to a neighborhood if no variances are requested, but must be reviewed by the Planning Commission and acted on by the City Council. In many other cities, lot line adjustments, typically when two agreeing property owners propose to move a lot line between their parcels without creating a separate property, are allowed to proceed with only staff review and approval. In Shorewood, there has been only one such adjustment that occurred in the last eight years and it was processed through the minor subdivision process. Here is the example:

5675 Christopher Road and 24680 Smithtown Road. (See graphic to the right).

This question pertains to when the City should allow some small subdivisions such as lot line adjustments and/or subdivision of existing two-family homes to be reviewed only by staff. Such subdivisions are typically minor and are not apparent to the public because they don't create lots for new construction. The subdivision regulations could indicate that this process could not be completed if a variance is needed.

An example of what a subdivision of a two-family dwelling looks like is in the aerial photo above. This application was reviewed in 1989. No recent requests for subdivision of two-family homes has occurred.



Disadvantages: Adjacent property owners are not notified this adjustment/subdivision would occur.

Advantages: Processing this application would be shorter with less staff time, which is a convenience for the residents and reduces staff time writing reports as this would occur with a letter to the County approving the change. There is no city discretion for this type of application, even if there is neighborhood opposition. Processing the review administratively saves the cost of putting the item on the agendas and preparing reports.

Protection of Steep Slopes. New regulations needed?

Normally, this type of protection would be within the zoning regulations. Because the Metropolitan Council allows protected bluffs/steep slope areas to be removed from the density calculations for subdivision, it has impact on the subdivision definition of density. Bluffs that are within the shoreland overlay district are already protected and the new definition would include them. However, steep slopes are not protected.

Steep slopes are already defined in the zoning regulations, but the definition (slopes of 12 percent or greater) has few regulations to protect them from development outside of the shoreland regulation. Generally property owners are free to grade steep slopes when they are not considered bluff and outside shore and bluff impact zones. All that is currently required is extra erosion control for properties within the Shoreland districts.

Disadvantages: None.

Advantages: Additional protection of steep slopes through the development process. Considering areas of steep slope as undevelopable when calculating density.

Staff request direction regarding placing additional protections on steep slopes. If the City Council directs the changes, staff would place a higher priority on crafting the regulations and let the consultants know that areas of steep slopes should be excluded from the density calculations.

Require extension of watermains for subdivisions?

Staff requested the consultants include language regarding what constitutes premature subdivisions. To that end, the consultants have drafted a list of what elemental issues a subdivision must provide in order to be able to proceed to submission of an application. They include inconsistency with the Comprehensive Plan or the lack of adequate drainage control, municipal sewer, municipal water, access to improved roads or highways. With one exception, these items are all included in the current regulations.

Currently, the city allows subdivision of residential properties without access to water if they create fewer than three dwellings regardless of if they have immediate access to water. The way the proposed subdivision code is drafted, no property could be subdivided without access to municipal water. Developers could petition the city to extend water to the area or install it themselves.

Disadvantages: Some property owners would need to wait to subdivide. Although waiting to subdivide could be seen as a disadvantage in the short-term, it could also be an advantage in

the long-term as property values would continue to rise and when water could be extended to the property, the additional dwellings would be in greater demand.

Advantages: Developers would either have to pay for the extension of watermain to sewer larger parcels or development would have to wait for potential future city extensions. Retrofit watermain extensions have proven to be controversial and expensive.

The City Council may direct staff to remove the proposed language considering lack of municipal water as a premature subdivision.

Next Steps: Staff will direct the consultants to incorporate the direction we receive into the draft ordinance.

Action Requested

Provide informal direction to staff so that the consultants can finalize the subdivision ordinance draft.



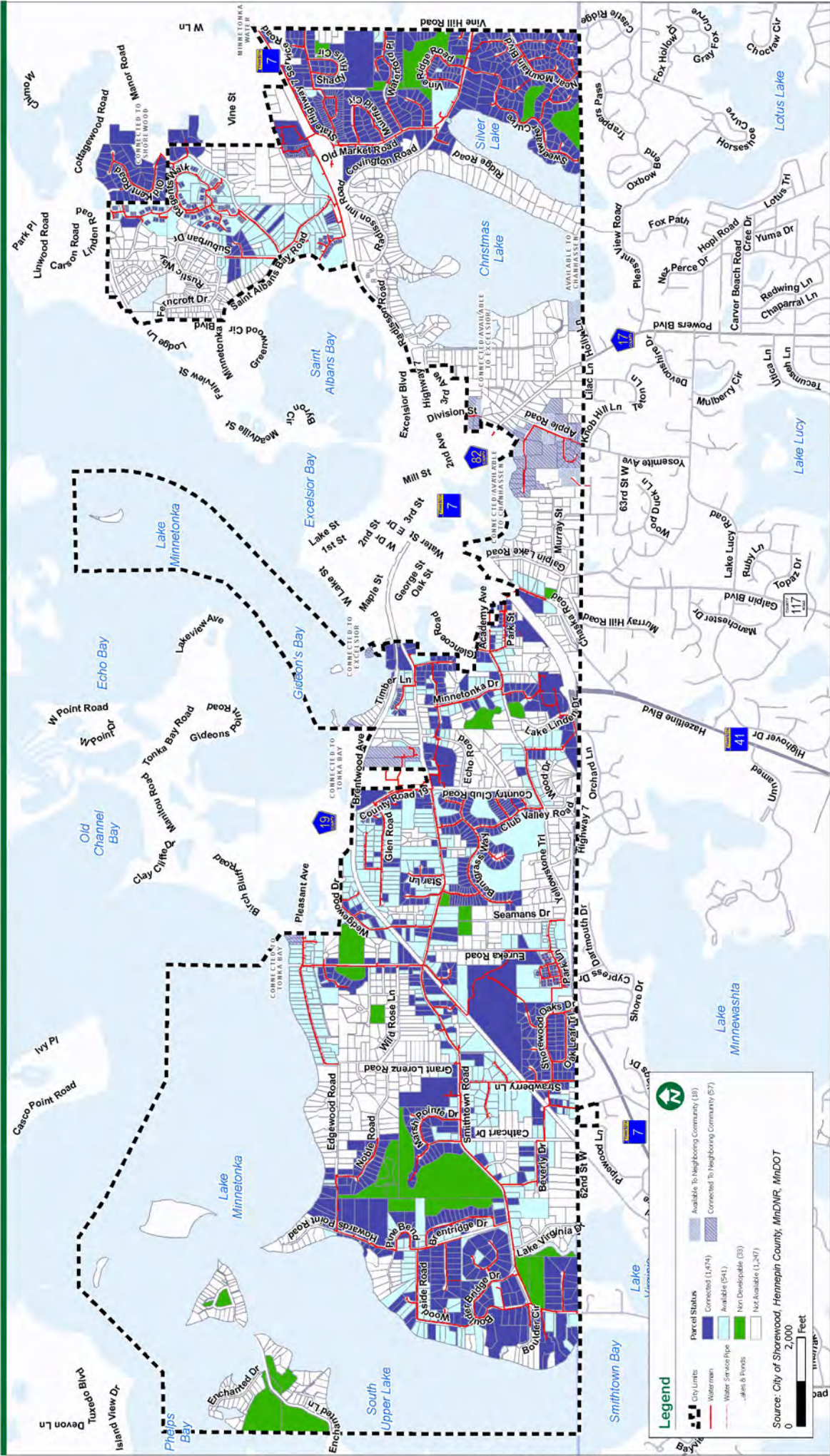
Water Services

City of Shorewood, MN



**BOLTON
& MENK**

June 2023



He reiterated that staff just wanted to get some direction from the Council in order to know what they are actually driving towards when they are part of these meetings.

Councilmember Maddy confirmed that St. Bonifacius currently had two contract cities where they cover about one hundred structures similar to what Mound does for Shorewood. He explained that he had not formed an opinion on whether the City should be a full voting member of the JPA or if they should just be a contracted negotiation that could bid it out with more than one fire service but was leaning towards not being part of the JPA to have the ability to shop around.

Councilmember Sanschagrin stated that he felt having a contract made a lot of sense.

Mayor Labadie stated that she agreed.

Councilmember Sanschagrin asked about the resolution that was included in the packet.

Councilmember Maddy clarified that it was essentially a 'political' resolution and did not actually apply to anything.

City Administrator Nevinski explained that he had shared it with the Council because all of the cities had been asked to pass a resolution because they wanted to make sure that there was direction from each council to move forward with the exploration of a JPA. He noted that the resolution language could be modified to say that Shorewood was supportive of the exploration of a JPA, but that the City may not elect to participate in it. He stated that the input he heard from the Council tonight was that they want to remain engaged in the conversation and that they were probably leaning towards a contract rather than being part of the JPA.

3. SUBDIVISION REGULATIONS AMENDMENTS

Planning Director Darling stated that staff had been working with a consultant to complete an overhaul of the subdivision regulations and have submitted rough drafts of the sections related to applications and procedures, as well as park dedication. She explained that in order to complete these sections they were looking for some direction from the Council related to lot line adjustments/subdivision of two-family lots and if this could be reviewed by staff; protection of steep slopes and possible new regulations; and a possible requirement for extension of watermain for subdivisions. She reviewed the areas they were looking for feedback and outlined the advantages and disadvantages for each.

Mayor Labadie stated that she wanted to hear from Councilmembers Gorham and Maddy because they had both served, in the past, as Chair of the Planning Commission.

Councilmember Gorham stated that he felt that the idea raised related to the lot line adjustment would have been something that the Planning Commission would typically have given a green light to and did not see any issues with what was being recommended.

Councilmember Maddy stated that in his twelve years of experience on the Planning Commission there has never been any controversy over two private parties wanting to adjust a lot line between them and has always been essentially a 'rubber stamp' of approval. He stated that he felt that this type of thing would not need a public hearing and could just be handled administratively.

CITY OF SHOREWOOD WORK SESSION COUNCIL MEETING MINUTES
JANUARY 27, 2025
Page 5 of 6

Councilmember Gorham gave the example of a recent property that had bluffs and a steep slope and how this would have effected their request.

Councilmember Maddy stated that he felt it made sense to pay attention because the people that were downhill also have some skin in the game. He stated that he was not sure how much the City would want to give to this process.

Councilmember Sanschagrín asked Planning Director Darling if she remembered any situations were going through the Council changed the result of the application related to subdivisions.

Planning Director Darling stated that nothing had changed in those instances and noted that if the subdivision met all the requirements, the City did not have the ability to turn it down.

Councilmember Sanschagrín stated that he supported what staff had proposed because it sounded like a rubber stamp kind of situation.

Councilmember Maddy stated that regarding the possible requirement of watermain for subdivisions, there are a lot of external forces behind whether it makes sense to expand the water distribution network. He explained that he did not want to have a rule that would not be accommodating to what the City had already built. He stated that he did not believe that this was a 'one size fits all' conversation and asked if Planning Director Darling was giving the Council a recommendation on this item.

Planning Director Darling stated that staff was recommending that the City require municipal water with all subdivisions.

Councilmember Gorham asked if, in a situation where it was topographically outrageous to get water to the subdivision, whether there would be any mechanism in place where the developer could come to the City and ask for mercy in that situation.

Planning Director Darling explained that they could apply for a subdivision variance.

Councilmember Gorham stated that he felt it would be good for the City to start building tools in order to expand water and this could be the beginning.

Councilmember Sanschagrín asked if there were a lot of properties that would be impacted by this.

Planning Director Darling confirmed that there were a lot of properties that could be impacted by this and noted that only about fifty percent of Shorewood properties were hooked up to municipal water.

Councilmember Maddy stated that he was fine with what staff had proposed.

Mayor Labadie agreed and explained that she felt that the City needed to be more forward-thinking and start looking ahead.

4. ADJOURN



City of Shorewood

Planning Commission Meeting Item

Item 5A

Title/Subject: Subdivision Ordinance Re-Write Discussion
Meeting Date: March 4, 2025
Prepared by: Jake Griffiths, City Planner
Attachments: Summary of Proposed Amendments
Draft Regulations
Memo from January 7, 2025
Memo from December 3, 2024

APPLICANT: City of Shorewood
LOCATION: City-Wide
REVIEW DEADLINE: NA

Background

Over the past several months, the Planning Commission has reviewed portions of an update to its subdivision code. Subdivision is the process by which one property is developed into two or more lots, and the subdivision code covers the administrative procedures and regulations for how that process should take place. The intent of the update process is to modernize the code, enhance user-friendliness, ensure code consistency with local, state, and federal requirements and court rulings, and incorporate municipal best practices. Memos from the Commission's previous discussions on December 3, 2024, and January 7, 2025, have been attached for reference. As part of tonight's item, the Commission will be discussing the second half of the proposed updates. The attached updates are not a final draft, but a work in progress. A summary of proposed amendments is also attached for reference. Please note that not all the proposed amendments will be discussed at tonight's meeting, since many have already been discussed at previous meetings.

Next Steps

City staff will work with our consultant to incorporate the Commission's comments into the final draft. It is anticipated that the final draft will be presented to the Commission as part of a public hearing at either the April or May meeting, and that the Commission will be asked to make a recommendation to the City Council at that time.

Action Requested

The Planning Commission is requested to review the draft regulations and provide feedback to City staff.

MINUTES

CALL TO ORDER

Chair Eggenberger called the meeting to order at 7:00 P.M. and welcomed new Planning Commissioners Longo and Magistad.

ROLL CALL

Present: Chair Eggenberger; Commissioners Longo, and Magistad; City Planner Griffiths; and, Council Liaison DiGruttolo

Absent: Commissioners Huskins and Holker

1. APPROVAL OF AGENDA

Longo moved, Magistad seconded, approving the agenda for March 4, 2025, as presented. Motion passed 3/0.

2. APPROVAL OF MINUTES

- **February 4, 2025**

Eggenberger moved, Magistad seconded, approving the Planning Commission Meeting Minutes of February 4, 2025, as presented. Motion passed 3/0.

3. MATTERS FROM THE FLOOR – NONE

4. PUBLIC HEARINGS – NONE

5. OTHER BUSINESS

A. Subdivision Ordinance Rewrite

City Planner Griffiths stated that this was intended as a discussion item to review the second half of the updates to the City's Subdivision Ordinance. He explained the Planning Commission had been working, for a number of months, on an update to a specific chapter within the City Code related to subdivision and had already gone line-by-line through the first half. He noted that tonight they were being asked to review the remainder of this chapter which would then move onto the City's consultant to incorporate their feedback and then brought back to the Commission to review the final version and make a recommendation to the City Council. He started the review of sections 1202.00 through 1202.06 and noted that most of the changes on the first few pages were administrative, in nature.

Commissioner Longo asked if there was a target date for when these changes should be completed.

City Planner Griffiths explained that the City did not have a specific target date but he anticipated that it could be completed by the end of April. He noted that he had highlighted a few sections

throughout the document and explained that those were just references to State statute for the consultant to review.

Commissioner Magistad asked about section 1202.34, 'Minor Subdivision' and if the definition would be for two lots, but the lots could be any size.

City Planner Griffiths stated that was correct and explained that there was only a limitation on the number of lots, not their sizes.

Commissioner Magistad asked about the reason for not requiring a public hearing for a minor subdivision.

City Planner Griffiths explained that during the Commission's last discussion, there was some conversation related to the minor subdivision process and the review procedures. He noted that the current procedure was to come to the Commission and then onto the City Council, and the direction given at the last meeting was to tweak the approval process as a way to make it more efficient for applicants, since these were generally pretty straight forward.

Chair Eggenberger explained that the Commission had decided that staff would be able to handle that without having to get permission from the Commission.

City Planner Griffiths explained that if there were situations where there were variances, those would have to come to the Commission. He moved the discussion on section 1202.10 'Definitions' and reviewed some of the proposed changes but noted that many of them were substantially the same as they were in the current City code. He moved the discussion onto 1202.41 and explained that this section was essentially the meat and potatoes of the information that the City would be looking for in review of applications. He noted that sections 1202.42 and 1202.43 were also essentially the same as the current version and the changes were administrative and not policy driven. He referenced 1202.44 'Street and Alley Design' and explained that they had added more information to this section because, currently, the City did not have a lot of standard requirements, and this added more information and beefed up the existing rules. He referenced 1202.45 'Non-Motorized Connections' and explained that he was not sure why this section had been included within the City Code and the consultant had recommended that they leave it in because there was most likely a reason the City had adopted it in the past, even though this was not something that would typically be seen in a subdivision ordinance. He moved onto section 1202.46 'Easements' and noted that the City required standard easements on all lots and explained that section 1202.47 'Utilities' was much the same. He explained that the big change within the 'Utilities' section was from the last Commission meeting and the City Council workshop to require municipal water hook-ups for all subdivisions. He noted that he had worked in other cities and found that requiring municipal water hook-ups was a pretty standard requirement. He stated that in section 1202.48 'Drainage and Erosion Control' it essentially says that if you are going to develop a lot they needed to provide for erosion control, which was pretty basic stuff. He noted that the City did not need to have super strict rules in this area, because this was also something that the Minnehaha Watershed District handled and their rules were much more strict than the City's. He moved the discussion onto section 1202.50 'Improvements' and explained that much of this he would consider just common sense.

Chair Eggenberger asked if the condition of the streets changed with the size of the development.

City Planner Griffiths explained that he would say that they do, because if there was a larger development, such as the Country Club, the City had the opportunity to build wider roads, but many happen on existing roads, which can be very tiny.

Chair Eggenberger clarified that he was thinking of a minimum and asked if there was a minimum, no matter what the size of the development would be.

City Planner Griffiths stated that there was a minimum, but noted that would be located with the zoning regulations. He moved the discussion onto section 1202.52 'Financial Guarantee' and explained that City staff will negotiate a development agreement with an applicant and the guarantee would typically be a letter of credit from a bank or cash that would guarantee the City that the improvements that the developers said would be built would actually get built. He noted that section 1202.53 'Inspection' was also pretty standard and simply stated that the City had the right to inspect what would eventually be their infrastructure. He referenced section 1202.60 'Park Dedication' and noted that they may have veered off course from the initial scope of the update. He explained that former Planning Director Darling had been interested in expanding this section and as they had dug into it more, they discovered that they did not have enough information in order to update this section and give it due justice. He stated that what they were presenting tonight was kind of a 'Band-aid' that beefed up the language a bit more than the current language. He explained that the Park Commission was currently working on an update to the Park Master Plan and that information was really needed in order to be able to update this section and explained that it would likely be brought back again after the Park Commission completed their work on their Master Plan. He explained that the rest of this document was mainly administrative changes and reminded the Commission that staff was looking for feedback, concerns, or if there was anything the Commission felt still needed to be added.

Commissioner Magistad referenced something like water being stubbed to the property line as a requirement and asked if there would be exceptions that would need to be made because not everyone had water stubbed to their property line.

City Planner Griffiths explained that the intent was that this would be set up so that, if water was not available, it would be presumed that there would not be the ability to subdivide or develop the property until it was available. He stated that on a case by case basis, the City would be able to consider a variance for unique circumstances but stressed that the intent of the policy would be that in most situations, subdivision would just have to wait until water was available.

Commissioner Magistad asked if it was appropriate to make that explicit within the ordinance.

City Planner Griffiths stated that there would be references in this section and noted that there was also a separate section in City Code that talked about water connections which is where the bulk of this information would be located.

Commissioner Magistad asked if City staff had any sort of forecast of where the subdivision requests may emanate from or an estimation of where the demand signals may come from.

City Planner Griffiths explained that in the City's Comprehensive Plan, they identified some of the larger areas in the City where there would be some development potential. He noted that Shorewood was pretty built out, but there were a few properties where things could happen. He explained that he can provide a map of this information to the Commission and noted that those areas were located along major roads and some of the larger estate lots. He noted that in the next Comprehensive Plan, the City would be doing that analysis again.

Chair Eggenberger stated that the Commission had discussed much of this before and noted that he had not seen anything in what was presented that gave him any concern.

City Planner Griffiths explained that this would likely come back for a Public Hearing at their meeting in April or May.

B. Nomination and Election of Officers

Chair Eggenberger noted that this was a bit unique because two of the Commissioners were absent tonight and two that were new Commissioners. He stated that he was of the opinion that the officers rotate positions every year and nominated Commissioner Huskins to serve as Chair and Commissioner Holker to serve as Vice-Chair in 2025.

Longo moved, Magistad seconded, to Appoint Commissioner Huskins as Chair and Commissioner Holker as Vice-Chair for the Planning Commission in 2025. Motion passed 3/0.

City Planner Griffiths noted that since Commissioners Huskins and Holker were not present, he wanted to let the Commission know that they would be able to revisit this vote in the future, if something came up. He explained that he would reach out to Commissioners Huskins and Holker to ensure that they were on board with serving in those positions.

C. 2025 Work Program and Schedule of Meetings

City Planner Griffiths reminded the Commission that this was an annual item for the Commission which gave them the opportunity to look and see what things they may be looking at in the future. He clarified that no vote was required on this item and explained that it was more of an acknowledgement and would be forwarded to the City Council for their next meeting. He stated that he wanted to ensure the Commission knew how limited staff time was right now within the Planning Department which was why the 2nd quarter work program was pretty light. He briefly highlighted some of the things included in the work program and outlined things that were going to be included in the State's legislative session and how that may effect the City and their work program. He reviewed the tentative Planning Commission meeting schedule and explained that he felt that they may need to talk about moving some of the meeting dates because of recent changes in the Park Commission meeting schedule.

D. Liaisons for Upcoming Council Meetings

Chair Eggenberger explained that the Commission gives a report to the City Council once a month to explained what had been discussed and to give details of their recommendations.

March 24, 2025 – Chair Eggenberger
April 28, 2025 – Commissioner Magistad
May 27, 2025 – Commissioner Longo

E. Monthly Training Topic: Planning Commission Roles and Responsibilities

City Planner Griffiths explained that this was a new addition to the Planning Commission meeting and stated that they intended to schedule in various training topics within the meetings, especially



City Council Item

Title/Subject: Public Hearing: Subdivision Ordinance Update
Meeting Date: April 28, 2025
Prepared by: Jake Griffiths, Planning Director
Reviewed by: Marc Nevinski, City Administrator
Attachments: Planning Commission Memo
Consultant's Memo
Code Changes Summary
Public Comments Received
Ordinance 617
Resolution for Summary Publication

Item
6D

Background

For the last several months, the Planning Commission and City Council have been reviewing updates to the City's subdivision regulations and related amendments to the City Code. This review included meetings by the Planning Commission on December 3, 2024, January 7, 2025, and March 4, 2025, and a meeting by the City Council at its January 27, 2025, work session. Please see the attached Planning Commission memorandum for detailed background on this request.

Broader Updates to Subdivision Ordinance

Please see the attached memorandum from the City's consultant for detailed information on the broader updates to the subdivision ordinance. A summary of changes is also attached for reference.

Requiring Water Connection for New Subdivisions

When it comes to new subdivisions, the City's current policy relative to connection to the municipal water system is that developments are required to connect only when they have 4 or more lots and have reasonable access to water infrastructure.

As part of the broader update to the Subdivision Ordinance, City staff sought direction from the City Council at its January 27, 2025, work session on this policy. Based on the City Council's direction, City staff have drafted the proposed updates to the City Code to require all new subdivisions to connect to the municipal water system. The following sections of this report will address several of the more common themes from the Planning Commission meeting.

Why is Connection to Municipal Water a Best Practice for New Subdivisions?

Developers should be required to pay for the cost of extending municipal water service because they are creating the demand for the new infrastructure. Without this requirement, existing residents would bear the financial burden of subsidizing new development, even though they may not directly benefit from it. This approach is often referred to as *Development Paying for*

Itself and ensures that new developments contribute their fair share towards the costs of the public services they require.

If municipal water is not extended to new development, and it instead remains on private wells, it can still result in indirect costs on existing residents in several ways:

- **Future Infrastructure Costs:** If the area later requires municipal water due to well failures, contamination, or increased demand, existing residents could end up paying for a system that should have been built with development.
- **Environmental Impacts:** Increased well use can lower groundwater levels, affecting existing wells and potentially requiring costly mitigation efforts. There are reports of groundwater contamination in Shorewood, and adding additional private wells will likely require expensive treatment systems for individual property owners and potentially spread groundwater contamination.
- **Reduced Efficiency:** When infrastructure isn't extended efficiently, the cost of future connections often rises, which can increase taxes or utility rates for all residents.

While private wells may reduce initial development costs, they often shift long-term risks to existing residents and the City. If groundwater issues arise or municipal water becomes necessary in the future, the financial burden may ultimately fall on the broader community. That's one of the main reasons the majority of cities in the Twin Cities region require new developments to connect to municipal water.

Why is Requiring Extension of Municipal Water to the Next Property a Best Practice?

Requiring developers to extend the water main to the next property line ensures that future growth occurs in a planned and equitable manner. This is important for a number of reasons including:

- **Promoting Orderly Development:** Ensuring the water main reaches the next property line prevents piecemeal, inefficient extensions of the City's municipal water system. It also helps to avoid situations where future developments may struggle to access municipal water, leading to costly and disjointed infrastructure expansion.
- **Preventing Cost-Shifts to Adjacent Property Owners:** If a developer only builds the water main up to their own property and stops, the next property owner (or the City) would bear the full cost of extending it in the future.
- **Ensures Fair Distribution of Infrastructure Costs:** As mentioned previously, development should pay for itself. Requiring the developer to extend the water main ensures they are contributing their fair share to the infrastructure needed to support their project. If the City or adjacent property owners have to complete the extension later, costs could be much higher in the future due to inflation, road reconstruction, or other logistical challenges.
- **Improves Water System Efficiency and Reliability:** Extending the water main to the next property line ensures a continuous and reliable system, reducing the need for temporary solutions like private wells that could later require costly replacement or

intervention from the City to provide safe drinking water. It also enhances fire protection by ensuring adequate fire hydrant spacing and system pressure.

- Encourages Logical and Sustainable Growth: When infrastructure is extended in a planned way it supports efficient land use and makes it easier for the City to provide public services. Future development is likely to occur in locations where infrastructure is already in place, leading to a more sustainable growth pattern.

Requiring developers to extend the water main to the next property line is a proactive approach that benefits both current and future residents. It ensures that development costs are fairly distributed, prevents financial burden to existing residents and the City as a whole, and supports long-term planning for efficient infrastructure expansion.

What if Water Infrastructure is Far Away from a Proposed Subdivision?

Under the proposed updates, applicants for subdivision would have several choices if water infrastructure were not immediately available in the vicinity of the site:

1. Wait to develop the property until municipal water service is available.
2. Work with the surrounding neighborhood to petition the City to install municipal water services to the entire neighborhood, where existing residents would participate in a portion of the costs along with the developer.
3. Pay for the extension of municipal water infrastructure to serve the property to be subdivided.

Won't this be Burdensome for Small Subdivisions with Less than 4 Lots?

It's true that the costs associated with smaller subdivisions would be higher because there would be less lots available to absorb the cost to connect than a larger development. However, as noted previously in this report there are negative public health and safety, infrastructure, environmental and zoning implications to allowing subdivision to occur without connecting to the municipal water system. It is also important to note that when the cost to install water main exceeds the City's \$10,000 per lot water main area charge, that fee is waived for the subdivision. This policy helps provide financial relief to subdivisions that install water infrastructure.

Example 1: Estimated Subsidy to New Subdivision When Infrastructure is Available

The following breakdown illustrates the estimated subsidy the City would have provided to a recent development, that had municipal water services immediately available, if the applicant did not choose to connect to the system. These estimates are based on the costs provided by the developer's engineer and the City's fee schedule. It should be noted that this subdivision was not required by City Code to connect, the applicant chose to do so on their own.

Item	Estimated Cost
Remove & Replace Street to Connect to Water Main Service	\$14,200.00
Remove & Replace Sidewalk to Connect to Water Main Service	\$1,500.00
Water Main Service	\$7,650.00
Mobilization - Streets	\$3,500.00
Traffic Control (for Utility and Curb Construction)	\$5,000.00
Striping	\$1,780.00
Watermain Area Charge	\$30,000.00
TOTAL SUBDIVISION SUBSIDY	\$63,630.00
SUBSIDY PER LOT IN SUBDIVISION (3 LOTS)	\$21,210.00

At the end of the day, these costs are essentially a subsidy given to the developer anytime they do not connect to the water system and are then paid by taxpayers. It should be noted that this estimate does not include the inflationary factors that would likely significantly increase the cost to connect the subdivision to the water system in the future.

Example 2: Estimated Subsidy to New Subdivision When Infrastructure is Not Available

Similar to the example above, the table below illustrates the estimated subsidy the City would have provided to a recent development, that did not have water services immediately available, if the applicant was not required to connect to the system and extend municipal water services to the site.

Item	Estimated Cost
Connect to Existing 12" Water Main (8")	\$15,446.36
Directional Drill 14" DR 17 Casing W/ 8" DR 11	\$50,004.00
8" DIPS Watermain	\$54,022.50
8" HDPE (DIPS) Watermain Direction Drill (City Portion)	\$23,932.85
6" DIP Watermain	\$5,169.50
Fire Hydrant	\$35,201.67
1" Copper Water Service	\$21,605.84
Watermain Area Charge	\$0.00 (Offset by Cost to Install Infrastructure)
TOTAL SUBDIVISION SUBSIDY	\$205,382.72
SUBSIDY PER LOT IN SUBDIVISION (7 LOTS)	\$29,340.39

Like the previous example, this estimate is an approximation that does not include any one of a number of factors that would likely make the cost to connect this development in the future much higher. This is especially true of situations where infrastructure is not immediately available, as the long-term cost of connecting an existing neighborhood once it has already been built is much higher and much more disruptive to residents. This example also illustrates how the watermain area charge was waived for the project since the cost to install the watermain infrastructure (\$205,382.72) exceeded the watermain area charge (\$70,000.00) for the subdivision.

