

**CITY OF SHOREWOOD
CITY COUNCIL REGULAR MEETING
MONDAY, MARCH 11, 2024**

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

For those wishing to listen live to the meeting, please go to ci.shorewood.mn.us/current_meeting for the meeting link. Contact the city at 952.960.7900 during regular business hours with questions.

AGENDA

1. CONVENE CITY COUNCIL MEETING

A. Pledge of Allegiance

B. Roll Call

Mayor Labadie___
Callies___
Maddy___
Sanschagrin___
Zerby___

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 February 26, 2024 | Minutes |
| B. City Council Regular Meeting Minutes of February 26, 2024 | Minutes |
| C. Approval of the Verified Claims List | Claims List |
| D. Approve Cancellation of MetroNet Letter Agreement | City Administrator Memo |
| E. Approve 2024 Tree Sale | Communications Coordinator Memo |
| F. Approve Multiple Dock License
Location: 23500 Smithtown Road
Applicant: Minnetonka Marina | Planning Technician Memo |

G. Accept Improvements and Authorize Final Payment for Silverwood Park Improvements, City Project 21-05 City Engineer Memo Resolution 24-017

H. Authorize an Amendment to Development Agreement Applicant: Excelsior Woods LLC. (Plat – Excelsior Woods) Location: 20325 Excelsior Blvd. Planning Director Memo Resolution 24-018

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

5. PARKS

6. PLANNING

7. ENGINEERING/PUBLIC WORKS

A. Accept Quote and Award Sanitary Sewer Manhole Rehabilitation Project, City Project 24-02 City Engineer Memo Resolution 24-015

B. Approve Plans and Specifications and Authorize Bidding for 2024 Mill & Overlay and Smithtown Road Drainage Improvement, City Project 24-01 City Engineer Memo Resolution 24-019

8. GENERAL/NEW BUSINESS

A. Repeal Chapter 504 Regulations City Attorney/Planning Director Memo Ordinance 604

- B. Adopt Resolution Opposing State Preemption of Local Zoning Authority

City Administrator Memo
Resolution 24-020

9. STAFF AND COUNCIL REPORTS AND DISCUSSION

- A. Staff
- B. Mayor and City Council

10. ADJOURN

**CITY OF SHOREWOOD
CITY COUNCIL WORK SESSION MEETING
MONDAY, FEBRUARY 26, 2024**

**5755 COUNTRY CLUB ROAD
COUNCIL CHAMBERS
6:00 P.M.**

MINUTES

1. CONVENE CITY COUNCIL WORK SESSION MEETING

Mayor Labadie called the meeting to order at 6:01 P.M.

A. Roll Call

Present: Mayor Labadie; Councilmembers Labadie, Callies, Maddy, Sanschagrín, and Zerby; City Attorney Shepherd; City Administrator Nevinski.

Absent: None

B. Review Agenda

Zerby moved, Sanschagrín seconded, approving the agenda as presented. Motion passed 4/0.

2. INTERVIEW COMMISSIONERS

The Council conducted interviews and asked the candidates to describe their background, experience, and interest in serving on the Commissions.

6:00 P.M.	Ken Huskins (via electronic means)
6:10 P.M.	Todd Eggenberger (via electronic means)
6:20 P.M.	David Vierthaler (in person)
6:30 P.M.	Mary Bahneman (in person)

3. DISCUSSION

The Council shared their opinions on the candidates and the Commission openings.

4. ADJOURN

Zerby moved, Sanschagrín seconded, Adjourning the City Council Work Session Meeting of February 26, 2024, at 6:51 P.M. Motion passed 5/0.

ATTEST:

Jennifer Labadie, Mayor

Sandie Thone, City Clerk

CITY OF SHOREWOOD
CITY COUNCIL REGULAR MEETING
MONDAY, FEBRUARY 26, 2024

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 7:00 P.M.

A. Pledge of Allegiance

B. Roll Call

Present: Mayor Labadie; Councilmembers Callies, Maddy, Sanschagrín, and Zerby; City Attorney Amy Schmidt; City Administrator Nevinski; Planning Director Darling; Director of Public Works Morreim; and City Engineer Budde

Absent: None

C. Review Agenda

Sanschagrín moved, Zerby seconded, approving the agenda as presented. Motion passed.

2. CONSENT AGENDA

Mayor Labadie reviewed the items on the Consent Agenda.

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

A. City Council Regular Meeting Minutes of February 12, 2024

B. Approval of the Verified Claims List

C. Approve Recruitment for Public Works Seasonal Hires

D. Authorization to Declare Items as Surplus and Authorize Sale, Adopting RESOLUTION NO. 24-013, "A Resolution Declaring Inventory as Surplus and Authorizing the Sale of the Same."

E. Authorize Music License Agreements with BMI and SESAC

Motion passed.

3. MATTERS FROM THE FLOOR

John F. Heely, 26040 Shorewood Oaks Drive, explained that he had moved to the City in 1995. He noted that for several years the City had denied a building permit to fill in the marsh along Eureka Road and Highway 7 because it was a collection of water and beneficial from an ecological

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standpoint. He stated that in 1998 Woody Love was elected as mayor and approved a building permit for Shorewood Ponds that filled in the marsh and explained that one important point was missed, that water runs downhill and collects in flat areas. He noted that there was a pool of water that was about knee high in the trail in 2001, 2005, and 2016 and explained that his basement also flooded in 2001 and 2005 along with others in his neighborhood. He noted that after the City acknowledged that there was a problem, a solution was finally achieved after other failed efforts to slope the pathway and lower the curb. He stated that recently the asphalt was replaced by a pathway that creates a flat spot and wheelchair access that blocks the water from entering the street. He asked if the City Council were aware of this problem, if there was a plan to fix it, and asked if there would be a contract that the work to fix it would be done correctly before payment is rendered. He submitted a picture that showed how the water has built up.

Barry Brown, 6050 Burlwood Oaks, stated that there was no video for the last Council meeting and asked if that was a problem with the video technician and/or if it was being addressed.

City Administrator Nevinski stated that they had issues with the Zoom and the splitter and explained that he would check into it but believes that there was an audio recording of the meeting.

Mr. Brown stated that he wanted to comment on the City's contracting practices and the improvements needed to eliminate re-work. He explained that he has reviewed some recent contracts that have had outstanding issues prior to resident involvement. He noted that we found that there was a lack of specificity which put an unnecessary burden on staff and Public Works employees which wasted labor hours. He shared examples from the Smithtown Ponds easement project, Freeman Park trail repaving, and the buckthorn removal contract. He stated that he feels that there are three areas of the contracting process that need attention by the City that all relate to communication and outlined them to the Council. He explained that he would like the City Attorney to be instructed to review and rewrite the language within the Professionals Services Agreement and work with staff to ensure that details are addressed within the contracts/proposals and asked Mayor Labadie to closely inspect the contracts before signing. He stated that he would also ask that the City continue to solicit and include language from residents who can be the most knowledgeable people in the City.

Mayor Labadie apologized for a 'Zoom Bomb' that has just hit the City's meeting and asked residents to disregard things that were said by these individuals. She explained that this type of behavior has been happening more frequently during city meetings.

4. REPORTS AND PRESENTATIONS

5. PARKS

A. Report by Commissioner Garske on February 13, 2024, Park Commission Meeting

Parks Commissioner Garske gave an overview of the actions and discussion from the February 14, 2024, Park Commission meeting as outlined in the minutes.

Councilmember Sanschagrín asked if the Parks Commission had any specific thoughts in terms of how to engage with the Council.

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Parks Commissioner Garske stated that he felt that their discussion came down to ways to be able to have an open discussion and be able to set the agenda for their meetings. He stated that in the past the Parks Commission has just discussed the items that have been brought to them and they would like to be able to have more control over what is put on their agendas.

Councilmember Sanschagrín noted that within the minutes there was a discussion surrounding grant opportunities and asked if there was a process that the City can follow to proactively work towards getting access to the available grants.

Parks Commissioner Garske stated that he believes that there are a few on the Commission that have a passion for this area and stated that he felt the discussion was more about how the City can make sure that the City Council hears about the grants and have direct communication with the Parks Commission. He explained that the Parks Commission has knowledge about things that they want to ensure are shared with the City Council.

Mayor Labadie noted that the application period for filling the Park and Recreation Manager position has closed and the City has received more applications than expected and staff are working towards beginning the interview process to fill that position.

6. PLANNING

A. Report by Commissioner Johnson on February 6, 2024, Planning Commission Meeting

Planning Commissioner Johnson gave a brief overview of the discussion and actions from the February 6, 2024, Planning Commission meeting as outlined in the meeting minutes.

Councilmember Zerby noted that Planning Commission Johnson had mentioned information from the League of Minnesota Cities and asked if that was something that the City could communicate to residents. He noted that there have been some comments in the past about the sign ordinance and believes the best approach would be to be as clear as possible, so residents understand.

7. ENGINEERING/PUBLIC WORKS

A. Accept Quotes and Award the 2024 Manhole Rehabilitation Project, City Project 24-02

City Engineer Budde outlined the proposed 2024 Manhole Rehabilitation project and reviewed the quotes that have been received by the City. He stated that staff recommends awarding the bid to Floorcoat Midwest as the lowest responsible bidder. He noted that because the bid came in below the budgeted estimate, staff may look at adding a few more manholes to be lined and explained that if they do that it would be managed as a change order later in the process.

Mayor Labadie asked why there was such a large discrepancy in the bids and if the City had conducted business with Floorcoat Midwest in the past.

City Engineer Budde stated that he feels that there were a few anomalies related to the wide range in the bids, and believes it has something to do with the niche of this type of work. He noted that the City had not worked with this company in the past but noted that other staff members had

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in the past and felt that they did a very good job. He explained that staff felt confident that Floorcoat Midwest was a responsible contractor.

Councilmember Zerby stated that this sets off alarms for him and asked if the City had reviewed the contract with this vendor to ensure that the City can hold them to their statement that they will stand behind their work.

City Engineer Budde stated that the City does have the ability to hold them accountable and noted that the concerns raised during the discussion under Matters from the Floor, are still covered under the contract and the City will still be requiring the contractor to do this work. He explained that there was no issue, in his mind, with the contractor being able to fulfill their duties and is confident in them. He stated that Floorcoat Midwest is not a new contractor that is new to the market and has worked with many other cities and noted that no red flags have been raised about them and their work.

Councilmember Zerby asked if City Attorney Shepherd had reviewed the contract.

City Engineer Budde stated that he did not believe he had reviewed it yet.

City Administrator Nevinski noted that they can ensure that City Attorney Shepherd reviews the contract.

Councilmember Zerby reiterated that because there is such a huge gap between Floorcoat Midwest's bid and the others that awakens his 'Spidey sense' and would like the City Attorney to review this more closely.

Mayor Labadie stated that she agreed because the numbers were so different and wondered if they were proposing the exact same work as the others. She noted that while the City often sees discrepancies, she believed that this may be the widest spread she has ever seen.

Councilmember Sanschagrín asked if the Council could approve this item contingent on review of the contract by the City Attorney or if they would need to table it for that to happen.

City Engineer Budde stated that he would not be concerned if the Council delayed the decision to the next Council meeting, because they should have all summer to complete the work.

City Administrator Nevinski noted that he believed these were standard type contracts that are used. He assured the Council that they had been reviewed by an attorney and were not something that was just made up. He stated that if the Council would like a particular contract to be reviewed more closely, they can bring it back to the next Council meeting.

Councilmember Maddy questioned what the City Attorney would be reviewing because the City gave the contractor a scope of work and a reputable company came back with a bid. He stated that the City even asked them if they were sure about their bid, and they acknowledged that they were sure of it. He asked what the Council was expecting to find in the contract that would hook the City to shoddy work or expensive change orders.

City Administrator Nevinski explained that the City has tried to standardize their contracts, so they do not have to run everything back through the City Attorney. He noted that this is an arrangement

that the City Attorney has also been comfortable with in the past and is something that is best practice. He reiterated that they could have the City Attorney take a fresh look at the contract.

Councilmember Maddy asked if they were talking about the City's bid requirements contract or the standard contract.

City Administrator Nevinski explained that he was referring to the standard contract that the City would enter.

City Engineer Budde explained that this contract is a template that has previously been reviewed by the City Attorney, but noted that there are unique elements to each project that are added in.

Councilmember Zerby asked who generated the contract.

City Engineer Budde stated that Bolton & Menk writes and generates the contract.

Councilmember Zerby stated that he thinks it is worth looking at and noted that there were comments from the residents about some of the details in the contracts that may be lacking.

Mayor Labadie outlined some of the things she felt the Council would like to be looked at more closely.

Councilmember Maddy cautioned the Council not to confuse the City's contract with engineer and construction inspections contract but noted that he was willing to have someone double check the contract because of the discrepancy in the bids.

Zerby moved, Sanschagrín seconded, Tabling discussion of RESOLUTION NO. 24-014, "A Resolution to Accept Quotes and Award Contract for the 2024 Manhole Rehabilitation Project: City Project 24-02", until the next Council meeting.

Motion passed.

B. Accept Quotes and Award the 2024 Sanitary Cleaning and Televising Project, City Project 23-06

City Engineer Budde reviewed the 2024 Sanitary Cleaning and Televising project and outlined the bids that were received. He explained that the low quote was received from Pipe Services which was a bit above the engineer's estimate. He noted that staff recommended awarding the project to Pipe Services as the lowest responsible bidder.

Councilmember Sanschagrín asked how long it had been since these have been cleaned.

City Engineer Budde stated that they believe it has been at least twenty years.

Councilmember Zerby asked if there had been additional funds included for inspection.

City Engineer Budde stated that this project will not require much inspection and noted that the most effort will be on gathering the right of entries that will be needed.

Councilmember Zerby asked how many residents this project served.

City Engineer Budde stated that he would estimate about twenty-five to thirty residents. He explained that this contract is simply for televising and documenting and would not include repairs. He noted that jetting should remove most of the loose debris and they are hoping that they do not find large cracks in the pipes, but this will help the City be able to identify and maintain the infrastructure in the long term.

Mayor Labadie asked if staff had been surprised that the City only received two bids for this work.

City Engineer Budde stated that he was surprised and believes that some of the contractors may be nervous about being in the backyards of multi-million-dollar properties and would be responsible for any damage that may occur.

Maddy moved, Zerby seconded, Adopting RESOLUTION NO. 24-015, “A Resolution to Accept Quotes and Award Contract for the 2024 Sanitary Cleaning & Television Project; City Project 23-06.”

Motion passed.

8. GENERAL/NEW BUSINESS

A. Appoint Commissioners

Mayor Labadie explained that earlier this evening the Council held interviews for the open Commission positions.