Potential Legislative Impacts

In recent years there have been a number of bills proposed by the Minnesota State Legislature that would significantly reduce the City's local control over zoning and development decisions. Earlier this year, the City Council adopted a resolution in opposition to the bills currently working their way through the legislative process. A number of these bills would mandate the City increase housing density across the community. Requiring new subdivisions to connect to the municipal water system would help mitigate some adverse impacts of the proposed legislation, if it were to pass, as increased housing density could be limited to locations that could be served by municipal water. Under the City's current policy, there would be no requirement that the increased housing density would need to connect to the municipal water system which would in turn allow much greater housing densities on a City-wide basis.

Can Exceptions be Made?

Exceptions to these requirements could be reviewed on a case-by-case basis by the Planning Commission and City Council through the Subdivision Variance process.

Planning Commission Recommendation

At their April 1, 2025 meeting, the Planning Commission held a public hearing on the proposed updates to the City Code, and recommended approval with the exception of the changes to the City's policy on municipal water connections for new subdivisions. The vote was 3-yes, 1-no, with 1 Commissioner absent. No public comments were received prior to the meeting, and 2 residents addressed the Commission in opposition to the changes to the City's policy on water connection for new subdivisions. No comments were received on the broader updates to the Subdivision Ordinance.

Financial or Budget Considerations

Other than the financial considerations provided earlier in this report, the City's consultant has stayed within budget for this project. The only additional costs going forward would be those associated with publication of an ordinance summary if the ordinance is adopted. If the ordinance is not adopted, or only adopted in part, there may be additional costs associated with making revisions.

Action Requested

PUBLIC HEARING: Pursuant to City Code 903.19, the City Council is required to hold a public hearing on the proposed updates to the City Code. Public comments received prior to the publication of this report are attached for reference.

Two actions are requested following the Public Hearing:

1. Motion to approve Ordinance 617 amending Shorewood City Code Title 900 Public Right-of-Way and Property and Title 1200 Zoning and Subdivision Regulations.

A simple majority vote of the City Council is required.

2. Motion to approve a resolution adopting a summary publication ordinance allowing publication of the name of Ordinance 617 and the summary pursuant to MN Statute 331A.01 without publishing the entire ordinance.

Action on this motion requires a minimum 4/5 vote of the City Council.

CITY OF SHOREWOOD REGULAR COUNCIL MEETING MINUTES

APRIL 28, 2025

Page 6 of 35

noted that staff had reached out to this individual asking if they would like to provide some additional context to their comment, and they have not responded to staff. He explained that the Planning Commission unanimously recommended approval of the rezoning of these parcels.

Councilmember Sanschagrin asked why Planning Director Griffiths felt the public commenter was opposed to this action.

Planning Director Griffiths explained that he could not speculate as to why they would be opposed and clarified that he had given them a few different opportunities to provide additional context, which they have not done.

Councilmember Sanschagrin asked for an example of how this rezoning would help avoid the need for a variance.

Planning Director Griffiths shared a few of the differences between R-3A and R-2A and explained that if the zoning were left at R-3A, the property owners would need a variance to do just about any work on their property.

Maddy moved, Sanschagrin seconded, Approving ORDINANCE 619, An Ordinance Amending Section 1201-09 Subd. 2 of the Shorewood Zoning Code – The Shorewood Zoning Map for Parcels Located at 6055 Lake Linden Drive, 6065 Lake Linden Drive, and 6067 Lake Linden Drive; AND, Adopting RESOLUTION NO. 25-043, “A Resolution Approving the Summary Publication for Ordinance 619 Amending Section 1201-09 Subd. 2 of the Shorewood Zoning Code – The Shorewood Zoning Map for Parcels Located at 6055 Lake Linden Drive, 6065 Lake Linden Drive, and 6067 Lake Linden Drive.”

Motion passed.

D. Public Hearing: Subdivision Ordinance Update
Applicant: City of Shorewood
Location: City-wide

Planning Director Griffiths introduced Rita Trapp, HKGi, and explained that she had been working as the City's consultant on this issue.

Rita Trapp, HKGi, gave a brief update on their work on the code updates and noted that it had begun last year, and clarified that their only focus has been the subdivision code. She explained that from staff's perspective, the City's current Subdivision Ordinance was outdated. She noted that it was first adopted in 2002 but has had a few updates over the years, but were done in a piecemeal fashion so HKGi was asked to come in to help the City modernize it, and also to do things like incorporating City practices and ensure that it reflected the direction given in the Comprehensive Plan. She briefly reviewed some of the work HKGi had done as part of reviewing and proposing updates to the City's Subdivision Ordinance. She highlighted some of the proposed reorganization of the Ordinance, details related to premature subdivisions, procedures and enforcement, optional pre-application meetings for sketch plans, administrative adjustments in minor subdivisions, when hook up to City water and sewer would be required, and the expanded park dedication section. She stated that the Planning Commission had held a public hearing, and two people shared their concerns, primarily related to the new proposed water policy for subdivisions. She explained that the only real concern they heard expressed from the Planning Commission was related to the new water hook-up requirement policy but noted that they had

CITY OF SHOREWOOD REGULAR COUNCIL MEETING MINUTES

APRIL 28, 2025

Page 7 of 35

recommended approval of the proposed subdivision ordinance, but had recommended that the Council not include the new water hook-up requirements. She explained that based on the previous direction the Council had provided in January, the draft Subdivision Ordinance included all the elements staff had recommended, so if the Council wanted to revisit the water hook-up policy, that would require a change to the language.

Planning Director Griffiths stated that he would just note that there would also be a few residual updates to other portions of City Code, which have been identified in the resolution, such as the water section.

Councilmember Sanschagrin asked if, as part of this process, the City had done any kind of assessment on how properties would be impacted by the proposed changes.

Planning Director Griffiths stated that what they looked at was that this policy would essentially apply to every property in the City, so the impact would be that if someone wanted to subdivide their property, then these would be the new requirements they would need to meet. He stated that there was a limited amount of land that was identified in the Comprehensive Plan that can be subdivided and noted that for many properties in the City, these rules will just not pertain to them.

Mayor Labadie opened the public hearing at 7:56 p.m.

Mike Sheritt, 5590 Woodside Lane, stated that he had lived at this address for thirty-three years and noted that his business address was in Excelsior at 464 2nd Street. He explained that he was here to speak on behalf of Matt and Ashley Tierney, who own a duplex property on Shorewood Lane. He explained that they have a lot that was right at forty thousand square feet and were applying to subdivide it into two lots. He stated that they submitted the request late in 2024, and when they received the staff report information back, it stated that there would be a requirement for a water hook-up. He outlined the location of a fire hydrant in comparison with their property and noted that on Shorewood Lane, there were currently seven duplexes and one single-family home, and his clients own one of the duplexes. He noted that the current ordinance stated that one to three units would be allowed, which is what they were proposing. He stated that Shorewood was a community that had very little developable land left, and there would not be many twenty or thirty-unit lot subdivisions. He stated that he felt the City's ordinance was okay, given the nature of Shorewood, and was oriented more toward one and two-lot subdivisions. He explained that the Tierneys wanted to propose a new duplex on the proposed new lot that would be subdivided, but because of a life situation, they would like to be able to subdivide the lot and sell the land. He explained that when they had gotten the information from the staff report of having to install a six-inch watermain off of the fire hydrant, they researched costs for that came out to between one hundred thirty and one hundred fifty thousand dollars to hook up the watermain to the property line of the next property. He noted that the numbers he was quoting were not exact, but were rough estimates from the industry and show that the costs to extend the watermain would be about half of the value of the lot itself, which his clients decided that they could not do. He stated that if they did what the City was saying needed to be done to extend the lines, it would mean that his clients would end up paying sixty-four percent of the total cost of the water main. He explained that he felt that most of the subdivisions that they would be looking at in the future were going to be this same type of smaller subdivision, and if water service is far away, it just did not seem fair or that it was responsive to the nature of this community.

Duane Laurila, 5595 Eureka Road, stated that he cannot believe the City was even considering approving this ordinance because it puts an undue burden on the residents. He gave the example

CITY OF SHOREWOOD REGULAR COUNCIL MEETING MINUTES

APRIL 28, 2025

Page 8 of 35

of an elderly couple who may want to subdivide their property and sell it, but the costs of putting in a water main will make it less likely to happen. He stated that he felt this was a really bad idea and was concerned that the City had already made up their minds and would approve this ordinance.

There being no additional public comment, Mayor Labadie closed the public hearing at 8:06 p.m.

Councilmember Sanschagrin asked about an application that came in before the ordinance changes were made, and if they would be grandfathered in.

Planning Director Griffiths explained that this was typically how it was written and, in this situation, the clients were seeking a variance application to construct a duplex on their property, which otherwise would not have been allowed by the City Code. He stated that as part of staff's preliminary evaluation, they informed the property owner that for staff to support the variance request, they would likely require water to be extended since it was available to the property, and at that point, the applicant had withdrawn their request. He stated that over the past few months, as this policy has been underway, he has consistently informed people who had asked about subdivisions that this policy change was coming, so they should get their applicants in if they wanted to get them in before this went into effect.

Councilmember Sanschagrin asked how many applications for subdivision the City had received as a result of those conversations with interested residents.

Planning Director Griffiths stated that they had just received one application.

Councilmember DiGruttolo asked about the downsides of not requiring anyone to hook up, connect, or pay for water.

Planning Director Griffiths stated that he believed the reason that the policy was drafted this way was in response to the Council's January work session meeting, where they had discussed this policy question. He stated that the City currently has a policy that if you were subdividing four or more units and water was reasonably available, they are required to hook up. He noted that if the smaller subdivisions came in, they were not required to hook up. He referenced the Shorewood Meadow development, which was a three-lot development, and even though City water was immediately available off of Smithtown Road, under the current policy, that development was not required to hook up to City water, but they did choose to do it without the requirement. He noted that within the staff report, there was information that went off some of the Planning Commission discussion surrounding the costs to hook up. He stated that there were a lot of wells in the City, and there are also known issues with groundwater contamination within the community that require mitigation strategies. He stated that if the City allows developments to go in when there is no City water available, that also meant the developer was not installing things like fire hydrants. He reiterated that the proposed changes were kind of riffing on the discussion the Council had in January to move towards this type of policy.

Councilmember DiGruttolo stated that her understanding of the explanation Planning Director Griffiths had just given was that if the City did not require the developers to pay for this, then the other residents of the City would end up bearing those costs, and taxes would continue to increase. She stated that the benefit of this change was that when they do go to sell, they have access to fire hydrants, which could affect their property value and homeowners' insurance, but would also have the water hooked up and would not have to worry about testing wells. She stated

CITY OF SHOREWOOD REGULAR COUNCIL MEETING MINUTES

APRIL 28, 2025

Page 9 of 35

that she was not present for the Council discussion that took place in January and explained that she wanted it to be clear and on the record what the Council's overall thought process has been around this issue in trying to determine what was best for all of the residents of the City and not just one small group of people.

Planning Director Griffiths acknowledged that all the things mentioned by Councilmember DiGruttolo were certainly considerations that can go into this decision. He noted that when development occurred, it was kind of the City's one shot to get these kinds of public improvements built because otherwise, if they had to make those improvements in the future, the taxpayers and the community are the ones that end up shouldering those costs in the future. He explained that retrofitting neighborhoods after the fact was often substantially more expensive than doing it at the time things were being built.

Councilmember Gorham gave the example of an existing property with four or more units and asked if this rule was already in place in that situation, and if they were required to connect.

Planning Director Griffiths clarified that, for the most part, this rule was already in place and noted that the language says that it has to be 'reasonably available', so this proposed language would take it a bit further and say that it was required even if it was not reasonably available. He stated that the intent would be that if water was not reasonably available for a project, that meant they were proposing it too early, and would be considered premature. He stated that their option in that situation would be to either extend the infrastructure or wait until the City did it. He noted that in situations where the infrastructure was already there, this policy already existed for the larger developments.

Councilmember Gorham asked if the first section in black and the new underlined section were mutually exclusive ideas.

Planning Director Griffiths confirmed that they are mutually exclusive.

Councilmember Gorham asked if it would be possible for a new development, rather than subdividing, to just build a duplex or triplex as a way to avoid the water hook-up requirement.

Planning Director Griffiths stated that it could be a possibility and clarified that this policy was solely focused on subdivision, so there would be other ways to get around this requirement if the property was not subdivided.

Councilmember Gorham stated that he was wondering about the four or more units and asked if that could conflict with the spirit of the new language.

Planning Director Griffiths stated that the four or more units language would be deleted as part of the amendment to the Code and would essentially say that it did not matter how many units were being proposed.

Councilmember Gorham asked if the existing language needed to be changed to match the spirit of the new language.

Planning Director Griffiths stated that he did not believe it needed to be changed because the existing language was saying that, if the City Council wanted to, they could mandate hook-up within ninety days for a commercial or multi-family property, and noted that was a separate

CITY OF SHOREWOOD REGULAR COUNCIL MEETING MINUTES

APRIL 28, 2025

Page 10 of 35

requirement from the subdivision stuff. He noted that requirements for existing properties were not part of the scope of their discussion on this topic.

Councilmember Gorham stated that they could discuss requirements for existing properties if the Council wanted to. He asked how the Council felt about lowering the number and how they felt about four or more units, because that would mean that anything with three units would suddenly come into focus.

Planning Director Griffiths reminded the Council that this language was saying that it would be required for hook-up within ninety days after the City Council gives notice. He stated that none of this has anything to do with subdivision, and they could drop that number, but it would not impact any existing property unless the City Council wanted to decide that they wanted to order this property to hook up to City water within ninety days.

Councilmember Sanschagrín shared that he was concerned about the equity question and the requirement to extend the water main and asked why that had been included.

Planning Director Griffiths stated that it was included based on the direction from the City Council at their January meeting. He stated that typically, if you are going to require water to be extended to a project, you require it to be extended to the next property line, otherwise, the next property owner would have to go back and pay the cost to extend the water main. He stated that most cities require water mains to be extended to the property line, so everyone pays their own fair costs for extension of the infrastructure.

Councilmember Sanschagrín asked if there was anything the City could do to help with the costs associated with this action.

Planning Director Griffiths explained that under the City's current fee structure, developers are allowed a ten-thousand-dollar per lot credit on their watermain area charge if the costs to install those improvements exceed the fee. He referenced the Shorewood Meadow development and explained that the developer wrote a check to the City for thirty thousand dollars to help pay for that infrastructure. He noted that a project like Maple Shores, where infrastructure was extended underneath Highway 7, the developer got a seventy-thousand-dollar credit by not having to pay the watermain fee because they did the work themselves. He explained that the City already provided a level of credit by reducing the fee when these kinds of projects come in.

Councilmember DiGruttolo asked if the City had considered other need-based subsidies for when they consider this type of policy, which could potentially be burdensome.

Mayor Labadie stated that she felt that was a possibility, but that was not the current noticed agenda item on the table for tonight. She stated that to discuss that it would need to be placed on a future agenda so it could be noticed to the public.

Councilmember Maddy stated that the idea of installing dead legs into the City's water distribution system seemed dangerous because you cannot maintain clean water on a dead leg if you are extending the water main past where it was being used. He asked how the City could manage that if the City was requiring it to be installed to the next property line.

CITY OF SHOREWOOD REGULAR COUNCIL MEETING MINUTES

APRIL 28, 2025

Page 11 of 35

Planning Director Griffiths stated that he would yield the technical answer to that question to Public Works, but noted that he had worked in several communities and this has been the policy in every community he had worked in, and explained that it was pretty standard operating procedure.

City Engineer Budde agreed that it was a pretty typical practice and explained that normally, at the end of the run, they would install a hydrant, so they could easily locate it within the infrastructure.

Councilmember Maddy asked if the City required someone to run half a street worth of pipe, if they would also have to buy a hydrant on the far side of their lot as well.

City Engineer Budde stated that was correct.

Councilmember Maddy stated that the City has a lot of properties that are dividable as minor subdivisions and felt that people were banking on that for when they downsize. He stated that if they are far away from a water main, the City was telling them 'not yet' in an already pretty much fully developed community. He stated that he was having trouble with the one example that was given to the Council because that situation was relatively common in the City.

Planning Director Griffiths reiterated that staff and the consultant had proposed the amendments based on the City Council's direction from the January meeting.

Councilmember Maddy stated that he was thinking that if they had access to water and were doing a lot split that they should be required to hook up, but did not think the City would be charging people a quarter of a million dollars to run a pipe down their road.

Councilmember DiGruttolo stated that she did not think that was what the Council was saying and was saying that if water was not available, then it was premature, so they could not subdivide yet.

Councilmember Maddy stated that they could not subdivide yet, or they would have to pay for water to come from the nearest main.

Planning Director Griffiths stated that was correct, and if they wanted to work around it being premature, that would be one of their alternatives. He noted that another option is that a resident could work with their neighborhood to petition the City for water and then share those costs with their neighbors. He noted that the overall intent of the Council's January discussion was that this was an opportunity, where they have development, to require this to occur and also protect the areas where they have development occurring, at those locations where infrastructure already existed. He stated that without this, they would continue to see unrestricted private well development throughout large areas of the City.

Mayor Labadie stated that a neighborhood could follow the City's code language and petition the City for access to City water.

City Engineer Budde gave a brief overview of the petition process if a certain percentage of the neighborhood wanted City water and noted that in the Shorewood Lane example that was raised, the property owner could reach out to people on the street to petition the City and then spread out the costs amongst themselves. He clarified that this would have to be done by the property owner because the City would not go out and knock on doors to try to make that happen.

CITY OF SHOREWOOD REGULAR COUNCIL MEETING MINUTES

APRIL 28, 2025

Page 12 of 35

Councilmember Sanschagrín stated that he felt that this proposed regulation still needed some more work because it was approved, and gave examples of some language changes that he would like to see made. He explained that for these reasons, he would be in favor of tabling this item.

Mayor Labadie asked what specific information he felt he needed before he would be able to vote on this item.

Councilmember Sanschagrín stated that he felt the Council still needed to think through some of the unintended consequences that this may create and explained that he did not think the City wanted to cause people to lose their retirement savings because of an ordinance that ended up causing financial hardship. He reiterated that there were issues that he found when reviewing this document related to some of the language that was used to make it more about an ordinance that was for the community and residents, and not the City authority. He explained that he had a hard time with forced connections and felt that the City should work on developing a program that was more about a high-quality product that people want rather than compelling people to connect to that product. He clarified that he was worried about City overreach on this item.

Councilmember DiGruttolo stated that she did not have an issue with ensuring that the language matched the Comprehensive Plan and agreed that if it did not match, this would be the time to make it right. She asked if staff knew how many potentially subdividable properties there were in the City.

Planning Director Griffiths explained that it would be difficult to come up with an exact number, but noted that the Comprehensive Plan calls for about fourteen acres of substantial development. He noted that several properties could be split into one other property, but staff had not gone through the entire community to look at those because it would require staff to analyze every individual property.

Councilmember Gorham stated that he agreed with Councilmember Sanschagrín that he did not want to forsake someone's retirement, but also did not want to throw the baby out with the bath water because of a potential outlier of an example about the outcome of the process. He stated that there is a variance process in place, and in this case, were a variance came before the Council, he would want to know where the street was located on the CIP and would also want them to get the temperature of their neighbors about this possibility. He explained that he felt there was a great process in place for the City to be able to consider variance requests on a case-by-case basis.

Councilmember Sanschagrín stated that he felt those were great points and would like to add that into this document somehow to create more protections for the residents.

Planning Director Griffiths explained that the language already calls out that the subdivision variance process exists and could be used by the Council to grant exceptions on a case-by-case basis.

Councilmember Sanschagrín noted that the City was also going to be updating the Comprehensive Plan and was working on developing a water plan and explained that he felt approving this would be a little bit like putting the cart before the horse. He reiterated that he felt it would make sense for the Council to defer a decision on this until those other initiatives are further developed.

CITY OF SHOREWOOD REGULAR COUNCIL MEETING MINUTES

APRIL 28, 2025

Page 13 of 35

Councilmember DiGruttolo stated that she agreed with Councilmember Sanschagrín and noted that she felt the Council should figure out what the plan was going to be for water, in general, before they decide this one small portion of it.

Councilmember Gorham stated that he has been thinking that the Council needed to tackle this issue piece by piece because it was not just subdivisions. He stated that he had also been thinking about home sales and turning things over parcel by parcel when there was a sale, if water was available. He noted that on his street, he went door to door to get resident signatures in support of having a watermain installed, and they have half of the neighborhood did not sign up for water. He explained that one of the people was happy to get it, but did not sign up for water, and had just sold her home, which he felt was a missed opportunity. He stated that he did not want more time to go by and the water decisions to keep getting bogged down within the process, when the City had the opportunity in front of them to make an incremental gain. He stated that he felt this was one tool and would hate to see the City lose more opportunities and suggested that they carve this one out and add a brick to what the City was trying to build, and keep working on subdivision regulations and fine-tune things. He stated that if there was the option of a variance process and the language that could be changed a bit, they could begin working towards a solution.

Councilmember DiGruttolo asked if Councilmember Gorham was suggesting that they take out the water portion and sign the rest of it.

Councilmember Gorham stated that he was suggesting the opposite scenario and stated that he viewed this as Step One of the process related to water, and they could then work on fine-tuning the other points that have been brought up.

Councilmember Sanschagrín noted that would be the inverse of the Planning Commission recommendation.

Councilmember Gorham explained that he felt good about this because there is language that gives people the option of seeking a variance, for cases like they heard about today.

Councilmember Maddy referenced a house in his cul-de-sac that had a lot split done and were adjacent to the watermain, and when they built their new home, they were not allowed to connect to the watermain because of an engineering challenge. He asked if that scenario came before the Council, if it would have to go through the variance process for them to get any water, and if the City had already said that they could not connect.

Planning Director Griffiths stated that he was not aware of that specific situation, but the way this was written was that the property owner needed to work with the City to overcome the challenge or seek a variance to subdivide. He noted that he felt the example shared by Councilmember Maddy was exactly why the variance process was there.

Councilmember Sanschagrín asked if there was a way to include a mechanism that would measure this kind of hardship situation.

Planning Director Griffiths stated that the variance review criteria were pretty specific within State law that needed to be followed, and going outside of that process would be questionable.

CITY OF SHOREWOOD REGULAR COUNCIL MEETING MINUTES
APRIL 28, 2025
Page 14 of 35

City Attorney Shepherd stated that there was a variance process under State law for subdivisions, but when the Council was talking about the provision in Section 903, that was not the zoning. He explained that it was connected to subdivisions, but was not a subdivision code, and noted that there was language included that was 'may be deemed premature' if water was not available for hook-up. He stated that there was nothing in it right now that stated they can vary whether or not a two or three-lot subdivision was subject to a hardship waiver, so the subdivision variance does not apply, and wanted to make sure the Council understood that point.

Mayor Labadie stated that her understanding from past Council discussions was that they were planning to take the water issue on a piece of piece basis. She noted that this item is a piece of a really large issue and felt that if the City tried to put everything together all in one decision, it would take a very long time to reach any type of agreeable language.

Councilmember DiGruttolo explained that her concern with taking the piece-by-piece approach was that this was not the piece that the City should start with. She stated that she understood the concept of breaking it down into digestible, easier to under pieces, but reiterated that she did not feel this place was where it should begin. She explained that she did not think the Council could have a full conversation about the benefits, trade-offs, pros, cons, and was also not capturing the Council's thought process for the future. She stated that the City was in this situation now, but they do not know how they got here because no one on the Council was here when the initial decisions were made. She stated that she felt they were currently trying to lay the foundation that whoever comes in the future will be able to understand the logic of what their thought process was before they make their own decisions. She stated that even more important than that was making sure the community understood why the City was making those decisions and choices. She stated that she liked what the City was trying to do and felt this was probably the right way to go, but she was concerned that they would not have the level or amount of transparency that they want with the full discussion, so people will be able to see how all the pieces fit together.

Councilmember Gorham stated that he had said the same thing a few weeks ago about the Mill Street project.

Mayor Labadie stated that for this item, the applicant was the City of Shorewood and asked if this was time sensitive, like it would be for an individual applicant.

Planning Director Griffiths stated that there was no statutory time frame on these amendments, but several things are coming down the pipe that it would be very beneficial to have this in place before they arrive. He gave the example of the legislative session ending on May 19, 2025, which had several bills still in process that would significantly limit the City's authority over zoning and development. He noted that one of the key components of the proposed bills was the availability of infrastructure, so this type of policy could become very important if some of those bills are approved. He noted that the City was consistently receiving development applications and explained that staff was concerned that some of the current policies in the subdivision section may be questionable. He stated that he felt there was some pressure to move forward with these more quickly, but there was not a statutory deadline to get them done.

Councilmember Sanschagrín asked if the possible legislative changes would be another reason that the City should wait before approving this, or if he was saying that these ordinances would get grandfathered in.

CITY OF SHOREWOOD REGULAR COUNCIL MEETING MINUTES

APRIL 28, 2025

Page 15 of 35

Planning Director Griffiths clarified that he was saying that several of the bills that have been proposed, condition their requirements on the availability of local infrastructure. He stated that, right now, the City had no requirements related to acquiring City water, so if some of the bills pass, the City could allow much greater housing density on properties and if this policy was not in place, the City may see that development occur with private wells instead of City water and would also mean that this development could happen more broadly across the community instead of the locations where the City had planned for the growth. He explained that this was why there was a bit of pressure to get these policies in place and noted that even if the proposed legislation did not pass this year, he did not think the conversation would be going away and reiterated that the City's current policy leaves them somewhat exposed if they are passed.

Councilmember Maddy stated that defending the City from an overreach at the State level was probably the first good argument he had heard, but was not sure if the timing pressure was there and felt they would be able to come back and cover themselves afterwards if they do something crazy like they did in 2023, unless they preempt new restrictions.

Planning Director Griffiths stated that a number of the bills have been written that cities need to follow the regulations that they have in place, as of June 1, 2025, not the end of the calendar year. He explained that the reason this policy was being brought forward was because staff were working on broader updates to the subdivision code and because they had a conversation with the Council in January, which was what moved these forward as part of the process. He stated that the Council could choose to pull those elements out but reminded them that they were included based on the Council's direction at the January meeting.

Councilmember Maddy stated that he did not like surprising people with expenses and noted that a point of sale requirement to connect, made sense to him. He gave an example of assessing people for street work when they did not see it coming, because they may not be able to front the money, which meant they had to borrow from the County, which was something he did not like to see done to people. He stated that the ninety day rule included in this language concerned him even though it was seemingly directed at investor owned properties/ He stated that he also did not like a situation where someone may have been sitting on a spare conforming lot that they were planning to split and sell would not be able to split anymore. He noted that he did not see the City getting water everywhere until another twenty or thirty years later. He explained that because of these reasons, he was torn on his opinion and noted that he wanted to do it because it would not affect that many people, but the people it does affect would be a substantial burden compared to what they had the legal right to do currently.

Councilmember Gorham stated that the impact of the proposed bill, if passed, would be dramatic.

Councilmember Maddy stated that he felt it was probably worth having an insurance policy in place to cover themselves from whatever the State may be up to with the odd bedfellows that were behind the missing middle proposals.

Councilmember Gorham referenced the explanation by City Attorney Shepherd related to variances and asked if there may be better language that could be used for a variance situation or some discretion that the City could build into the language to be able to take them case by case.

City Attorney Shepherd stated that the subdivision variance process was unusual hardship and not practical difficulties, and noted that even if it was the practical difficulties test, they were not

CITY OF SHOREWOOD REGULAR COUNCIL MEETING MINUTES

APRIL 28, 2025

Page 16 of 35

supposed to take into account finances in the decision. He noted that the framework for zoning and subdivisions they were talking about the land. He explained that his concern would be if there was a process by which people would be required to hook up, but then build in some sort of equity hardship test, that would put the Council in a difficult spot for making that determination on a case by case basis and may leave them open to some legal challenges. He stated that he would recommend an all-or-nothing approach and from a more global perspective, and not on an individual basis.

Councilmember Gorham stated that he did not want the Council to be inundated with variance requests where they would have to serve as judge and jury.

Mayor Labadie stated that last week, Senator Ann Johnson Stewart held a meeting with all the mayors in her district, and she did bring up the missing middle housing bill and other things that were in the pipeline. She explained that Senator Johnson Stewart had said that very few of the bills, at the State level, have bipartisan support, but this concept did. She noted that she did not think the worry expressed by Planning Director Griffiths was a scare tactic because it mirrored what Senator Johnson Stewart had shared with the mayors last week. She stated that if the City lost local control of the City and the future of how it will look and be developed, it could have devastating impacts on Shorewood. She stated that she felt this was a difficult decision and noted that she had not come into this with her mind already made up and felt the entire Council was taking this very seriously. She stated that this may be one of the many steps that the City needed to take to right their Water Fund.

Councilmember Maddy stated that Greenwood notoriously does not have any fire hydrants or a public water system, and there was a structure fire there last week, which ended up filling up the street with tanker trucks from multiple departments. He stated that as the cities develop further west, they will not have the luxury of some of these departments having tanker trucks ready to roll.

Councilmember DiGruttolo stated that Councilmember Maddy had raised a really good point, which was why she wanted to have a conversation, nor did she think this was the best place to start the overall water conversation. She stated that it was currently drier than it has been, wildfires are spreading faster than they have along the Canadian border, and she felt that water and sharing water were going to become a big issue. She stated that she did feel the City needed to have this conversation, which had many complexities, and they have to serve the interests of the majority of residents and not just small communities, which can be painful, but sometimes they have to face hard realities. She stated that all she was asking was for the Council to be able to have the conversation about the big picture before they start taking on the little pieces.

Councilmember Gorham stated that he had thought the same thing about the Mill Street project, but with the timing of the missing middle thing, if it is passed and this policy is not in place, it could just totally dissolve what the City was trying to do.

Councilmember Sanschagrin stated that he was not sure he understood why and asked what the risk would be.

Mayor Labadie asked City staff to answer the question related to the proposed legislation at the State level and how it could impact the City's Water Fund, in a worst-case scenario.

CITY OF SHOREWOOD REGULAR COUNCIL MEETING MINUTES

APRIL 28, 2025

Page 17 of 35

City Administrator Nevinski explained that what was being proposed was that cities are not able to set their zoning requirements. He stated that the State was saying that if certain conditions exist, the cities would have to allow housing at much higher densities on much smaller lot sizes. He stated that staff was worried that there would be a lot more development pressure and more opportunities for people to sell land for more parcels. He stated that the City could see higher density developments with everything being put on wells because that would be cheaper, easier, and more convenient.

Planning Director Griffiths stated that part of the reason that he was substantially concerned about this was because Shorewood's existing zoning had prioritized larger lots, and setbacks had pushed things to the center and back of the lots. He explained that in the areas where City water was not available are the one-acre lot neighborhoods that have chosen not to hook up to the system. He noted that the way the State was proposing this legislation was that those lots are prime candidates for additional housing, and if this was approved, they could potentially see three additional houses on that lot, in addition to the existing home. He stated that without having this policy in place, the City would not be able to say 'no' because they would be able to use private wells, which also meant that there would not be fire hydrants or public safety elements in place and would just be permitted via a building permit.

Councilmember DiGruttolo stated that it was character and the City did not have the rest of the infrastructure to support that rapid of a buildup, and the City would lose its ability to have pacing. She stated that she felt it was important for local government to be able to maintain the character that the majority of residents want, but also the pace of progress.

Councilmember Sanschagrin asked about the likelihood of this legislation passing.

Councilmember DiGruttolo stated that it seemed to be pretty high.

Planning Director Griffiths stated that he was not sure if it would pass during this session, but from individuals he had spoken with in his profession, it sounded like it would continue to be a hot topic year after year, until something passes.

Mayor Labadie explained that this was also what Senator Johnson Stewart had alluded to.

Councilmember Gorham asked if the House had passed this last year.

Planning Director Griffiths stated that it did not pass the House last year because of the way the legislative session ended in turmoil but acknowledged that they were very close to the finish line. He stated that the direction he had received through his professional organizations and groups was that this coalition was building and continued to get larger, and that this was also one of the few issues for which there was bipartisan support within the State legislature.

Mayor Labadie stated that during the last legislative session, all the cities had spoken out in outrage, and most of the cities are members of the League of Minnesota Cities. She stated that the League of Minnesota Cities had supported the cities that were in opposition and provided other support as advocates for city controls and individuality, which she felt was helpful at the end of the last session.

Councilmember Maddy stated that curb and gutter had been mentioned and asked if that would be required for a minor subdivision.

Planning Director Griffiths explained that curb and gutter would be required in situations where a street was going to be built.

Councilmember Gorham stated that the City had received a comment from a former Councilmember who was an attorney about line thirty-three that suggested a change from 'may' to 'shall' and asked City Attorney Shepherd if he had an opinion on this.

City Attorney Shepherd stated that he agreed with former Councilmember Callies and stated that it goes back to the discretion that he had talked about, and this was not a scenario where the Council wanted to be calling balls and strikes, whether it was available or not.

Gorham moved to push the proposed Subdivision Ordinance Amendments to a future meeting to allow the Council time to discuss more details; AND, Approving Ordinance 617, Amending Shorewood City Code Title 900 Public Right-of-Way and Property, and Title 1200 Zoning and Subdivision Regulations, with the replacement of language 'may be deemed premature' with 'shall be deemed premature'; AND, Adopting RESOLUTION NO. 25-044, "A Resolution Approving the Summary Publication for Ordinance 617 Amending Shorewood City Code Title 900 Public Right-of-Way and Property and Title 1200 Zoning and Subdivision Regulations."

Planning Director Griffiths noted that the language change proposed by Councilmember Gorham was included in the broader Subdivision Ordinance, so the Council cannot adopt one without the other because this language referenced proposed City Code 1202.47, which established all the standards for premature subdivision. He stated that Councilmember Sanschagrín had not shared his other concerns related to the language and suggested that he could try to answer other questions about the text concerns.

Councilmember Gorham asked if the Council could approve the section that referred to City Code 1202.47.

City Attorney Shepherd stated that if the intent was to carve out and deal with the amendments for Chapter 900 rather than the whole scale Subdivision Ordinance, he would suggest a motion to bring that back and put the minor, discreet amendment on a Consent Agenda, because he felt that would be cleaner.

Councilmember Gorham stated that he felt putting this on a Consent Agenda would not look good or sound good.

City Attorney Shepherd explained that, from his perspective, they had already held several public hearings, had discussed it, and if they were not changing the language, he felt that they could put that in a discreet ordinance. He noted that in that scenario, it would not be uncommon for something like that to be placed on the Consent Agenda.

Motion failed for lack of a second.

Sanschagrín moved, DiGruttolo seconded, to table Ordinance 617, Amending Shorewood City Code Title 900 Public Right-of-Way and Property, and Title 1200 Zoning and Subdivision Regulations.

CITY OF SHOREWOOD REGULAR COUNCIL MEETING MINUTES

APRIL 28, 2025

Page 19 of 35

Councilmember Maddy asked if this was being tabled because of an alleged flag lot discrepancy or if there was another motivation.

Councilmember DiGruttolo stated that she felt they were looking to table it because the Council had not had the larger conversation about water. She stated that the Council had been told that they could not remove that section and approve it, so they wanted to have the conversation about water before they approve it.

Councilmember Gorham stated that was not what he had heard.

Mayor Labadie asked how quickly this item may be able to come back to the Council as a whole issue and be able to vote on something before the legislative session deadline of June 1, 2025.

Councilmember Gorham stated that they did not know if the June 1, 2025, deadline was a real thing. He stated that he would rather see the City go through their edits because he did not think that they would be able to have a robust conversation about this anytime soon. He stated that if they were getting held up by the subdivision language, he would suggest the Council just go through the subdivision language.

Councilmember Sanschagrín stated that he also felt there was an issue with this because it tied into the water plan.

Councilmember Gorham agreed but noted that the risk was that there may be new legislative language that would open up the entire City to subdivisions without the water language and would deep-six any hope for a fully sustainable Enterprise Fund.

Councilmember Sanschagrín stated that he felt there were other ways of addressing the Water Fund.

Councilmember Gorham stated that this was just one piece and felt that there was still a robust conversation that needed to take place about all the other water solutions and explained that he had no idea how the City would implement water. He stated that this was one that just affected fourteen acres in the City.

Councilmember DiGruttolo stated that if the City made the choice here to force people to hook up, it would be very strange and hypocritical if, in the end, the City decided that would be the only one and nobody else would have to hook up. She reiterated that the Council had not had a conversation in public where they had discussed why they did this here but not in any other places. She suggested that they go ahead and take a vote.

Mayor Labadie clarified that the Council was still in the discussion phase and reminded Council that this magnitude of a decision impacted the City for current homeowners but also for the next generation. She stated that she was very concerned about the way the housing bill because she felt that it would pass, at some point, and would restrict cities' rights. She noted that it may not be the best time to make a decision based on speculative statewide legislation, but if the City misses the opportunity and it does pass in June of 2025, shame on the Council. She stated that the Council was trying to do the right thing and gather information, but that could financially impact their City.

CITY OF SHOREWOOD REGULAR COUNCIL MEETING MINUTES

APRIL 28, 2025

Page 20 of 35

Councilmember DiGruttolo asked if the Council passed this and then decided later, when they start having those other conversations, that they made the wrong choice, if they would have the political will to turn around and change this back the way it was. She stated that this may need to happen and noted that she did not think anyone on the Council was wrong, but these were the current facts. She explained that she had appreciated that everyone on the Council was throwing out potential scenarios and was glad it was public because she wanted the residents to understand that this was an agonizing decision and were not just making a snap decision, or that they had already made their minds up before the meeting.

Councilmember Sanschagrín stated that as part of their discussion, they talked about a development that was not required to hook up but had voluntarily done it, so he felt that if the Council did not pass this tonight, it would be an 'all is lost' situation. He stated that he felt the City could work hard to convince the future subdividers that it would be in their best interest to hook up to City water.

Councilmember Maddy explained that he was starting to see this more as stop poking holes in the community aquifer rather than some other concerns that had been raised. He stated that he felt that this was the first step in that goal and noted that further down the road, he would like to start offering a better water product. He stated that it was not an easy choice, but he was comfortable with it, so he would be against the current motion.

Mayor Labadie stated that the Council had heard from City Engineer Budde in the past that to drastically improve the water quality would be astronomically expensive, and they cannot get there without having more people hook up. She stated that the City was not funding it appropriately, as it currently was, and did not think it was realistic to convince people to hook up because it was a better product.

Councilmember Sanschagrín stated that he believed the necessary improvements would be about one million dollars for an iron filter and noted that it was not much more than putting in the pipe.

Public Works Director Morreim stated that they were going through improvements on an existing filter and building right now, which was about three hundred thousand dollars. He stated that they have four different sites, and if the City wanted treatment, it would be on the other three sites that do not have buildings for treatment or anything and felt that it would cost multiple millions of dollars for each site.

Councilmember Sanschagrín stated that he thought they would just do Badger because that was their main well.

Public Works Director Morreim stated that they were still quite a distance from looking at the feasibility of any of this, and what the Council was discussing tonight was just a piece of that, and explained that some of those pieces needed to align before they could get into those discussions. He stated that improving the water quality really cannot occur before the City gets more people connected and the City has more of a revenue stream to even get on the path.

Councilmember DiGruttolo asked if the City could apply for grants for water infrastructure.

City Engineer Budde stated that there are grants, but to get them, they typically would have to have contaminants in the municipal supply. He stated that Shorewood does not have any significant contaminants and is mostly just iron.

CITY OF SHOREWOOD REGULAR COUNCIL MEETING MINUTES

APRIL 28, 2025

Page 21 of 35

Public Works Director Morreim explained that iron was considered a secondary contaminant and referenced grants/funding from the legislature for Mound and stated that it was for different issues than just iron.

Mayor Labadie noted that some of Mound's money was coming from the Federal government, and there was currently uncertainty about when or if those funds might come through.

Councilmember DiGruttolo asked if the Council may be able to have a mini retreat where they meet for a few hours to discuss this issue publicly and hammer this out sometime before the proposed legislation may be passed. She stated that she agreed that there was a sense of urgency because of that possible legislation.

City Administrator Nevinski stated that if the Council wanted to hold a special meeting or a mini retreat, that could be done and asked if she would want to hammer through the Subdivision Ordinance, including the concerns that Councilmember Sanschagrin had raised.

Councilmember DiGruttolo clarified that was not what she was suggesting and explained that she wanted to talk about water.

City Administrator Nevinski stated that the City was going through the long-term Financial Management Plan with the consultants, who would present to the Council by the end of June. He stated that he felt there were three buckets for the water issue, and this particular one was a small bucket because they were talking about land that can be further subdivided and the City's policy around that. He noted that in addition to the rules for subdivision, they were also talking about the utility hook-up or the availability of water. He stated that he understood that someone may be ready to sell their house and do some subdividing, but for the most part, it would not directly impact a lot of people in the City. He stated that he felt the second bucket was people who have water available, but they have chosen not to hook up, and the Council has had discussions about what could be done to incentivize this decision. He explained that he felt the third bucket was whether the City should start to extend its water system and, if so, what steps needed to be taken. He stated that this current issue was something he felt was relatively straightforward and does not impact people as they sit in their homes today in the same way as saying they needed to hook up tomorrow or in ninety days, because that would be a much more difficult issue. He stated that the subdivision requirement was something that would get dealt with as development opportunities emerge.

Councilmember DiGruttolo stated that she agreed, in theory, but the part that she had a problem with was that the Council had yet to decide together, as a Council, what their vision was for the next generation, and explained that would guide what they decide with the water. She stated that she felt they needed to have this conversation about what they want the next generation to look like and how they accomplish this with limited resources, in the most fairly and equitable way, so the majority of residents felt seen and heard. She reiterated that this was why she did not feel the City should do this piece first before they have that conversation and hammer things out. She explained that she felt making this decision was putting the cart before the horse.

Councilmember Sanschagrin stated that he agreed with everything Councilmember DiGruttolo had shared.

CITY OF SHOREWOOD REGULAR COUNCIL MEETING MINUTES

APRIL 28, 2025

Page 22 of 35

Councilmember Gorham stated that a few weeks ago, he had come out of the meeting frustrated that the Council had not had this conversation yet, and the Mill Street project was in front of them. He stated that he found it annoying that the decision had to be made because of the timing of the project and could not be done on the City's timeline, which he found frustrating. He asked what was preventing the City from just kicking this thing off and having those discussions.

City Administrator Nevinski stated that he felt a big piece was understanding the finances and noted that they were working to gather that information so they could have that conversation. He explained that he was also feeling a bit frustrated because they keep having these conversations in pieces, and the message is that they want more information, but he was not sure at what point it would be determined that they had enough information. He acknowledged that this was a tough issue, but asked when they would have enough and explained that he also was not sure what he would be chasing for the Council. He asked what else the Council needed to know and what they needed to know that would help them in their decision.

Councilmember DiGruttolo explained that she would like to know things like the percentage of residents who want City water, or if their mindset was that they all think they are just going to have wells forever. She explained that these were the kinds of questions that she felt the City did not have good answers for yet. She stated that she would like data to help with their decision making and noted that it would be nice to know how many people had been given the opportunity to hook up and reiterated that she did not think the Council had enough information about what the residents wanted and how much they were willing to pay. She noted that Council and staff had gotten lots of questions about this topic via email and felt that people were very agitated and worried about it. She explained that she would like to allow them to come in and be part of this conversation, and if they choose not to do that and do not like the decision that the Council made, they will need to realize that was how democracy worked.

Mayor Labadie stated that the City had given that opportunity to residents and has only had one resident come during Matters from the Floor, and noted that residents have that opportunity at every Council meeting. She stated that it had also been noticed at their annual retreat meeting, and nobody came, and the Council discussed water for hours. She stated that it was noticed again tonight, on this specific issue, and explained that she felt that people who have wells will keep them until they are dry, and that people who had the opportunity to hook up and chose not to, are still not going to hook up. She stated that she did not think the community was uneducated on this issue, and the expense involved in hooking up to City water. She acknowledged that the City has gotten occasional emails from residents on this topic and was not sure why they were not coming in to speak to the Council. She explained that she felt they would end up having them come in after the fact to scream at the Council. She stated that if the Council continued to wait for residents to speak up, she did not know how many would speak up.

Councilmember DiGruttolo stated that she counted the email messages as them speaking up. She stated that when she moved to Shorewood, she did not think she got much information about it. She noted that they asked the former City Administrator if the City could help them get things hooked up all the way, and he was not helpful. She explained that when they got the quotes for individuals, they knew that they could not afford it on top of the ten-thousand-dollar fee and noted that the whole situation felt overwhelming.

Councilmember Maddy stated that the only thing the Council was voting on tonight, related to water, was that properties needed water to divide their property. He noted that anyone who was not going to divide their property would be status quo for the foreseeable future.

CITY OF SHOREWOOD REGULAR COUNCIL MEETING MINUTES

APRIL 28, 2025

Page 23 of 35

Councilmember Gorham stated that he felt they were going to come up against this issue again when they talk about Mill Street and will have to make the best decision with the information they have, because they have to be opportunistic. He stated that right now it was about the potential missing middle bill that could devastate the City's future water plans and would be doing it again next month to capitalize on savings for the County project. He noted that he did not think the City would be able to have the discussion they wanted or be able to roll out the plans they wanted because they just were not there.

Councilmember Sanschagrin stated that he felt using the statement of a 'devastating impact' was an exaggeration.

Councilmember Gorham stated that there was a risk.

Councilmember Sanschagrin reiterated that it was an exaggeration and asked what they were really talking about and how many subdivision applications would come in. He stated that this does not impact that many people.

Councilmember Gorham stated that he felt like they were talking about two different things. He stated that the existing subdivisions were for fourteen acres and this would apply to the entire City, because anyone can subdivide. He stated that this was a landscape-changing bill and the impact would be high.

Councilmember Sanschagrin stated that he felt the City could put the adjustments that needed to be made on the fast track.

Councilmember Gorham stated that they may not because what they were just talking about was a larger discussion and getting a lot more input, which he did not believe would be able to happen before the session ended. He noted that the Council may just need to be emotionally prepared, like Councilmember DiGruttolo had described, to come back and explain what the City's plan had been and be willing to admit if they end up being wrong.

Mayor Labadie stated that she did not think the Council should make decisions while thinking like that, but noted that the Council or residents can speak to staff and try to get things on future agendas so the Council can vote on it. She reminded the Council that there was a live motion on the table to table this item and bring it back at a future meeting.

Councilmember Gorham asked what was meant by bringing it back at a later time.

Councilmember Sanschagrin explained that he had meant after the Council came up with a water plan.

Motion failed 2-3 (Labadie, Gorham, and Maddy opposed).

Maddy moved to Approve ORDINANCE 617, Amending Shorewood City code Title 900 Public Right-of-Way and Property and Title 1200 Zoning and Subdivision Regulations, with a change to line 33 on page 1, to change the word 'may' to 'shall'; AND, Adopting RESOLUTION NO. 25-044, "A Resolution Approving the Summary Publication for Ordinance 617 Amending Shorewood City Code Title 900 Public Right-of-Way and Property and Title 1200 Zoning and Subdivision Regulations".

CITY OF SHOREWOOD REGULAR COUNCIL MEETING MINUTES

APRIL 28, 2025

Page 24 of 35

Motion failed for lack of a second.

Councilmember Gorham stated that he did not want to approve something when Councilmember Sanschagrín still had concerns and issues with the current proposed language.

Councilmember Maddy asked if he could get a list of the issues and areas of concern.

Councilmember Gorham suggested that they take them one by one.

Councilmember Sanschagrín stated that he wanted to be clear that he also had issues with the Ordinance, because of the water plan, and not just the Resolution.

City Administrator Nevinski asked if the suggestion was for the Council to go through this line by line, and expressed concern about that approach because it was already 9:40 p.m. He stated that he did not feel that approach would be practical.

Mayor Labadie stated that the Council was able to see how many flags and highlights Councilmember Sanschagrín had added to these documents and asked him if he felt the overall number of things he had flagged could be answered this evening.

Councilmember Sanschagrín stated that it would likely take a lot of time to go through everything he had marked and agreed that it may not be a good use of the Council's time during the meeting to go through them together. He explained that the language on the purpose of the regulation was one of the first things he wanted to be able to nail down because it seemed to be positioned that the purpose was to safeguard the best interests of the City and he would like to change that language to say that it was going to safeguard the best interests of the residents, not the City.

Mayor Labadie stated that she felt that all of Councilmember Sanschagrín's concerns would not be able to be addressed tonight and noted that the Council needed to figure out how they were going to proceed with relation to this item. She reminded the Council of what the most recent motion had been that was not seconded.

Councilmember Gorham stated that he did not think that motion would have been possible.

Planning Director Griffiths stated that the Council could make the change from 'may' to 'shall' so it would be possible.

Councilmember Gorham stated that they could not change the City Code references that do not exist.

Planning Director Griffiths stated that, as he had pointed out earlier, it would be difficult to separate one from the other because there were a lot of teeth included within the Subdivision Ordinance that was referenced, so they do intertwine quite a bit.

City Attorney Shepherd stated that upon further reflection, he would retrack his earlier statement about ways to proceed, because he agreed with Planning Director Griffiths that they were really intertwined and if the Council chose to keep the water live for discussion, they would potentially have to go back and make changes to the Subdivision Ordinance. He clarified that he felt bundling this and doing it all at once was probably the way to go.

CITY OF SHOREWOOD REGULAR COUNCIL MEETING MINUTES

APRIL 28, 2025

Page 25 of 35

Councilmember Gorham asked if there were references that could be used instead of City Code 1202.47, for example referencing existing code, instead.

Planning Director Griffiths stated that they could not reference existing code instead because there was no language in the existing code relative to premature subdivisions, which the proposed text substantially relied on for implementing this policy and reiterated that this was one unified package because they rely on each other.

Councilmember Gorham referenced a sentence that could state, 'all subdivision applications received after the effective date shall be required to connect to the municipal water systems at the applicant's expense'.

Planning Director Griffiths acknowledged that they could proceed with that if the Council chose.

Councilmember Gorham stated that they could take it back at their next visit when they look at the rest of the language and amend it to include the actual reference.

Planning Director Griffiths stated that they would do that but noted that this was the section that trips a public hearing requirement, so it may not be as simple as just bringing it back to the Council because they would have to notice and advertise another public hearing in order to add language back in, which would increase the City's costs and the overall timeframe.

Mayor Labadie stated that the Council had been advised by Planning Director Griffiths and City Attorney Shepherd that this language needed to be voted on or tabled, as a package, she felt the Council should follow their advice.

City Attorney Shepherd stated that he appreciated Councilmember Gorham's attempts to find a way to move this forward but was not sure that they even had three members of Council who were interested in carving out that section, much less the Subdivision Ordinance as a whole, without that section, or the whole kit and kaboodle, in order to move this forward. He suggested that the Council want to do an informal poll because he felt that they may be at an impasse for moving anything forward.

Mayor Labadie asked for clarification from the Council on what motion they would support related to Ordinance 617. Following Council's indication of what they would support, she stated that the Council did not have enough votes to move this forward and suggested that they give staff appropriate direction to bring this back as quickly as possible. She explained that she felt time was of the essence and noted that at least two members of the Council have indicated that they do not want to move forward with this until they have the larger water discussion. She noted that she understood the statements made by Finance Director Schmuck and City Engineer Budde that this would have implications in their departments. She asked how quickly this may be able to come back and for engineering and finance to be able to answer questions on the larger water issue.

Finance Director Schmuck noted that many of the concerns with the large water discussion is what scenario they want to take and explained that they were trying to line things up in different ways for the Council to consider and shared various examples. She noted that the City had done a survey in 2011 and was doing a similar survey now, so they have the data and have comments from residents. She noted that in 2011, twenty percent of those who responded to the survey did



City Council Meeting Item

Title/Subject: Water Infrastructure
Meeting Date: Monday, June 9, 2025
Prepared by: Marc Nevinski, City Administrator
Matt Morreim, Public Works Director
Andrew Budde, City Engineer
Jeanne Schmuck, Finance Director
Jake Griffiths, Planning Director
Attachments: See Memo Reference section

Executive Summary

Shorewood's Water Enterprise Fund is projected to run a negative balance by 2026, reaching an approximate \$4.5M deficit by 2035 if current policies remain unchanged. Despite annual rate increases of 10% since 2019, the current funding model is unsustainable and places increasing strain on both the municipal water system and ratepayers.

This issue is not new. For over 30 years, the City has studied, discussed, and struggled with its municipal water policy. The result is a fragmented municipal water system, underutilized infrastructure, and a growing financial deficit in the fund. Growth and development in Shorewood have added additional resources to the system, but with limited development opportunities remaining, difficult policy decisions must now be made, as continuing the status quo for even a short amount of time will compound the problem.

There is no single solution to address this challenge, but city staff have outlined a range of options that would work together to address the financial deficit. The City Council is requested to consider the information in this memorandum, the various options, and direct staff as to which options should be pursued. Council's direction will inform the assumptions to be used in the Long Term Financial Management Plan which Northland Securities will present in late June. The direction will also be used in developing the 2026 budget.

Introduction

City water infrastructure has been a contentious topic for many decades. Currently, approximately 50% of Shorewood residents are connected to city water and 50% have private wells. Approximately 531 households have access to city water but choose to remain on their private well. In addition to a lack of residential connections, challenges facing Shorewood's water infrastructure are:

- Lack of clear vision on overall infrastructure decisions.
- Infrastructure is aging and will require costly maintenance and replacement.
- Minimal treatment in the city's water supply.
- Current utility funding for projects is spending down reserves.

At the request of City Council, city staff have prepared this memo to provide history, current infrastructure status, financial picture, and options to consider.

Memo References

This memo is intended to provide the city council with a robust historical and current picture of the city's water infrastructure. City staff reference historical content from previous work session, city council meeting and city council retreats. The following references are listed in chronological and numbered order and are available in the Agenda Center on the City's website under the [June 9, 2025 regular meeting packet](#).

1. November 21, 1991 – A Study of The Support of Shorewood Property Owners for a Proposed City-Wide Water System – Report and survey results.
2. January 16, 1996 – Planning Commission Meeting Minutes – Joint meeting with city council discussing 20 year water plan.
3. January, 1996 – Water Distribution System Improvement Implementation Plan Report – Discussed citywide implementation of watermain over 20-year period.
4. March 9, 2006 – City Council Work Session Agenda Packet and Minutes – Council work session packet and minutes detailing capital bonding, water extension, connection policy and practice and watermain survey results.
5. January 20, 2010 – City Council Work Session Agenda Packet and Minutes – Council packet and minutes detailing items regarding the water connection policy.
6. February 4, 2010 – Water Connection Fees – History – Discussed the history of water connections and fees through 2010. Also includes July 1999 council memo regarding City Water Discussion – Study Session
7. February 22, 2010 – City Council Memo – Water Ordinance – Discussed amendments to water ordinance including using special assessments.
8. July, 2010 – Municipal Water Brochure – Brochure explaining water quality, assessment process, connection process and private well information.
9. December, 2011 – Shorewood, MN Citizen Survey Report of Results – Report and survey results of city survey that includes city water questions.
10. June 25, 2012 – City Council Work Session Agenda Packet – Water Plan Update
11. September 29, 2012 – 2012 Water Distribution Plan Update – Update to 1996 water distribution plan. Details implementation of citywide watermain over 20-year period.
12. August 27, 2018 – City Council Work Session Memo and Minutes – Water Connections – Council memo and minutes outlining strategies to increase water connections.
13. September 24, 2018 – City Council Memo and Minutes – Water Connections – Council memo and minutes providing detail for a utility bill insert.
14. February 27, 2023 – City Council Retreat Agenda Packet – Council memo providing detail for water treatment options.
15. January 26, 2024 – City Council Retreat Agenda Packet – Council memo providing details for City Infrastructure and Financing Strategies.
16. October, 2024 – Maps – Map showing which parcels have water available and which are connected or not connected to municipal water. Additionally, map showing areas that have requested water availability in their area.

17. January 27, 2025 – City Council Workshop Memo and Minutes – Information from meeting where direction was provided to City staff to move forward with requiring new subdivisions to connect to the municipal water system.
18. April 22, 2025 – Shorewood Water Connection Program DRAFT – Draft resident mailer for the water connection program.
19. April 28, 2025 – City Council Meeting Agenda Packet and Minutes – Information from meeting where action on subdivision regulations was tabled.
20. April, 2025 – Recent Home Sales Map – Map detailing recent home sales in relation to water availability.
21. May 9, 2025 – Public Water Supply Memo – Memo from Excelsior Fire District Chief regarding importance of a municipal water supply.
22. Private Well Testing Data from Rental License Program – Laboratory testing results of private well water at rental properties from within the last 3 years.
23. June, 2025 – City Water Citizen Survey Results – Survey results from a citizen survey that are specific to city water.
24. June, 2025 - Mill Street Survey Results
25. June, 2025 – Water Connection Summary Sheet

History

Prior to 1973, Shorewood residents were served by private wells. In 1973, the Amesbury development was built along with a deep well and distribution piping. The water infrastructure was paid for by the developer and was turned over to the city upon completion. During this time, the city struggled on whether to have city water or not. One early policy was that any new development of ten or more units was required to construct a community or city well and distribution system.

The following is a timeline of water utility assessments, connections and the water connection fee:

- Boulder Bridge and Woodhaven were built in the late 1970's and 1980 and were subject to the 10-lot water policy. Both developments included wells, pump houses and water lines at the cost to the developer. The Woodhaven well and pump house were decommissioned while the Boulder Bridge wells are still in operation today. Residents of Boulder Bridge paid \$6,500 per lot while the costs are unknown for the Woodhaven development. The city negotiated deals with the developers for any future connections to the system outside of the developments. The cost was \$2,000 plus interest.
- In 1981, the Badger well, pump house and water lines were installed as part of the Wild Duck Third Addition. The funding is unknown for the Badger system.
- In 1987, Shorewood Oaks constructed approximately one mile of watermain to extend the Boulder Bridge system to Shorewood Oaks. The watermain cost Shorewood Oaks residents nearly \$6,000 per lot. The city renegotiated (extending it) the reimbursement agreement with Boulder Bridge and waived the \$2,000 per lot reimbursement charge for Shorewood Oaks. It was decided by the City Council that residents along the watermain outside of Shorewood Oaks would pay a hook-up charge of \$4,000. The Brynmawr development north of Boulder Bridge was the last development to connect for \$4,000.
- In 1995, City Council was interested in a city-wide water system and ordered an update of the water distribution plan for the city. As part of the update, it was decided that new development

should pay a \$5,000 assessment and a \$5,000 “trunk charge” per lot for city water. The \$10,000 came out of a plan to serve the majority of the city with city water in three phases over a 20-year time span. At the same time, the \$4,000 hook-up fee was raised to \$5,000. The Heritage development, south of Edgewood Road, was installed under that policy

- In 1996, Lundgren Brothers developed Marsh Pointe. The developer threatened a lawsuit objecting to the \$10,000 in city charges in addition to their cost of installing the development’s water. They alleged that it was unfair that existing residents only paid \$5,000 while new residents had to pay \$10,000 and more. The City settled with the developer, reducing charges to \$8,000 per lot.
- Following the Marsh Pointe development, the City amended its water policy to make the \$10,000 (\$5,000 assessment and \$5,000 trunk charge) for all properties, new or existing. The City Attorney’s office advised the city that there was no statutory authority for a “trunk charge”. As a result, the city amended its code to include the term “connection charge”.

In January of 2010, city staff discussed the water connection policy with the Council at a work session. Discussion included revisions and additions to existing municipal code. Two options were proposed by city staff that would allow the council to initiate a watermain project without special assessments to adjacent property owners. The options are found in Memo Reference #5, PDF pages 17-24. At the end of the meeting, the Mayor stated that there was a consensus to not include the proposed language eliminating assessments in the ordinance. That being said, the following proposed language from the 2010 discussion reflects the City’s current practice.