The Council discussed the applicants and their impressions from the interviews and agreed on the following appointments:

Mary Bahneman – Park Commission
Ken Huskins – Planning Commission
Todd Eggenberger – Planning Commission

The Council strongly encouraged David Vierthaler to apply for future openings on the Planning Commission.

Zerby moved, Maddy seconded, Adopting RESOLUTION NO. 24-016, “A Resolution Appointing Commissioners to the Park Commission and Planning Commission.”

Motion passed.

9. STAFF AND COUNCIL REPORTS AND DISCUSSION

A. Staff

Public Works Director Morreim stated that they are continuing to prepare for the upcoming fire inspections and noted that staff is nearly done with the various work that they had undertaken at the City facilities. He noted that they will also be doing a fair amount of training in the next few weeks.

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Planning Director Darling gave a brief update on the City's construction projects, including a subdivision at the corner of Eureka and Highway 7; Lake Park Villas; and Maple Shores.

City Administrator Nevinski noted that there is a bill currently moving through the legislature called the 'Missing Middle' bill which would have an impact on local control and seems to have bi-partisan support and gave a brief explanation of what is included in the bill. He stated that cities are being encouraged to contact their legislators with their thoughts on this proposed bill.

Mayor Labadie asked that City Administrator Nevinski forward copies of the existing documents in opposition to this bill.

City Administrator Nevinski stated that they will include as much information as they have available.

Mayor Labadie stated that she finds this bill extremely disturbing and noted that many of the cities affected do not have the infrastructure to be able to accommodate increased density.

Councilmember Zerby stated that he has always been opposed to situations when the next level of government decides that this type of decision should be theirs and not the residents along with their local elected officials. He stated that he feels if this bill is approved it would create one big city and there would not be any individuality and would support a memo in opposition to this proposed bill.

Councilmember Sanschagrín stated that he was also opposed to this bill, particularly the overt statement on avoiding public input on development.

City Administrator Nevinski stated that the City had applied to MMB for potential funding of the Mill Street Trail and watermain project. He noted that there were ten candidates interviewed earlier today for the Park and Recreation Manager position and the second round is scheduled for March 11, 2024.

B. Mayor and City Council

Councilmember Sanschagrín thanked Councilmember Maddy for sitting in for him at the LMCC meeting when he was ill. He stated that he completed the advanced training for elected officials from the League of Minnesota Cities and noted that he found it useful. He suggested that the City schedule time at an upcoming meeting to discuss 'crisis ready leadership' for the future.

Mayor Labadie explained that the City's policy for a crisis is that the mayors of the cities that are part of the SLMPD and the five cities within the EFD defer to the chiefs. She described some of the extensive crisis training that takes place every few years that she felt was very valuable.

Councilmember Maddy stated that LMCC is still trying to sell the building to fund their operations and explained that there has been a bit of a hiccup because the building used to be involved in auto sales that conducted some maintenance activities so there needs to be some testing done on the soils.

Mayor Labadie stated that she spoke at the Lake Fellowship of Unitarian Universalists yesterday and extended an invitation to other groups to contact her, if they would like her to come and speak about government or the role of the City Council. She reminded residents that the EFD is hosting

a CPR certification class on February 28, 2024, and another free class without certification on April 9, 2024. She noted that Senator Morrison had called her last week and asked if she would testify later this week before the Senate Transportation Commission regarding SF 2332 related to the Highway 7 corridor.

10. ADJOURN

Sanschagrın moved, Maddy seconded, Adjourning the City Council Regular Meeting of February 26, 2024, at 8:11 P.M.

Motion passed.

ATTEST:

Jennifer Labadie, Mayor

Sandie Thone, City Clerk

DRAFT



City Council Meeting Item

Item 2C

Title/Subject: Verified Claims
Meeting Date: March 11, 2024
Prepared by: Michelle Nguyen, Senior Accountant
Reviewed by: Marc Nevinski, City Administrator
Attachments: Claims Lists

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-02-26-2024-ACH	\$53,841.57
Payroll-02-26-2024-AP	\$67,067.68
Bank of Montreal-Jan's CC	\$44,112.64
Marc Nevinski	\$770.39
AP-03-11-2024	\$110,698.20

Total Claims: Checks No. 68583-68598 & ACH \$276,490.48

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: 02/26/2024 - 12:05PM
Batch: 00026.02.2024



Account Number	Debit	Credit	Account Description
700-00-1010-0000	0.00	53,841.57	CASH AND INVESTMENTS
700-00-2170-0000	53,841.57	0.00	GROSS PAYROLL CLEARING
	<hr/>	<hr/>	
	53,841.57	53,841.57	
	<hr/>	<hr/>	
Report Totals:	53,841.57	53,841.57	
	<hr/>	<hr/>	

Accounts Payable

Computer Check Proof List by Vendor

User: mnguyen
 Printed: 02/22/2024 - 3:29PM
 Batch: 00006.02.2024 - BOM-Jan-2024



Invoice No	Description	Amount	Payment Date	Acct Number	Reference
Vendor: 868	BANK OF MONTREAL			Check Sequence: 1	ACH Enabled: True
Jan-2024-Andy	Shorewood True	14.75	02/26/2024	101-32-4245-0000	
Jan-2024-Brenda	Cub Foods-CC Retreat	43.64	02/26/2024	101-11-4245-0000	
Jan-2024-Brenda	Amazon-Returned	-24.46	02/26/2024	101-13-4200-0000	
Jan-2024-Brenda	Cub Foods-CC Retreat	28.17	02/26/2024	101-11-4245-0000	
Jan-2024-Bruce	Fuels	249.92	02/26/2024	101-32-4212-0000	
Jan-2024-ChrisH	Amazon-Tools	42.59	02/26/2024	101-52-4245-0000	
Jan-2024-ChrisH	Amazon-Signs	105.86	02/26/2024	601-00-4223-0000	
Jan-2024-ChrisH	Bootbarn-Boots	219.95	02/26/2024	101-32-4245-0000	
Jan-2024-ChrisH	Amazon-Supplies Park Vandalism	51.30	02/26/2024	101-52-4245-0000	
Jan-2024-ChrisH	Hach Co-Water Testing Supplies	182.60	02/26/2024	601-00-4245-0000	
Jan-2024-ChrisH	Amazon-Hand Cleaner	110.73	02/26/2024	101-32-4245-0000	
Jan-2024-ChrisH	Amazon-Vehicle Parts & Calculator	60.68	02/26/2024	101-32-4200-0000	
Jan-2024-ChrisH	Fuels	142.35	02/26/2024	101-32-4212-0000	
Jan-2024-ChrisH	Amazon-Vehicle Parts & Calculator	125.08	02/26/2024	101-32-4221-0000	
Jan-2024-ChrisH	Amazon-Siupplies- Park Vandalism	25.08	02/26/2024	101-52-4245-0000	
Jan-2024-ChrisH	SP Carbonbulksales- Draw Down Meter	555.85	02/26/2024	601-00-4221-0000	
Jan-2024-ChrisP	The Home Depot-Tool Box	75.88	02/26/2024	101-32-4223-0000	
Jan-2024-ChrisP	Amaozn-GLoves	40.47	02/26/2024	101-32-4245-0000	
Jan-2024-ChrisP	Harbor Freight-Tools for Trucks	261.85	02/26/2024	101-32-4240-0000	
Jan-2024-ChrisP	Shorewood-Tool Box	20.95	02/26/2024	101-32-4245-0000	
Jan-2024-ChrisP	In Concrete Cutting-Chainsaw Parts	112.71	02/26/2024	101-32-4245-0000	
Jan-2024-ChrisP	Fuels	408.27	02/26/2024	101-32-4212-0000	
Jan-2024-ChrisP	PSN MN-MRWA Conf	300.00	02/26/2024	601-00-4331-0000	
Jan-2024-ChrisP	Shorewood True	15.96	02/26/2024	601-00-4245-0000	
Jan-2024-ChrisP	Shorewood True	26.15	02/26/2024	101-19-4245-0000	

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
Jan-2024-CityCard	Chanhassen-18505-001	648.25	02/26/2024	601-00-4263-0000	
Jan-2024-CityCard	Curbside Waste-Public Works	420.99	02/26/2024	101-32-4400-0000	
Jan-2024-CityCard	Republic Services-Organic Recycling	390.40	02/26/2024	621-00-4400-0026	
Jan-2024-CityCard	Sq Coffee Cart Mpls-Arctic Fever	955.02	02/26/2024	101-53-4441-0000	
Jan-2024-CityCard	In Total Entertainment-Arctic Fever	500.00	02/26/2024	101-53-4441-0000	
Jan-2024-CityCard	Curbside Waste-SSCC	132.97	02/26/2024	201-00-4400-0000	
Jan-2024-CityCard	AT&T - Wade's Ipad	23.49	02/26/2024	101-24-4321-0000	
Jan-2024-CityCard	Republic Services-Residents Reycling Svcs	13,611.90	02/26/2024	621-00-4400-0000	
Jan-2024-CityCard	Culligan Bottled Water - C.H.	33.00	02/26/2024	101-19-4245-0000	
Jan-2024-CityCard	Chanhassen-18505-002 - Stormwa	105.37	02/26/2024	101-52-4380-0000	
Jan-2024-CityCard	Chanhassen-18505-000	6.60	02/26/2024	601-00-4263-0000	
Jan-2024-CityCard	Office Liquidators - Planning Cublic - Will refur	2,028.00	02/26/2024	101-18-4200-0000	
Jan-2024-Eric	Shorewood True-Padlock for Organic Bin	39.60	02/26/2024	621-00-4400-0026	
Jan-2024-Janell	Amazon-Arctic Fever	115.92	02/26/2024	201-00-4441-0000	
Jan-2024-Janell	Amazon-Arctic Fever	8.35	02/26/2024	201-00-4441-0000	
Jan-2024-Janell	Amazon-Arctic Fever	7.22	02/26/2024	201-00-4441-0000	
Jan-2024-Janell	Amazon-Arctic Fever	49.88	02/26/2024	201-00-4441-0000	
Jan-2024-Jeremy	The Home Depot-Stair Edging	43.96	02/26/2024	101-32-4245-0000	
Jan-2024-Jeremy	Concrete Cutting Corin-Chainsaw Oil	44.97	02/26/2024	101-32-4212-0000	
Jan-2024-Jeremy	Nte	83.52	02/26/2024	101-32-4245-0000	
Jan-2024-Jeremy	Rdo Ver Bur-Equipment Parts	106.36	02/26/2024	101-32-4221-0000	
Jan-2024-Jeremy	Boot Barn-Safety Boots	194.99	02/26/2024	101-32-4245-0000	
Jan-2024-Jeremy	Carquest	80.05	02/26/2024	101-33-4245-0000	
Jan-2024-Jeremy	The Home Depot-Stair Edging	19.27	02/26/2024	101-19-4223-0000	
Jan-2024-Jeremy	Fleet Farm-Hoses	35.74	02/26/2024	101-33-4245-0000	
Jan-2024-Jeremy	Harbor Freights-Tool Chest	1,700.00	02/26/2024	101-33-4245-0000	
Jan-2024-Jeremy	The Home Depot-Cleanout Plugs	9.82	02/26/2024	101-32-4245-0000	
Jan-2024-Jeremy	Harbor Freights-Tool Chest	549.25	02/26/2024	101-32-4240-0000	
Jan-2024-Jeremy	Fuel	17.83	02/26/2024	101-32-4212-0000	
Jan-2024-Marc	Amazon-Lock BOx	35.33	02/26/2024	201-00-4400-0000	
Jan-2024-Marc	LMC-MCMA Mnger Conf.	499.00	02/26/2024	101-13-4331-0000	
Jan-2024-Marc	ICMA-Membership Dues-Marc	1,087.00	02/26/2024	101-13-4433-0000	
Jan-2024-Marc	Tide-Wash & Fold Tablecloths	44.34	02/26/2024	201-00-4400-0000	
Jan-2024-Marc	Amazon-Foam Cheer Stix-AF	191.96	02/26/2024	101-53-4441-0000	

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
Jan-2024-Marc	Maddens-Lodging MCMA Conf.	399.46	02/26/2024	101-13-4331-0000	
Jan-2024-Marie	ESRI-GIS Svc	445.00	02/26/2024	101-18-4433-0000	
Jan-2024-Marie	Office Liquidators-Planning Cubic	2,028.00	02/26/2024	101-18-4200-0000	
Jan-2024-Marie	Dept of Labor-State Surcharge-4th quarter-2023	1,651.72	02/26/2024	101-00-2085-0000	
Jan-2024-Marie	American Planning-APA -AICP Membership	724.00	02/26/2024	101-18-4433-0000	
Jan-2024-MattM	Dept of Natural ResourseDNR Appropriations Pt	5,062.35	02/26/2024	601-00-4400-0000	
Jan-2024-MattM	FMCSA D& A -Drug Test Query	25.00	02/26/2024	101-32-4305-0000	
Jan-2024-MattM	Amazon-Thermostat	137.99	02/26/2024	101-32-4223-0000	
Jan-2024-MattM	Amazon-CDL Inspection Books	60.60	02/26/2024	101-33-4245-0000	
Jan-2024-MattM	FS Windy-Annual Weather Forcecast	18.99	02/26/2024	101-32-4433-0000	
Jan-2024-MattM	Amazon-Dog Waste Dispensers & Bags	497.19	02/26/2024	101-52-4245-0000	
Jan-2024-MattM	In Enabling-Cmmunication	17.00	02/26/2024	601-00-4321-0000	
Jan-2024-MattM	Amazon-Baby changing Station-Park Vandalism	359.00	02/26/2024	101-33-4245-0000	
Jan-2024-MattM	Amazon-Daily Planner	42.61	02/26/2024	101-32-4200-0000	
Jan-2024-MattM	Sam's- Paper Towel Dispenser	47.72	02/26/2024	101-32-4223-0000	
Jan-2024-MattM	Fusion Learning-CEAM Conf.	420.00	02/26/2024	101-32-4331-0000	
Jan-2024-MattM	Amazon-Salimeter-Brine	43.97	02/26/2024	101-33-4245-0000	
Jan-2024-MattV	Fuels	445.52	02/26/2024	101-32-4212-0000	
Jan-2024-Nelia	Caribou-Joe's Party	44.91	02/26/2024	101-13-4245-0000	
Jan-2024-Nelia	ODP Bus- Office Supplies	518.70	02/26/2024	101-13-4200-0000	
Jan-2024-Nelia	Dollar Tree-Joe's Party	18.99	02/26/2024	101-13-4245-0000	
Jan-2024-Nelia	MCFOA-Membership Dues	50.00	02/26/2024	101-13-4433-0000	
Jan-2024-Nelia	Target-Joe & Janelle's Card	10.51	02/26/2024	101-13-4245-0000	
Jan-2024-Nelia	Michaels- Supplies	5.20	02/26/2024	101-13-4200-0000	
Jan-2024-Nelia	Amazon-Office Supplies	109.74	02/26/2024	101-13-4200-0000	
Jan-2024-Robert	Fuels	211.44	02/26/2024	101-32-4212-0000	
Jan-2024-Ryan	Fuel	99.00	02/26/2024	101-32-4212-0000	
Jan-2024-Ryan	Shorewood True	51.98	02/26/2024	101-52-4245-0000	
Jan-2024-Sandie	Amazon-Election Supplies	264.29	02/26/2024	101-14-4200-0000	
Jan-2024-Sandie	Amazon-Office Supplies	48.45	02/26/2024	101-13-4200-0000	
Jan-2024-Sandie	Pelra -Annual Membership	175.00	02/26/2024	101-13-4331-0000	
Jan-2024-Sandie	Cub Foods-Council Retreat	87.23	02/26/2024	101-11-4245-0000	
Jan-2024-Sandie	Surveymonk-Annual Survey Subscription	900.00	02/26/2024	101-13-4400-0000	
Jan-2024-Sandie	Amazon-Council Podium	215.61	02/26/2024	101-11-4245-0000	

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
Jan-2024-Tim	Shorewood-Liquid Nail	4.99	02/26/2024	101-19-4223-0000	
Jan-2024-Tim	Fuel	47.50	02/26/2024	101-32-4212-0000	
Jan-2024-Tim	Shorewood-SE Well Parts	433.26	02/26/2024	601-00-4221-0000	
Jan-2024-Tim	Shorewood-SE Well Parts	35.15	02/26/2024	601-00-4245-0000	
Jan-2024-Tim	Shorewood-Water Parts	20.47	02/26/2024	601-00-4265-0000	
Jan-2024-Todd	Fuels	214.10	02/26/2024	101-32-4212-0000	
Jan-2024-Todd	Cub - Water	47.88	02/26/2024	101-32-4245-0000	
Jan-2024-Wade	Marathon-Fuel	71.00	02/26/2024	101-24-4212-0000	
	Check Total:	43,128.20			
Vendor: 327	WINDSTREAM			Check Sequence: 2	ACH Enabled: True
76195603	City of Shwd-West Tower	196.30	02/26/2024	601-00-4321-0000	
76195603	Badger-Manor-Cathcart Parks	388.49	02/26/2024	101-52-4321-0000	
76195603	City Hall	206.20	02/26/2024	101-19-4321-0000	
76195603	City of Shwd- Badger Well	65.82	02/26/2024	601-00-4395-0000	
76195603	Public Works	127.63	02/26/2024	101-32-4321-0000	
	Check Total:	984.44			
	Total for Check Run:	44,112.64			
	Total of Number of Checks:	2			

Accounts Payable

To Be Paid Proof List

User: mnguyen
 Printed: 02/26/2024 - 1:00PM
 Batch: 00026.12.2023 - Marc Nevinski



Invoice Number	Invoice Date	Amount	Quantity	Payment Date	Task Label	Type	PO #	Close PO	Line #
Account Number				Description	Reference				
NEVINSKI, MARK DOUGLAS									
1390									
TV2023-SCEC	12/31/2023	770.39	0.00	02/26/2024				No	0
201-00-4620-0000 BUILDINGS & STRUCTURE				TV for SCEC - 2023 Budget					
TV2023-SCEC Total:		<u>770.39</u>							
NEVINSKI, MARK DOUG		<u>770.39</u>							
Report Total:		<u><u>770.39</u></u>							

Accounts Payable

Computer Check Proof List by Vendor

User: mnguyen
 Printed: 02/26/2024 - 1:15PM
 Batch: 00008.02.2024 - Payroll-02-26-2024



Invoice No	Description	Amount	Payment Date	Acct Number	Reference
Vendor: 4	AFSCME CO 5 MEMBER HEALTH FUND-UNION DENTAL			Check Sequence: 1	ACH Enabled: True
February-2024	PR Batch 00002.02.2024 Dental - Union	210.00	02/26/2024	700-00-2185-0000	PR Batch 00002.02.2024 Dental - Union
	Check Total:	210.00			
Vendor: 5	EFTPS - FEDERAL W/H			Check Sequence: 2	ACH Enabled: True
PR-02-26-2024	PR Batch 00002.02.2024 Medicare Employee Pc	1,155.21	02/26/2024	700-00-2174-0000	PR Batch 00002.02.2024 Medicare Employ
PR-02-26-2024	PR Batch 00002.02.2024 Medicare Employer Po	1,155.21	02/26/2024	700-00-2174-0000	PR Batch 00002.02.2024 Medicare Employ
PR-02-26-2024	PR Batch 00002.02.2024 FICA Employee Portio	4,939.50	02/26/2024	700-00-2174-0000	PR Batch 00002.02.2024 FICA Employee I
PR-02-26-2024	PR Batch 00002.02.2024 FICA Employer Portio	4,939.50	02/26/2024	700-00-2174-0000	PR Batch 00002.02.2024 FICA Employer I
PR-02-26-2024	PR Batch 00002.02.2024 Federal Income Tax	7,715.69	02/26/2024	700-00-2172-0000	PR Batch 00002.02.2024 Federal Income T
	Check Total:	19,905.11			
Vendor: 6	HEALTH PARTNERS-MEDICAL			Check Sequence: 3	ACH Enabled: True
February-2024	PR Batch 00001.02.2024 Health Insurance-HSA	7,650.00	02/12/2024	700-00-2171-0000	PR Batch 00001.02.2024 Health Insurance
February-2024	PR Batch 00001.02.2024 Health Ins - CoPay-1	3,900.00	02/12/2024	700-00-2171-0000	PR Batch 00001.02.2024 Health Ins - CoPa
February-2024	PR Batch 00002.02.2024 Health Ins - CoPay-2	4,189.85	02/26/2024	700-00-2171-0000	PR Batch 00002.02.2024 Health Ins - CoPa
February-2024	PR Batch 00002.02.2024 Health Insurance-HSA	8,514.97	02/26/2024	700-00-2171-0000	PR Batch 00002.02.2024 Health Insurance
February-2024-J	Feb-Joe Rigdon	1,146.22	02/26/2024	700-00-2171-0000	PR Batch 00002.02.2024 Health Insurance
	Check Total:	25,401.04			
Vendor: 1166	HEALTHPARTNER-DENTAL			Check Sequence: 4	ACH Enabled: True
February-2024	PR Batch 00002.02.2024 Dental - Non Union	1,668.27	02/26/2024	700-00-2184-0000	PR Batch 00002.02.2024 Dental - Non Uni
February-2024-J	February--Joe	51.57	02/26/2024	700-00-2184-0000	PR Batch 00002.02.2024 Dental - Non Uni
February-2024-P	PR Batch 00002.02.2024 Dental - -Patie	51.51	02/26/2024	700-00-2184-0000	PR Batch 00002.02.2024 Dental - Non Uni
PR-02-26-2024-P	Additional	0.06	02/26/2024	700-00-2184-0000	

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
	Check Total:	1,771.41			
Vendor: 2	ICMA RETIREMENT TRUST-302131-457			Check Sequence: 5	ACH Enabled: True
PR-02-26-2024	PR Batch 00002.02.2024 Deferred-MissionSq-FI	817.00	02/26/2024	700-00-2176-0000	PR Batch 00002.02.2024 Deferred-Missior
	Check Total:	817.00			
Vendor: 11	MINNESOTA DEPARTMENT OF REVENUE			Check Sequence: 6	ACH Enabled: True
PR-02-26-2024	PR Batch 00002.02.2024 State Income Tax	3,425.38	02/26/2024	700-00-2173-0000	PR Batch 00002.02.2024 State Income Tax
	Check Total:	3,425.38			
Vendor: 1091	MSRS-MN DEFERRED COMP PLAN 457			Check Sequence: 7	ACH Enabled: True
PR-02-26-2024	PR Batch 00002.02.2024 Deferred Comp-MSRS	2,549.00	02/26/2024	700-00-2176-0000	PR Batch 00002.02.2024 Deferred Comp-1
	Check Total:	2,549.00			
Vendor: 665	OPTUM BANK			Check Sequence: 8	ACH Enabled: True
PR-02-26-2024	PR Batch 00002.02.2024 HSA-OPTUM BANK	1,732.25	02/26/2024	700-00-2183-0000	PR Batch 00002.02.2024 HSA-OPTUM B.
	Check Total:	1,732.25			
Vendor: 9	PERA			Check Sequence: 9	ACH Enabled: True
PR-02-26-2024	PR Batch 00002.02.2024 MN-PERA Deduction	5,226.24	02/26/2024	700-00-2175-0000	PR Batch 00002.02.2024 MN-PERA Dedu
PR-02-26-2024	PR Batch 00002.02.2024 MN PERA Benefit Em	6,030.25	02/26/2024	700-00-2175-0000	PR Batch 00002.02.2024 MN PERA Benef
	Check Total:	11,256.49			
	Total for Check Run:	67,067.68			
	Total of Number of Checks:	9			

Accounts Payable

Computer Check Proof List by Vendor

User: mnguyen
 Printed: 03/07/2024 - 9:53AM
 Batch: 00001.03.2024 - Council-03-11-2024



Invoice No	Description	Amount	Payment Date	Acct Number	Reference
Vendor: 1396 23930MapleSt	CAPSTONE HOMES Escrow Refund - 23930 Maple Street	14,212.50	03/11/2024	Check Sequence: 1 880-00-2200-0000	ACH Enabled: False
	Check Total:	14,212.50			
Vendor: 136 02-29-2024 02-29-2024 02-29-2024 02-29-2024 02-29-2024 79456885-022324 86501806-022324	CENTERPOINT ENERGY-GAS 6000 Eureka Road 5755 Country Club Rd 20405 Knightsbridge Rd 24200 Smithtown Rd 28125 Boulder Bridge 5735 Country Club Rd-SCEC 20630 Manor Rd	277.45 324.63 143.51 1,133.00 200.02 435.59 89.11	03/11/2024 03/11/2024 03/11/2024 03/11/2024 03/11/2024 03/11/2024 03/11/2024	Check Sequence: 2 101-52-4380-0000 101-19-4380-0000 601-00-4394-0000 101-32-4380-0000 601-00-4396-0000 201-00-4380-0000 101-52-4380-0000	ACH Enabled: True
	Check Total:	2,603.31			
Vendor: 915 5198360335 5199161743	CINTAS PWs-First Aid Supplies City Hall-First Aid Supplies	63.66 84.31	03/11/2024 03/11/2024	Check Sequence: 3 101-32-4400-0000 101-19-4223-0000	ACH Enabled: False
	Check Total:	147.97			
Vendor: 144 202450	CITY OF EXCELSIOR Vac Truck Tow	300.00	03/11/2024	Check Sequence: 4 611-00-4221-0000	ACH Enabled: True
	Check Total:	300.00			
Vendor: 1361 Brenda-3/1/24	COSTCO-CITI CARDS Brenda Expense fodds for Election	140.83	03/11/2024	Check Sequence: 5 101-14-4331-0000	ACH Enabled: True

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
	Check Total:	140.83			
Vendor: 1096	DAVEY RESOURCE GROUP, INC.			Check Sequence: 6	ACH Enabled: True
9000034864	Tree Services	5,083.00	03/11/2024	101-32-4400-0000	
	Check Total:	5,083.00			
Vendor: 163	DELEGARD TOOL COMPANY			Check Sequence: 7	ACH Enabled: False
366526/1	Air Hose Reel/Tool	186.98	03/11/2024	101-32-4240-0000	
	Check Total:	186.98			
Vendor: 1159	DONOVAN CREATIVE GROUP			Check Sequence: 8	ACH Enabled: False
1101	Employee Wellness/Recognition	348.00	03/11/2024	101-13-4245-0000	
	Check Total:	348.00			
Vendor: 186	FERGUSON WATERWORKS, LLC. No.2518			Check Sequence: 9	ACH Enabled: False
0525795	Water Meters Purchased	829.02	03/11/2024	601-00-4265-0000	
0525901-1	Water Meters Purchased	22.31	03/11/2024	601-00-4265-0000	
0526163	Project-Water Meters Purchased	850.00	03/11/2024	211-00-4265-0000	
	Check Total:	1,701.33			
Vendor: 1060	GENERAL SECURITY SERVICES CORPORATION			Check Sequence: 10	ACH Enabled: True
50026987	Badger Park	119.85	03/11/2024	101-52-4400-0000	
50027000	Christmas Lake Boat Launch	270.00	03/11/2024	101-52-4400-0000	
50027341	City Hall - Monitor	278.85	03/11/2024	101-19-4400-0000	
50027342	SCEC-Monitor	105.00	03/11/2024	201-00-4400-0000	
	Check Total:	773.70			
Vendor: 200	GOPHER STATE ONE CALL			Check Sequence: 11	ACH Enabled: True
4020745	Monthly Rental	30.15	03/11/2024	601-00-4400-0000	
4020745	Monthly Rental	30.15	03/11/2024	611-00-4400-0000	
4020745	Monthly Rental	30.15	03/11/2024	631-00-4400-0000	
	Check Total:	90.45			
Vendor: 1367	ERICA HEINRICHS			Check Sequence: 12	ACH Enabled: False

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
Winter2024-1	Tai Chi Classes-01/10/2024-02/21//2024	168.00	03/11/2024	201-00-4248-0000	
	Check Total:	168.00			
Vendor: 689	HENNEPIN COUNTY ACCOUNTS RECEIVABLE			Check Sequence: 13	ACH Enabled: False
1000219664	Rooms & Board Service	112.00	03/11/2024	101-21-4400-0000	Rooms & Board Service
1000219928	Base Hazardous Waste-24200 Smithtown Road	287.00	03/11/2024	101-32-4400-0000	
	Check Total:	399.00			
Vendor: 985	HENNEPIN COUNTY ACCOUNTS RECEIVABLE			Check Sequence: 14	ACH Enabled: False
1000222946	REC0001086-View Recorded Documents	20.00	03/11/2024	101-32-4400-0000	RecordEase Payment
	Check Total:	20.00			
Vendor: 896	HUEBSCH SERVICES			Check Sequence: 15	ACH Enabled: True
20298395	SCEC - Mats	78.33	03/11/2024	201-00-4400-0000	
	Check Total:	78.33			
Vendor: 247	DREW KRIESEL			Check Sequence: 16	ACH Enabled: False
February-2024	Events Program/Class Services	476.00	03/11/2024	201-00-4248-0000	
February-2024	Building General Supplies Exp	46.48	03/11/2024	201-00-4245-0000	
	Check Total:	522.48			
Vendor: 1139	KURITA AMERICA, INC.			Check Sequence: 17	ACH Enabled: True
INV807624	Water Filter Part	106.24	03/11/2024	601-00-4245-0000	
	Check Total:	106.24			
Vendor: 707	LAKE MINNETONKA COMMUNICATION COMMISSION			Check Sequence: 18	ACH Enabled: False
1586	Audio Repair	85.73	03/11/2024	101-11-4400-0000	
	Check Total:	85.73			
Vendor: 531	LEAGUE OF MINNESOTA CITIES			Check Sequence: 19	ACH Enabled: False
401318	2024 City Day on the Hill - Marc Nevinski	125.00	03/11/2024	101-13-4331-0000	
401319	2024 City Day on the Hill - Jennifer Labadie	125.00	03/11/2024	101-11-4331-0000	
	Check Total:	250.00			