903.181 CITY INITIATED WATER IMPROVEMENT

Subdivision 1. Initiating an Improvement

- a. The City Council may order the extension of municipal water as part of a planned road improvement project. If the Council makes such a determination, the feasibility report for the road improvement project shall include the feasibility of extending municipal water.*
- b. Upon determination and election to extend municipal water service as part of a planned road improvement project, the Council shall determine if the water improvement will be funded through a Special Assessment against benefiting property or if the improvement will be installed without a Special Assessment.*

Subd. 2. Improvement without Special Assessment. If the City Council elects to proceed with the project without the imposition of a Special Assessment, the Council shall proceed as follows:

- a. Residents abutting the road way where the improvement will be made will be sent notification of the improvement along with information on the municipal water system and costs to connect during the improvement project.*
- b. The City Council may hold a public hearing on the project. If the Council chooses to hold a public hearing on the project, such hearing will cover at least the following items:*
 - i. The estimated cost to complete the improvement;*
 - ii. The estimated cost for residents to connect to the System at time of construction;*
 - iii. The process to connect following completion of construction;*
 - iv. The estimated cost to connect following completion of construction;*

v. *Any other information the City Engineer or City Council deems pertinent.*

Subd. 3. Improvement with Special Assessment. If the City Council elects to proceed with the project and to assess the costs of the improvement to the benefiting homeowners, the City shall follow all the requirements of Minnesota Statute 429 as may be amended.

According to city records, property owners on Star Lane and Star Circle were assessed for watermain improvements along with the street reconstruction project. This project occurred in 2015 and it appears to be the last city water project that included assessments. All property owners connected to city water as part of the project. All city projects involving watermain after 2015 did not assess property owners for watermain improvements.

In summary, the implementation decisions around watermain have been inconsistent from project to project over the past 30-40 years. The city is currently following a practice that is not detailed in city policy.

Public Input

Over the past several decades the city has conducted a number of public engagement campaigns to seek public input on the municipal water system. These efforts have included several different methods such as statistical surveys conducted by professional consultants, public open houses and hearings for individual projects and proposed policy changes, and community surveys.

In 1991, the City conducted a statistical survey using an outside consultant to study the support of Shorewood property owners for a proposed city-wide water system. In 1996, public engagement was conducted around the Implementation Plan Report for Water Distribution System Improvements. In 2011, a statistical survey was conducted using an outside consultant which had a section devoted to seeking public input on the municipal water system. Since that time, several other less formal community surveys have also been conducted in-house which sought public input on the municipal water system. The 2025 community survey (not statistical; available online) recently closed at the end of May 2025 and a project specific survey related to the Mill Street Trail Watermain closed in early June 2025. Copies of these surveys and their results are attached for reference.

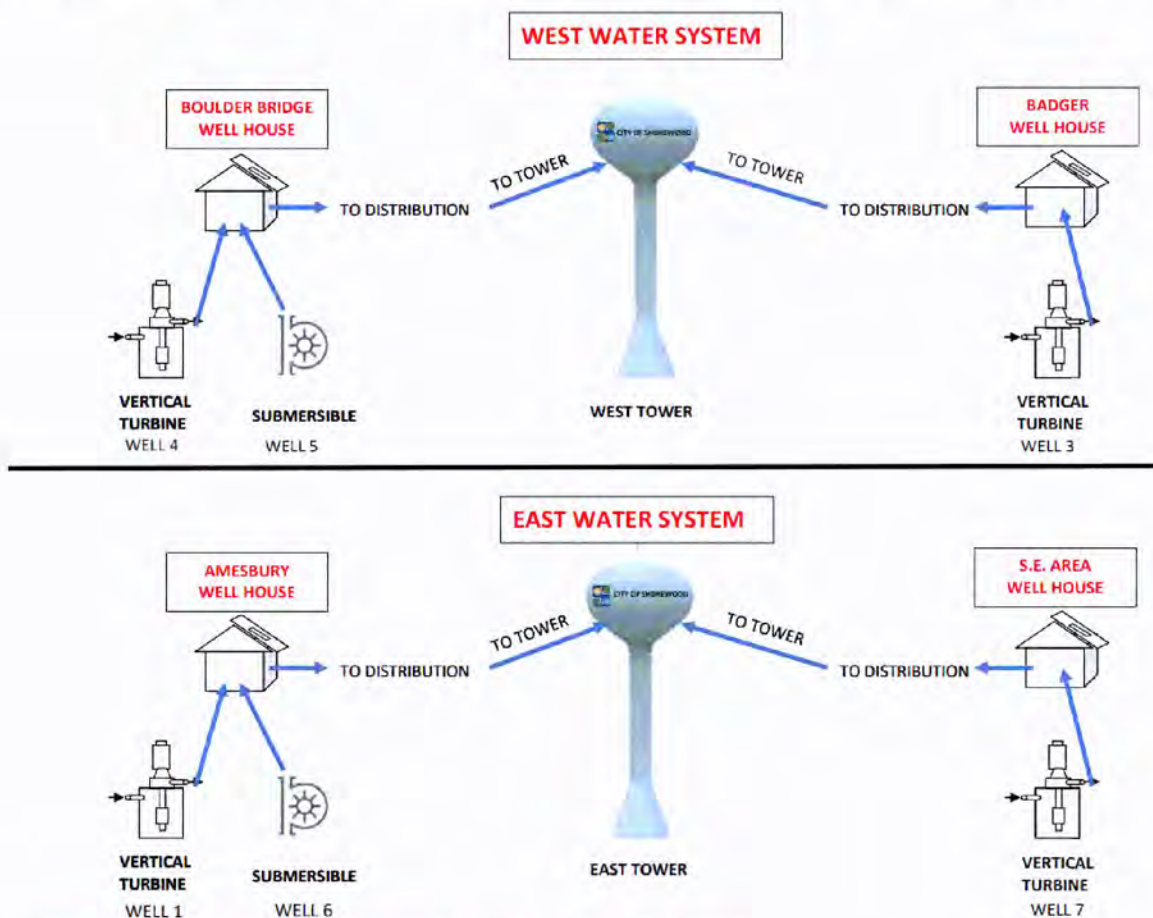
When reviewing these public engagement efforts, a trend has been that public perception of the municipal water system has generally been good. The most common reasons individuals do not connect to the municipal water system being that water is not available to their property or that the cost to connect is too expensive. This trend is echoed by the 2025 Community Survey, where 33.53% of respondents identified no connection being available and 36.47% of respondents identified that the cost to connect were the two most common reasons respondents were not connected to the municipal water system. Concerns about city water quality have historically been less important to residents, which is also echoed by the 2025 Community Survey where only 18.24% of respondents identified these concerns over water quality as a reason for not being connected. Detailed results from the 2025 Community Survey are attached for reference.

Aside from the public engagement and input that has already been conducted on the municipal water system over the past several decades, each of the options presented later in this report would require

their own level of public engagement or hearing as part of the evaluation and implementation process. Some level of public outreach and education is anticipated depending on the direction received for the options outlined in this report.

Current Water System

Shorewood has six municipal wells in four locations that range in flow capacity from 100-1000 gallons per day and range in depth from 280 feet to 640 feet. The municipal wells produce water from the Prairie du Chein-Jordan, St. Peter-Jordan, and Tunnel City-Wonewoc aquifers. Shorewood has two separate water systems, an east and a west system. The eastern system's primary well is Well 7 which is located at Silverwood Park and includes iron filters for treatment. During peak water demand in the summer, Well 7 is supplemented by wells 1 and 6 located in Amesbury. Typically, the western system's primary well is Well 3 located at Badger Park and in the summer supplemented by wells 4 & 5 located in Boulder Bridge. In 2023, the city switched wells 4 & 5 to primary due to their lower iron content compared to Well 3. All wells provide chemical treatment with chlorine and fluorine. The municipal water supply meets all regulated contaminate levels set by the Minnesota Department of Health but often there are complaints from residents about hardness and the amount of iron in the water.



NOTE: THERE IS NO INTERCONNECTION BETWEEN THE EAST AND WEST WATER SYSTEMS.

Treatment Site ID	Location	Type (Groundwater, Surface Water, Interconnection)	Year Constructed	Treatment Capacity (Gallons per minute)	Well Depth	Treatment Method
Well 1	Amesbury	Groundwater	1973	750	528	Chemical addition
Well 3	Badger Park	Groundwater	1982	750	359	Chemical addition
Well 4	Boulder Bridge	Groundwater	1981	500	640	Chemical addition
Well 5	Boulder Bridge	Groundwater	1981	500	640	Chemical addition
Well 6	Amesbury	Groundwater	1982	100	280	Chemical addition
Well 7	Silverwood Park	Groundwater	1986	1000	415	Chemical addition, iron filters

The city has two water towers, one for the east system and one for the west system. Both systems operate at similar water pressure which will allow the two systems to be combined at some point in the future to add to the resiliency of the overall system. As comparison, most private wells are 100 feet to 250 feet deep and pull water glacial till acquirers. Lastly, the city has emergency interconnections available with surrounding communities of Minnetonka, Chanhassen, Victoria, and Tonka Bay.

Structure Name	Type of Storage Structure	Year Constructed	Primary Material	Storage Capacity (Gallons)
West Water Tower	Elevated storage	1995	Steel	500,000
East Water Tower	Elevated storage	1986	Steel	400,000
Total	N/A	N/A	N/A	900,000

The city has approximately 25 miles of 8" to 24" watermain providing distribution throughout the city and 435 hydrants. The existing watermain provides water service to 1568 residential and commercial parcels of which 1503 are connected to Shorewood and another 65 are connected to Tonka Bay, Excelsior, or Chanhassen. The existing system is available to another 531 homes that have not yet chosen to connect to the system. There are another 1224 buildable parcels within the city that do not currently have access to municipal water. This is determined by comparing the number of sanitary sewer users to watermain users and accounting for those parcels that are not connected. It is anticipated that the city will have adequate wells and storage to meet daily demands of the population to be served in the next 20 years. However, it is anticipated that either additional storage or higher capacity wells will be needed to serve the ultimate population and fire flow demand of approximately 8,000 residents, or approximately 3,348 services.

It is the city's current practice to expand the distribution system on an opportunity basis. Typically, the addition of watermain is considered with other major infrastructure projects such as new development or street reconstruction projects. Typically, if the street is planned for full-deep reconstruction it is

most cost effective and efficient to install municipal water at that time. Watermain can also be considered when a street is slated for reclamation, like what was completed on Woodside Lane several years ago. Also, if there are petitions signed by supportive neighborhoods the city could further pursue adding watermain in other locations, but a larger burden of the overall project cost is placed on those petitioning.

Water Quality

The city’s water supply is quality, consistent and in many cases better than private wells. As discussed previously, the city’s main issues with the water supply are higher levels of iron and the lack of treatment. Iron is a secondary contaminant that’s main downside is a visual issue. Most residents with private wells have similar issues with iron. The Minnesota Department of Health requires testing and reporting on arsenic, nitrates, and coliform for all new wells as of 2008. The city receives results of these tests, but they are often after in-house treatment and are not representative of the ground water source. Therefore, it is challenging to directly compare municipal water with private well water without more strategic testing of private wells.

Staff have gathered hydrogeological information from the DNR website and have focused images on Shorewood (memo reference 15). This information provides some basic visualization of private and municipal well depths relative to the source aquifers. Private wells typically source water from within 150’-300’ of the surface and within geological glacial outwash that can be susceptible to surface water infiltration over time. Shorewood's municipal wells source water from 280 ft to 640 ft and are typically pulled from a confined aquifer below a layer of bedrock that is not susceptible to surface water infiltration. The figures also provide some information related to water chemistry and identify areas that have higher than the MDH standard for arsenic and manganese levels present in the shallower aquifer. This has been confirmed by some of the required reports from the MDH.

Below is a summary of results of the most common contaminants in drinking water. Lead and copper results are from a sample from resident taps. The remainder of the results are from the source water, or wells.

- Lead (2023): 0-5.9 parts per billion (ppb) (Environmental Protection Agency’s action level: 15 ppb).
- Copper (2023): 0-0.75 parts per million (ppm) (EPA’s action level: 1.3 ppm)
- Arsenic (2024): 4.13-4.9 ppb (EPA’s limit: 10 ppb)
- Manganese (2025): 30-60 ppb (Minnesota Department of Health guidance values: 100 ppb for infants who drink tap water and 300 ppb for older than one year) –Note: Data is from field tests by city staff and not laboratory testing.
- Iron (2025): See results to the right (MDH guidance: 0.3 ppm (mg/l) is usually objectionable).

WELL	IRON Effluent (mg/l)
Amesbury - 1	0.46
Amesbury - 2	0.43
Boulder Bridge - 1	0.39
Boulder Bridge - 2	0.31
Badger	1.57
Southeast	2.22

Analysis of Private Wells

The Minnesota Department of Health (MDH) emphasizes that private well owners are solely responsible for ensuring their water is safe to drink. Unlike public water systems, private wells are generally not monitored, making them susceptible to contamination from various sources or a lack of adequate maintenance. Common contaminants in private wells across Minnesota include arsenic, nitrates, coliform bacteria, and lead, which can all pose significant health risks. For example, arsenic exposure is associated with an increased risk of cancer or other serious health effects. MDH recommends that private well owners regularly test their water and take appropriate actions to protect their health. These actions typically involve installation of costly water treatment systems into residential homes that can range anywhere from a few thousand dollars to \$25,000-\$30,000 depending on the level of contaminants.

Contamination in private wells is common in Shorewood. The City of Shorewood requires rental property owners to provide laboratory testing results for common contaminants as part of the rental licensing process to protect the health of the occupants of the rental property. If a private well at a rental property has contamination more than MDH's guidelines for safe drinking water, the landlord is required to provide treatment and ensure the water is safe before a rental license is issued. Of the 79 rental properties with private wells, 98.7% had detectable contamination, and 11.4% had contamination that exceeded MDH safety limits. Arsenic is the most prevalent contaminant and was present in nearly every well that was tested. Other concerning contaminants known to be in the area's private wells include coliform bacteria, nitrates and lead. While the municipal water system is tested regularly and treated for these contaminants, private well owners are entirely responsible for their drinking water and the costs associated with ensuring its safety.

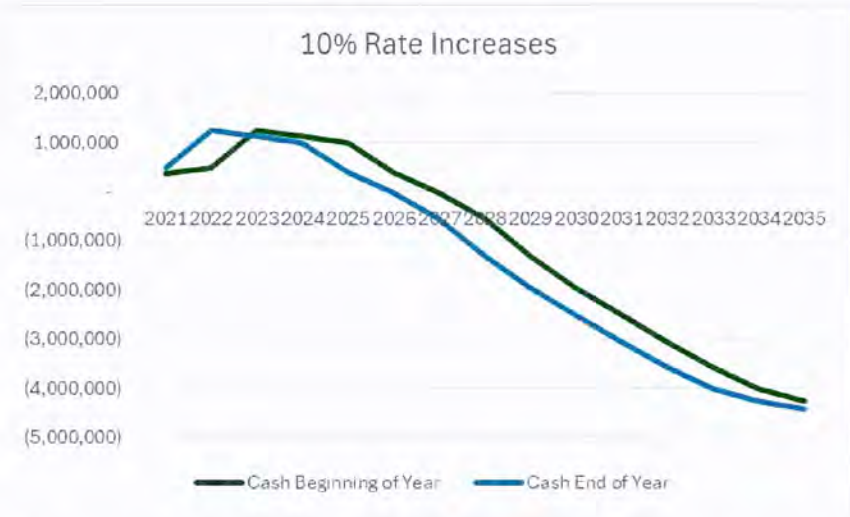
Comparison

The municipal water system is as good as, and often better than, private well water due to its consistent quality, professional monitoring, and protected sourcing. While both systems can experience elevated iron levels, municipal water is regularly tested, treated, and drawn from deeper, more confined aquifers less susceptible to contamination. In contrast, private wells are typically built much shallower and are more vulnerable to common contaminants including arsenic, nitrates, coliform bacteria, and lead. Private wells can also be susceptible to drying up during severe drought conditions. Unlike the municipal water system, private wells are not routinely tested and require homeowners to invest in costly treatment systems to ensure safe drinking water. Data from Shorewood's rental licensing program underscores the fact that nearly all private wells tested have detectable contamination which indicates that there is widespread private well contaminants in Shorewood. By comparison, the municipal water system is subject to rigorous testing and state oversight, which provides residents with a more reliable and safer source of drinking water.

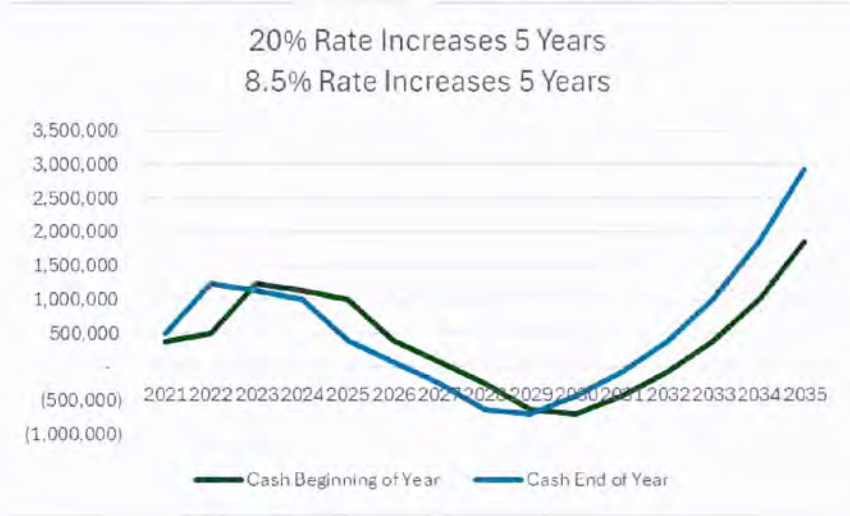
Financial

Due to the unique challenges that Shorewood faces, the water utility fund's reserves are depleting, and it is projected to go into a deficit over the next 10 years.

The present plan for financing the water fund since 2019 has been to implement 10% annual rate increases. With the City’s current system, the Water fund is projected to have a negative cash position by 2026. With the trajectory of an ending negative cash balance of \$4,496,756 by 2035.



Utilizing Shorewood’s current practice of rate increases to offset the cash shortages, rates would need to increase 20% annually over the next 5 years and 8.5% for the remaining 5 to meet the City’s Reserve Policy in 2034. The Water fund would also need to supplement the CIP projects with bonding.



Strategies

Stabilizing and improving the long-term viability of the water fund will require multiple strategies. Generally, it is not sustainable at this point to solely raise rates of existing water customers to cover the costs of all the water infrastructure. Alternative funding options are needed to cover, at a minimum, the negative cash balances and then to work towards achieving the goal of the newly adopted Reserve Policy to retain an adequate level of reserves and provide for cash flow requirements and contingency needs.

It is challenging to estimate the number of residents that would connect if the city implemented some or all of the options. In the past, connection assumptions tended to be overestimated and subsequently over inflated potential revenue. Currently, the water connection fee is \$10,000 per unit. Additionally, an average residential consumer generates an additional \$150-\$500 per year in water usage fees.

The following connection and alternative funding strategies can be utilized individually or in combination. As the list of options progresses, they tend to become more complex, costly and/or controversial. Council will be asked to provide formal direction to determine which options should be pursued or not pursued. If there are specific details, information, or direction desired for the selected options, Council should include that in its motion so the information can be included in future consideration.

Option 1 - Improve Public Perception

The city has a general public relations issue in that many residents believe that the city's water is bad and poor quality. Many employees and city officials hear this sentiment from long-term residents and others, and it appears to have a negative impact in the community. The city's water supply is quality, consistent and in many cases better than private wells. As discussed previously, the city's main issues with the water supply are higher levels of iron.

The Council may wish to consider an informational campaign that begins to tell an accurate story of the city's water quality and system. The campaign could include general information about the water system and water quality results from the city and perhaps compare to available private well data. Additionally, the campaign could communicate additional options described in Options 2 and 3 if the council decides to move forward.

Staff estimate that the cost of a campaign would be around \$5000 not including city staff time. It is anticipated that the campaign would continue for 3-5 years in some form utilizing the materials and methods created in year one. The ongoing campaign after year one is anticipated to cost \$2000 per year.

Option 2 – Implement Organized Connection Program

The city could choose to lead a city or area wide project that helps facilitate installing a water service from the existing watermain or curb stop into their house. This provides economies of scale, helps manage costs and eliminates much of the challenging coordination between residents and contractors. Initial start-up work would include developing an application process that would include connection information, educational information, online forms, right-of-entry agreements, funding forms, budgeting estimates, etc. This effort could possibly commence in 2026 and could be paired with funding options detailed in Option 3.

The estimated start-up cost of the connection program is \$5000. Following the initial start-up, the estimated ongoing city cost of the program is \$1000-\$3000 per resident. This cost would include all the design work, resident and contractor coordination, and construction inspection and would be included in installation costs.

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Option 3 – Implement Water Availability Fee

The city could apply the base water fee (currently \$32.51/quarter) as a water availability fee for all properties that have water available but have chosen not to connect. The base fee would help fund the water utility's fixed expenses, such as system operations and maintenance, which are about 70% of the total system costs. This fee could be included in the 2026 master fee schedule as a Water Availability Fee. The estimated revenue from 2026-2035 would be \$254,391.

Option 4 – Implement Infrastructure Fee

The city could implement an infrastructure fee for all residents that do not have water directly available but benefit from the city's overall existing water infrastructure. Municipal water infrastructure helps support all Shorewood residents with public safety and fire protection, reduction in homeowner's insurance, and access to water at public facilities (See memo from Fire Chief). Additionally, the public water supply is more resilient during more severe droughts due to the depth of the city's wells.

The proposal is to put the infrastructure fee in place beginning in 2027 at an initial rate of \$10 per quarter, with \$1 increase annually. Shorewood could take the remainder of 2025 and all of 2026 to educate and promote the benefits of this added infrastructure fee. The estimated revenue from 2027-2035 would be \$470,232.

Option 5 – Modify the Water Usage Rate Structure

The current rate structure was adjusted in 2008 to modify the first tier from 10,000 to 5,000 to reward water conservation. Revising the existing rate structure to introduce an additional tier at 25,000 gallons of consumption to continue promoting water conservation could look as follows:

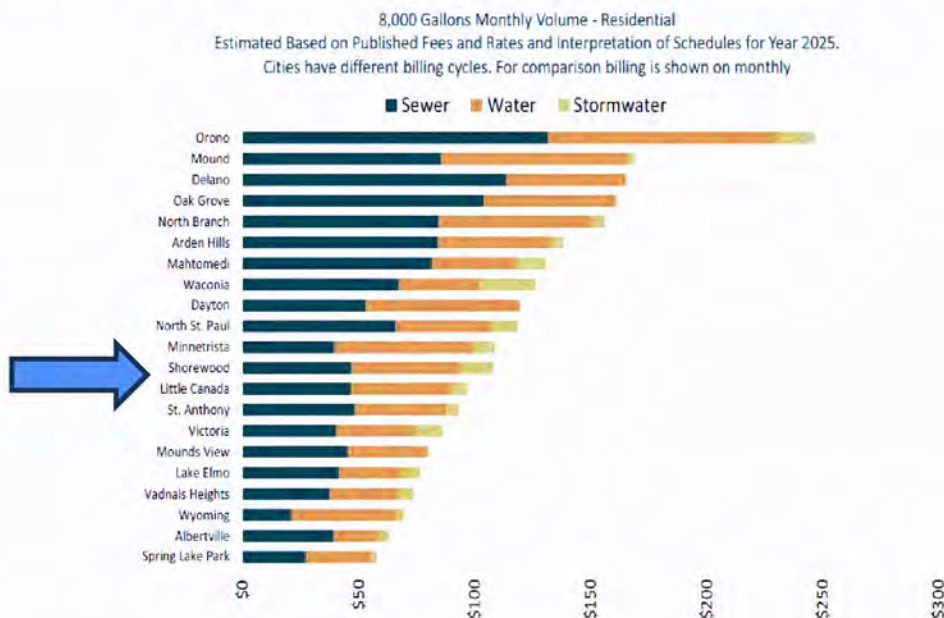
	Per 1,000 Gallons Per Quarter	
	Current Rates	Proposed Rates
Base Fee	\$ 32.51	\$ 32.51
0-5,000 Gallons	\$ -	\$ 1.75
5,001-25,000 Gallons	\$ 5.49	\$ 5.75
25,001-50,000 Gallons	\$ 5.49	\$ 8.65
Over 50,000 Gallons	\$ 7.89	\$ 10.35

The estimated revenue from 2026-2035 would be \$2,102,903.

NOTE: If options 3, 4, & 5 are implemented as discussed, rates would still remain competitive and continue to promote conservation.



See below for water usage fee comparison based on 8,000 gallons of monthly water usage.



Option 6 – Allow Assessment of Complete Water Connection Costs

The City could revise or develop policies to more comprehensively mitigate the financial impact of connecting to municipal water. This concept allows residents to assess the complete water connection costs, not just the \$10,000 connection charge, which would include the connection charge, the cost of the connection from the lateral to the house and any required plumbing modifications.

Option 7 – Require New Subdivisions to Connect

This option was previously presented to the City Council at the January 27, 2025, City Council Workshop and April 28, 2025, City Council meeting. Staff reports and minutes from these meetings are

attached for reference and provide detailed background on this option. This is not a complex option to implement and could be presented for adoption at an upcoming City Council meeting if the Council desired. The City Council previously provided direction to city staff to implement this option at the January 27, 2025, City Council Workshop. However, at the April 28, 2025, City Council meeting adoption of this policy as part of broader updates to the City's Subdivision Ordinance was tabled.

This option would essentially require that all new developments be connected to the municipal water system. A new development is defined as a lot split, where one property is divided into two properties, or a plat, where one property is divided into three or more properties. If infrastructure was not available, the developer would either need to pay the cost to extend the infrastructure to the site, work with the surrounding neighborhood to petition the city to install infrastructure or wait until infrastructure is extended. This type of regulation is very common in cities in the region and helps ensure orderly and efficient development without passing the costs of infrastructure expansion on to the residents of the community. New developments without municipal water connection also do not install fire hydrants which presents a challenge from a public safety perspective.

For every residential lot that is built without connecting to the municipal water system, it costs the city approximately \$14,855 over 5 years in lost revenue, and \$22,674 over 10 years, based on the City's current rate structure and fee schedule. This revenue would have gone to the Water Enterprise Fund if municipal water connection was required for every new subdivision, which would help address the fund's deficit.

Option 8 – Require Connection Upon Sale of Home

The city could revise the municipal code to require that all new residents purchasing a home that has water available would be required to connect to municipal water. In review of the past 7 years of home sales (including 2025) this would have generated 85 new connections. The option to consider would be to put the sale of home water connection requirement in place beginning in 2026. The policy could consider giving new homeowners a period of time to perform the connection work (i.e. 180 days). Following the 180 days, the property would be assessed the connection fee which would only be triggered if connection did not occur. The details of this option would need to be worked out as part of development of the program. It is estimated that the sale of home connection requirement would apply to 3-7 homes per year. The estimated revenue from 2026-2035 would be \$204k-\$476k in connection fees with consumption fees on top of those estimates.

Summary Per Year:
2019 - 9 connections
2020 - 15 connections
2021 - 6 connections
2022 - 7 connections
2023 - 12 connections
2024 - 15 connections
2025 - 21 connections
Total - 85 connections

*Does not include homes sold prior to water being available in street.

Option 9 – Require Connection Upon New Home Build or Complete Reconstruct

The city could revise the municipal code to require all property owners building a new home or completely rebuilding a home that has water available would be required to connect to municipal water. The number of homes that fall under the above situation are:

- 2021 – 2 Homes
- 2022 – 4 Homes
- 2023 – 2 Homes
- 2024 – 5 Homes

Similar to option 8, this policy would put the new home or complete rebuild of home water connection requirement in place beginning in 2026. The number of connections would vary based on the number of new home builds or complete reconstructs. Currently, each new resident that connects to municipal water would generate \$10,000 in connection fees and \$150-\$500 per year in water usage fees.

Option 10 – Require Connection Following a Watermain Project

The City could revise the municipal code to require connecting to municipal water as water infrastructure becomes available. Future new watermain projects would go through the typical public approval process and be approved by Council. Currently, there are a number of watermain infrastructure projects in the 10-year capital improvement plan (CIP). With this change, all property owners would be required to connect to municipal water as part of the project.

This option suggests putting the new-watermain connection requirement in place beginning in 2026. The timeline to connect could be within 6 months or 2 years of the project completion, or upon failure of existing well. The number of connections would vary per watermain project. Currently, each new resident that connects to municipal water would generate \$10,000 in connection fees and \$150-\$500 per year in water usage fees.

Option 11 – Increase the Water Connection Fee

The \$10,000 water connection fee was established following the Marsh Point development in 1996. Since that time the \$10,000 water connection fee has not been changed; however, there have been significant increases in materials and labor costs that have added to the cost of installation and maintenance of municipal water infrastructure. Based on the Consumer Price Index, simply adjusting the water connection fee for inflation without factoring in actual infrastructure costs would increase the fee from \$10,000 to \$20,776.88. The exact fee amount would need to be evaluated further, however adjusting for inflation would likely be a starting point for that analysis.

Option 12 – Improve Water Treatment

A frequent comment or complaint regarding the city's water supply is quality, most notably the hardness and the higher amounts of iron. Over the past two years, staff have performed water testing and implemented short-term, lower-cost solutions to improve water quality. The short-term, lower-cost solutions are:

- Adjust well priority on the east and west systems to put the wells with the lowest amount of iron in the lead. This will result in the majority of water supplied to the system coming from wells with less iron.
- Perform additional watermain flushing to clear iron build-up from pipes. Citywide watermain flushing was completed routinely in the past. Staff noted areas that have more significant iron build-up and perform additional watermain flushing in those areas. The best example is longer dead-end cul-de-sacs where the watermain is not looped.
- Remove the iron build-up from the base of the water towers tanks. Each water tower outlet has a standpipe that discharges approximately 2-3' above the bottom of the tank. Over time, iron settles out in the tower and needs to be cleaned out periodically. The tanks will be cleaned out in the fall of 2025. Moving forward, staff plan to perform routine tower cleaning to remove iron build-up.