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
Vendor: 1378	MAYA MAINTENANCE LLC			Check Sequence: 20	ACH Enabled: True
1091	Janitorial Services-PWs Building	520.00	03/11/2024	101-32-4400-0000	
1094	Janitorial Services-SCEC	990.00	03/11/2024	201-00-4400-0000	
	Check Total:	1,510.00			
Vendor: 281	METRO CITIES			Check Sequence: 21	ACH Enabled: False
1771	2024 Metro Cities Membership Dues	3,368.00	03/11/2024	101-11-4433-0000	
	Check Total:	3,368.00			
Vendor: 792	METROPOLITAN AREA MANAGEMENT ASSOCIATION (MAMA)			Check Sequence: 22	ACH Enabled: False
1881	Feb-2024-Luncheon	25.00	03/11/2024	101-13-4331-0000	
	Check Total:	25.00			
Vendor: 286	MIDWEST MAILING SYSTEMS INC			Check Sequence: 23	ACH Enabled: True
80398	Newsletter Postages	639.42	03/11/2024	101-13-4208-0000	
80398	Newsletter Svc	503.92	03/11/2024	101-13-4400-0000	
	Check Total:	1,143.34			
Vendor: 313	MICHELLE THU-THAO NGUYEN			Check Sequence: 24	ACH Enabled: True
February-2024	Mileage Reimbursement	81.47	03/11/2024	101-15-4331-0000	
	Check Total:	81.47			
Vendor: 903	PERRILL			Check Sequence: 25	ACH Enabled: True
262072	ROWay Web App-Monthly	75.00	03/11/2024	601-00-4400-0000	
262072	ROWay Web App-Monthly	75.00	03/11/2024	611-00-4400-0000	
	Check Total:	150.00			
Vendor: 1395	PRAIRIE RESTORATIONS, INC.			Check Sequence: 26	ACH Enabled: False
INV-008920	Buckthorn Removal Project for 2023 Exp.	66,500.00	03/11/2024	101-52-4400-0000	
	Check Total:	66,500.00			
Vendor: 864	QUALITY FLOW SYSTEMS, INC.			Check Sequence: 27	ACH Enabled: True
46423	Field Repair- L.S. #10	591.00	03/11/2024	611-00-4221-0000	

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
	Check Total:	591.00			
Vendor: 1285	TODD ANTHONY RODEN			Check Sequence: 28	ACH Enabled: True
2024-Eye Glasses	2024-Eye Glasses	100.00	03/11/2024	101-32-4245-0000	
	Check Total:	100.00			
Vendor: 355	SHRED-N-GO INC			Check Sequence: 29	ACH Enabled: False
163444	Shredded Svc	71.89	03/11/2024	101-19-4400-0000	
	Check Total:	71.89			
Vendor: 1181	SPLIT ROCK MANAGEMENT, INC.			Check Sequence: 30	ACH Enabled: True
92370	Custodial Service-CH Building	487.00	03/11/2024	101-19-4223-0000	
	Check Total:	487.00			
Vendor: 1101	SPRINGBROOK HOLDING COMPANY LLC			Check Sequence: 31	ACH Enabled: True
INV-016216	Springbrook-CivicPay Fees	221.00	03/11/2024	631-00-4450-0000	
INV-016216	Springbrook-CivicPay Fees	221.00	03/11/2024	601-00-4450-0000	
INV-016216	Springbrook-CivicPay Fees	221.00	03/11/2024	611-00-4450-0000	
INV-016216	Springbrook-CivicPay Fees	221.00	03/11/2024	621-00-4450-0000	
	Check Total:	884.00			
Vendor: 657	SUMMIT FIRE PROTECTION			Check Sequence: 32	ACH Enabled: True
130101866	City Hall-Fire Extinguisher Inspection	709.00	03/11/2024	101-19-4223-0000	
	Check Total:	709.00			
Vendor: 694	TIMESAVER OFF SITE SECRETARIAL, INC.			Check Sequence: 33	ACH Enabled: True
M28980	Park Meeting	246.00	03/11/2024	101-53-4400-0000	
	Check Total:	246.00			
Vendor: 384	TOTAL PRINTING SERVICES			Check Sequence: 34	ACH Enabled: False
13886	Newsletters -Park/Rec Insert	480.00	03/11/2024	101-53-4351-0000	
13886	Newsletters	1,140.00	03/11/2024	101-13-4351-0000	
	Check Total:	1,620.00			

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
Vendor: 1083 1562857-Feb-2024	UNIFIRST CORPORATION Account#1562857 - Uniforms Services	685.01	03/11/2024	Check Sequence: 35 101-32-4400-0000	ACH Enabled: True
	Check Total:	685.01			
Vendor: 1368 02-29-2024	STEPHANY VASSAR CPR-General Supplies	85.40	03/11/2024	Check Sequence: 36 201-00-4246-0000	ACH Enabled: True
	Check Total:	85.40			
Vendor: 415 29942161	WARNER CONNECT Network Maint Services for April	5,223.24	03/11/2024	Check Sequence: 37 101-19-4321-0000	ACH Enabled: True
	Check Total:	5,223.24			
	Total for Check Run:	110,698.20			
	Total of Number of Checks:	37			



City Council Meeting Item

Item
2D

Title/Subject: Approve Letter Cancelling Agreement with MetroNet
Meeting Date: March 11, 2024
Prepared by: Marc Nevinski, City Administrator
Reviewed by: Jared Shephard, City Attorney
Attachments: Letter Agreement – May 5, 2021
Cancellation Letter

Background

MetroNet and the City of Shorewood entered into a non-binding Letter Agreement in 2021 regarding the deployment of fiber-to-the premises (FTTP) throughout the city. This deployment proposed to provide internet, phone and video services to residents and businesses. The agreement included an objective for MetroNet to enter into a franchise agreement with the City in exchange for assurances regarding the deployment process.

In a recent meeting with MetroNet representatives, due to the shift to streaming services and cellular phones, as well as apparent changes to MetroNet's operational and deployment procedures, MetroNet is unable to complete its deployment as outlined in the agreement. It was concluded that the agreement should therefore be cancelled.

The Council discussed the topic of internet service providers at its retreat in January and noted the City will welcome additional ISPs to the community. A list of ISPs available in Shorewood can be found on the City's website.

Financial Considerations

None

Action Requested

Motion to approve the attached letter cancelling the May 5, 2021 Letter Agreement with MetroNet. A majority vote by the Council is required.

May 05, 2021

Mr. Greg Lerud
City Administrator
City of Shorewood
5735 Country Club Road
Shorewood, MN 55331

Re: Letter Agreement

Dear Mr. Lerud:

Metro Fibernet, LLC (“MetroNet”) constructs and operates fiber-to-the-premises networks (each an “FTTP Network”) for purposes of providing state-of-the-art all fiber voice, video and Internet services. MetroNet has successfully deployed FTTP Networks in 90 communities in 9 states. The City of Shorewood (“City”) wishes for MetroNet to deploy an FTTP Network throughout the City for purposes of providing fiber based communications services to residents and businesses (“Project”). MetroNet is willing to invest its capital to complete the Project subject to receiving certain assurances from the City regarding the procedures that will govern the Project. The City is willing to provide MetroNet with such assurances as more particularly set forth in this letter agreement (“Agreement”). MetroNet and the City are sometime referred to herein collectively as the “Parties”, each individually a “Party”.

I. MetroNet Project Commitments

A. FTTP Network. MetroNet will construct an FTTP Network capable of providing voice, video and Internet fiber services to residents and businesses in the City. The FTTP Network will be solely funded by MetroNet.

B. Residential Services. MetroNet will initially provide the following voice, video and Internet services to residential consumers in the City:

- (1) Fiber IPTV. A video service offering with up to 240 channels (128 HD channels), an incredibly clear picture and fast channel changing capability all provided over a cutting edge interactive IPTV platform. The IPTV platform also supports 4K (4,000 pixels per second) next generation television.

- (2) Fiber Phone. A reliable fiber phone service with up to 17 custom calling features, long distance service and a low price point.
 - (3) Fiber Internet. Incredibly fast symmetrical Internet speeds up to 1/1 Gbps.
 - (4) Wireless Home Networking. The ability to connect to multiple devices wirelessly to MetroNet's Internet service and the ability to utilize wireless video set top boxes.
- C. Business Services. MetroNet will provide the following voice, video and Internet services to businesses in the City:
- (1) Hosted PBX. A service that allows a customer 4 digit dialing connectivity, numerous customer calling features and the capability to easily upsize or downsize users.
 - (2) Fiber Internet. Incredibly fast symmetrical Internet speeds of 1/1 Gbps and beyond.
 - (3) Fiber IPTV. A video service offering with up to 240 channels (128 HD channels), an incredibly clear picture and fast channel changing capability all provided over a cutting edge interactive IPTV platform. The IPTV platform supports 4K (4,000 pixels per second) next generation television.
- D. Project Timeline. MetroNet will use commercially reasonable efforts to complete the Project within 3 years of the commencement of physical construction in the City.

II. City Project Commitments.

- A. Construction Permits. The Parties agree that Exhibit A sets forth all of the information the MetroNet will be required to submit to the City to obtain a right-of-way construction permit from the City. Within 30 days of the submittal of an application for a construction permit, the City will issue MetroNet a blanket construction permit to install aerial and/or underground facilities within City controlled right-of-way, all as specified in the permit. Each application for blanket right-of-way construction permit may cover a geographic area of the City consisting up to 500 homes and/or businesses. To allow the City adequate time for review, MetroNet shall stagger the submission of permit applications so that no more than 2 shall be pending at any time. Other than as set forth in this paragraph, MetroNet will not be required to pay any additional fees or obtain any additional permits from the City to install aerial and underground facilities in the City. The City shall take reasonable steps, including hiring additional personnel if necessary, to meet its obligations under this paragraph.

- B. Construction Permit Fees. The City agrees that the aggregate cost for all required right-of-way construction permits for the Project will not exceed Four Thousand Dollars (\$4,000.00). Except as set forth in this Section, MetroNet will not be required to pay any additional fees or obtain any additional permits or authorizations from the City to install aerial and underground facilities in the City. The Parties acknowledge that MetroNet will enter into a separate video franchise agreement with the City and nothing in this Section is intended to prevent the City from obtaining a recurring franchise fee from MetroNet in accordance with the terms of that agreement and applicable law.
- C. Construction Procedures. The Parties agree to adhere to the construction procedures set forth in Exhibit B during construction of the FTTP Network.
- D. Property. At MetroNet's request, the City will use reasonable efforts to facilitate MetroNet's efforts to find excess City property to locate an equipment hut and a monopole and related equipment for the reception of video signals ("Hut Site"). If the Parties identify a mutually acceptable City owned site, the City will negotiate in good faith with MetroNet on the sale lease or license of such property, subject to compliance with all applicable laws including City codes and ordinances.
- E. Solicitation. MetroNet will be allowed to conduct door-to-door consultative sales in the City between the hours of 10 AM and the later of 7 PM or sunset in accordance with applicable laws and City ordinances.
- F. City Business. Upon the expiration of any current agreement with a third party who currently provides the City with any phone, video, Internet or other communications service, the City will notify MetroNet and give MetroNet an opportunity to obtain the contact to provide such services to the City in accordance with all applicable laws and ordinances including, but not limited to, any RFP and bidding requirements.
- G. No Joint Venture. This Agreement is not intended to create, nor will it be construed to create, any partnership, joint venture, or employment relationship between the City and MetroNet, and neither Party will be liable for the payment or performance of any debt, obligations, or liabilities of the other Party, unless expressly assumed in writing.
- H. Entire Agreement Amendments. This Agreement constitutes and embodies the full and complete understanding and agreement of the parties hereto with respect to the subject matter hereof and supersedes all prior understandings or agreements, whether oral or in writing regarding the subject matter of this Agreement. Without limiting the foregoing, the Parties acknowledge that, in cases of conflict, their mutual intent is for the terms of this Agreement to supersede any contrary terms or provision in any City ordinance or franchise agreement between the Parties. This Agreement may not be amended or modified in any way except by a writing signed by the authorized representatives of the Parties.

- I. Applicable Law. This Agreement will be governed by all the laws of the State of Minnesota without regard to the choice of law provisions thereof.
- J. Venue. The Parties consent to the exclusive jurisdiction of, and venue in, any federal or state court of competent jurisdiction located in Hennepin County, Minnesota for purposes of adjudicating any matter arising out of or relating to this Agreement.
- K. No Third Party Beneficiaries. No rights or privileges of either Party hereto shall inure to the benefit of any other person or entity, and no such other person or entity shall be deemed to be a third-party beneficiary of any of the provisions contained in this Agreement.
- L. No Assignment. This non-binding Letter of Agreement may not be assigned to any party without the written consent of both parties.
- M. Franchise Agreement. Prior to construction, MetroNet Agrees to negotiate in good faith a franchise agreement and reasonable franchise fee as provided in Minnesota Statutes Chapter 238.

Accepted and agreed to as of the date first written above

MetroNet

By:


John Greenbank (Jun 1, 2021 17:18 EDT)

Executive Vice President

06/01/21

City of Shorewood

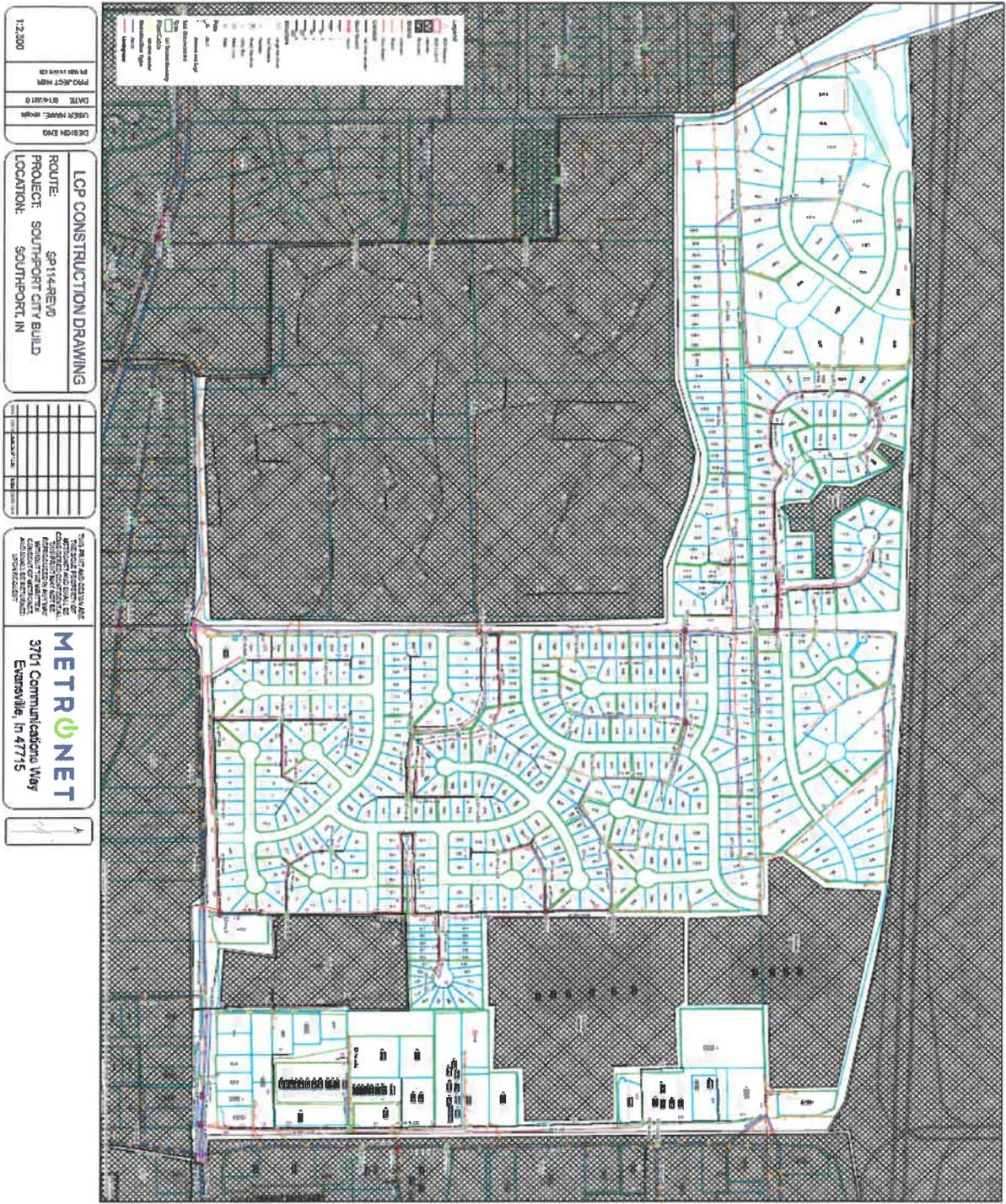
By:



05/10/2021

EXHIBIT A
Construction Permit Information

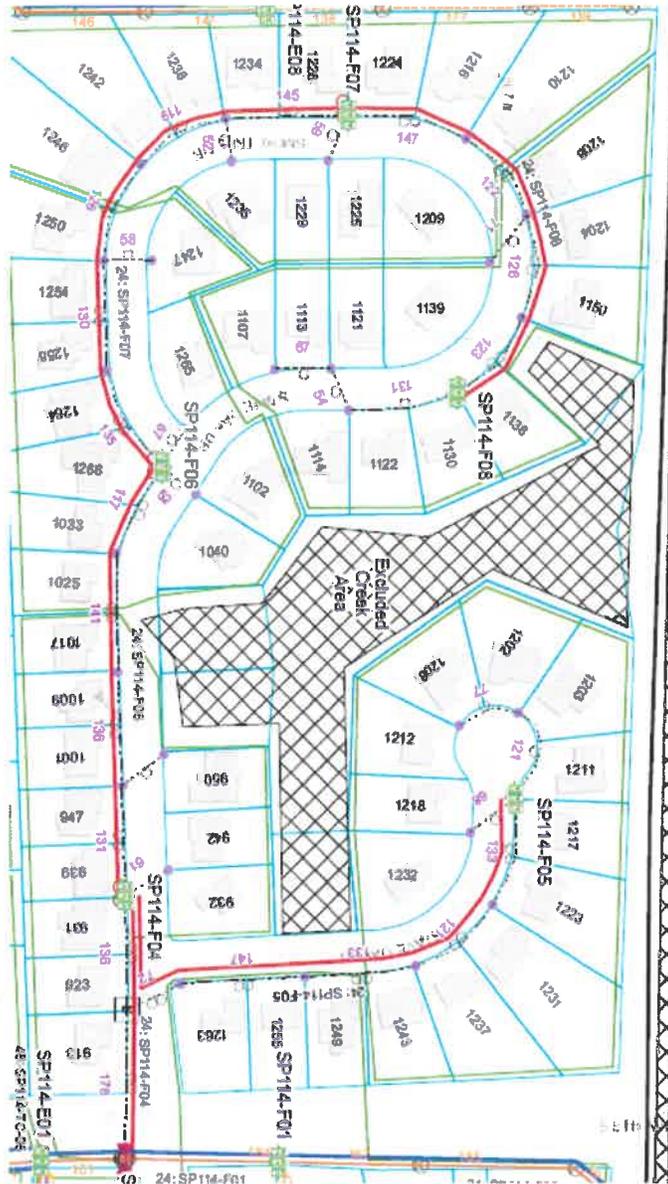
Sample Construction Drawings



Example Front Easement

Legend

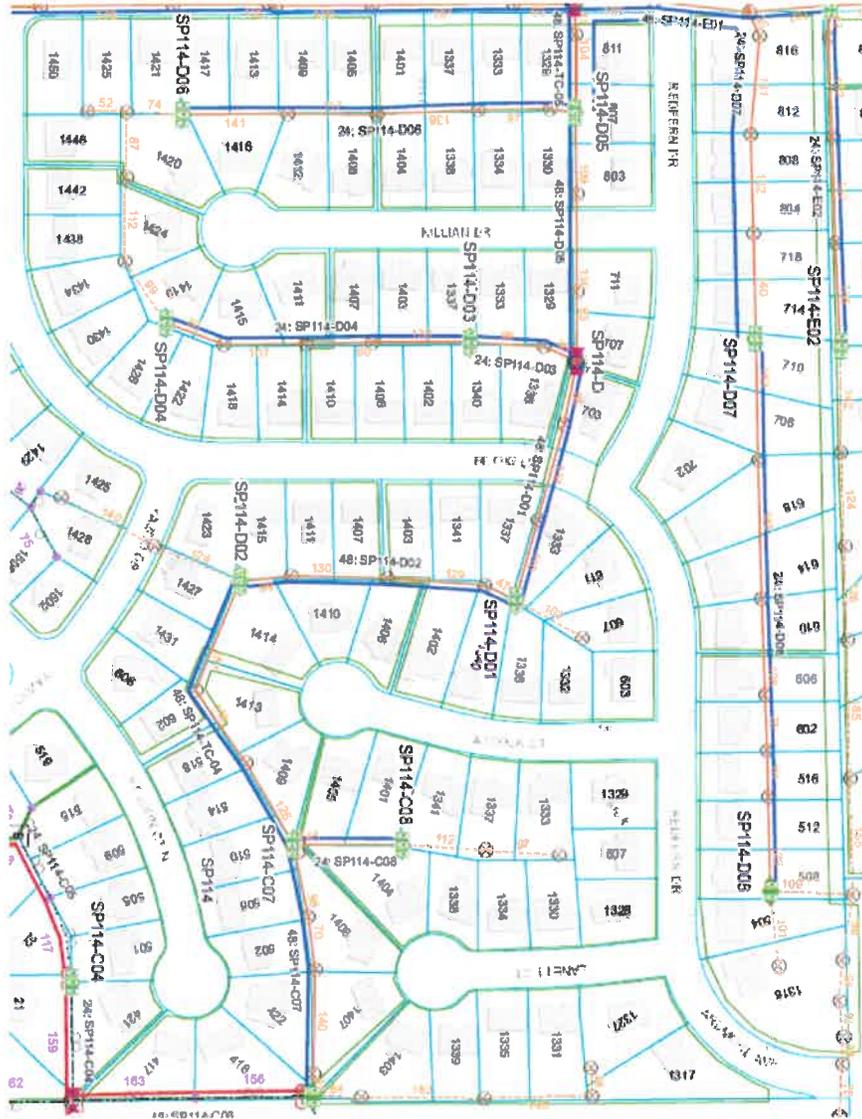
-  SDE.Revision
-  SDE.CLOUD
-  Hatched
-  Excluded
- Strand**
-  Unknown
-  Strand
-  Drop Strand
- Conduit**
-  <all other values>
- Duct Count**
-  <Null>
-  1
-  2
-  3
-  4
-  5
-  6
- Structure**
-  Large Handhole
-  Null Pedestal
-  Pedestal
-  Small Handhole
-  Utility Box
-  Slack Loop
-  Riser
- Pole**
-  Joint
-  Anchors and Guys
- 1x4 Boundaries**
- Type**
-  1x4 Terminal Boundary
- FiberCable**
-  <all other values>
- Construction Type**
-  Aerial
-  Underground



Example Aerial

Legend

- SDE.Revision
- SDE.CLOUD
- Hatched
- Excluded
- Strand**
 - Unknown
 - Strand
 - Drop Strand
- Conduit**
 - <all other values>
- Duct Count**
 - <Null>
 - 1
 - 2
 - 3
 - 4
 - 5
 - 6
- Structure**
 - Large Handhole
 - Null Pedestal
 - Pedestal
 - Small Handhole
 - Utility Box
 - Slack Loop
 - Riser
- Pole**
 - Joint
 - Anchors and Guys
- 1x4 Boundaries**
 - Type
 - 1x4 Terminal Boundary
- FiberCable**
 - <all other values>
- Construction Type**
 - Aerial
 - Underground



Example Rear Easement

Legend

- SDE.Revision
- SDE.CLOUD
- Hatched
- Excluded
- Strand**
 - Unknown
 - Strand
 - Drop Strand
- Conduit**
 - <all other values>
- Duct Count**
 - <Null>
 - 1
 - 2
 - 3
 - 4
 - 5
 - 6
- Structure**
 - Large Handhole
 - Null Pedestal
 - Pedestal
 - Small Handhole
 - Utility Box
 - Slack Loop
 - Riser
- Pole**
 - Joint
 - Anchors and Guys
- 1x4 Boundaries**
 - Type
 - 1x4 Terminal Boundary
- FiberCable**
 - <all other values>
- Construction Type**
 - Aerial
 - Underground



EXHIBIT B

Construction Procedures

- A. Utility Poles. Subject to the following requirements, MetroNet will have the ability to place utility poles in the City rights-of-way and utility easements on a limited basis:
- (1) MetroNet will not seek to install a utility pole in any areas of the City where all of the existing utilities are located underground;
 - (2) MetroNet must be unable to use an existing utility pole in the general area where it wishes to place a utility pole due to an inability to gain acceptable access to the pole;
 - (3) any requested utility pole will be added to an existing utility pole line;
 - (4) any requested utility pole will be located on the same side of the road as an existing utility pole line;
 - (5) MetroNet will make reasonable accommodations requested by the City to improve the aesthetics of a requested utility pole in the area where it is to be located;
 - (6) the location of a requested utility pole will not adversely affect the health, safety or welfare of any person;
 - (7) MetroNet will make the requested utility pole available to any other communications provider on just and reasonable terms subject to loading requirements and space availability;
 - (8) If a utility company installs a new utility pole that will accommodate MetroNet's fiber facilities in any area where MetroNet has installed a utility pole, provided MetroNet has access to the new utility pole under reasonable terms and conditions, within a reasonable time period after being notified by the City, MetroNet will move its fiber facilities to the new utility pole and will remove the MetroNet utility pole from the right-of-way.
- B. Underground Construction. When installing its facilities underground, MetroNet will install its fiber utilizing boring technology and procedures. In areas with high construction costs and/or where the deployment of conduit is not cost effective or feasible, on a case-by-case basis, subject to City approval, which approval will not be arbitrarily, discriminatorily, or unreasonably withheld, conditioned or delayed, MetroNet may install its fiber utilizing open trench or micro-trenching technology and procedures.

- C. Utility Location Procedure. The Parties agree that the following procedure will be exclusively used any time MetroNet is required to insert a hole in a driveway, walkway or street to locate other utilities under and across paved or concrete surfaces. MetroNet will utilize an 8" minimum core drill to remove the pavement and then remove debris utilizing a vacuum excavator to visually expose the path to cross the street. After the crossing is completed, the excavated pothole will be backfilled with a flowable stabilized sand/cement slurry mix comprised of at least 2 bags/yard of cement to completely fill the excavation hole to the depth of the existing pavement. Where possible the core plug removed to access the pothole will then be cleaned and coated with epoxy resin around the outside surface of the plug and replaced in the excavation hole so that it is even with the top of the existing surface of the driveway, walkway or street.
- D. Restoration. MetroNet will use commercially reasonable efforts to restore property within 3 business days of the boring, subject to factors beyond MetroNet's reasonable control. Consideration will be given to the amount of restoration needed with each boring and MetroNet will endeavor to conduct borings in a manner which requires the least amount of restoration (e.g. when appropriate using streets and sidewalks for equipment rather than lawns, etc.). After boring under the street / curb and sidewalks, MetroNet will inspect for any heaving that may have occurred from the boring process. Notwithstanding the foregoing, in no event will MetroNet be required to repair, replace or restore any personal property of a property owner that was improperly located in a utility easement.
- E. Construction Communications Plan. MetroNet will implement a construction communications plan and will use commercially reasonable efforts to meet the following timelines and standards, as they relate to each approved permit application area:
- (1) At least 30 days, but no more than 45 days, prior to the commencement of construction in a residential area, MetroNet will send a detailed letter to the residential addresses in that area advising occupants of upcoming construction activities.
 - (2) At least 14 days, but no more than 30 days, prior to the commencement of construction in a residential area, MetroNet will send postcard reminder to the residential addresses in that area reminding occupants of upcoming construction activities.
 - (3) At least 3 days, but no more than 7 days, prior to the commencement of construction in a residential area, MetroNet will send out street teams to place signs in the yards of those residential properties where MetroNet will commence with construction activities.