Additional improvements to water quality will require improved or new water treatment at each of the well locations. A current project is in progress to optimize the SE area well filter. The project is scheduled to be substantially completed in late 2025. Following completion, iron levels will be reduced to levels below 0.30 ppm. Staff have begun to investigate treatment options at each of the other well locations and associated budgetary costs. Treatment options are unique at each well location. Amesbury and Boulder Bridge locations may involve treatment equipment only as the existing building may have enough footprint to house treatment equipment. City staff have recently met in May 2025 with a metropolitan suburb regarding the potential purchase of existing water treatment equipment for the Boulder Bridge location. The treatment feasibility and project scoping would need to be completed to move forward. Badger location would involve a building and treatment equipment.

It is recommended that staff evaluate treatment options to enhance treatment discussed above and provide a more detailed cost analysis and feasibility.

Option 13 – Require Connection Upon Large Home Renovation

The city could revise the municipal code to require that all property owners performing a large home renovation that has water available would be required to connect to municipal water. This option could be put in place in 2026 but would require extensive education for residents, real estate agents, buyers and contractors. The challenge for this option is developing and maintaining appropriate criteria to trigger the connection requirement. Consideration may be given to the value of the building permit, if the work includes plumbing modifications, or the size of the modification, among other factors. The number of connections would vary based on the renovation criteria and the number of residents that would meet the criteria. This option would also need additional research and coordination with the City Attorney.

Option 14 – Require Connection to Existing Watermain

The city could revise the municipal code to require connecting to existing municipal water where it is available. Currently, 531 households have municipal water available and are not connected. A water connection requirement was implemented in Shorewood in 2003 for commercial properties and residential properties over 4 or more units if water is available. This option could be put in place in 2026. Consideration may be given to the timeline to connect, such as within 2 years, 5 years or upon failure of existing well or some other event. Currently, each new property that connects to municipal water would generate \$10k in connection fees and \$150-\$500 per year in water usage fees.

Option 15 – Amend City Code for Service Ownership

Currently, the city's municipal code defines ownership of water utility services from the watermain to the property line/curb stop. Property owners are responsible for the service from the curb stop valve into their residence or building. Water services are more often maintained by the city from the watermain to the curb stop or valve. This arrangement increases risk and costs to the City and the water fund. Chanhassen and Excelsior own the water service to the curb box. Minnetonka owns the water main only, but they have historically made repairs to water services to the curb box.

Water service line municipal code language is as follows:

903.07 SERVICE PIPES (WATER)

Subd. 1. Maintenance and repair. It shall be the responsibility of the property owner to maintain the service pipe from the curb box into the structure. In the case of failure upon the part of the property owner to repair any leak occurring in his pipe within 24 hours after verbal or written notice thereof, the water will be shut off and will not be turned on until the service charge, as established by ordinance of the Council, has been paid and the leak repaired. When the waste of water is great, or when damage is likely to result from the leak, water may be turned off immediately pending repairs.

The concept is to revise the current municipal code to have the property owner, not the City, be responsible for the water service pipe from the watermain to their house. The estimated revenue saved would be \$10k-\$30k per year. The estimated revenue saved from 2026-2035 would be \$100k to \$300k.

Option 16 – Utility Assessments

Implementing project assessments (MN Statutes Chapter 429) has potential benefits and drawbacks. The benefits of assessments include:

- Increased project funding outside of the general tax levy and dedicated specifically for improvements that mostly benefit adjacent properties
- Increased community engagement
- Properties exempt from taxes can be assessed

Drawbacks include:

- Significant statutory and administrative process
- Added time and costs
- Requirements for meeting the “special benefit” threshold (i.e. the assessment cannot exceed the property value increase resulting from the improvement)
- Potential for opposition to the assessment

The statutory required minimum percentage of special assessments is 20% of the improvement cost, so other sources of funds would likely still be required. The decision to implement project assessments should be made considering the specific project, community context, and potential impacts. Careful planning, transparency, and a commitment to equity are essential for ensuring that project assessments are a fair and effective way to fund projects. Development of an assessment policy would be necessary to define the details and practices of assessing improvement projects.

Many metro cities utilize special assessments to partially fund infrastructure improvements including Chanhassen, Hopkins, St. Louis Park, and Eden Prairie. Conversely, some cities have opted not to assess for improvement and instead fund them using general fund dollars or other resources.

The current city code 903.18 Subd. 2.a.1 includes language on how residents can petition the city to extend water main.

Subd. 2. *Special assessment procedure.*

a. *Initiating the improvement.* Improvement proceedings may be initiated in any one of the following four ways:

(1) *One hundred percent petition.* By a petition signed by 100% of the owners of real property abutting any street named as the location of the improvement. Upon receipt of a petition of 100% of the abutting property owners, the City Council must determine that it has been signed by 100% of the owners of the affected property. After making this determination, a feasibility report shall be undertaken and the project may be ordered without a public hearing, pursuant to the procedures set forth in M.S. § 429; or

(2) *Thirty-five percent petition.* By a petition signed by the owners of not less than 35% of the frontage of the real property abutting on the streets named as the location of the improvement, when the property owners are willing to pay the entire cost of the improvement. Upon receipt of a petition of 35% of the owners of abutting frontage, the City Council must determine that it has been signed by 35% of the owners. After making this determination, a feasibility report shall be undertaken and a public hearing shall be scheduled to consider the project, pursuant to the procedures set forth in M.S. § 429; or

(3) *Sixty-seven percent petition.* By a petition signed by the owners of not less than 67% of the lots or parcels abutting on the streets named as the location of the improvement. Upon receipt of a petition of 67% of the owners, the City Council must determine that it has been signed by 67% of the owners. After making this determination, a feasibility report shall be undertaken and a public hearing shall be scheduled to consider the project. If an improvement is ordered, benefitting properties shall be assessed pursuant to the procedures set forth in M.S. § 429; or

(4) *By the initiative of the City Council.* If the City Council determines to order an improvement, a feasibility report, as set forth in c. below, shall be undertaken and a public hearing shall be scheduled to consider the project. A simple majority vote of the City Council is needed to start the proceedings. If an improvement is ordered, benefitting properties shall be assessed pursuant to the procedures set forth in M.S. § 429.

The city's practice over at least the last six years has been to incorporate water main improvements with a major street improvement project and not assess the abutting property owners. If the policy or practice of watermain improvements is adjusted, an update to this code section is recommended.

Option 17 - Delay City Initiated Watermain Infrastructure Projects

Edgewood Road, Grant Lorenz Road and Noble Road reclamations in the current CIP scheduled for 2028, 2029, & 2031 are City initiated watermain infrastructure projects. These could be pushed back, and the next improvements would only be mill & overlays. The water portion of these projects total \$2,099,390. This will have a minimal impact on the overall shortfalls within the Water Fund however, as they were proposed to be funded with bond issuances to complete the projects.

Option 18 – Reduce or Eliminate Water Utility Indirect Costs

Indirect costs in the water utility includes paying for the time and resources spent on the fund by Finance, Administrative, and Communication staff.

The options to consider would include:

- Reduce indirect costs in the water utility fund by a prescribed amount. This option would save variable amounts of funds in the water utility fund.

- Eliminate all indirect costs in the water utility fund. This option would save the water utility fund \$1,180,474 through 2035. This would equate to approximately 1.55% levy increase which is applied to each parcel within the City based on market value and classification rate.

Both options would include the need to cover the indirect costs through an increase in general fund spending. The general fund is supported by the overall tax levy and covered by all property tax payers throughout the City.

Option 19 – Annually Levy to Supplement the Water Fund Shortfall

The current trajectory shortfall of \$4,496,756 by 2035 being supplemented by the property tax levy would be applied to each parcel within the City based market value and classification rate. This would equate to approximately 5.92% levy increase.

Action Requested

The following motions are suggested to guide discussion and provide direction regarding the options above. Based on the direction provided by Council, staff will then bring back to formal policies or program description for consideration at later dates, whether it be during the budget process or as council meeting agenda items.

1. Motion to pursue / not pursue Option 1 - Improve Public Perception
2. Motion to pursue / not pursue Option 2 – Implement Organized Connection Program
3. Motion to pursue / not pursue Option 3 – Implement Water Availability Fee
4. Motion to pursue / not pursue Option 4 – Implement Infrastructure Fee
5. Motion to pursue / not pursue Option 5 – Modify the Water Usage Rate Structure
6. Motion to pursue / not pursue Option 6 – Allow Assessment of Complete Water Connection Costs
7. Motion to pursue / not pursue Option 7 – Require New Subdivisions to Connect
8. Motion to pursue / not pursue Option 8 – Require Connection Upon Sale of Home
9. Motion to pursue / not pursue Option 9 – Require Connection Upon New Home Build or Complete Reconstruct
10. Motion to pursue / not pursue Option 10 – Require Connection Following a Watermain Project
11. Motion to pursue / not pursue Option 11 – Increase the Water Connection Fee
12. Motion to pursue / not pursue Option 12 – Improve Water Treatment
13. Motion to pursue / not pursue Option 13 – Require Connection Upon Large Home Renovation
14. Motion to pursue / not pursue Option 14 – Require Connection to Existing Watermain
15. Motion to pursue / not pursue Option 15 – Amend City Code for Service Ownership
16. Motion to pursue / not pursue Option 16 – Utility Assessments
17. Motion to pursue / not pursue Option 17 - Delay City Initiated Watermain Infrastructure Projects
18. Motion to pursue / not pursue Option 18 – Reduce or Eliminate Water Utility Indirect Costs
19. Motion to pursue / not pursue Option 19 – Annually Levy to Supplement the Water Fund Shortfall

A majority vote by the Council is required.

Councilmember Sanschagrín asked how staff had come up with the proposed rates. Finance Director Schmuck gave an overview of the current rates and the proposed tier structure that added an additional tier. She reminded the Council that they would be reviewing information from the rate study at their next meeting.

The Council discussed the possibility of exploring the idea of charging more during times of drought, the possibility of having a higher flat rate rather than a tiered structure, the possibility of higher rates for the top usage tiers, and ways to phase changes in

Sanschagrín moved, Maddy seconded, directing staff to pursue Option Five – Modifying the Water Usage Rate Structure.

Motion passed.

City Administrator Nevinski noted that Option Six could be somewhat combined with Option Two in looking at options to bring back to the Council for consideration.

Maddy moved, Sanschagrín seconded, to direct staff to pursue Option Six – Allow Assessment of Complete Water Connection Costs.

Motion passed.

The Council discussed the current subdivision practices, the staff recommendation for an all-or-nothing approach for subdivision connections, and the likelihood that housing bills will be coming back before the legislature.

Maddy moved, DiGruttolo seconded, to direct staff to pursue Option Seven – Require New Subdivisions to Connect.

Motion passed 4-1 (Sanschagrín opposed).

DiGruttolo moved, Labadie seconded, to direct staff to pursue Option Eight – Require Connection Upon Sale of Home.

Motion passed 4-1 (Sanschagrín opposed).

The Council discussed what would be considered a 'complete reconstruction'.

Maddy moved, DiGruttolo seconded, to direct staff to pursue Option Nine – Requirement Connection Upon New Home Building Complete Reconstruct.

Motion passed.

The Council discussed Option Ten including, pros and cons of requiring connection following a watermain project, what could happen if a well fails and the difficulty of the City finding out when a private well fails, importance of a consistent policy, and having this concept more fleshed out before a determination is made, the possibility of requiring hook ups when there is a watermain project, but allowing people to continue using their wells, not running service to the home unless they were connected, efficiency of doing this work during the construction project, combining this

From: Martin Wellens <444mrw@gmail.com>

Date: April 21, 2025 at 5:20:20 PM CDT

To: Dustin Maddy <DMaddy@ci.shorewood.mn.us>, Jennifer Labadie
<JLabadie@ci.shorewood.mn.us>, Michelle DiGruttolo
<mdigruttolo@ci.shorewood.mn.us>, Guy Sanschagrin
<gsanschagrin@ci.shorewood.mn.us>, Nathaniel Gorham
<NGorham@ci.shorewood.mn.us>

Subject: Subdivision ordinance

Greetings Shorewood Council Members,

Regarding this ordinance:

number of lots in the development. All subdivision applications received after the effective date of this ordinance shall be required to connect to the municipal water system, at the applicant's expense, pursuant to the requirements of City Code 1202.47 Utilities. If municipal water is not available to a proposed subdivision, it may be deemed premature for development and the proposed subdivision shall be denied by the City Council pursuant to the requirements of City Code 1202.20 Premature Subdivision Prohibited.

I understand the government has a problem with the city water system not paying for itself. The above proposal seems insufficient and out of line. It could take 10-years before it starts generating much revenue.

I've heard you are concerned that a subdivision might require a larger well to service multiple homes. If so, this ordinance could be tailored to areas where city water is available, or require individual wells, or cap the depth of new wells so they don't interfere with the deeper city well.

The council needs to explain to all residents why it refuses to raise water rates so the users of city water pay the cost of city water (the way the rest of society works). You might also tell us how many years private well owners have been subsidizing those with city water and to what degree.

The council should accept that people don't want city water. We know of Flint, Michigan and that no one has yet been punished for poisoning those poor people. We know of Mound and their horrific city water situation. We know that when water is available on a new Shorewood street, only a tiny fraction of homes hook-up. With the above ordinance; it seems your solution is to jam it down our throats anyway? Is that how you like to be treated?

I'm sure city water people don't *want* to pay higher rates. But this scheme to transfer city-water costs to innocent neighbors... is not going to generate much revenue and is clearly unjust. Taking away the property rights of innocent residents (without compensation) - seems way off-base and will result in needless litigation.

So that leaves you with two reasonable options: 1. Raise the rates. 2. Shut down the operation and go with all private wells. I'm sorry but pretending otherwise is just digging the hole deeper. Communicate these two options to our city water users and I predict they will choose option #1.

Thank you for your service,

Martin R. Wellens 4755 Lakeway Terrace

From: tom dah lberg5000 <tomdah lberg5000@protonmail.com>
Date: April 21, 2025 at 5:01:30 PM CDT
To: Dustin Maddy <DMaddy@ci.shorewood.mn.us>, Jennifer Labadie
<JLabadie@ci.shorewood.mn.us>, Michelle DiGruttolo
<mdigruttolo@ci.shorewood.mn.us>, Guy Sanschagrin
<gsanschagrin@ci.shorewood.mn.us>, Nathaniel Gorham
<NGorham@ci.shorewood.mn.us>
Cc: Erick Kaardal <kaardal@mklaw.com>
Subject: Fw: Changes to city water policy

The new language one or more of you have proposed, by way of updating Title 900 and Title 1200 of the city code, shows us what you know how to do, and what you do not know how to do. You do not know how to do the simplest thing of all -- nothing. And not knowing the

value of doing nothing reveals still more of the unknown.

You clearly know how to coerce people, which government is both notorious and reviled for.

The changes you are proposing can only be inspired by the absence of any popular demand for what they require. Because few, or no one, is asking you to perform for them, probably because they do not need you to do so, and are unwilling to pay for what they do not need or enjoy, one or more of you must be planning to force your will on a new, officially disadvantaged class at their expense. And of course this is exactly what government really is -- just a few people, applying force to other people, while so often making morally, politically, and even legally dubitable claims about what legitimizes it.

You might at least insure that protection is not made unequal by your policies. Ask a lawyer who is not a shill for the city. Why should anyone who complies with the law, along with neighbors who share his preference for private water while lacking the expanse to subdivide, have his otherwise compliant demeanor criminalized because he chooses to legally parse his property? If his neighbors are not required to please the city by increasing the reach of its water, why should he? Why should legal subdivision suddenly make drilling a well illegal while it remains legal for his neighbors? Why are you triggering an unequal status for someone because he has the wherewithal to legally subdivide? Why isn't this a taking? You intend to disadvantage the subdivision, by making city water mandatory.

If the argument is that your law applies equally to everyone who has the wherewithal to subdivide why wouldn't they argue that you are nevertheless turning them into a disadvantaged class (disadvantaging their land) simply because they legally possess more land? The standard is not about a legal difference in the first place, but a contingent, material difference which the city simply wants to exploit by way of advancing a goal that can be advanced by simply requiring everyone to hook up to city water. Your lack of nerve is being taken out on a particular class of Shorewoodians. This, because real nerve would cause a hurricane.

Perhaps the whole city, or at least a majority of the city, has somehow made it clear to you that this imposition on others is their will, making you the servants of the wrong kind of democracy but democracy nonetheless. Although it seems unlikely that even the busiest bodies in Shorewood, at least in substantial numbers, would take much interest in increasing the reach of city water by force, perhaps you have evidence that the people of Shorewood recently woke up in a state of beehive urgency for doing so, in order to fix the financial mistakes of the city council by blaming people for not wanting what they do not want. Although it would seem better to (a) admit that an unprofitable business has been constructed by discounting the price in order to achieve market share and (b) raise the price for those who actually use the service, you seem to believe that declaring a de facto technically necessary monopoly is going to fool people. It has not done so in the past and it will not do so in the future.

Your actual motivations, which have nothing to do with equalizing protection, are already on record. Even the government's judges might be embarrassed by the blatancy of the mismanaged financial problem as the well-known inspiration for creating a special class of

Shorewoodians, rather than a wholesale, truly equalizing policy, which would result in a much more excited awareness of who is responsible for the mess. The city of Shorewood never should have pushed on the extension of city water. If this was staff's idea they should be fired, and still might be, some time in the future. Of course the buck stops with you.

Becoming a politician is plainly anchored in an existential motivation. There are just two: Enjoying political power as an end in itself and therefore increasing it whenever possible, or trying to limit it as the most banal and destructive force on earth. Of course politicians are never remembered for not doing what they should not do. The most popular habit of the people, fortunately, is almost complete disinterest in politicians and politics. What people remember is what has been done TO them by someone using the power of government. The best you can hope for is not to be remembered.

Planning Commission Report

To: City of Shorewood Planning Commission
From: Rita Trapp, on behalf of Beth Richmond
Date: March 13, 2025
Subject: Subdivision Code Update – Public Hearing
Meeting Date: April 1, 2025

Over the last few months, the City of Shorewood has been updating its Subdivision Code. The intent of the update process has been to modernize the code, enhance user-friendliness, ensure code consistency with local, state, and federal requirements and court rulings, and incorporate municipal best practices.

HKGi was hired by the City to complete this update process. The project has included the following:

- Kick-Off meeting with City Staff to discuss issues and concerns with the subdivision code
- A code audit report by HKGi to identify issues with the code and summarize potential code updates the City may wish to consider
- City Staff met with the Planning Commission multiple times to identify areas of focus and to review drafts of the subdivision code
- City Staff met with the City Council to gather input on a policy questions, including but not limited to requirements for water connections and procedures

A full draft of the Subdivision Code has been prepared for Planning Commission consideration. The Planning Commission is requested to hold a public hearing on the draft and make a recommendation to the City Council relative to its adoption.

Attachment

- Public Hearing Draft of the Subdivision Code
- Summary of major code changes

Shorewood Subdivision Code Changes Summary

1202.00 Introductory Provisions

- Language was added to establish the effective date of the subdivision chapter.
- Language was added to establish that the Zoning Administrator or their designee is responsible for administering the subdivision chapter.
- Clarifying language was added to the Interpretations section to eliminate confusion about conflicting Code provisions, state statutes, easements, or private agreements.

1202.10 Definitions

- Replaced reference to subdivider with applicant and removed the definition for subdivider.
- Added a definition for development agreement.
- Updated the base lot and unit lot definition to reflect the recent change in the zoning code.
- Added a definition for watercourse.

1202.20 Premature Subdivision Prohibited

- Language about premature subdivisions were crafted based on CC input from January work session.
- These provisions were moved from common procedures to their own section.
- Clarified that lack of adequate roads to serve the subdivision includes where there is not direct access to a public road or if the road intended to serve the subdivision is deemed inadequate
- Removed criteria related to providing public improvements, such as recreational facilities or other public facilities, as it hard to be specific enough

1202.30 Procedures and Enforcement

In general:

- Former sections 1202.03, 1202.04, 1202.08, 1202.09, and 1202.10 were all combined into a single section.
- Removed deadline requirements from each review procedure and created language in the common procedures section that reflects state requirements for timing/deadlines.
- Former “plat and data requirements” section was separated out and moved into each respective procedure’s section.
- Each procedure is organized in a similar way with the same headings to make it simpler for readers to understand.

1202.31 Common Procedures

- This is a new section that was created to house language that applies to all/most subdivision procedures. This reduces the need for repetitive text within this section.
- Added new language about applicability, authority to file applications, application fees, coordination of applications, deadline for action, premature subdivisions, withdrawal of applications, successive applications, appeals of decisions, building permits and amendments.

- Sketch plan language was changed to become language describing the “pre-application meeting.” This is an optional meeting with Staff that applicants may choose to request in order to obtain informal feedback from Staff before moving forward with the expense of preparing a larger application. It is recommended that applicants for minor subdivisions and preliminary plats schedule a pre-application meeting.

1202.32 Registered Land Survey

- Moved the regulations to its own subsection.

1202.33 Administrative Adjustment

- This is a new process that was created out of the former “minor subdivision and lot combination” procedure. This process can be used for lot line adjustments, lot combinations and requests to divide a base lot upon which multi-family dwellings exist.
- The review procedure and criteria for approval are new. The post-approval action language was taken from the former “minor subdivision and lot combination” procedure.
- Submittal requirements were updated to match current city needs and practice.
- Criteria for approval of base lot subdivisions was brought in from the zoning code (subd. 16) and added to this section.

1202.34 Minor Subdivision

- This process was also created out of the former “minor subdivision and lot combination” procedure. This process is intended to be used when no more than two lots are being created. Additional requirements, such as the land being previously subdivided, no further subdivision capability and no need for construction of public improvements, were added and apply to any subdivision using this procedure.
- Submittal requirements are being updated to reflect current city needs and practice.
- The procedure was updated to incorporate a suggestion for a pre-application meeting and to allow this type of subdivision to only be reviewed by City Council (not Planning Commission). No public notice/hearing is required.
- Criteria for approval were added.

1202.35 Preliminary Plat

- The procedures for preliminary plat and final plat were split out from the former “major subdivision” process.
- An Applicability section was created establishing the circumstances when a preliminary plat would be required for a subdivision.
- Submittal requirements will be updated to reflect current city needs and practice.
- Updated the review procedure to include a recommendation for a pre-application meeting.
- Added requirement that the applicant post a sign on the property indicated that the property is under development/subdivision review.
- Added criteria for approval.
- Clarified that the City Council can act on a preliminary plat even if a Planning Commission recommendation is not received if needed due to review timeline limitations with M.S. 15.99.

- Add a statement that if the applicants requests an extension to their review timelines they shall be subject to new or amended requirements.
- Extended the timeline to submit a final plat from 180 days to one year.

1202.36 Final Plat

- The procedures for preliminary plat and final plat were split out from the former “major subdivision” process.
- Submittal requirements will be updated to reflect current city needs and practice.
- Added language about final plat submittals that the city may choose to review preliminary and final plats simultaneously and that the final plat must incorporate all changes required for the preliminary plat and strictly conform to the preliminary plat.
- Added criteria for approval.

1202.37 Subdivision Variance

- Separated out subdivision variance language from appeals language.
- Added an applicability section.
- Submittal requirements were updated to reflect current city needs and practice.
- Included need for a public hearing with a notice distance of 500 feet.
- Updated language in criteria for approval to clarify that the variance must be consistent with the Code and Comprehensive Plan and that the owner must demonstrate an “unusual hardship.”
- Added requirement for and needed contents of a Development Agreement.
- Added post approval actions.

1202.38 Amendments

- Add a section to clarify how amendments to the subdivision code will be considered.
- Review will include a public hearing held by the Planning Commission.

1202.39 Violations and Penalty

- Current language only mentions improvements. Language was added to broaden the scope of when a violation might occur.
- Added a clarification about forged signatures and misrepresentation their authority to file an application.

1202.40 Design Standards

1202.41 General

- Language added to require design features to meet the requirements of the City Engineering Guidelines.
- Language added to limit the extension of a plat over political boundaries.
- Language was added to specify how lots should be designed with regard to watercourses, drainage, and natural features.
- Brought in the requirements for monuments.

1202.42 Protected Areas

- Moved regulations out of drainage and erosion control.

1202.43 Lots and Blocks

- Language was added to discourage irregularly shaped lots and flag lots.
- Language was modified to allow the creation of lots with access to private streets if approved by Council.
- Added clarifying language about how lot size is calculated. The new language followed the Metropolitan Council guidance about removing arterial right-of-way, public waters, public waters wetlands, city designated wetlands, areas in publicly held conservation easement, and portions of property protected by regulations, including bluffs and historic sites.
- Language was added to clarify that outlots are not buildable and that they are intended to be used either to set aside land for future development or to preserve open space with an easement in favor of the city.

1202.44 Street and Alley Design

- Clarified that streets shall meet City Engineering Guidelines.
- Language about private streets was added to address when they can be used and how these should be regulated.
- Language requiring curbs and gutters for all streets was added.
- The right-of-way radius required for cul-de-sacs was clarified to be 100 feet.
- Clarified that the arrangement of streets shall allow for the continuation of the street in adjoining undeveloped property.
- Added language regarding the dedication of streets, including limiting the creation of half-streets at the perimeter of the subdivision and requiring improvements if the subdivision borders an existing substandard street or a street needing improvement.

1202.45 Non-Motorized Connections

- Added language to clarify that non-motorized connections need to be established in accordance with the corridors established in the Comp Plan when subdivisions occur.
- Land for these connections can come in the form of parcels of land or easements.
- Language added that any connections that are constructed need to meet the city's standards. New sidewalks should be similar in width and design to existing trails.

1202.46 Easements

- Added a requirement that easements shall be dedicated with the plat.
- Added a requirement that an easement be established for 7.5 feet on each side of a utility main.

1202.47 Utilities

- A new section for utilities was added.
- Added a statement that connection to sanitary sewer and municipal water are mandatory.
- Included a requirement that all utilities be placed underground in a joint trench and that it is the applicant's expense to install the utilities to the street.

1202.48 Drainage and Erosion Control

- Clarify that the development must meet the MPA's NPDES permit requirements.

1202.50 Improvements

1202.51 Improvements Required

- Added language stating that all improvements need to be constructed in accordance with the State Building Code and all applicable city, county and state regulations.
- Language added to specify that street improvements such as lighting or sidewalks may be required by the city.
- Clarified that all required utility improvements shall be inspected and accepted by the City Engineer at the applicant's expense.

1202.52 Development Agreement

- Language added to clarify what elements should be included within a development agreement, including who will construct, type of improvements to be constructed, and estimated cost.

1202.53 Financial Guarantee

- Created a separate section for these provisions.

1202.54 Inspection

- Created a separate section with inspection requirements.

1202.60 Park Dedication

1202.61 Dedication Required

- Language added to clarify when park dedication is required and to state the city's authority for requiring dedication.
- Existing land dedication requirements have been retained as the city will be undertaking a park system update that can be used to develop a new park dedication formula.
- Language added to specify that the city may accept a combination of land and cash and to describe how this will be calculated.
- Language added that clarifies that trails or sidewalks along streets are required and will not be counted toward meeting park dedication obligations.

1202.62 Land Suitability

- Language added which states that the city is not required to accept land if that land is not usable for parks, trails, etc. This may include land which is in a floodplain, encumbered by a utility easement, or has steep slopes.
- Language was also added to require the developer to improve dedicated park land to a certain level, including grading, installation of ground cover, and construction of trails when noted on city plans.

1202.63 Modification of Requirements

- Language added which specifies that no park dedication credit will be given for private open space/park land within a development.
- Language added to allow subdivider to request a deviation from the Code requirements.

1202.64 Required Actions

- Added steps that the applicant needs to take before land is dedicated to the city.
- Clarified when the cash fee in lieu of land dedication is required to be paid.

1202.65 Timing

- Language was added to specify that land dedication/cash in lieu must occur at the time of final subdivision approval.

CITY OF SHOREWOOD
COUNTY OF HENNEPIN
STATE OF MINNESOTA

ORDINANCE 617

AMENDING SHOREWOOD CITY CODE TITLE 900 PUBLIC RIGHT-OF-WAY AND PROPERTY AND
TITLE 1200 ZONING AND SUBDIVISION REGULATIONS

Section 1. City Code Chapter 1202 SUBDIVISION REGULATIONS is hereby repealed in its entirety and replaced as shown on Exhibit A.

Section 2. City Code 903.15 MANDATORY HOOK UP, COMMERCIAL AND MULTIPLE FAMILY RESIDENTIAL USERS AND CERTAIN RESIDENTIAL DEVELOPMENTS is hereby amended as follows. Text proposed to be added is underlined; text proposed to be removed is ~~stricken~~.

903.15 MANDATORY HOOK UP, ~~COMMERCIAL AND MULTIPLE FAMILY RESIDENTIAL USERS AND CERTAIN RESIDENTIAL DEVELOPMENTS~~

The owner of an existing property used for commercial purposes or for multiple-family residential purposes, involving four or more units, situated within the city and abutting on any street, alley or right-of-way in which there is located a municipal water truck or lateral facility, is hereby required at its expense to connect to the facility in accordance with the provisions of this chapter within 90 days after the date of official written notice by the City Council to so connect. ~~Single-family residential developments of more than three lots shall be required to connect to the municipal water system, at the developer's expense, based upon a determination by the City Engineer that the connection is feasible. The connection is considered feasible if the cost of providing water to the property line of the lots within the development does not exceed the connection charges, set forth in § 903.04, subd. 3. of this code, times the number of lots in the development. All subdivision applications received after the effective date of this ordinance shall be required to connect to the municipal water system, at the applicant's expense, pursuant to the requirements of City Code 1202.47 Utilities. If municipal water is not available to a proposed subdivision, it shall be deemed premature for development and the proposed subdivision shall be denied by the City Council pursuant to the requirements of City Code 1202.20 Premature Subdivision Prohibited.~~

Section 3. City Code 1201.03 GENERAL PROVISIONS is hereby amended as follows. Text proposed to be added is underlined; text proposed to be removed is ~~stricken~~.