- (4) Each communication sent to a residential address will include the URL to MetroNet's construction website: metronetinc.com/construction. On this website residents can find additional information regarding the construction plans in their area. Following construction, property owners will also be able to use this website to submit damage claims in the event MetroNet inadvertently causes damage to their property.
- F. Work Hours. MetroNet and its contractors may perform construction activities including, but not limited to, boring, aerial construction, pulling cable, splicing and clean-up work (Construction Activities) from 7:00 AM to 7:00 PM, Monday through Friday and 8:00 AM to 6:00 PM on Saturdays. No construction activities are allowed on any Sunday.

City of Shorewood - City Agreement

Final Audit Report

2021-06-01

Created:	2021-06-01
By:	Anthony Gillette (anthony.gillette@metronetinc.com)
Status:	Signed
Transaction ID:	CBJCHBCAABAA3_UDGNWM33dJK6iXUS8dly44MgSsVFr3

"City of Shorewood - City Agreement" History

-  Document created by Anthony Gillette (anthony.gillette@metronetinc.com)
2021-06-01 - 3:11:56 PM GMT - IP address: 162.221.216.129
-  Document emailed to John Greenbank (john.greenbank@metronetinc.com) for signature
2021-06-01 - 3:13:04 PM GMT
-  Email viewed by John Greenbank (john.greenbank@metronetinc.com)
2021-06-01 - 4:23:44 PM GMT - IP address: 107.77.236.27
-  Document e-signed by John Greenbank (john.greenbank@metronetinc.com)
Signature Date: 2021-06-01 - 9:18:21 PM GMT - Time Source: server- IP address: 107.77.236.27
-  Agreement completed.
2021-06-01 - 9:18:21 PM GMT



March 12, 2024

Mr. Eddie Massengale
Sr. Director of Business Development & Government Affairs
MetroNet
3701 Communications Way, Evansville, IN 47715

RE: Cancellation of Letter Agreement dated May 5, 20021

Dear Mr. Massengale,

Thank you and Mr. Ruzick for meeting with Shorewood city staff on February 15, 2024 to discuss the status of MetroNet's proposed deployment in Shorewood.

As you know, MetroNet and the City of Shorewood entered into a non-binding Letter Agreement in 2021 regarding the deployment of fiber-to-the premises (FTTP). This deployment proposed to provide internet, phone and video services to residents and businesses. The agreement included an objective for MetroNet to enter into a franchise agreement with the City in exchange for assurances regarding the deployment process.

You noted in our meeting that due to the shift to streaming services and cellular phones, as well as apparent changes to MetroNet's operational and deployment procedures, MetroNet is unable to complete its deployment as outlined in the agreement, and we concluded that the agreement should therefore be cancelled. However, MetroNet expressed interest in deploying fiber in Shorewood through the City's standard right-of-way permitting process.

Subsequently, following review and approval of this letter by the Shorewood City Council at its March 11, 2024 meeting, this letter serves as notice that, as of the date of this letter, the Letter Agreement entered into between the City of Shorewood and Metro Fibernet LLC (MetroNet) on May 5, 2021 is cancelled and no further obligations remain among the parties.

The City of Shorewood encourages the deployment of communications facilities within the City to improve service, expand options and increase competition and would welcome such future investment by MetroNet.

Sincerely,

Marc Nevinski
City Administrator



City Council Meeting Item

Item
2E

Title/Subject: Tree Sale 2024

Meeting Date: Monday, March 11, 2024

Prepared by: Eric Wilson, Communications Coordinator

Reviewed by: Sandie Thone, City Clerk/HR Director

Attachments: N/A

Background

For several years, the City of Shorewood has participated and hosted an annual tree sale. This year the event is scheduled for September 2024. As in the past, the City of Shorewood will order the trees, offer them for sale, and be responsible for the purchase of any unsold trees that were ordered. Unsold trees purchased by the city will be planted in public spaces.

The City of Shorewood will offer 11 varieties of trees and shrubs. These include some fruit trees, species native to Minnesota, and others recommended for Shorewood per the city's Tree Preservation Policy adopted in 2004. Species include Green Mountain Sugar Maple, Autumn Brilliance Serviceberry, Heritage River Birch, Autumn Gold Ginkgo, Spring Snow Crabapple, Quaking Aspen, Newport Plum, Kentucky Coffeetree, Canada Red Select Cherry, Techny Arborvitae, and Bartlett Pear.

If approved, tree sales will begin Monday, April 1 at 8:00 a.m. The order form will be made available online on the City of Shorewood website. A printed order form will be available for print online or pickup at City Hall. The tree sale has been advertised in the March-April Shore Report and will continue to be advertised on the city website, social media, and email communications until all trees are sold.

Financial Considerations

The total cost for 98 trees is \$9,488.70. This amount would be pre-paid by the City and reimbursed by residents as trees are purchased.

Action Requested

Motion to approve the expenditure of funds up to \$9,488.70 for trees to be pre-paid by the city and reimbursed by residents as trees are purchased. A simple majority of the council is required.



City Council Meeting Item

Item
2F

Title/Subject: Multiple Dock Facility License -Minnetonka Marina, 23500 Smithtown Road

Meeting Date: March 11, 2024

Prepared by: Jason Carlson (Planning Technician)

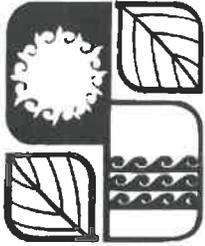
Reviewed by: Marie Darling (Planning Director)

Attachments: Multiple Dock License Application Survey
City License No. 24-043

Background: Attached is the Minnetonka Marina's annual multiple dock facility license application. City Code section 1201.24, Subd. 10 and section 304 states that renewal of the license shall be granted provided the operation is in conformance with the terms of the conditional use permit, which primarily regulates the number of slips and length of certain boats. As indicated on the application, the owner agrees to arrange for necessary inspections to ensure that the property is in compliance with the city code. A site inspection will be conducted when the slips are occupied in the summer.

Financial or Budget Considerations: The fee for the license is \$2.00 per boat slip. The applicant has 117 boat slips and has paid the fee of \$234.00. This fee covers the cost of processing the application and inspection of the docks.

Action Requested: Motion to approve a Multiple Dock Facility License application for the Minnetonka Marina for the year 2024, at 23500 Smithtown Road, subject to the required inspection.



MULTIPLE DOCK FACILITY LICENSE APPLICATION

CITY OF SHOREWOOD

5755 COUNTRY CLUB ROAD · SHOREWOOD, MINNESOTA 55331 · (952) 474-3236

PLANNING AND PROTECTIVE INSPECTIONS

(Please Print or Type)

RECEIVED
FEB 27 2024
CITY OF SHOREWOOD

SITE

Address: 23500 Smithtown Rd.
Lot: ²⁸⁸304 Block: _____ Subdivision: Auditor's No. 135
P.I.N.: 3411723210064 + 3411723210062

OWNER

Name: Georgette Jabbar Telephone: (612) 599-2841
Address: 23500 Smithtown Rd.
(Street)
Shorewood MN 55331
(City) (State) (Zipcode)

AGENT OR MANAGEMENT REPRESENTATIVE (if different than owner)

Name: _____ Telephone: () _____
Address: _____
(Street)

(City) (State) (Zipcode)

NUMBER OF BOAT SLIPS (AUTHORIZED BY CONDITIONAL USE PERMIT AND LMCD) 117

(Office Use Only – Do Not Write In Shaded Area)

1

ZONING

District: L-R
Conforming Use
Nonconforming Use

LICENSE FEE

Fee Per Unit: \$ 2.00
No. of Boat Slips: X 117
Total Fee: = \$234.00
Receipt No. 00113188
Date: 2-27-2024

INSPECTIONS

(Date) (Inspector)
Initial Compliance: _____
Follow-up: _____
Approved: _____
(Compliance Official) (Date)

In signing this application, I hereby acknowledge that I have reviewed the requirements of the Lakeshore Recreational Zoning District and agree to arrange for necessary inspections to ensure that my property complies with the Code.

[Signature]
Signature of Owner of Agent Date

City License No. 24-043

**STATE OF MINNESOTA
COUNTY OF HENNEPIN
CITY OF SHOREWOOD**

LICENSE FOR
A MULTIPLE DOCK FACILITY
CITY OF SHOREWOOD, MINNESOTA

PURSUANT TO THE APPLICATION OF SHOREWOOD YACHT CLUB, LLC
LICENSE IS HEREBY GRANTED TO:

**Minnetonka Marina
23500 SMITHTOWN ROAD
SHOREWOOD, MINNESOTA 55331**

For a term of one year beginning on January 1, 2024 and ending on December 31, 2024 to allow a Yacht Club within the City of Shorewood, Minnesota as set forth in and pursuant to Section 1201.24 of the Shorewood City Code, subject to all regulations and ordinances of the City of Shorewood relating thereto and which are made a part hereof, and subject to revocation at any time for violation thereof. **LICENSE TO EXPIRE ON DECEMBER 31, 2024.**

DATED THE 11th DAY OF MARCH 2024

THE CITY COUNCIL OF THE CITY OF SHOREWOOD, MINNESOTA

Marc Nevinski, City Administrator



City Council Meeting Item

Title/Subject: Accept Final Improvements Silverwood Park Improvements
City Project 21-05

Meeting Date: Monday March 11, 2024

Prepared by: Andrew Budde, City Engineer

Reviewed by: Marie Darling, Planning Director

Attachments: Resolution, Final Payment Application

Item 2G

Background: At the April 11, 2022 Council Meeting, Council awarded the contract for the Silverwood Park Improvements to Blackstone Contractors. The project included ADA accessibility improvements, improvements to the playground's container, retaining walls, and steps/railings to the top of the slide. Work was substantially completed in the fall of 2022 and final completion with all remaining punch list items was completed in the summer of 2023. Blackstone Construction has submitted the Minnesota IC-134 Withholdings Affidavit Form, and requests acceptance & final payment from the city. During construction the council approved a change order to address additional railing safety concerns, retaining wall adjustments for the slide, and additional fence at the top of retaining walls.

A resolution accepting the improvements & authorizing final payment for the Silverwood Park Improvements is included.

Financial or Budget Considerations: The council has previously approved a contract with Blackstone Contractors in the amount of \$63,475.55. The additional work associated with the previously approved change order increased the contract amount by \$7,788.54 to a total of \$71,264.09.

Action Requested: Staff has reviewed the estimate, verified quantities, and recommends approval and final payment be made to Blackstone Construction for city project 21-05 in the amount of \$4,833.65 for the Silverwood Park Improvements.

APPLICATION AND CERTIFICATION FOR PAYMENT

CUSTOMER: City Of Shorewood
 5755 Country Club Road
 Shorewood, MN 55331

PROJECT: Silverwood Park
 5755 Covington Road
 Shorewood, MN 55331

APPLICATION NO: 4
PERIOD TO: 1/26/2024
PROJECT NO: 2208

Distribution Via Email:
 OWNER
 ARCHITECT
 CONTRACTOR
 ENGINEER
 CONSTR MGR

CONTRACTOR: Blackstone Contractors LLC
 9520 County Road 19, Ste D
 Loretto, MN 55357

**VIA ARCHITECT/
 ENGINEER:**

CONTRACT FOR: City Of Shorewood **CONTRACT DATE:**

APPLICATION FOR PAYMENT

Application is made for payment, as shown below, in connection with the Contract. Continuation Sheet Page 2, is attached.

The undersigned Contractor certifies that to the best of the Contractor's knowledge, information and belief the Work covered by this Application for payment has been completed in accordance with the Contract Documents, that all amounts have been paid by the Contractor for Work for which previous Certificates for Payment were issued and payments received from the Owner, and that current payment shown herein is now due.

1. ORIGINAL CONTRACT SUM	\$ 63,475.55	CONTRACTOR:	Blackstone Contractors LLC
2. Net change by Change Orders	\$ 7,788.54	By:	 _____ Date: 01.26.2024
3. CONTRACT SUM TO DATE	\$ 71,264.09	ARCHITECT / ENGINEER:	_____ Date: _____
4. TOTAL COMPLETED & STORED TO DATE	\$ 71,264.09		
5. RETAINAGE:			
a. On Completed Work	\$ 0.00	By:	 _____ Date: _____
b. On Stored Material	\$ 0.00		
TOTAL RETAINAGE:	\$ 0.00		
6. TOTAL EARNED LESS RETAINAGE	\$ 71,264.09	OWNER'S REPRESENTATIVE:	_____ Date: _____
7. LESS PREVIOUS CERTIFICATES FOR PAYMENT	\$ 66,430.44		
8. CURRENT PAYMENT DUE	\$ 4,833.65		
9. BALANCE TO FINISH, INCLUDING RETAINAGE	\$ 0.00		

Change Order Summary	<u>Additions</u>	<u>Deductions</u>
Total Changes approved in previous months by Owner:	7,788.54	0.00
Total approved this Month	0.00	0.00
NET CHANGES by Change Order	\$ 7,788.54	

CONTINUATION SHEET

Project: Silverwood Park

Application and Certification for Payment

Application No: 4

Period To: 1/26/2024

Project No: 2208

**CITY OF SHOREWOOD
COUNTY OF HENNEPIN
STATE OF MINNESOTA**

RESOLUTION 24-017

**A RESOLUTION FOR FINAL ACCEPTANCE FOR THE
SILVERWOOD PARK IMPROVMENTS; CITY PROJECT 21-05**

WHEREAS, Pursuant to the approved award of the Silverwood Park Improvements project in the amount of \$63,475.55 to Blackstone Contractors at the April 11, 2022, Council Meeting ; and

WHEREAS, Additional work for retaining wall, fencing, and railing improvements for \$7,788.54 was previously approved; and

WHEREAS, Blackstone Construction has completed all work in accordance with the awarded contract is requesting acceptance and final payment for the work; and

WHEREAS, Staff has reviewed the estimate, verified quantities, received IC-134s, and recommends acceptance of the project and make final payment to Blackstone Construction.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SHOREWOOD, MINNESOTA AS FOLLOWS:

1. The City Council of the City of Shorewood hereby authorizes final acceptance and payment to Blackstone Construction for the Silverwood Park Improvements according to the plans and specifications on file in the office of the City Clerk.

Adopted by the City Council of Shorewood, Minnesota this 11th day of March 2024.