...

Subd. 16. (Reserved for future use). ~~Subdivision of two-family or quadraminium lots. The subdivision of base lots containing two-family dwellings or quadraminiums to permit individual private ownership of a single dwelling within the structure is acceptable upon the approval. Approval of a subdivision request is contingent on the following requirements.~~

- ~~— a. Prior to a two-family dwelling or a quadraminium subdivision, the base lot must meet all the requirements of the zoning district.~~
- ~~— b. There shall be no more than one principal structure on a base lot in all residential districts. The principal structure on unit lots created in a two-family or quadraminium subdivision will be the portion of the attached dwelling existing or constructed on the platted unit lots.~~
- ~~— c. Permitted accessory uses as defined by the zoning districts are acceptable, provided they meet all the zoning requirements.~~
- ~~— d. A property maintenance agreement must be arranged by the applicant and submitted to the City Attorney for his or her review and subject to approval. The agreement shall insure the maintenance and upkeep of the structure and the lots to meet minimum city standards. The agreement is to be filed with the Hennepin County Recorder's office as a deed restriction against the title of each unit lot.~~
- ~~— e. Separate public utility service shall be provided to each subdivided unit and shall be subject to the review and approval of the City Engineer.~~
- ~~— f. The subdivision and maintenance agreement are to be processed and recorded in conformance with the requirements of the Shorewood Subdivision Ordinance, Chapter 1202.~~

Section 4: References. The City Clerk is authorized to correct any numeric references to the requirements of this ordinance located elsewhere in the City Code that may have been altered as a result of the amendments.

Section 5: Effective Date. This Ordinance 617 shall take effect upon publication in the City's official newspaper.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF SHOREWOOD, MINNESOTA this 14th day of July, 2025.

JENNIFER LABADIE, MAYOR

ATTEST:

SANDIE THONE, CITY CLERK

EXHIBIT A

Chapter 1202 Subdivision Regulation

1202.00 Introductory Provisions

1202.01 Title

Subd. 1 This chapter shall be known as “City of Shorewood Subdivision Ordinance,” except as referred to herein, where it shall be known as “this chapter.”

1202.02 Purpose and Scope

Subd. 1 It is the purpose of this chapter to safeguard the best interests of the city and to assist property owners and subdividers of land in harmonizing their interests with those of the city and its residents.

Subd. 2 It is the purpose of this chapter to make certain regulations and requirements for the subdivision of land within the city, pursuant to the authority contained in Minnesota State Statutes, which regulations the City Council deems necessary for the health, safety and general welfare of this community.

Subd. 3 This chapter is intended to promote good planning practice and to ensure orderly growth and development and shall supplement and implement the provisions of the Shorewood Comprehensive Plan, the Shorewood Zoning Regulations, and City Code.

Subd. 4 In order that new subdivisions will contribute toward an orderly, stable community environment, adequate municipal services, and efficient movement of traffic, all land subdivisions hereafter within the city shall in all respects fully comply or exceed the regulations set forth in this chapter.

1202.03 Authority and Effective Date

Authority. This chapter is enacted pursuant to the authority granted by M.S. § 462.358.

This chapter shall become effective upon publication of its text, or a summary ordinance, in the City’s official newspaper.

Comprehensive revision. The City Council intends this chapter to be a comprehensive revision to the Shorewood Subdivision Ordinance, as amended. Except as otherwise provided herein, the provisions of this chapter are not intended to alter, diminish, increase or otherwise modify any rights or liabilities existing on its effective date. Any act done, offense committed or rights accruing or accrued or liability or penalty incurred or imposed prior to the effective date of this chapter is not affected by its enactment.

Whenever other applicable city, state or federal laws or rules referenced in this chapter have been amended or superseded, this chapter shall also be considered amended accordingly.

1202.04 Administration

Subd. 1 This chapter shall be administered by the Zoning Administrator who is appointed by the City Council. The Zoning Administrator may delegate specific responsibility to any individual city employee, but shall remain responsible for all decisions made by those employees.

Subd. 2 Approvals necessary for acceptance of subdivision plats. Before any subdivision shall be recorded or be of legal effect, it shall be approved by the city as having fulfilled the requirements of this chapter.

Subd. 3 Conditions for recording. No plat of any subdivision shall be entitled to be recorded in the Hennepin County Recorder's Office or have any validity until the plat thereof has been prepared, approved and acknowledged in the manner prescribed by this chapter and all conditions of approval satisfied.

Subd. 4 Permits. No building permits shall be granted by the city for the construction of any building, structure or improvement to the land or to any lot in a subdivision as defined herein, until all requirements of this chapter have been fully complied with and the subdivision recorded.

Subd. 5 Exceptions. Except in the case of resubdivision, this chapter shall not apply to any lot or lots forming a part of a subdivision recorded in the office of the Hennepin County Register of Deeds for Registrar of Titles prior to the effective date of this chapter.

1202.05 Applicability

Subd. 1 The requirements of this chapter shall apply to all subdivision applications and procedures subject to development review under this Code unless otherwise stated.

Subd. 2 Subdivisions which meet the following circumstances are exempt from the regulations of this chapter:

- a. Where all the resulting parcels, tracts, lots, or interests will be 20 acres or larger in size and 500 feet in width for agricultural or residential uses;
- b. Where all the resulting parcels, tracts, lots, or interests will be five acres or larger in size for commercial and industrial uses;
- c. Creating cemetery lots; or
- d. Subdivisions resulting from court orders or the adjustment of a lot line by the relocation of a common boundary.

Subd. 3 Building Permits.

- a. Outlots are deemed unbuildable, and no building permit shall be issued for such properties, except in the case of public park facilities and essential services.

1202.06 Interpretation

Subd. 1 Conflicting Regulations or Provisions.

- a. In the interpretation of this chapter, its provisions shall be held to be the minimum requirements for the promotion of the public health, safety and welfare.
- b. In the event of a conflict or inconsistency between the provisions contained in this chapter and the state statutes or rules, state statutes and rules shall govern, unless such state statutes or rules provide otherwise.
- c. Where the conditions imposed by any provision of this chapter are either more or less restrictive than comparable conditions imposed by any other ordinance, rule or regulation of the city, the ordinance, rule or regulation that imposes the more restrictive condition, standard or requirement shall prevail. The Zoning Administrator shall determine which is more restrictive, and appeals from the determination may be made in the manner provided herein.
- d. This chapter is not intended to abrogate, annul, impair or interfere with any existing easement, covenant or any other private agreement. However, where the regulations of this chapter are more restrictive or impose higher standards or requirements on such

easements, covenants or other private agreements, the requirements of this chapter shall govern.

Subd. 2 Relationship to Comprehensive Plan.

- a. The City Council recognizes the Comprehensive Plan as the Policy Guide responsible for regulation of land use and development in accordance with the policies and purpose herein set forth.
- b. It is the policy of the city that the enforcement, amendment and administration of this chapter be accomplished with due consideration of the direction contained in the Shorewood Comprehensive Plan as developed and amended from time to time by the City Council.

Subd. 3 Use of Cross-References. In some instances, cross-references between chapters, sections and subsections are provided that include the chapter, section or subsection number along with the name of the reference. Where a conflict may occur between the given cross-reference number and name, the name shall control.

Subd. 4 Rules. The language set forth in the text of this chapter shall be interpreted in accordance with the following rules of construction:

- a. The singular number shall include the plural and the plural the singular.
- b. The present tense includes the past and future tenses and the future the present.
- c. The word SHALL is mandatory while the word MAY is permissive.
- d. Whenever a word or term defined hereinafter appears in the text of this chapter, its meaning shall be construed as set forth in the definition thereof.
- e. All measured distances expressed in feet shall be to the nearest tenth of a foot.

Subd. 5 Separability. It is declared to be the intention of the city that the several provisions of this chapter are separable in accordance with the following:

- a. Other parts of this chapter. If any court of competent jurisdiction shall adjudge any provision of this chapter to be invalid, the judgment shall not affect any other provisions of this chapter not specifically included in the judgment.
- b. Application to other party or property. If any court of competent jurisdiction shall adjudge invalid the application of any provision of this chapter to a particular property, building or structure, the judgment shall not affect the application of the provision to any other property, building or structure not specifically included in the judgment.

1202.10 Definitions

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ALLEY. A public or private right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on a street.

APPLICANT. The owner of land proposed to be subdivided or the owner's representative. Consent shall be required from the legal owner of the premises.

BLOCK. An area of land within a subdivision containing one or more lots that is entirely bounded by streets, or by streets and the entire boundary or boundaries of the subdivision, or a combination of the above with a river, lake or other physical barrier.

BOULEVARD. The portion of the street right-of-way not occupied by pavement or other traveled surface.

BUILDING. Any structure used or intended for supporting or sheltering any use or occupancy.

COMPREHENSIVE PLAN. The long range goals, objectives, policies, concepts and plans of the city as stated in a group of maps, charts and text.

DESIGN STANDARDS. The specifications to land owners or applicants for the preparation of plats, both preliminary and final, indicating among other things, the optimum, minimum or maximum dimensions of the items as rights-of-way, blocks, easements and lots.

DEVELOPMENT AGREEMENT. A written contract between the city and applicant in conjunction with the approval by the city of a subdivision.

EASEMENT. A grant by a property owner for the use of land for the purpose of constructing and maintaining drives and utilities, including, but not limited to wetlands, ponding areas, sanitary sewers, watermains, electric lines, telephone lines, storm sewer or storm drainage ways and gas lines.

FINAL PLAT. A drawing, suitable for recording, showing the layout of a subdivision that has received preliminary plat approval pursuant to City Code § 1202.35 and M.S. Chapter 505.

IMPERVIOUS SURFACE. A constructed hard surface that prevents or hinders entry of water into the soil and causes water to run off the surface in greater quantities and at an increased rate of flow than prior to development, including rooftops, decks, sidewalks, patios, swimming pools, parking lots, concrete, asphalt, gravel driveways, permeable pavers, artificial turf, and other similar surfaces. The following shall not be considered impervious surfaces: cantilevers no grater than two feet from the side of the structure and at least four feet above the adjacent grade; and, overhangs no greater than two feet from the side of the structure.

LOT. A parcel of land in a subdivision or plat of land, separated from other parcels or portions by descriptions or by metes and bounds, for the purpose of sales or lease or separate use thereof.

LOT, BASE. A lot meeting all the lot specifications in the zoning district in which it is located prior to being subdivided into a two-family or townhouse subdivision.

LOT, CORNER. A lot situated at the intersection of two streets, or a lot at the point of deflection of a single street, the interior angle of which 135 degrees or less.

LOT, UNIT. A lot created from the subdivision of a two-family dwelling or townhouse, having different minimum lot size requirements than the conventional base lots within the zoning district in which it is located.

LOT IMPROVEMENT. Any building, structure, place, work of art or other object which constitutes a physical betterment of the real property on which it is situated or any part of the betterment.

LOT WIDTH. The shortest horizontal distance between the side lot lines measured at right angles to the lot depth measured at the required minimum building setback line as set forth in the Shorewood Zoning Code.

ORDINARY HIGH WATER LEVEL (OHWL). The boundary of public waters and wetlands that is described as an elevation delineating the highest water level that has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For watercourses the ORDINARY HIGH WATER LEVEL is the elevation of the top of the bank or channel.

OUTLOT. A lot remnant or parcel of land left over after platting, which is intended as open space or other use, or which is reserved for future development and for which no building permit shall be issued.

OWNER. Any individual, firm, association, syndicate, partnership, corporation, trust or any other legal entity having sufficient proprietary interest in the land sought to be subdivided or commercially used to commence and maintain proceedings under this chapter.

PARKS AND PLAYGROUNDS. Public land and open spaces in the city dedicated or reserved for recreation purposes.

PEDESTRIAN WAY. A public right-of-way or private easement that provides access for pedestrians and which may be used for the installation of utility lines.

PERCENTAGE OF GRADE. The ratio of the distance vertically from the horizontal in feet and tenths of a foot for each 100 feet of horizontal distance.

PRELIMINARY PLAT. A drawing or set of drawings describing the existing physical characteristics of a parcel of land and illustrating a proposed layout for subdividing the land into lots, blocks, streets and easements for purposes of obtaining preliminary approval of a subdivision, pursuant to City Code § 1202.35 and M.S. § 462.358 and Chapter 505.

PROTECTIVE COVENANTS. Contracts made between private parties relating to the manner in which land may be used in order to protect and preserve the physical and economic integrity of any given area.

PUBLIC IMPROVEMENT. Any drainage facilities, roadway, parkway, sidewalk, pedestrian way, tree, lawn, off-street parking area, lot improvement, utility or other facility for which the city may ultimately assume the responsibility for maintenance and operation or which may affect an improvement for which local government responsibility is established.

REGISTERED LAND SURVEYOR. A surveyor whom is registered and licensed in accordance to M.S. § 326.02, Subd. 4.

REGISTERED PROFESSIONAL ENGINEER. A REGISTERED PROFESSIONAL ENGINEER licensed in accordance to M.S. § 326.02, Subd. 3.

RIGHT-OF-WAY, PUBLIC. Any property established for the use of the public for street or highway purposes by any federal, state, county or local government by dedication, easement, gift or statutory user, whether developed or undeveloped, paved or unpaved.

SETBACK. The minimum horizontal distance between building and street, lot line or ordinary high water level. Distances are to be measured at ground level from the most outwardly extended portion of the structure. In the case of a private street or street acquired by statutory user as defined by Minnesota Statutes, the setback shall be measured from a line 15 feet from the edge of the traveled surface.

STREET. A public right-of-way or private way serving three or more properties, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, lane, place or however otherwise designated, which is used or can be used for travel.

STREETS, ARTERIAL. Those streets, as identified in the Shorewood Comprehensive Plan, carrying larger volumes of traffic and serving as links between various subareas of the community. Arterial streets are intended to provide for collection and distribution of traffic between highways and collector streets; hence regulations of direct access to property is critical.

STREETS, COLLECTOR. Those streets, as identified in the Shorewood Comprehensive Plan, that carry traffic from local streets to the major system of arterials and highways. COLLECTOR STREETS primarily provide principal access to residential neighborhoods, including, to a lesser degree direct land access.

STREETS, LOCAL. Those streets, as identified in the Shorewood Comprehensive Plan, that are used primarily for access to abutting properties and for local traffic movement.

STREETS, MARGINAL ACCESS. Those local streets that are parallel and adjacent to thoroughfares and highways and that provide access to abutting properties and protection from through traffic.

STREETS, CUL-DE-SAC. Those local streets with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.

STREET WIDTH. The shortest distance between lines of lots delineating the streets right-of-way.

SUBDIVISION. The division of a parcel of land into two or more lots or parcels for the purpose of transfer of ownership or of building developments. The term includes resubdivision and, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided.

SUBJECT PROPERTY. The property that is the subject of the subdivision application.

WATERCOURSE. Watercourse means any channel having definable beds and banks and capable of conducting generally confined runoff from adjacent lands. During floods water may leave the confining beds and banks but under low and normal flows water is confined within the channel. A watercourse may be perennial or intermittent.

1202.20 Premature Subdivision Prohibited

Subd. 1 Premature Subdivisions.

- a. Any proposed subdivision deemed premature for development shall be denied by the City Council.
- b. The burden shall be upon the applicant to show that the proposed subdivision is not premature.
- c. A subdivision may be deemed premature should any of the following conditions exist:
 - (1) Inconsistency with Comprehensive Plan. The proposed subdivision is inconsistent with the purposes, objectives, and recommendations of the duly adopted Comprehensive Plan of Shorewood, as may be amended.
 - (2) Lack of Adequate Water Supply. A proposed subdivision shall be deemed to lack an adequate water supply if municipal water is not available to the plat. With the extension of municipal water, all private drinking water supply wells must be capped in accordance with State Statutes.
 - (3) Lack of Adequate Roads to Serve the Subdivision. A proposed subdivision shall be deemed to lack adequate roads if direct access to a public road is not possible or if the roads which serve the proposed subdivision are deemed inadequate by the City Engineer.
 - (4) Lack of Adequate Waste Disposal Systems. A proposed subdivision shall be deemed to lack adequate waste disposal systems if municipal sanitary sewer is not available to the plat or if in subdivisions for which sewer lines are proposed, there is inadequate sewer capacity in the present system to support the subdivision if developed to its maximum permissible density indicated in the Shorewood Comprehensive Plan, as may be amended. With the extension of municipal sewer, all private waste disposal systems shall be removed in accordance with State Statutes.
 - (5) Lack of Adequate Drainage: A condition of inadequate drainage shall be deemed to exist if:

- (a) Surface or subsurface water retention and runoff is such that it constitutes a danger to the structural security of the proposed structures and/or adjacent properties.
- (b) The proposed subdivision will cause pollution of water sources or damage from erosion and siltation on downhill or downstream land.
- (c) The proposed site grading and development will cause harmful and irreparable damage from erosion and siltation on downstream land.
- (d) Factors to be considered in making these determinations may include:
 - 1. Average rainfall for the area.
 - 2. The relation of the land to floodplains.
 - 3. The nature of soils and subsoils and their ability to adequately support surface water runoff and waste disposal systems.
 - 4. The slope of the land and its effect on effluents.
 - 5. The presence of streams as related to effluent disposal.

1202.30 Procedures and Enforcement

1202.31 Common Procedures

Subd. 1 Authority to File Applications.

- a. Subdivision applications for Subject Property may be initiated by:
 - (1) The owner of the Subject Property that is the subject of the application.
 - (2) An agent authorized by the owner of the Subject Property that is the subject of the application, may include a lessee of the Subject Property. Evidence of such authorization shall be the signature of the Subject Property owner.
 - (3) If the property subject to an application is under more than one ownership, all owners or their authorized agents shall join in filing the application.

Subd. 2 Application and Fees.

- a. A complete application shall be made in writing, submitted in a format prescribed by the city.
- b. All applications for subdivision approval shall be accompanied by a fee established by chapter 1301 of the City Code to pay for costs associated with the application processing and review. Said fee ordinance will be annually reviewed and updated.
- c. An escrow amount shall be required by the city to pay for actual costs incurred by the city during the review process.
- d. No application shall be deemed complete for processing until the necessary fee has been paid.

Subd. 3 Pre-Application Meeting.

- a. Applicants are encouraged to meet with city staff prior to filing a subdivision application.
- b. A pre-application meeting is an informal discussion between a potential applicant and city staff regarding a possible project subject to this chapter. The purpose of the meeting is to inform applicants of the procedural requirements and minimum standards of this chapter and the requirements or limitations imposed by other city ordinances or plans prior to the development of a subdivision.
- c. For discussion purposes, applicants shall provide a sketch or concept of the proposed subdivision to the Zoning Administrator. This plan shall contain, at a minimum, plat

boundary, north arrow, graphic scale, street layout on and adjacent to plat, designation of land use and current or proposed zoning, significant topographical or physical features and general lot locations and layout.

- d. Discussions that occur during pre-application meetings are not binding on the city and do not constitute official assurances or representations of the city.

Subd. 4 Coordination of Applications.

- a. Depending on the requirements of this Code, multiple applications may be required for a single development. Each application filed requires a fee and escrow as described in this Code.
- b. City staff shall determine the order of application review based on the City Code, including this chapter, and state requirements. Where possible, applications will be reviewed simultaneously.
- c. When submitting multiple applications of different review periods, the applicant is encouraged to agree to an extension of the shorter review period to match that of the application with the longest review period.

Subd. 5 Deadline for Action.

- a. In compliance with M.S. § 462.358, the city shall take action to preliminarily approve or deny a subdivision application within 120 days following delivery of an application completed in compliance with this Code, unless an extension for the review period has been agreed to by the applicant.
- b. In compliance with M.S. § 462.358, the city shall certify final approval of a subdivision application within 60 days if the applicant has complied with all conditions and requirements of applicable regulations and the preliminary approval.

Subd. 6 Withdrawal of Applications.

- a. Any request for withdrawal of an application shall be submitted in writing to city staff.
- b. In all cases where the applicant has requested withdrawal of an application, the associated fee paid and any costs incurred by the city in the processing of the application shall not be refunded.

Subd. 7 Successive Applications.

- a. No application which has been denied wholly or in part may be resubmitted for at least one year from the date of its submittal, unless substantial changes have been made which warrant reconsideration, as determined by city staff.

Subd. 8 Appeals of Decisions.

- a. The City Council shall serve as the Board of Adjustment and Appeals and hear and decide any appeals of the Zoning Administrator's interpretation of this chapter.
- b. All decisions made by the City Council regarding subdivision shall be final, except that any aggrieved person shall have the right to appeal to the District Court in Hennepin County within 30 days after delivery of the city decision to the appellant. Any person seeking judicial review under this chapter must serve the city and all necessary parties, including any landowners, within the 30-day period defined above.

1202.32 Registered Land Surveys

Subd. 1 All registered land surveys in the city shall be presented to the Planning Commission in the form of a preliminary plat in accordance with the standards and procedures set forth in this chapter for preliminary plats.

Subd. 2 The Planning Commission shall first recommend the arrangement, sizes and the relationships of proposed tracts in the registered land surveys, and tracts to be used as easements or roads should be so dedicated.

Subd. 3 Building permits will be withheld for buildings on tracts that have been so subdivided by registered land surveys unless a recommendation and approval have been obtained from the Planning Commission and City Council respectively, in accordance with the standards and procedures set forth in this chapter. The city may refuse to take over tracts as streets or roads or to improve, repair or maintain any tracts unless so approved.

1202.33 Administrative Adjustment

Subd. 1 Applicability. An application for an administrative adjustment shall be submitted to the city when any of the following apply:

- a. Requests to relocate property line(s) without increasing or decreasing the number of parcels and where all parcels meet Code requirements meet Code requirements.
- b. Requests to divide a base lot, upon which has been constructed a twinhome that is directly accessible to a public street, where the division is to permit individual private ownership of a single dwelling unit within the structure and the newly created property lines will not cause any of the unit lots or the structure to be in violation of this chapter, the Zoning Regulations, or the State Building Code.

Subd. 2 Submittal Requirements.

- a. Complete application, fee and escrow as specified in city's fee schedule
- b. Proof of ownership of the Subject Property
- c. Existing and proposed legal descriptions for the Subject Property provided as Word document(s)
- d. One large-scale paper copy and one digital submission of a survey prepared and signed by a registered land surveyor which includes:
 - (1) North arrow, scale and date of preparation
 - (2) Proposed name of subdivision
 - (3) Original and proposed lot boundaries and dimensions
 - (4) Acreage of site
 - (5) Existing and proposed lot areas
 - (6) Layout, numbers and dimensions of parcels
 - (7) Location and dimensions of existing structures on the site
 - (8) Location and dimensions of curb cuts and driveways
 - (9) Street layout on and adjacent to subdivision
 - (10) Existing and proposed easement locations, including legal descriptions and graphic depictions of all easements
 - (11) Significant topographical or physical features
- e. Additional information as determined necessary by the Zoning Administrator.

Subd. 3 Procedure.

- a. The Zoning Administrator shall review the application to determine conformance with the Comprehensive Plan and the Zoning and Subdivision ordinances.
- b. The Zoning Administrator shall have the authority to make a final decision on the application.

- c. Following the approval or denial of the application, the Zoning Administrator shall provide the applicant with written notice of the decision and reasons for approval or denial.

Subd. 4 Criteria for Approval. In considering the administrative adjustment application, the Zoning Administrator shall consider the following factors:

- a. Conformance with City Code and all other applicable ordinances, rules and regulations.
- b. Consistency with the Comprehensive Plan.
- c. In addition to the criteria above, subdivisions of base lots shall meet the following criteria:
 - (1) Prior to a base lot subdivision, the base lot must meet all the requirements of the zoning district.
 - (2) In any residential district, there shall be no more than one principal structure on the base lot. The principal structure on unit lots created in a base lot subdivision will be the portion of the attached dwelling existing or constructed on the platted unit lots.
 - (3) A property maintenance agreement must be arranged by the applicant and submitted to the City Attorney for their review and subject to approval. The agreement shall ensure the maintenance and upkeep of the structure and the lots to meet minimum city standards. The agreement is to be filed with the Hennepin County Recorder's office as a deed restriction against the title of each unit lot.
 - (4) Separate public utility service shall be provided to each subdivided unit and shall be subject to the review and approval of the City Engineer.

Subd. 5 Post-Approval Actions

- a. City approval for an administrative adjustment shall become null and void if, within one year after such approval, the administrative adjustment has not been duly filed and recorded with the Hennepin County Recorder's Office.

1202.34 Minor Subdivision

Subd. 1 Applicability. An application for a minor subdivision shall be submitted to the city when all of the following apply:

- a. The request to subdivide would create no more than two lots or building sites, neither of which is capable of being further subdivided in the future;
- b. The land has been previously subdivided by plat or registered land survey and is on file and of record in the County Register of Deeds or Registrar of Titles;
- c. The application will not cause the parcel or any structure on the parcel to be in violation of this chapter, the Zoning Regulations, or the building code;
- d. With the exception of sidewalks or trails, the application will not involve the construction of any new street or road, the extension of municipal facilities, or the creation of any public improvements; and
- e. The application does not involve an outlot.

Subd. 2 Submittal Requirements.

- a. Complete application, fee and escrow as specified in city's fee schedule
- b. Proof of ownership of the Subject Property
- c. Existing and proposed legal descriptions for the Subject Property and any easements provided as Word document(s) Certificate of survey prepared by a registered land surveyor.

- d. The data and supportive information detailing the proposed subdivision shall be the same as required for a preliminary plat as set forth in City Code § 1202.35, Subd. 2. of this chapter. The Zoning Administrator may exempt the applicant from certain informational requirements.
- e. Additional information as determined necessary by the Zoning Administrator.

Subd. 3 Procedure.

- a. A pre-application meeting pursuant to City Code § 1202.31 of this chapter is suggested prior to submitting a minor subdivision application.
- b. The owner or applicant shall submit an application for minor subdivision, together with all necessary supplementary information listed above.
- c. The Zoning Administrator shall refer the application to all appropriate city staff for review and comment.
- d. The Zoning Administrator shall distribute the request to other jurisdictions as appropriate.
- e. City Council Action.
 - (1) The City Council shall act upon the minor subdivision and may impose conditions and restrictions which are deemed necessary for compliance with City Code. Approval of the application requires a simple majority vote of the full City Council.
 - (2) The reasons for the City Council's action shall be recorded in the proceedings of the Council and transmitted in writing to the applicant.

Subd. 4 Criteria for Approval. In considering the minor subdivision application, the City Council shall consider the following factors:

- a. Conformance with this chapter, the Zoning Regulations, and all other applicable ordinances, rules and regulations; and
- b. Consistency with the Comprehensive Plan's vision, mission, values and policies.

Subd. 5 Post-Approval Actions.

- a. Prior to release of a Council resolution approving a minor subdivision for recording, the applicant shall submit the following:
 - (1) An up-to-date title opinion from within the last 30 days for review and approval by the City Attorney.
 - (2) Deeds in favor of the city for any easements or public right-of-way that may be required as part of the minor subdivision.
- b. The applicant must record the minor subdivision, and any required deeds for easements or street right-of-way, with the Hennepin County Recorder within one year of the date it receives the resolution approving the subdivision. Failure to record the subdivision within one year shall void the approval. No building permits shall be issued for new lots until the applicant has provided proof of recording.
- c. Prior to the expiration of a minor subdivision approval, an extension of the approval may be granted by the City Council upon the city's receipt of a request for extension. A request for an extension shall be in writing and filed with the city. The request for extension shall state facts showing a good faith attempt was made to meet the recording requirement.

1202.35 Preliminary Plat

Subd. 1 Applicability. A preliminary plat application shall be submitted to the city when any of the following apply:

- a. The applicant is proposing to create three or more lots as part of a subdivision.
- b. The applicant is proposing to change the exterior boundaries of an existing plat.
- c. The proposed subdivision includes the creation or installation of any public improvements as identified in City Code § 1202.50 Improvements.
- d. The Subject Property to be subdivided has a current metes and bounds legal description rather than a lot and block legal description.
- e. The proposed subdivision does not qualify to be processed as an administrative adjustment or minor subdivision.

Subd. 2 Submittal Requirements.

- a. The required number and format of the preliminary plat and application materials shall be determined by and submitted to the Zoning Administrator. The required filing fee as established by City Code § 1301.03 shall be paid and any necessary applications for variances from the provisions of this chapter shall be submitted with the required fee.
- b. The applicant shall prepare and submit a preliminary plat, together with any necessary supplementary information as described below. All plans shall include a graphic scale not to exceed 1 inch equal to 50 feet, north arrow, and date of preparation.
 - (1) Complete application and fee as specified in the city's fee schedule.
 - (2) Proof of ownership of the Subject Property
 - (3) Existing and proposed legal descriptions for the Subject Property and any easements provided as Word document(s)
 - (4) Existing Conditions Survey prepared by a registered land surveyor.
 - (a) Topographic map with contour interval of two feet or less.
 - (b) Total acreage of proposed plat.
 - (c) Boundary lines of proposed plat and of adjoining property within 300 feet.
 - (d) Ownership of adjoining property within 300 feet, including all contiguous land owned or controlled by the applicant.
 - (e) Existing zoning classifications for land within and abutting the subdivision.
 - (f) Location, right-of-way widths and names of all existing or previously platted streets or other public or private ways, railroad and utility rights-of-way, parks and other public open spaces, permanent buildings and structures, easements and section and corporate lines within the tract and 300 feet beyond the tract.
 - (g) Location, width and names of all existing power transmission poles and lines.
 - (h) Calculations showing all impervious surface coverage with the total expressed in a percentage of the lot area.
 - (5) Preliminary Plat.
 - (a) Proposed name of subdivision. Names shall not duplicate or too closely resemble names of existing subdivisions within Hennepin County.
 - (b) Location of boundary lines in relation to a known section, quarter section or quarter-quarter section lines comprising a legal description of the Subject Property.