Jennifer Labadie, Mayor

Attest:

Sandie Thone, City Clerk



City Council Meeting Item

Title/Subject: Assignment of Development Agreement for Excelsior Woods
Meeting Date: March 11, 2024
Prepared by: Marie Darling, Planning Director
Attachments: Amendment
Resolution

Item 2H

Background:

Location: 20325 Excelsior Blvd.
Applicant: Excelsior Woods LLC.
Review Deadline: NA

The applicant recently purchased the property and development from the previous owner. In November, the City Council agreed to assign the development agreement to the new developer, but the agreement also needs a change to the deadline to complete the public improvements. The previous deadline was October of 2022 and the developer had no interest in the property prior to that date. The development approvals for the agreement and plat are current, but the date never changed.

Staff redrafted the attached agreement and it was reviewed by the City Attorney, who found it acceptable.

Summary of Public Engagement:

There is no public notice required with an amendment to the development agreement, but notice of the preliminary plat, conditional use permit, and variances occurred in compliance with the zoning and subdivision variances in 2020 and 2021 when the development was originally approved.

Financial or Budget Considerations:

Developers are required to pay utility connection and park dedication fees as well as pay for constructing the utilities and stormwater facilities. The City will hold a portion of their financial guarantees (letter of credit) for the improvements to the property until the warranty period expires and the work is done to the city's specifications.

Action Requested:

Move to adopt a resolution approving an amendment to the development agreement to Excelsior Woods LLC and authorize the Mayor and City Clerk to execute the amended agreement on behalf of the city.

Any action on the amendment of the development agreement would require a majority of the entire Council (3/5).

CITY OF SHOREWOOD

**FIRST AMENDMENT TO
DEVELOPMENT AGREEMENT**

EXCELSIOR WOODS

THIS FIRST AMENDMENT TO DEVELOPMENT AGREEMENT, dated October 12, 2021 (the "Development Agreement") made this ___ day of _____, 2024, by and between the **CITY OF SHOREWOOD**, a Minnesota municipal corporation, (the "City"), and **EXCELSIOR WOODS LLC**, a Minnesota limited liability company, (the "Developer") setting forth the amended rights and obligations of the parties relating to the Excelsior Woods subdivision (the "Project").

RECITALS

1. The Developer has an interest in certain lands legally described as:

Lot 37, Auditor's Subdivision No. 141, Hennepin County, Minnesota ("the Property"); and,
2. The Developer and City agree to allow changes to deadlines incorporated within the development contract and propose to amend Paragraphs 9 and 27 as indicated below; and,
3. The Developer and City agree that all other provisions in the Development Agreement shall be unchanged and remain in effect.

NOW THEREFORE, IN CONSIDERATION OF THE MUTUAL OBLIGATIONS OF THE PARTIES HERETO, EACH OF THEM DOES HEREBY COVENANT AND AGREE WITH THE OTHER AS FOLLOWS:

AGREEMENT

1. Amendment. The Developer and the City hereby agree to amend Paragraph 9 as follows. Text with an underline is to be added and text ~~stricken~~ is intended to be removed.

9. Schedule of work. The Developer shall submit a written schedule in the form of a bar chart indicating the proposed progress schedule and order of completion of work covered by this Agreement. It is understood and agreed that the Improvements, except landscaping, shall be ~~performed so as to be completed by October 31, 2022~~ completed by October 31, 2024, subject to delays due to "force majeure" (i.e. events of casualty, unusually inclement weather, labor strikes, material shortages, civil unrest or other causes beyond the reasonable control of the Developer). ~~The final lift of asphalt and entry monument shall be completed by October 31, 2022.~~

Landscaping: On the individual lots, the landscaping shall be completed prior to release of a certificate of occupancy for the applicable home. The Developer may also submit an escrow agreement for the landscaping within the lot, executed by the builder/future

homeowner and guarantees submitted as allowed by Section 1201.03 Subd. 2. g. of City Code.

The Developer shall provide written notice to the City of the existence of any delays in the completion of the work.

2. This First Amendment supersedes all previous agreements with respect to the Schedule of Work for Improvements as provided above. All other terms of the Development Agreement not specifically modified herein remain in full force and effect.
3. This First Amendment may be signed in any number of counterparts, each of which shall be considered an original, and all of which together shall constitute one and the same agreement.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed on the day and year first above written.

CITY OF SHOREWOOD

By: _____
Its: Mayor

ATTEST:

By: _____
Its: City Clerk

STATE OF MINNESOTA

ss.

COUNTY OF HENNEPIN

On this ___ day of _____, 2024, before me, a Notary Public within and for said County, personally appeared Jennifer Labadie and Sandie Thone to me personally known, who, being each by me duly sworn, did say that they are respectively the Mayor and City Clerk of the municipal corporation named in the foregoing instrument, and that said instrument was signed and sealed on behalf of said corporation by authority of its City Council, and said Mayor and City Clerk acknowledged said instrument to be the free act and deed of said corporation.

Notary Public

EXCELSIOR WOODS, LLC

By: _____

Its: _____

STATE OF MINNESOTA

SS.

COUNTY OF HENNEPIN

On this ____ day of _____, 2024, before me, a Notary Public within and for said County, personally appeared _____, the _____ of Excelsior Woods LLC, a Minnesota limited liability company, the Developer, described in and who executed the foregoing instrument and acknowledged that it executed the same as the free act and deed of said limited liability company.

Notary Public

Prepared by:
Shorewood Planning Dept.
Shorewood City Offices
5755 Country Club Road
Shorewood, MN 55331

S:\Planning\Planning Files\Applications\2021 Cases\Excelsior Woods\Development Agreement\First Amendment\Amendment.docx

**MORTGAGE CONSENT
TO
DEVELOPMENT CONTRACT**

_____, which holds a mortgage on the subject property, the development of which is governed by the foregoing First Amendment to Development Agreement, agrees that the development contract shall remain in full force and effect even if it forecloses on its mortgage.

Dated this _____ day of _____, 202__.

By: _____

Its: _____

STATE OF MINNESOTA)

(ss.

COUNTY OF HENNEPIN)

The foregoing instrument was acknowledged before me this _____ day of _____, 202__, by _____.

NOTARY PUBLIC

**CITY OF SHOREWOOD
COUNTY OF HENNEPIN
STATE OF MINNESOTA**

RESOLUTION 24-018

**A RESOLUTION AUTHORIZING AN AMENDMENT TO THE DEVELOPMENT AGREEMENT FOR
EXCELSIOR WOODS LOCATED AT 20325 EXCELSIOR BOULEVARD**

WHEREAS, in 2021, the City of Shorewood approved a final plat and development agreement for Excelsior Woods (the “Project”), located at 20325 Excelsior Boulevard, on property legally described as:

Lot 37, Auditor’s Subdivision No. 141, Hennepin County, Minnesota; and

WHEREAS, the Project is subject to a Development Agreement (the “Agreement”), dated October 12, 2021 which outlines obligations for construction of improvements and the dates when such improvements would be required to be completed; and

WHEREAS, Excelsior Woods, LLC. (the “Applicant”) has requested an amendment to the deadline as it expired in 2022 and they only recently purchased the development from a previous developer and had no ability to construct the improvement prior to the included deadlines.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Shorewood has approved the First Amendment of the Development Agreement, as follows:

1. The Applicant's request for approval of this First Amendment to the Development Agreement (Exhibit A) allowing amendments to Paragraph 9 is hereby approved, subject to the following:
2. Prior to the any activity on the site, the Applicant must record the First Amendment to Development Agreement with the Hennepin County Recorder and fulfill the remainder of the conditions of approval.
3. This Resolution authorizes the Mayor and City Clerk to execute the First Amendment to Development Agreement.

Adopted by the City Council of the City of Shorewood this 11th day of March, 2024.

Jennifer Labadie, Mayor

ATTEST:

Sandie Thone, City Clerk



City Council Meeting Item

Title/Subject: **Accept Quotes and Award the 2024 Manhole Rehabilitation Project, City Project 24-02.**

Meeting Date: Monday, March 11, 2024

Prepared by: Andrew Budde, City Engineer

Reviewed by: Matt Morreim, Director of Public Works

Attachments: **Overview Maps, Quote Tabulation, Agreement, and Resolution**

Item
7A

Background: The City of Shorewood has identified a 2024 Infiltration and Inflow Reduction Project in the Capital Improvement Plan to aid in reducing the amount of clean water that enters the sanitary sewer system. The clean water referred to as I&I, typically enters the system through cracks in pipes and manhole structures, through openings in manhole lids, and through illegal sump pump connections. The clean water can overwhelm the available capacity of the system and create backups. Once the clean water is in the system, it is also required to be treated and processed in the downstream wastewater treatment facility therefore increasing operating costs. Met Council monitors sanitary sewer flows from all communities and can charge a surcharge fee if the amount of inflow and infiltration is excessive. Shorewood has not exceeded that allotted amount of I&I in the recent past. Met Council also provides a grant to communities to reduce the amount of I&I. Shorewood has successfully applied for the grant in the past and has also done so for the upcoming 2-year cycle. Approximately 25% of this project, and similar projects, would be reimbursed through the Met Council I&I grant.

There are several approaches to addressing I&I and this project includes lining of existing sanitary sewer manholes. Public Works staff cleans approximately 20 percent of the sanitary pipes every year. During that process they also inspect the adjacent manholes and document I&I. I&I can typically be identified by visible wet marks on the inside walls, calcification from long term groundwater intrusion, or visible clear water entering through cracks/joints/seams of a manhole. Staff document the condition of the manholes and priorities structures to be addressed. Bolton & Menk staff then used a 360-degree cameras to televise the manholes. Gathering this information is both very safe and efficient as it avoids requiring staff to enter manholes and critical in understanding what is needed for a successful rehabilitation. This information is shared with the contractors through the quoting process so they can also see what the rehabilitation will entail. It can be viewed the following link: <https://gis.bolton-menk.com/geocp-360/?project=shorewood-sanitary-manhole-televising#/>. This detailed information captured in these photos is utilized to assemble the plans, specifications, and estimates for quoting. The amount of effort is largely driven by the number and depth of manholes.

Staff has solicited quotes from reputable contractors for the project, received a total of six, and are summarized on the attached quote tabulation. The low quote is from Floorcoat Midwest in

the amount of \$34,700. There was a large range in the bids from \$34,700 up to \$128,600. The low quote is approximately 50% below the engineers estimate of \$68,200. Staff have confirmed that the low bid contractor has successfully performed similar project. Staff also discussed the project with the low bid contractor and confirmed that they understand the project requirements and they stand behind their quote. Due to the very low unit prices staff may look at including some additional manholes to be lined and would address that as a Change Order at a later date. [The specifications, agreement, and quote are available online.](#) The City Attorney has reviewed the agreement and found it to be acceptable.

Financial or Budget Considerations: Costs for this work have been budgeted for in the Capital Improvement Plan and will utilize the Sanitary Fund. The city has budgeted the following for the project:

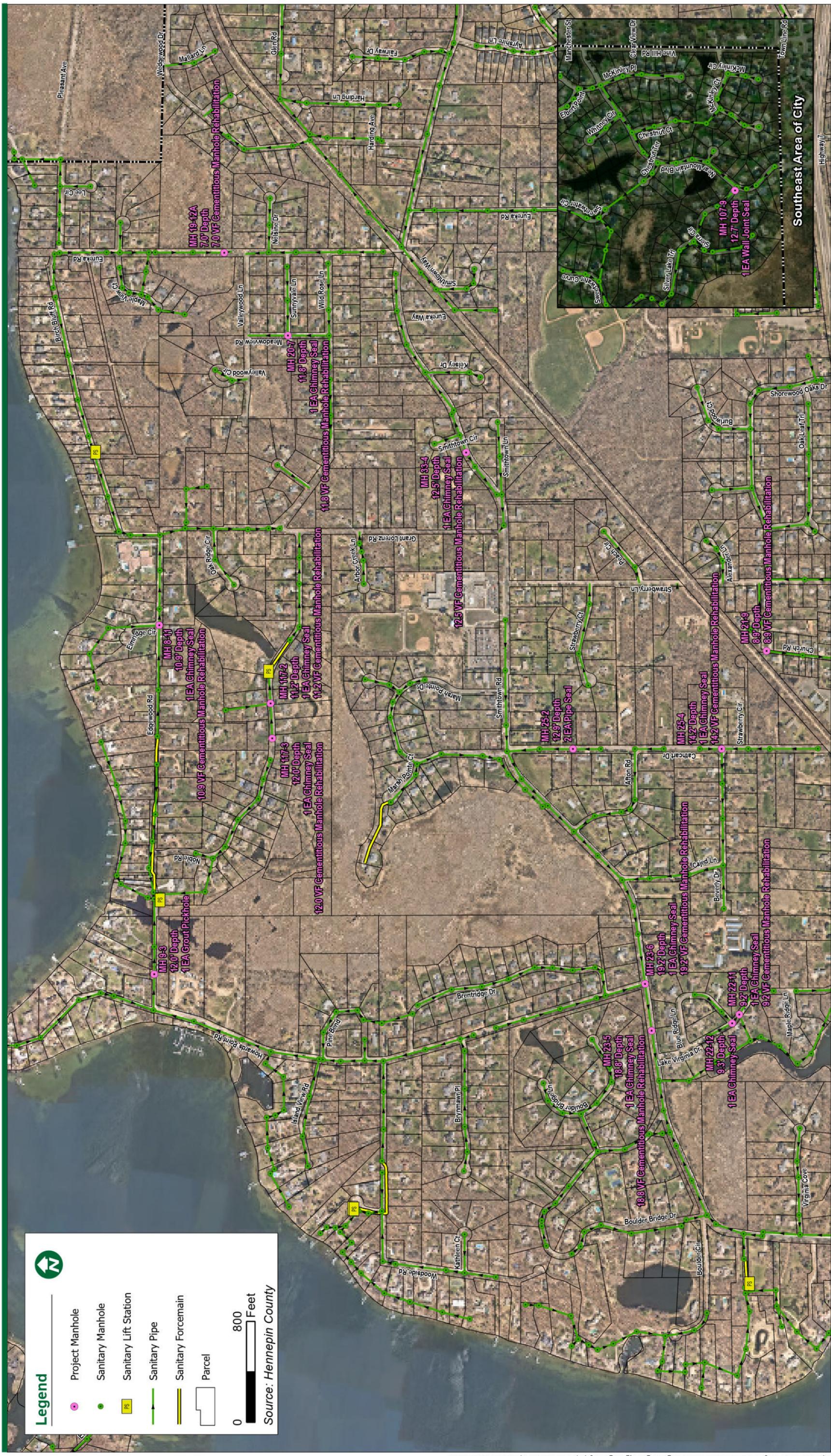
Fund:	CIP Budget Item:	Code:	Amount:
611-Sanitary	Infiltration and Inflow Reduction	SS-99-05	\$82,500

The budgets contain estimated costs for construction and engineering. It is anticipated that administrative costs including engineering design, bidding, and construction inspection will be around \$20,000, for a total project cost of \$54,700.