- (c) Names and addresses of all persons having property interest, the applicant, designer and surveyor, together with the surveyor's registration number.
 - (d) Layout of proposed streets showing the right-of-way widths, centerline gradients, typical cross sections and proposed names of streets in conformance with City and County street identification policies.
 - (e) Locations and size of proposed sewer lines and watermains or water wells.
 - (f) Locations and widths of proposed curb cuts, driveways, access roads, alleys and pedestrian ways and trails.
 - (g) Location, dimension and purpose of all easements.
 - (h) Layout, numbers, lot areas and preliminary dimensions of lots and blocks. All lots shall be numbered clockwise in each block and blocks shall be numbered consecutively.
 - (i) Minimum front, side and rear building setback lines.
 - (j) When lots are located on a curve, the width of the lot at the building setback line.
 - (k) Areas, other than streets, alleys, pedestrian ways and utility easements, dedicated or reserved for public use, including the size of the area or areas in square feet and acres.
 - (l) A statement of the proposed use of lots stating type of buildings with number of proposed dwelling units or type of business, so as to reveal the effect of the development on traffic, fire hazards and congestion of population.
- (6) Grading and Erosion Control Plan prepared and signed by licensed Civil Engineer.
- (a) Location and size of existing sewers, water mains, stormwater pipes, culverts, drainage tiles or other underground facilities within the tract and to a distance of 100 feet beyond the tract. The data as grades, invert elevations, locations of catch basins, manholes and hydrants shall also be shown.
 - (b) Topographic data, including contours at vertical intervals of not more than two feet. Watercourses, wetlands, woodland areas, rock outcrops, power transmission poles and lines, and other significant features shall also be shown.
 - (c) 100-year flood elevations, the regulatory flood protection, and boundaries of flood way and flood fringe areas, if known taking into consideration the Flood Insurance Study and Flood Insurance Rate Map.
 - (d) On a separate plan sheet provide proposed grading, including existing and proposed contours at vertical intervals of not more than two feet, proposed cut and fill areas, proposed building pads showing type of house (full basement, walkout, split entry and the like), elevations of lowest floor and garage floor, ordinary high water level, proposed storm water treatment devices with rate and volume control, and emergency overflow elevation and route.
 - (e) Layout of the proposed streets showing right-of-way widths, centerline gradients, and typical cross sections.
 - (f) Proposed fill, levees, channel modifications, and other methods to overcome flood or erosion hazard areas in acceptance with the Zoning Ordinance and by use of the 100-year flood profile and other supporting technical data in the Flood Insurance Study.

- (g) A plan for soil erosion and sediment control both during construction and after development has been completed. The plan shall include gradients of waterways, design of velocity and erosion control measures, design of sediment control measures and landscaping of the erosion and sediment control system.
- (7) Wetlands delineation report.
- (8) Landscape plan addressing the requirements of the Zoning Code.
- (9) Utility plan showing public utilities, including water, sanitary sewer mains and service connections to be installed in accordance with the standards of the city.
- (10) Stormwater management plan with drainage calculations and map.
- (11) Tree preservation plan addressing the requirements of the Zoning Code.
- (12) Supplementary Information. Any or all of the supplementary information requirements set forth in this subdivision shall be submitted, when deemed necessary by the city staff, consultants, advisory bodies or City Council.
 - (a) A vegetation preservation and protection plan that shows those trees proposed to be removed, those to remain and the types and locations of trees and other vegetation that are to be planted
 - (b) Proposed protective covenants.
 - (c) An accurate soils report of the subdivision prepared by a registered professional engineer qualified to perform and analyze soil materials under the laws of Minnesota.
 - 1. The soils report shall consist of test holes to a depth necessary to determine the various types of soils to be encountered before reaching a stable base and the static water table elevation. The test holes, when ordered by city authorities, shall be drilled at the expense of the owner or applicant and the information disclosed shall be furnished to the city, together with a copy of the proposed plat showing the location of each test hole.
 - 2. The information required by the city shall include a report as to the various types of soils encountered and their depths, the level of the ground water, a percolation test and may include additional information. The number of test holes to be drilled and their location on the Subject Property, which is proposed to be platted, will be as directed by the city or their authorized representative.
 - 3. The owner shall be required to furnish to the city a report from a recognized engineering laboratory as to the safety and practicability of the use of the area for building construction.
 - (d) A survey prepared by a qualified landscape architect, forester or arborist identifying tree coverage in the proposed subdivision in terms of type, weakness, maturity, potential hazard, infestation, vigor, density and spacing.
 - (e) Where the applicant owns property adjacent to that which is being proposed for the subdivision, it shall be required that the applicant submit a sketch plan of the remainder of the Subject Property so as to show the possible relationships between the proposed subdivision and the future subdivision. In any event, all subdivisions shall be required to relate well with existing or potential adjacent subdivision.

(f) Where structures are to be placed on large or excessively deep lots that are subject to potential replat, the preliminary plat shall indicate a logical way in which the lots could potentially be subdivided in the future.

(g) Additional information as may be required.

Subd. 3 Procedure.

- a. A pre-application meeting pursuant to City Code § 1202.31 is suggested prior to submitting a preliminary plat application.
- b. The owner or applicant shall submit an application for preliminary plat, together with all necessary supplementary information listed above. The plan shall be considered as being officially submitted when all the information requirements have been complied with.
- c. Technical assistance reports. The Zoning Administrator shall instruct the appropriate staff persons to prepare technical reports and provide general assistance in preparing a recommendation to the Planning Commission and City Council.
- d. Review by other commissions or jurisdictions. The Zoning Administrator shall refer copies of the preliminary plat to the Park Commission, county, metropolitan, state or other public jurisdictions for their review and comment, where appropriate and when required.
- e. Public Hearing.
 - (1) Upon receipt of a complete application, the Zoning Administrator shall set a public hearing for public review of the preliminary plat.
 - (2) Notice of the hearing shall contain a legal property description, description of request detailing property location and be published in the official newspaper no more than 30 and no less than 10 days prior to the hearing. Written notification of the hearing shall be mailed no more than 30 and no less than 10 days prior to the hearing to all owners of land within 750 feet of the boundary of the property in question.
 - (3) The city shall post a sign on the Subject Property indicating that the property is under development review.
 - (4) The Planning Commission shall conduct the hearing and report its findings and make recommendations to the City Council.
- f. Planning Commission Action. The Planning Commission shall make a recommendation on the application to the City Council following the close of the public hearing.
- g. City Council Action.
 - (1) Upon receiving a recommendation from the Planning Commission, the City Council shall act upon the preliminary plat and may impose conditions and restrictions that are deemed necessary for compliance with City Code.
 - (2) If a recommendation has not been received from the Planning Commission in a timely manner to meet the requirements of M.S. § 462.358, the City Council may act on an application without receiving a Planning Commission recommendation.
 - (3) A request for a time extension of the City Council's review process may be granted by the City Council, if requested in writing by the applicant. Applications granted a time extension shall be subject to new or amended requirements of the City Code since the application was originally submitted.

- (4) The reasons for the City Council's action shall be recorded in the proceedings of the Council and transmitted in writing to the applicant.
- (5) Approval of the preliminary plat shall not constitute final acceptance of the layout. Subsequent approval will be required of the engineering proposals and other features and requirements as specified by this chapter to be indicated on the final plat. The City Council may require revisions in the preliminary plat and final plat as it deems necessary for the health, safety and general welfare of those living in and near the City.

Subd. 4 Criteria for Approval. In considering the preliminary plat application, the City Council shall consider the following factors:

- a. Conformance with this chapter and all other applicable ordinances, rules, and regulations including the city's Zoning Regulations; and
- b. Consistency with the Comprehensive Plan's vision, mission, values and policies.

Subd. 5 Post-Approval Actions.

- a. If the preliminary plat is approved by the City Council, the applicant must submit the final plat within one year after the approval or approval of the preliminary plat shall be considered void, unless a request for time extension is submitted in writing and approved by the City Council prior to expiration of the one year period.
- b. A reasonable time extension will be considered by the City Council, if circumstances requiring the extension are beyond the control of the applicant.

1202.36 Final Plat

Subd. 1 Submittal Requirements.

- a. The required number and format of the final plat and following required documents, together with any necessary supplementary application materials shall be determined by and submitted to the Zoning Administrator. The required filing fee as established by City Code § 1301.03 shall be paid.
- b. Final Plat. The Final Plat shall be prepared in accordance with provisions of Minnesota State Statutes and Hennepin County regulations, and the final plat shall contain the information listed below. All plans shall include a graphic scale not to exceed 1 inch equal to 50 feet, north arrow, and date of preparation.
 - (1) Subdivision name.
 - (2) Existing and proposed legal descriptions of the Subject Property.
 - (3) Name, address and signature of surveyor making the plat.
 - (4) The location of monuments shall be shown and described in reference to existing official monuments on the nearest established street lines, including true angles and distances to the reference points or monuments.
 - (5) Location of lots, streets, public highways, alleys, parks and other features with accurate dimensions in feet and decimals of feet, with the length of radii and arcs of all curves and with all other information necessary to reproduce the plat on the ground. Dimensions shall be shown from all angle points of curve to lot lines.
 - (6) Blocks and lots, clearly numbered.
 - (7) The exact locations, widths and names of all streets to be dedicated.

- (8) Statement dedicating all streets, alleys and other public areas not previously dedicated as follows: streets, alleys and other public areas shown on this plat and not as yet dedicated to public use are hereby so dedicated.
 - (9) The exact locations and widths of all easements to be dedicated.
 - (10) Statement dedicating all easements as follows: easements for installation and maintenance of utilities and drainage facilities are reserved over, under and along the strips marked "utility easements"
 - (11) Comply with rules and regulations of the Minnehaha Creek Watershed District, or Riley-Purgatory-Bluff Creek Watershed District, whichever District has jurisdiction or statement from the District indicating that it has no interest in the plat;
 - (12) Any supplementary engineering data required by the city.
 - c. Final Grading, Erosion Control, and Stormwater Drainage Plan approved by the City Engineer. Provide evidence that ground water controls are provided at least ten feet below level of finished grades of plan.
 - d. Final Utility Plan in accordance with the City of Shorewood Standard Specifications for Construction of Public Utilities and approved by the City Engineer.
 - e. Final Tree Preservation Plan.
 - f. Final Landscape plan.
 - g. Specification book for construction of public improvements.
 - h. Cost estimates for grading and all public and private improvements.
 - i. Homeowners association documents, private covenants, of deed restrictions as applicable.
 - j. Additional application materials as deemed necessary.
 - k. Certification required.
 - (1) Certification by registered surveyor in the form required by M.S. § 505.03, as amended.
 - (2) Execution by all owners of any interest in the land or any holders of a mortgage thereon of the certificates required by M.S. § 505.03, as amended, and which certificate shall include a dedication of the utility easement and other public areas in the form as approved by the City Council.
 - (3) Space for certificates of approval and review, including the date of approval and spaces to be filled in by the signature of the Mayor and City Administrator/Clerk.
- Subd. 2 Procedure.
- a. Submittal.
 - (1) Within one year after approval of the preliminary plat, the owner or applicant shall submit an application for final plat, together with all necessary supplementary information listed above.
 - (2) The final plat may constitute only that portion of the preliminary plat which the applicant proposes to record and develop at the time.
 - (3) The city may agree to review the preliminary and final plat simultaneously.
 - (4) The final plat shall incorporate all changes, modifications, and revisions required by the city in its approval of the preliminary plat. Otherwise, it shall strictly conform to the approved preliminary plat.
 - b. Approval of the City Council.

- (1) If accepted and all fees for processing the application have been paid, the final plat shall be approved by resolution, which shall provide for the acceptance of all agreements for basic improvements, public dedication, and other requirements as indicated by the City Council.
 - (2) If denied, the grounds for any refusal to approve a plat shall be set forth in the proceedings of the Council and reported to the person or persons applying for the approval.
- c. Development Agreement.
- (1) If needed due to the subdivision, final plat approval shall be contingent upon the applicant's entrance into a development agreement with the city. Said agreement will require all improvements and approval conditions to comply with approved engineering standards and applicable regulations.
 - (2) The agreement shall be prepared by the city and shall ensure development performance based on approvals.
 - (3) The agreement shall address, but not be limited to, the following:
 - (a) Financial securities
 - (b) Warranties
 - (c) Development time lines
 - (d) Remedies for default
 - (e) Iron monuments
 - (f) Improvements
 - (g) City administration and construction observation
 - (h) Permits
 - (i) Erosion and sediment control
 - (j) Maintenance
 - (k) Park dedication
 - (l) Sewer and water trunk utility charges
- d. Prior to recording or registering a final plat, the applicant shall have executed the development agreement with the city.
- e. As part of approval of the final plat, minor subdivision, registered land survey or any other subdivision application, the City Administrator, or their designee, is authorized to and shall execute the development agreement, stormwater management agreement, or other agreement noted in the City Council's resolution on the City Council's behalf.
- Subd. 3 Criteria for Approval. In considering the final plat application, the City Council shall consider the following factors:
- a. Conformance with the approved preliminary plat and all conditions of approval.
 - b. Conformance with this chapter and the City Code, and all other applicable city policies, ordinances, rules, and regulations.
 - c. Consistency with the Comprehensive Plan's vision, mission, values, and policies.
- Subd. 4 Post-Approval Actions.
- a. If the final plat is approved by the City Council, the applicant shall record the final plat and development agreement, if required, with the Hennepin County Recorder within one year after the approval or approval of the final plat shall be considered void, unless a request for time extension is submitted in writing and approved by the City Council.

- b. Prior to recording, the applicant shall furnish the Zoning Administrator with two blackline prints and a reproducible mylar of the final plat.
- c. Upon recording the plat, the applicant shall provide the Zoning Administrator with evidence of the recording.
- d. No building permits shall be issued for construction of any structure on any lot in the plat until the city has received evidence of the plat and development agreement being recorded by Hennepin County and the provisions of the development agreement have been satisfactorily met.

1202.37 Subdivision Variance

Subd. 1 Applicability. Subdivisions which do not meet the requirements of this chapter may request a subdivision variance.

Subd. 2 Submittal Requirements.

- a. Complete application, fee and escrow as specified in city's fee schedule
- b. Legal description of the Subject Property
- c. Detailed written and graphic materials fully explaining the proposed variance request with the number of copies and format as specified by the Zoning Administrator.
- d. Explanation of practical difficulties
- e. Additional information as determined necessary by the Zoning Administrator

Subd. 3 Procedure.

- a. Upon receipt of a subdivision variance application, the Zoning Administrator shall refer the application to all appropriate city staff for review and comment.
- b. Public Hearing
 - (1) Upon receipt of a complete application, the Zoning Administrator shall set a public hearing for public review of the minor subdivision.
 - (2) Notice of the hearing shall contain a legal property description, description of request detailing Subject Property location and be published in the official newspaper no more than 30 and no less than 10 days prior to the hearing. Written notification of the hearing shall be mailed no more than 30 and no less than 10 days prior to the hearing to all owners of land within 500 feet of the boundary of the Subject Property.
- c. Planning Commission action.
 - (1) The Planning Commission shall review the application and consider possible adverse effects of the variance request. The Planning Commission's judgment shall be based upon (but not limited to) the conditions set forth in Subd. 4 below.
 - (2) The Planning Commission and city staff shall have the authority to request any additional information from the applicant deemed necessary to establish performance conditions pertaining to the request.
 - (3) The Planning Commission shall make a finding of fact and recommend the actions or conditions relating to the request as they deem necessary to carry out the intent and purpose of this chapter. The recommendation shall be in writing and accompanied by any report and recommendation of the city staff. The written recommendation of the Planning Commission shall be forwarded to the City Council.

- d. City Council action. Upon receiving the request and any report of the city staff, the city Council shall review and take action on the variance application and make a recorded finding(s) of fact.
 - (1) Approval of a request shall require passage by a simple majority vote of the full City Council.
 - (2) The Council may impose any condition it considers necessary to protect the public health, safety and welfare.

Subd. 4 Criteria for Approval.

- a. The City Council may grant a variance from strict compliance with the subdivision regulations contained in this chapter when it finds that all of the following exist:
 - (1) That the requested subdivision variance is consistent with the Comprehensive Plan and all other applicable city plans.
 - (2) That the requested variance is in harmony with the general purposes and intent of this chapter.
 - (3) There are special and highly unique circumstances or conditions affecting the property Subject Property that are not common to other properties in the city and that the strict application of the provisions of this chapter would deprive the applicant of the reasonable and minimum use of its land.
 - (4) That the granting of the variance will not be detrimental to the public health or welfare or injurious to other property in the vicinity in which the Subject Property is situated.
 - (5) That the applicant has established that there are special circumstances or highly unique conditions affecting the Subject Property not resulting from the actions of the applicant, such as exceptional topographic or water conditions or inadequate access to direct sunlight for solar energy systems, such that an unusual hardship to the owner would result if the strict letter of these regulations was to be carried out.

Subd. 5 Post-Approval Actions.

- a. City approval for a subdivision variance shall become null and void if, within one year after such approval, the subdivision variance has not been duly filed and recorded with the Hennepin County Recorder's Office.
- b. Upon recording, the applicant shall provide the Zoning Administrator with evidence of the recording.
- c. Violations of the conditions of a subdivision variance shall void the variance.

1202.38 Amendments

Subd. 1 From time to time, the Planning Commission may, of its own motion, upon petition, or at the direction of the City Council, cause to be prepared amendments supplementing or changing regulations herein established.

Subd. 2 Before any proposed amendment can be acted on, a public hearing shall be held by the Planning Commission with notice given in the official newspaper at least 10 days prior to the hearing.

Subd. 3 Upon receiving the recommendation of the Planning Commission, the City Council shall study the Planning Commission's recommendation and approve or deny the amendment.

1202.39 Violations and Penalty

Subd. 1 Violations.

- a. Sale of lots from unrecorded plats. It shall be a misdemeanor to sell, trade or otherwise convey any lot or parcel of land as a part of, or in conformity with, any plan, plat or replat of any subdivision or area located within the jurisdiction of this chapter unless the plan, plat or replat shall have first been recorded in the office of the County Recorder.
- b. Receiving or recording unapproved plats. It shall be unlawful for a private individual to receive or record in any public office any plans or plats of land laid out in building lots and streets, alleys or other portions of the same intended to be dedicated to public or private use or for the use of purchasers or owners of lots fronting on or adjacent thereto, and located within the jurisdiction of this chapter, unless the same shall bear thereon, by endorsement or otherwise, the approval of the City Council.
- c. Misrepresentation as to authority to file or for the construction, supervision or inspection of improvements.
 - (1) It shall be unlawful for any person, firm or corporation to misrepresent their authority to file an application.
 - (2) It shall be unlawful for any person, firm or corporation owning an addition or subdivision of land within the city to represent that any improvement upon any of the streets, alleys or avenues of the addition or subdivision or any sewer in the addition or subdivision has been constructed according to the plans and specifications approved by the City Council or has been supervised or inspected by the city, when the improvements have not been so constructed, supervised, or inspected.

Subd. 2 Penalty. Anyone violating any of the provisions of this chapter shall be guilty of a misdemeanor punishable by a fine and imprisonment as provided in State Statutes.

1202.40 Design Standards

1202.41 General

Subd. 1 The design features of the subdivision shall meet the requirements set forth by the City Engineering Guidelines. The city may impose additional or more stringent requirements as deemed appropriate in furtherance of health, safety and well-being of the community considering the property being subdivided.

Subd. 2 Political boundaries. No singular plat shall extend over a political boundary without legal notification to and approval by affected units of government.

Subd. 3 Provisions for resubdivision of large lots and parcels.

- a. All contiguous land owned by the same property owner shall be included in the plat.
- b. When a tract is subdivided into larger than required building lots or parcels, the lots or parcels shall be so arranged as to permit the logical location and openings of future streets and appropriate resubdivision with provision for adequate utility connections for the resubdivision.
- c. Streets and utilities shall be extended to the boundary of the plat.
- d. Watercourses.
 - (1) Watercourses shall be contained within abutting lots.

- (2) Watercourses shall be protected by easement to the anticipated high water level (as determined by the city. Lots with easements protecting watercourses shall have sufficient dimensions and area above the high water level.
- e. Monuments.
- (1) Official monuments, as designated and adopted by the Hennepin County Surveyor's Office and approved by the Hennepin County District Court for use as judicial monuments, shall be set at each corner or angle on the outside boundary of the final plat or in accordance with a plan as approved by the City Engineer. The boundary line of the Subject Property to be included within the plat shall be fully dimensioned on the plat. All angles of the boundary, excepting the closing angle, are to be indicated on the plat and all monuments and surveyor's irons are to be indicated on the plat. Each angle point of the boundary perimeter shall be so monumented.
 - (2) Location of monuments within the plat. Pipes or steel rods shall be placed at each lot and at each intersection of street right-of-way lines. All United States, state, county or other official bench marks, monuments or triangular stations in or adjacent to the Subject Property shall be preserved in precise position and shall be recorded on the plat.
 - (3) Second monumentation. To ensure that all irons and monuments are correctly in place following the final grading of a plat, a second monumentation shall be required. Proof of the second monumentation shall be in the form of a surveyor's certificate and this requirement shall additionally be a condition of certificate of occupancy as provided for in the Shorewood Zoning Ordinance. As an alternative the applicant's surveyor may, upon approval by the City Engineer, place official monuments within the plat after the site grading has been completed, but no later than one year after the recording of the plat. In such cases a letter of credit or cash escrow in form and dollar amount acceptable to the city shall be submitted to guarantee that the monumentation will be completed.

1202.42 Protected Areas

- Subd. 1 Where land proposed for subdivision is deemed environmentally sensitive by the city because of the existence of wetlands, drainage ways, water courses, flood prone areas or steep slopes, the design of the subdivision shall clearly reflect all necessary measures of protection to insure against adverse environmental impact.
- Subd. 2 Based upon the necessity to control and maintain certain sensitive areas, the city shall determine whether the protection will be accomplished through lot enlargement, redesign, conservation easement, dedication of those sensitive areas in the form of outlots or through the use of protective covenants in Planned Unit Developments.
- Subd. 3 Measures of protection shall include design solutions that allow for construction and grading involving a minimum of alteration to sensitive areas. Where these areas are to be incorporated into lots within the proposed subdivision, the applicant shall be required to demonstrate that the proposed design will not require construction on slopes that exceed 12% or result in significant alteration to the natural drainage system, such that adverse impacts cannot be confined within the plat boundary.

Subd. 4 Tree preservation and reforestation. Natural vegetation shall be protected in accordance with the Shorewood Tree Preservation and Reforestation Policy.

1202.43 Lots and Blocks

Subd. 1 All lot and block dimensions shall be shown on the plat and all necessary angles pertaining to the lots and blocks, as an aid to future surveys shall be shown on the plat.

Subd. 2 Blocks.

- a. Block length. In general, intersecting streets determining block lengths shall be provided at intervals so as to serve cross-traffic adequately and to meet existing streets. In blocks longer than 1,000 feet, pedestrian ways or easements through the block may be required in locations deemed necessary for convenient pedestrian circulation.
- b. Block width. The width of the block shall normally be sufficient to allow two tiers of lots of appropriate depth unless it adjoins a railroad, arterial or collector street, lake, wetland, park street or other natural feature where it may have a single tier of lots. Blocks intended for commercial use shall be of the width as to be considered most suitable for their respective use, including adequate space for off-street parking and deliveries.

Subd. 3 Lots.

- a. Size.
 - (1) The minimum lot area, width and depth shall not be less than that established by the Shorewood Zoning Ordinance in effect at the time of adoption of the final plat.
 - (2) To eliminate any doubt as to the interpretation of lot size, the minimum lot square footage shall not include arterial right-of-way, public waters, public waters wetlands, city designated wetlands, areas protected through a publicly held conservation easement, and portions of Subject Property protected by regulations, including bluffs and historic sites.
 - (3) No lots less than the minimum square footage provided by the Shorewood Zoning Ordinance for the area involved shall be authorized by this chapter except upon the granting of a variance in accordance with the Shorewood Zoning Ordinance.
- b. Corner lots. Corner lots for residential use shall have additional width to permit appropriate building setbacks from both streets as required in the Zoning Ordinance.
- c. Flag lots. Flag lots shall not be permitted.
- d. Double-frontage lots.
 - (1) Double-frontage lots that have frontage on two parallel streets shall not be permitted, except where lots back on arterial streets or highways or where topographic or other conditions render subdividing otherwise unreasonable.
 - (2) Double-frontage lots shall have an additional depth of at least 20 feet in order to provide space screening along the rear lot line.
- e. Irregularly shaped lots are discouraged. Where such lots are proposed, the development shall demonstrate to the city an ability to properly place principal buildings and accessory structures on the site in a manner which is compatible in size and character to the surrounding area.
- f. Side Lot Lines.

- (1) In general, side lot lines shall be at right angles to street lines or radial to curving street lines unless a variation from the rule will give a better street or lot plan, or unless topographic conditions necessitate a different arrangement.
 - (2) Lots which have a side lot line along an arterial street shall include an additional 15 feet of lot width to provide screening.
- g. Lot frontage. Every lot must have adequate frontage on a city-approved street to accommodate a driveway and required driveway setbacks, as required in the Shorewood Zoning Ordinance.
 - h. Setback lines. Setback or building lines shall be shown on all lots intended for residential use and shall not be less than the setback required by the Shorewood Zoning Ordinance, as may be amended.
 - i. Access.
 - (1) Each lot shall directly access a public street unless a subdivision has received approval from the City Council for a private street or access easement.
 - (2) Where proposed residential lots abut a collector or arterial street, they should be platted in such a manner as to encourage turn-around access - and egress on each lot.
 - (3) In new subdivisions, there shall be no direct vehicular access from residential lots to arterial streets.
 - (4) In cases where a proposed plat is adjacent to a county or state highway, the plat shall be subject to county and/or state approval.
 - j. Drainage. Lots shall be graded so as to provide drainage away from building locations, subject to City Engineering Guidelines and the approval of the City Engineer. A grading plan shall be submitted showing all lot grading and drainage provisions.
 - k. Features. In the subdividing of any land, due regard shall be shown for all natural features such as tree growth, watercourses, historic sites or similar conditions which, if preserved, will add attractiveness and stability to the proposed development.
 - l. Lot remnants. Remnants of land below minimum lot size, except in instances of cluster zoning, shall be added to adjacent lots rather than remaining as unusable parcels. Building permits shall not be issued for remnants.
 - m. Outlots.
 - (1) An outlot is not buildable. A building permit shall not be issued for an outlot.
 - (2) An outlot may be used to set aside land to be platted at a later time. At the time of the platting, a resubdivision sketch for the outlot shall be required.
 - (3) An outlot may be used to preserve open space with an easement in favor of the City.

1202.44 Street and Alley Design

Subd. 1 General Requirements

- a. Streets shall be designed to comply with the standards set forth in the City's Engineering Guidelines.
- b. Minimum design standards for major collector streets shall comply with Minnesota Department of Transportation State Aid Standards.
- c. All proposed streets shall conform to city, county and state plans and standards and be offered for dedication as public streets unless:

- (1) The streets are part of a planned unit development (PUD) for two-family dwellings or townhouses.
 - (a) The private street shall be located on a separate outlot and encumbered with an easement.
 - (b) A homeowners association shall be established to oversee ownership and operation private street.
 - (c) The private street is established within an easement at least 50 feet wide from the public street up to and including the lot(s) being created.
 - (d) The shared driveway improvements are deemed adequate for their intended use and comply with fire code requirements.
 - (2) Otherwise determined by the City Council after a recommendation from the City Engineer.
- d. Street plans for future subdivisions. Where the plat to be submitted includes only part of the tract owned or intended for development by the applicant, a tentative plan of a proposed future street system for the unsubdivided portion shall be prepared and submitted by the applicant and a temporary turnaround shall be provided.

Subd. 2 Street Layout.

- a. Continuous streets.
 - (1) Except for cul-de-sacs, streets shall connect with streets already dedicated in adjoining or adjacent subdivisions, provide for future connections to adjoining unsubdivided tracts or shall be a reasonable projection of streets in the nearest subdivided tracts.
 - (2) Dead-end streets are prohibited, except for cul-de-sac streets as specified in this subsection.
 - (3) The arrangement of arterials and collector streets shall be considered in their relation to the reasonable circulation of traffic, to topographic conditions, to run-off of storm water, to public convenience and safety and in their appropriate relation to the proposed uses of the area to be served.
- b. Local streets. Local streets should be planned as to discourage their use by non-local traffic.
- c. Cul-de-sac Streets.
 - (1) Cul- de-sac streets shall be permitted where topography or other physical conditions justify their use.
 - (2) Cul-de-sac streets shall not be longer than 700 feet including a terminal turn-around which shall be provided at the closed end. The cul-de-sac shall have a right-of-way radius of not less than 100 feet.
 - (3) Temporary cul-de-sac. In those instances where a street is terminated pending future extension in conjunction with future subdivision, a temporary turn-around facility shall be provided at the closed end in conformance with cul-de-sac requirements.
- d. Frontage roads.
 - (1) Wherever the proposed subdivision contains or is adjacent to the right-of-way of a state highway or an arterial street, provision may be made for a marginal access street approximately parallel and adjacent to the boundary of the right-of-way or for

a street at a distance suitable for the appropriate use of land between the street and right-of-way.

(2) The distance shall be determined with due consideration of the minimum distance required for lot depths.

e. Half-streets. Half-streets shall be prohibited, except where essential to the reasonable development of the subdivision and adjoining unsubdivided areas.

f. Private streets shall be designed to meet fire lane standards from Chapter 607 Uniform Fire Code.

g. Street intersections.

(1) Streets shall be laid out so as to intersect as nearly as possible at right angles, except where topography or other conditions justify variations.

(2) Angles formed by the intersection of two streets shall comply with the provisions of the City Engineering Guidelines.

(3) Under no conditions shall the minimum angle of intersection of streets be less than 80 degrees.

(4) Street intersection jogs with an offset of less than 125 feet shall be avoided.

h. Street right-of-way width.

(1) Street right-of-way widths shall conform with following standards and be dedicated on the final plat, or by easement in the case of minor subdivisions:

(a) Arterial street: 100 feet.

(b) Collector street: 60 feet.

(c) Local street: 50 feet.

(2) All subdivisions incorporating streets which are identified in the Hennepin County Thoroughfare Plan shall comply with the minimum right-of-way, surfaced width and design standards as outlined in the plan.

i. Street grades.

(1) Except upon the recommendation of the City Engineer, and the topography warrants a greater maximum, the grades in all streets, thoroughfares, collector streets, local streets and alleys in any subdivision shall not be greater than 8%.

(2) In addition, there shall be a minimum center line grade on all streets and thoroughfares of not less than 1%.

j. Reverse curves. Minimum design standards for collector and arterial streets shall comply with Minnesota State Aid Standards.

k. Curbs and gutters. Concrete curbs and gutters shall be required on all streets.

l. Hardship to owners of adjoining property. The arrangement of streets in a new subdivision shall make provision for the continuation and proper intersection of streets into the adjoining, undeveloped property.

m. Boulevards. Boulevards shall be uniformly finished to match the top of the curb and sodded or seeded to present a finished appearance.

Subd. 3 Street dedications.

a. All streets within the subdivision shall be dedicated as public streets on the plat unless it is a private street that is located within an easement or is otherwise allowed under this Chapter.

- b. Streets in new subdivisions shall be laid out so as to eliminate or avoid new perimeter half streets.
 - (1) Where an existing half-street is adjacent to a new subdivision, the other half of the street shall be dedicated and improved by the applicant.
 - (2) The City Council may authorize a new perimeter street if the applicant dedicates and agrees to improve the entire required street right-of-way width within the subdivision boundaries.
 - c. When a subdivision borders an existing substandard street or street needing improved, the applicant shall be required to dedicate and improve as its expense those areas for widening or improvement. Such streets shall be dedicated and improved to the full width as required by the subdivision regulations when the applicant's application contribute to the need for the street expansion.
- Subd. 4 Street naming.
- a. The name of any existing street in the City or a neighboring city shall not be used in naming a new street unless the proposed street is a logical extension of an already named street, in which event the same name shall be used.

1202.45 Non-Motorized Connections

- Subd. 1 Non-motorized connections shall be established in accordance with the City's Comprehensive Plan, along natural features, such as lakes and wetlands, and in other areas where trails will serve an important transportation or recreational purpose as recommended and approved by the City Council.
- Subd. 2 Land to be used for non-motorized corridors shall be dedicated to the City as a parcel or as an easement for public purposes.
- Subd. 3 Any trail constructed by the applicant shall be constructed in accordance with the City Engineer's Guidelines.
- Subd. 4 Any new sidewalk constructed by the applicant shall be similar in width and design to existing trails but no narrower than what is recommended in the City Engineer's Guidelines.

1202.46 Easements

- Subd. 1 Easements.
- a. Easements shall be dedicated on the plat instrument for the required use.
 - b. Width and location.
 - (1) An easement for utilities at least 10 feet wide shall be provided on the complete perimeter of the lot.
 - (2) An easement at least 7.5 feet in width on either side of a utility main shall be provided. The width of the easement may be increased by the City Engineer due to the depth of the utility main or the complexity of the utility main design.
 - (3) If necessary for the extension of City water or sewer lines or similar utilities, drainage purposes or to incorporate wetlands, easements of greater width may be required along lot lines or across lots.
 - c. Continuous utility easement locations. Utility easements shall connect with easements established in adjoining properties.
 - d. Easements, when approved, shall not thereafter be changed without the approval of the City Council following the process required in M.S. § 462.358 and M.S. § 412.851.

- e. Guy wires. Additional easements for pole guys should be provided, where appropriate, at the outside of turns. Where possible, lot lines shall be arranged to bisect the exterior angle so that pole guys will fall along side lot lines.

1202.47 Utilities

- Subd. 1 The applicant shall install water mains and service connections, which are stubbed to the property line, to serve all lots in the subdivision.
- Subd. 2 A sewer shall be connected on all properties which are abutting a street, alley, public sewer easement or right-of-way in which there is located a public sanitary sewer. This shall not apply to city park facilities.
- Subd. 3 All utility facilities, including but not limited to telephone, CATV, natural gas and electric power, shall be located underground. Such utilities shall be placed within a joint trench unless otherwise approved by the City Engineer. Whenever existing utility facilities are located above ground, except when existing on public roads and right-of-way, they shall be removed and placed underground. Underground service connections to the street property line of each platted lot shall be installed at the applicant's expense. At the discretion of the city, the requirement for service connections to each lot may be waived in the case of adjoining lots to be retained in single ownership and intended to be developed for the same primary use.

1202.48 Drainage and Erosion Control

- Subd. 1 Storm drainage. All subdivision design shall incorporate adequate provisions for storm water runoff consistent with the Shorewood Comprehensive Water Resource Management Plan, Minnesota Pollution Control Agency (MPCA), and National Pollutant Discharge Elimination System (NPDES) permit. Storm water design shall be subject to review and approval of the City Engineer. An agreement for maintenance and inspection for the private storm water system must be in place before construction can commence.
- Subd. 2 Existing topography. The development shall conform to the natural limitations presented by topography and soil so as to create the least potential for soil erosion.
- Subd. 3 Limitations on exposed ground. Land shall be developed in increments of workable size that adequate erosion and siltation controls can be provided as construction progresses. The smallest practical area of land shall be exposed at any one period of time. When soil is exposed, the exposure shall be for the shortest feasible period of time, as specified in the development agreement.
- Subd. 4 Staging. Erosion and siltation control measures shall be coordinated with the different stages of construction. Appropriate control measures shall be installed prior to development when necessary to control erosion.
- Subd. 5 Commencement of work. No filling, grading or clearing of vegetation shall occur on the site during the processing of the plat until the final plat has been approved by the City Council. Violation of this provision shall make the application null and void.
- Subd. 6 Removal/replacement of topsoil. Where the topsoil is removed, sufficient arable soil shall be set aside for respreading over the developed area. Topsoil shall be restored or provided to a depth of four inches and shall be of a quality at least equal to the soil quality prior to development.

1202.50 Improvements

1202.51 Improvements Required

Subd. 1 All of the required improvements specified in this chapter shall be constructed in accordance with the State Building Code and all other applicable city, county and state regulations.

Subd. 2 If public improvements are required for a subdivision, or if impacts to public improvements are proposed as part of a subdivision, the applicant shall execute a development agreement in accordance with the requirements of City Code § 1202.36 Final Plat.

Subd. 3 Community facilities improvements.

- a. Sanitary sewer system. Municipal sanitary sewer facilities shall be provided for all proposed subdivisions and all lots within the subdivision shall be served by the municipal sanitary sewer system.
- b. Water system. Municipal water facilities shall be provided for all proposed subdivisions and all lots within the subdivision shall be served by the municipal water system.

Subd. 4 Semi-public utilities. Telephone, cable television, internet, electric and gas service shall be installed underground in accordance with the provisions of all applicable City ordinances.

Subd. 5 Street Improvements.

- a. Conformance with city standards. All street improvements shall be designed and conform to the Minnesota Department of Transportation Road Design Manual, Section 5-291.523, and the City of Shorewood Department of Public Works Standard Specifications and Detail Plates. Design and construction specifications shall be subject to the review and approval of the City Engineer.
- b. Acceptance of streets. No street within the city will be accepted as a public street, except under the following conditions:
 - (1) The final bituminous wear course shall not be placed until the time as the approved bituminous base course has been placed and has sustained one full winter and spring season. Prior to placement of the wearing surface, the applicant shall obtain written approval by the City Engineer. Failure to obtain the approval shall result in removal and replacement of the wearing surface at no expense to the City.
 - (2) The applicant shall be responsible for all snowplowing, sanding and maintenance of all roadways within a proposed subdivision until the time as the final lift of bituminous wearing course has been placed, the City Engineer has reviewed and recommended acceptance by the city, and City Council has accepted the project, pursuant to inspections.
 - (3) The street will not be accepted until the City Council has received a recommendation from the City Engineer that this street is in good condition and not breaking up or deteriorating in any way. Upon receipt of the recommendation, the City Council will consider a resolution accepting the street as a public street for snowplowing and maintenance.
- c. Street lighting fixtures as may be required by the City Council shall be installed.
- d. The City Council may require the provision of sidewalks on arterials, collectors and other streets in proximity to public service areas such as parks, schools or shopping facilities or

in other appropriate locations of a similar nature. The design of the sidewalks shall be considered in their relation to existing and planned sidewalks, reasonable circulation of traffic, topographic conditions, run-off of stormwater and the proposed uses of the area to be served.

Subd. 6 Utility Improvements.

- a. All required utility improvements shall be inspected during the course of construction by the City Engineer at the applicant's expense and acceptance shall be subject to the City Engineer's determination.

Subd. 7 Election by city to install improvements. It is the applicant's responsibility to install all required improvements. Pursuant to city policy, the applicant may petition the city for the installation of required improvements. The city also reserves the right to elect to install all or any part of the improvements required under the provisions of this chapter in lieu of requiring the applicant to install the improvements, pursuant to M.S. Chapter 429.

1202.52 Financial Guarantee

Subd. 1 Financial guarantee. Prior to the delivery of the approved final plat, the applicant shall deposit with the city financial security in an amount of 150% of the City Engineer's estimated cost of the required improvements within the plat, either in a cash escrow or letter of credit. The surety involved in the financial guarantees shall be approved by the city. Release of the cash escrow or letter of credit shall be conditioned upon:

- a. The making and installing of all of the improvements required by the terms and conditions set forth by the city within one year.
- b. Satisfactory completion of the work and payment therefore, which was undertaken by the applicant in accordance with the developer's agreement referred to above.
- c. The payment by the applicant to the city of all expenses incurred by the city, which expenses shall include, but not be limited to, expenses for engineering, planning, fiscal, legal, construction and administration. In instances where a letter of credit is used in lieu of a cash escrow, the letter of credit shall be in a form satisfactory to the city.

Subd. 2 Maintenance guarantee. The city shall require an applicant to submit a warranty/maintenance guarantee in the form of a letter of credit or cash deposit in the amount of 25% of the original cost of the improvements, or as approved by the city Engineer, which shall be in force for two years following the final acceptance of any required improvements and shall guarantee satisfactory performance of the improvement.

1202.53 Inspection

Subd. 1 As-built drawings. "As-built" drawings of all required improvements as required by the City Engineer shall be furnished to the City by the applicant in the format and quantity indicated by the City Engineer at no cost to the City. The "as-built" drawings and files shall meet format requirements of the City Engineer. The "as-built" drawings shall be certified to be true and accurate by the registered professional engineer responsible for the installation of the improvements.

Subd. 2 Inspection/reimbursement of city expenses. All of the required improvements to be installed under the provisions of this chapter shall approved by and subject to the inspection of the City Engineer or designees. The City Engineer shall assign a field representative to observe the project from initial construction through completion and acceptance by the city.

All of the city's expenses incurred as the result of the requirement improvements shall be paid to the city by the applicant.

1202.60 Park Dedication

1202.61 Dedication Required

Subd. 1 Because a new subdivision creates a need for parks, playgrounds and open space, it is hereby found and declared, that pursuant to M.S. § 462.358, a reasonable portion of such land shall be dedicated to the public or preserved for conservation purposes or for public use as parks, playgrounds, trails, wetlands, or open space.

Subd. 2 At the time of subdivision, the applicant shall dedicate 8 percent of the total area of each new subdivision for public use as parks, playgrounds, recreation facilities, trails, or public open space.

Subd. 3 If the City Council determines that land is not needed in the area of the proposed subdivision, the city may alternatively require payment of a sum of money equivalent to 8 percent of the value of the raw land required.

Subd. 4 If the City Council determines that land is needed in the development, but in a lesser amount than the required amount, the City Council may require payment of cash in lieu of land dedication based on a pro-rata share of the land dedication that otherwise would be required.

Subd. 5 This dedication shall be in addition to the land dedicated for streets, alleys, trails or sidewalks along streets, storm water ponds or other public purposes.

Subd. 6 Credit for previous park dedication.

- a. Previously subdivided property from which a park dedication has been received, being re-subdivided with the same number of lots, is exempt from park dedication requirements.
- b. If, as a result of re-subdividing the Subject Property, the number of lots is increased, then the park dedication or per-lot cash fee must apply only to the net increase of lots.
- c. If a property being subdivided has existing homes and there is no documentation of previous dedication or payment of park dedication, then no credit for park dedication shall be given.

1202.62 Land Suitability

Subd. 1 The area intended to be dedicated must be suitable for parks and playgrounds and shall conform to city plans for parks, trails or open space within the city.

Subd. 2 The city shall not be required to accept land which will not be usable for parks, trails or open space or which would require extensive expenditures on the part of the city to make them usable.

Subd. 3 The city will not give park dedication credit for floodplains, wetlands, stormwater ponding areas, land encumbered by gas pipeline or other utility easements, slopes of more than 20% grade or for required sidewalks or trails within road rights of way.

Subd. 4 All land dedicated for parks, trails, and/or open space shall be designed to incorporate natural features as much as possible, such as rivers, streams, wildlife habitats, woodlands, and ponding areas.

Subd. 5 Improvements to Dedicated Land.

- a. As part of the subdivision approval, the applicant shall be responsible for making certain improvements to dedicated park land, including, but not limited to, finish grading, ground cover, construction of trails and clearly identifying park and trail boundaries with city-approved markers.
- b. The applicant shall preserve all existing trees to the greatest extent possible during the grading process on the land that is to be dedicated for a park, trail or open space.
- c. When the city's Comprehensive Plan identifies a trail or trails to be constructed in the land to be subdivided, the applicant shall be required to pay for the construction of the trail improvements. The construction specifications of trails shall be determined by City Staff. Whenever possible, trails shall connect with existing trails and/or sidewalks.

1202.63 Modification of Requirements

Subd. 1 No credit to the requirements of City Code § 1202.61 will be given for private open space, park, recreational facilities, or trails.

Subd. 2 The dedication requirements are presumptively appropriate. An applicant for affordable housing or senior housing may request a deviation from the presumptive requirements based upon: the anticipated impact of that particular subdivision; or proposed parks, open space, recreational or common areas and facilities open to the public as designated on development plans. The request must be made to the City Council as part of an application for final plat approval. The City Council, after consideration of the request, may modify or reduce the requirements of this section.

Subd. 3 If the applicant disputes the amount of the proposed cash contribution in lieu of the land dedication, the applicant, at their own expense, may obtain an appraisal of the Subject Property. The appraisal shall be made by an approved Member of the Appraisal Institute (MAI), or equivalent real estate appraisal societies. If the city disputes such appraisal, the city may, at the applicant's expense, obtain an appraisal of the Subject Property by a qualified real estate appraisal.

1202.64 Required Actions

Subd. 1 Prior to the dedication of the required Subject Property, the developer shall:

- a. Indicate separate lots or outlots on the plat drawings for the area(s) to be dedicated. Such lots or outlots shall be deeded to the City prior to the issuance of any building permits within the plat.
- b. Provide a survey with topographic data, including contours at vertical intervals of at least two feet, watercourses, wetlands, marshes, rock outcrops, easements, utilities and vegetative data. Portions of any Subject Property dedicated to the public for park, trail and open space purposes to be used for borrow and fill activities elsewhere in the development shall be clearly identified.
- c. Provide the city with evidence of title in a form acceptable to the city attorney or a title insurance policy insuring the city's interest in the Subject Property. In any dedication of required land, the developer must have good and marketable title to the land, free and clear of any mortgages, liens, encumbrances or assessments, except easements or minor imperfections of title acceptable to the city.

Subd. 2 Prior to the paying of a cash fee in lieu of land dedication, the payment of such fee shall be required as follows:

- a. For residential developments, the fee shall be paid prior to the city's release of the signed final plat Mylars for recording with Hennepin County. The exception is that in the case of multiple-family residential developments where the site plan review occurs after the time of final plat approval, the fee shall be paid prior to the issuance of any building permits.
- b. For non-residential developments, the fee shall be paid prior to issuance of any building permits within the subdivision. A pro-rated portion of the fee may be deferred if the applicant proposes to construct significantly less square footage than the site supports, provided that any remaining fees shall be paid if and when additional square footage is constructed on the site in the future.
- c. In plats that include outlots for future development, the applicant may pay to the city:
 - (1) the required dedication for the entire subdivision including the outlots
 - (2) the required dedication excluding such outlots, provided that the park dedication requirement shall be satisfied when such outlots are replatted.

1202.65 Timing

Subd. 1 The requirements of this section for dedication of land or for contribution of cash in lieu of land shall apply at the time of final subdivision approval. If the plat is not recorded within one year of approval and the City Council approves an extension, then the applicant is responsible for paying any increases to the fee.

**CITY OF SHOREWOOD
COUNTY OF HENNEPIN
STATE OF MINNESOTA**

RESOLUTION 25-064

**A RESOLUTION APPROVING THE SUMMARY PUBLICATION FOR ORDINANCE 617 AMENDING
SHOREWOOD CITY CODE TITLE 900 PUBLIC RIGHT-OF-WAY AND PROPERTY AND TITLE 1200 ZONING
AND SUBDIVISION REGULATIONS**

WHEREAS, at a duly called meeting on July 14, 2025, the City Council of the City of Shorewood adopted Ordinance No. 617 entitled “**A RESOLUTION APPROVING THE SUMMARY PUBLICATION FOR ORDINANCE 617 AMENDING SHOREWOOD CITY CODE TITLE 900 PUBLIC RIGHT-OF-WAY AND PROPERTY AND TITLE 1200 ZONING AND SUBDIVISION REGULATIONS**”; and,

WHEREAS, Ordinance No. 617 repeals and replaces City Code 1202 Subdivision Regulations and also amends City Code 903.15 and 1201.03; and,

WHEREAS, the amendments are proposed to implement the Comprehensive Plan direction regarding an update to the City’s subdivision ordinance, and the direction of the City Council; and,

WHEREAS, Ordinance No. 617 is lengthy; and

WHEREAS, as authorized by Minnesota Statutes, Section 412.191, subd. 4, the City Council has determined that publication of the title and summary of the ordinance will clearly inform the public of the intent and effect of the ordinance.

NOW THEREFORE, IT IS HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF SHOREWOOD:

1. The City Council finds that the above title and summary of Ordinance No. 617 clearly informs the public of the intent and effect of the Ordinance.
2. The City Clerk is directed to publish Ordinance No. 617 by title and summary, pursuant to Minnesota Statutes, Section 412.191, Subdivision 4.
3. A full copy of the Ordinance is available at Shorewood City Hall during regular office hours and on the city’s website.

ADOPTED by the Shorewood City Council on this 14th day of July, 2025.

Jennifer Labadie, Mayor

Attest:

Sandie Thone, City Clerk



Item
9A.1

City Council Meeting Item

Title/Subject: **Quarter 2 Communications Report**
Meeting Date: July 14, 2025
Prepared by: Eric Wilson, Communications & Recycling Coordinator
Attachments: **2025 Q2 Communications Report**

Background

The City of Shorewood Communications Coordinator has prepared a report to highlight the City's communications efforts April 1 to June 30, 2025, including data for website, email, social media, and the *ShoreReport*. The information from this report helps to inform and guide the City's priorities around communications methods and content.

Financial Considerations

N/A

Action Requested

Staff requests council review the information in the report and bring any comments, questions or ideas to staff.

2025 Quarter 2 Communications Report

April 1 to June 30, 2025

Overview

The city of Shorewood uses a variety of tools to help keep community members informed about city services, issues, and events. These include the city's website, social media, email, and print publications, such as the *ShoreReport*. The following report summarizes key metrics in each of these areas by month.

Social Media & Website Metrics

	April	May	June
Social media			
Facebook reach*	1,312	1,198	983
Facebook views**	6,333	5,057	4,058
Instagram reach	252	1,202	209
Instagram views	1,698	2,458	704
Nextdoor impressions***	1,875	1,229	546
Website			
Views	16,295	13,204	12,176
Users	6,728	4,321	3,920

**reach: this metric counts reach from the organic or paid distribution of your facebook content, including posts, stories and ads. It also includes reach from other sources, such as tags, check-ins and page or profile visits. This number also includes reach from posts and stories that were boosted. Reach is only counted once if it occurs from both organic and paid distribution. This metric is estimated.*

***views: the number of times your content was played or displayed.*

****nextdoor impressions: this metric represents the total number of times a post (including ads) is shown to members. These metrics are recorded under the views column.*

April

The following topics were communicated across social media, email, and the city's website. Topics are organized by department.

- **Administration:** 2025 community survey, recycling rfp, cc passes resolution opposing state preemption of local zoning authority, fire permits
- **Finance:** certificate for excellence in financial reporting
- **Parks & recreation:** community garden plots, lucky's pot o' gold recap, south lake safety camp, concert in the park, movie in the park, becoming a parks and rec sponsor, keeping pets on leash
- **Planning & zoning:** spring cleanup (zoning), materials on city street, vehicles and storage
- **Public works & engineering:** spring hydrant flushing, 2025 mill & overlay
- **Events:** volunteer tree planting event (may 3), spring cleanup & paper shred, for the greener good reuse & recycling event (mtka high school)

Email Campaigns

Date	Campaign name	Sends	Opens	Open rate	Clicks	Click rate
3/27/2025	April 2025-general news & events	948	678	74.5%	66	7.3%
4/1/2025	Recycling news - april 2025	840	623	77.70%	37	4.60%
4/3/2025	Parks & rec - april 2025 news	742	472	68.50%	13	1.90%
4/4/2025	Public notices - april 14, 2025	533	402	77.90%	8	1.60%
4/7/2025	Severe weather awareness week - april 7 to 11, 2025	1028	682	69.40%	9	0.90%
4/10/2025	Spring hydrant flushing 2025	1128	800	74.00%	1	0.10%
4/11/2025	City council meeting 04-14-25	905	594	68.60%	36	4.20%
4/15/2025	2025 community survey	2095	1375	72.00%	271	14.20%
4/17/2025	Park commission meeting - 4/22/25	35	28	82.40%	4	11.80%
4/17/2025	Public notices - april 28, 2025	535	393	75.70%	38	7.30%
4/18/2025	Public notices - april 28, 2025 - correction	535	380	73.20%	14	2.70%
4/18/2025	Public notices - ord 618 & 619 - april 28, 2025	535	398	76.70%	37	7.10%
4/21/2025	2025 spring cleanup	1272	857	72.00%	92	7.70%
4/24/2025	Volunteer tree plant event - may 3	1107	660	63.70%	5	0.50%
4/25/2025	City council meeting 04-28-25	914	613	70.10%	33	3.80%
4/28/2025	Public notices - may 6	536	408	78.60%	62	11.90%
4/29/2025	Public notices - mcwd - midco permit	527	410	79.90%	45	8.80%

Website

Top Website Searches

utility billing, permits, waste and recycling

Top 10 Web Pages

Web page	Views	Users
shorewoodmn.gov/	2619	1263
/search	1153	315
/275/licenses-permits	846	527
/civicalerts.aspx	783	646
/calendar.aspx	454	312
/180/planning-protective-inspections	450	216
/535/shorewood-community-event-center	414	270
/directory.aspx	388	168
/560/spring-cleanup-paper-shred	378	270
/533/utility-billing	377	274

May

The following topics were communicated across social media, email, and the city's website. Topics are organized by department.

- **Administration:** 2025 community survey, state of the city address, organics recycling promo video
- **Finance:** city budget (2026 process and calendar), 2025 council retreat
- **Parks & recreation:** safety camp early bird registration, electric bikes, concert in the park, movie in the park
- **Planning & zoning:** spring cleanup (zoning), materials on city street, vehicles and storage
- **Public works & engineering:** hwy 7 projects (road safety coalition, tmo study, corridor study), fiber-optic buildout, spring street sweeping, hydrant flushing
- **Events:** tree planting in freeman park, spring cleanup & paper shred, salvage crawl 2025, save the date for brooklyn park transfer station group tour
- **Public safety:** chief tholen's retirement
- **Other campaigns:** mosquito control activity, public works week, international compost awareness week, hwy 7 study engagement opportunities (community pop-ups, hwy 7 corridor study presentation at cc meeting, hwy 7 study virtual public meeting, hwy 7 study survey)

Email Campaigns

Date	Campaign name	Sends	Opens	Open rate	Clicks	Click rate
5/1/2025	May 2025 general enews	955	687	74.90%	90	9.80%
5/2/2025	Planning commission meeting - 5/06/25	45	36	83.70%	5	11.60%
5/2/2025	Shorereport - may to june 2025	1022	718	74.60%	145	15.10%
5/5/2025	Recycling news - may 2025	842	630	78.30%	66	8.20%
5/9/2025	City council meeting 05-12-25	905	606	69.90%	35	4.00%
5/9/2025	Hwy 7 update - 5/8/25	1131	848	78.10%	131	12.10%
5/12/2025	2025 spring cleanup - reminder	1125	804	75.10%	121	11.30%
5/16/2025	Public notices - may 27	526	405	79.60%	36	7.10%
5/17/2025	Park commission meeting - 5/20/25	38	30	81.10%	5	13.50%
5/20/2025	2025 community survey-reminder	2107	1158	60.20%	184	9.60%
5/20/2025	2026 city budget updates #1 - may 2025	33	27	81.80%	2	6.10%
5/21/2025	Planning commission opening - may 2025	279	177	69.40%	6	2.40%
5/22/2025	Parks & rec - may 2025 news	745	504	72.80%	44	6.40%
5/23/2025	City council meeting 05-27-25	904	578	67.00%	31	3.60%
5/23/2025	Public notices - june 3	535	400	77.40%	43	8.30%
5/28/2025	June 2025 general enews	951	658	72.30%	55	6.00%
5/30/2025	Planning commission meeting - 6/03/25	47	35	77.80%	3	6.70%

Website

Top website searches

utility billing, permits, waste and recycling

Top 10 Web Pages

Web Page	Views	Users
shorewoodmn.gov/	2127	1081
/search	1216	296
/275/licenses-permits	686	315
/civicalerts.aspx	434	306
/560/spring-cleanup-paper-shred	407	254
/180/planning-protective-inspections	403	190
/535/shorewood-community-event-center	403	227
/directory.aspx	313	100
/calendar.aspx	248	141
/295/recycling	231	149

June

The following topics were communicated across social media, email, and the city's website. Topics are organized by department.

- **Administration:** planning commission opening, LEO position, 2025 community survey results, connect with LMCD, yard sign recycling
- **Finance:** city budget (2026 process and calendar; session 1 on goal setting; public engagement and feedback opportunities; open office hours; session 2 on long-term financial plan and rate study)
- **Parks & recreation:** safety camp early bird registration, concert in the park, movie in the park
- **Planning & zoning:** spring cleanup (zoning), materials on city street, vehicles and storage
- **Public works & engineering:** 2024 water report, sanitary sewer cleaning, mill & overlay (homeowner reminders, construction project schedule)

Email Campaigns

Date	Campaign name	Sends	Opens	Open rate	Click	Click rate
6/5/2025	Sanitary sewer cleaning - june 2025	952	677	74.40%	1	0.10%
6/5/2025	2026 city budget updates #2 - june 9, 2025 ws	35	29	82.90%	1	2.90%
6/6/2025	2025 community survey-results	2106	1374	71.70%	296	15.40%
6/6/2025	City council meeting 06-09-25	903	585	67.90%	24	2.80%
6/9/2025	Planning commission meeting - 7/01/25	48	39	84.80%	4	8.70%
6/12/2025	Public notices-proposed ordinance 622 - june 23	524	397	78.00%	39	7.70%
6/13/2025	2025 mill & overlay - 6/13/25	824	627	78.90%	71	8.90%
6/20/2025	2025 mill & overlay - 6/20/25	85	75	89.30%	13	15.50%
6/20/2025	Park commission meeting - 6/24/25	39	33	86.80%	4	10.50%
6/20/2025	City council meeting 06-23-25	904	616	71.20%	36	4.20%
6/20/2025	2026 city budget updates #3 - june 23, 2025 budget ws #2	35	27	77.10%	2	5.70%

Website

Top Website Searches

employment, waste and recycling

Top 10 Web Pages

Page	Views	Users
shorewoodmn.gov/	2205	1127
/search	1131	305
/275/licenses-permits	481	247
/180/planning-protective-inspections	367	179
/535/shorewood-community-event-center	344	222
/civicalerts.aspx	328	258
/166/christmas-lake	300	104
/directory.aspx	274	91
/218/employment-opportunities	259	189
/calendar.aspx	257	158

Yard Signs

ROAD CONSTRUCTION

MILL & OVERLAY

As a cost-effective method of prolonging the life of an aging pavement, "mill and overlay" refers to a road maintenance technique in which the top layer of existing asphalt is first removed using a milling machine (the "mill") and then replaced with a new layer of asphalt (the "overlay"), creating a smoother surface and effectively resurfacing the road without a complete reconstruction.



City of
Shorewood

Learn more and sign up for updates
shorewoodmn.gov/mill-overlay



PLEASE RESPECT ALL PARK VISITORS!



Not all dogs are friendly. Some may be nervous, reactive, or fearful. Leash laws protect both your dog and other park users.



CITY OF SHOREWOOD ORD. 701.09



City of Shorewood
PARKS & RECREATION

Please Keep Dogs Leashed in Public

WHAT YOUR DOG LOOKS LIKE TO YOU:


WHAT YOUR DOG MAY LOOK LIKE TO OTHERS:




Please respect all park users and leash your dog in public. Dogs are not allowed to run at large in Shorewood. To learn more, scan the QR code or search for Shorewood City Code 701.09.



For animal-related calls for service, contact
South Lake Minnetonka Police Department.
Emergencies: 952-258-9322
Non-Emergencies: 952-960-1649



City of Shorewood
PARKS & RECREATION
shorewoodmn.gov/parksandrec

PLEASE KEEP PETS LEASHED



Let's be responsible pet parents, protect wildlife, and make sure our pets don't accidentally wander off or get into trouble.



CITY OF SHOREWOOD ORD. 701.09

Thank you for helping to keep our community a safe place for everyone!