This project includes 15 manholes for improvements and the administrative effort to date is about \$18,000. Future years will likely have similar administrative costs if the projects are similar in scope. The construction inspection is anticipated to be completed within one week and only requires part time inspection. It is anticipated to be approximately \$2000. Future years will likely have similar administrative costs if the projects are similar in scope.

Action Requested: Staff recommends the city council accept the quotes for the 2024 Manhole Rehabilitation Project and award to the low quote by Floorcoat Midwest in the amount of \$34,700.

Motion, second and Simple Majority required.



Legend

- Project Manhole
- Sanitary Manhole
- Sanitary Lift Station
- Sanitary Pipe
- Sanitary Forcemain
- Parcel

0 800 Feet

Source: Hennepin County



City of Shorewood

Project Bid Tabulation

2024 SANITARY MANHOLE REHABILITATION

BMI PROJECT NO. 0C1.126687

Soliciting agent:

Contact:

Bid Date:

Bolton & Menk, Inc.

Andrew Budde, P.E.

02/16/2024 10:00 AM CDT

Firm	Base Bid
Floorcoat Midwest	\$34,700.00
Hydro Klean	\$52,774.00
Everlast	\$69,260.00
Visu Sewer	\$78,886.00
Thul	\$96,690.00
Wenner Holdings dba Empire Pipe Services	\$128,647.51

Engineer's Opinion of Cost - Base Bid

\$68,200.00

I hereby certify that this is a true and correct tabulation of the bids as received on February 16, 2024 for the 2024 Sanitary Manhole Rehabilitation Project, City Project 24-02.

Andrew Budde, P.E., City Engineer

Sandie Thone, City Clerk

ABSTRACT OF BIDS

Manhole Rehabilitation
 City of Shorewood, MN
 BMI Proj No. .0C1.126687

BID DATE: 2/16/2024
 TIME: 10:00 AM

* bid amount changed due to found calculation/addition error

ITEM NO.	MNDOT SPEC NO.	ITEM	APPROX. QUANT.	UNIT	1		2		3		4		5		6	
					FLOORCOAT MIDWEST	HYDRO KLEAN	EVERLAST	VISU SEWER	THUL	WENNER HOLDINGS dba EMPIRE PIPE SERVICES						
Engineer's Estimate					UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
1		MOBILIZATION	1	LUMP SUM	\$7,500.00	\$7,500.00	\$1,250.00	\$1,250.00	\$4,500.00	\$4,500.00	\$3,500.00	\$3,500.00	\$3,500.00	\$3,500.00	\$9,500.00	\$9,500.00
2		TRAFFIC CONTROL	1	LUMP SUM	\$5,000.00	\$5,000.00	\$500.00	\$500.00	\$2,750.00	\$2,750.00	\$3,500.00	\$3,500.00	\$3,500.00	\$3,500.00	\$12,235.00	\$12,235.00
3		1" CEMENTITIOUS MANHOLE REHABILITATION	136	VF	\$325.00	\$44,200.00	\$309.00	\$42,024.00	\$385.00	\$52,360.00	\$451.00	\$61,336.00	\$540.00	\$73,440.00	\$660.91	\$89,883.76
4		INTERNAL CHIMNEY SEAL	10	EACH	\$850.00	\$8,500.00	\$800.00	\$8,000.00	\$675.00	\$6,750.00	\$835.00	\$8,350.00	\$1,000.00	\$10,000.00	\$1,120.00	\$11,200.00
5		WALL JOINT SEAL	1	EACH	\$1,500.00	\$1,500.00	\$400.00	\$400.00	\$1,250.00	\$1,250.00	\$550.00	\$550.00	\$2,500.00	\$2,500.00	\$2,678.75	\$2,678.75
6		GROUT PICKHOLE	1	EACH	\$500.00	\$500.00	\$200.00	\$200.00	\$350.00	\$350.00	\$550.00	\$550.00	\$750.00	\$750.00	\$750.00	\$750.00
7		PIPE SEAL	2	EACH	\$500.00	\$1,000.00	\$200.00	\$400.00	\$650.00	\$1,300.00	\$550.00	\$1,100.00	\$1,500.00	\$3,000.00	\$1,200.00	\$2,400.00
						\$34,700.00		\$52,774.00		\$69,260.00		\$78,886.00		\$96,690.00		\$128,647.51
Engineer's Estimate						\$68,200.00		\$52,774.00		\$69,260.00		\$78,886.00		\$96,690.00		\$128,647.51

**CITY OF SHOREWOOD
COUNTY OF HENNEPIN
STATE OF MINNESOTA**

RESOLUTION 24-015

**A RESOLUTION TO ACCEPT QUOTES AND AWARD CONTRACT FOR THE 2024 MANHOLE
REHABILITATION PROJECT; CITY PROJECT 24-02**

WHEREAS, pursuant to the solicitation for quotes for the 2024 Manhole Rehabilitation Project, quotes were received on February 16th, 2024, opened and tabulated according to law, with the following quotes received:

Contractor	Total Bid w/ Alternate
Floorcoat Midwest	\$34,700.00
Hydro Klean	\$52,774.00
Everlast	\$69,260.00
Visu Sewer	\$78,886.00
Thul	\$96,690.00
Wenner Holdings dba Empire Pipe Services	\$128,647.51

WHEREAS, Floorcoat Midwest. is the lowest responsible quote; and

WHEREAS, Floorcoat Midwest. is a responsible and responsive contractor, that has completed projects of similar size and scope successfully; and

WHEREAS, the project is included in the 2024 Capital Improvements Plan and will fund the project through the Sanitary Fund; and

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SHOREWOOD, MINNESOTA AS FOLLOWS:

1. The City Council of the City of Shorewood hereby accepts all quotes and authorizes to enter into a contract with Floorcoat Midwest based on the lowest quote amount in the name of the City of Shorewood for the 2024 Manhole Rehabilitation Project according to the plans and specifications therefore approved by the City Council and on file in the office of the City Clerk.

Adopted by the City Council of Shorewood, Minnesota this 11th day of March, 2024.

Jennifer Labadie, Mayor

Attest:

Sandie Thone, City Clerk



City Council Meeting Item

Title/Subject: Approve Final Plans & Specifications & Authorize Bidding for 2024 Mill & Overlay and Smithtown Road Drainage, City Project 24-01.

Meeting Date: Monday, March 11, 2024

Prepared by: Andrew Budde, City Engineer

Reviewed by: Matt Morreim, Director of Public Works

Attachments: Overview Maps, Plans & Specs (via link), Resolution

Item
7B

Background: The City of Shorewood authorized the preparation of plans & specification of the 2024 Mill & Overlay and the Smithtown Road Drainage Improvements project on January 11, 2024. The project is identified in the CIP for maintaining and extending the longevity of the existing roadway infrastructure throughout the city. The mill & overlay project includes streets that have poor pavement ratings and/or are carryovers from previous projects in which they were cut due to budget. The Smithtown Road Drainage Improvements project is addressing several drainage issues along its length.

The following roadways are included in the mill & overlay project:

- Boulder Circle
- Church Road
- Murray Street
- Murray Court
- Bracketts Road
- Lilac Lane
- Spruce Hill Court
- Oak View Court
- Maple Street
- Chestnut Court
- Whitney Circle.

Lilac Lane is a street that rests on the Chanhassen municipal boundary. At this point it is not clear which city is responsible for long-term ownership & maintenance. Staff will continue to work with Chanhassen on resolving the matter and may come back with an agreement to formally clarify. At this point Shorewood has asked Chanhassen to share in the mill & overlay costs 50/50 and have not heard a formal response. From our understanding Chanhassen built the eastern half of the street to an urban standard and is responsible for its long-term maintenance, while Shorewood is responsible for winter maintenance and snow removal. The maintenance for the western portion is unclear. In addition, Shorewood owns the sanitary sewer and Chanhassen owns the watermain that is under the roadway. If the cities do not come to an agreement by the time of award, Lilac Lane may be delayed until next year to allow more time for resolution.

The project is projected to be about \$140,000 over the CIP budget based on the engineers' estimate. Staff plans to bid Chestnut Court, Whitney Circle, Oak View Court, and Lilac Lane as alternates so that the city can adjust the scope of the project after bids are received to stay within the CIP budget amount.

If approved, bids are planned to be opened on April 11th and award of the contract is planned for the April 22nd council meeting.

[Plans and Specifications can be viewed online](#)

Financial or Budget Considerations: Costs for this work have been budgeted for in the Capital Improvement Plan and would utilize a combination of Street Reconstruction Fund, Water Fund, and Stormwater Management Fund. The city has budgeted the following for the project:

Fund:	CIP Budget Item:	Code:	Amount:
404-Street	2024 M&O	LR-99-100	\$606,375.00
404-Street	Pavement Maintenance	LR-99-099	\$100,000.00
601-Water	2024 M&O	LR-99-100	\$33,075.00
<u>631-Storm</u>	<u>2024 M&O</u>	<u>LR-99-100</u>	<u>\$110,250.00</u>
		Subtotal:	\$849,700.00
<u>631-Storm</u>	<u>Smithtown Rd Drainage Imp.</u>	<u>ST-24-04</u>	<u>\$275,625.00</u>
		Subtotal:	\$275,625.00

Overall Budget Total: \$1,125,325.00

If Chanhassen were to contribute 50/50 for Lilac Lane, it is estimated to be \$40,000.

The budgets contain estimated costs for construction and engineering. It is anticipated that construction costs will be \$979,000 and administrative costs including engineering design, permitting, bidding, surveying, and construction inspection will be around \$147,000, or approximately 15% of the construction costs.

The engineer's estimate is currently \$1,265,000 for an overall project cost. All mill & overlay efforts are estimated to be \$1,043,000 and the Smithtown Road Drainage Improvements are estimated to be \$211,000.

Action Requested: Staff recommends the city council approve the Final Plans & Specifications and authorize bidding for the 2024 Mill & Overlay project and Smithtown Drainage Improvements.

Motion, second and Simple Majority required.

ENGINEER'S ESTIMATE
 2024 MILL & OVERLAY AND SMITHTOWN ROAD DRAINAGE IMPROVEMENTS
 MASTER ESTIMATE - FULL SPLITS
 CITY OF SHOREWOOD, MINNESOTA
 BIMI PROJECT NO. 001.113334

Item No.	Funding Category	Notes	Total Quant.	Unit	Unit Price	Total Amount	Boiler Circle	Chapel Road	Maple Street	Spencer Hill Court	Overlook Court	Murray Street	Murray Court	Brookside Road	Ullert Lane	Whitney Circle	Chestnut Court	D&I Improvements	MCCS Adjustments
							Quantity	Quantity	Quantity	Quantity	Quantity	Quantity	Quantity	Quantity	Quantity	Quantity	Quantity	Quantity	Quantity
1	A		1.00	LUMP SUM	\$60,000.00	\$60,000.00													
2	A		1.00	LUMP SUM	\$10,000.00	\$10,000.00													
3	B		1.00	LUMP SUM	\$5,000.00	\$5,000.00													
4	B		7448.00	50 FT	\$1,000.00	\$7,448,000.00													
5	C		87.00	LIN FT	\$24.00	\$2,108.00													
6	C		10.00	EACH	\$150.00	\$1,500.00													
7	E		28.00	EACH	\$4,200.00	\$117,600.00													
8	B		2541.00	LIN FT	\$12.00	\$30,492.00													
9	B		3940.00	EACH	\$75.00	\$295,500.00													
10	B		5241.00	50 FT	\$7.50	\$39,307.50													
11	B		687.00	50 FT	\$7.50	\$5,152.50													
12	B		1320.00	50 FT	\$40.00	\$52,800.00													
13	B		107.00	LIN FT	\$40.00	\$4,280.00													
14	B	(P) (2)	26861.00	50 YD	\$2.50	\$67,152.50													
15	B		159.00	CU YD	\$44.00	\$7,011.60													
16	C		98.00	LIN FT	\$100.00	\$9,800.00													
17	C		3.00	EACH	\$1,900.00	\$5,700.00													
18	C		3.00	EACH	\$1,450.00	\$4,350.00													
19	C		2.00	LIN FT	\$1,200.00	\$2,400.00													
20	F	(7)	2.00	EACH	\$5,000.00	\$10,000.00													
21	C		10.00	EACH	\$1,000.00	\$10,000.00													
22	C		28.00	EACH	\$1,000.00	\$28,000.00													
23	C		20.00	CU YD	\$350.00	\$7,000.00													
24	B	(7)	2532.00	TON	\$99.00	\$250,668.00													
25	B		863.00	TON	\$110.00	\$94,930.00													
26	B		5241.00	50 FT	\$9.00	\$47,169.00													
27	B		495.00	50 FT	\$16.00	\$7,920.00													
28	B		540.00	50 FT	\$16.00	\$8,640.00													
29	B		842.00	50 FT	\$17,888.00	\$15,062,256.00													
30	B		192.00	50 FT	\$24.00	\$4,608.00													
31	B		60.00	50 FT	\$70.00	\$4,200.00													
32	B	(1)	3410.00	LIN FT	\$35.00	\$119,350.00													
33	E	(4)	2.00	EACH	\$975.00	\$1,950.00													
34	E	(4)	8.00	EACH	\$975.00	\$7,800.00													
35	D	(4)	12.00	EACH	\$500.00	\$6,000.00													
36	E	(4)	12.00	EACH	\$350.00	\$4,200.00													
37	C		18.00	EACH	\$350.00	\$6,300.00													
38	C		364.00	CU YD	\$65.00	\$23,704.00													
39	B	(3)	352.00	50 YD	\$80.00	\$28,160.00													
40	B	(3)	2630.00	50 YD	\$27.50	\$72,322.50													
41	B	(3)	155.00	50 YD	\$27.50	\$4,262.50													
42	B		29.00	EACH	\$200.00	\$5,800.00													
43	B		564.00	LIN FT	\$7.00	\$3,948.00													
44	B	(6)	1562.00	LIN FT	\$8.00	\$12,496.00													
45	B		762.00	LIN FT	\$5.85	\$4,455.90													
46	B		672.00	LIN FT	\$17.50	\$11,760.00													
47	B		189.00	50 FT	\$52.50	\$9,922.50													
48	B	(5)	35.00	EACH	\$275.00	\$9,625.00													
49	A		1.00	ALLOWANCE	\$10,000.00	\$10,000.00													

80,000.01	(A) TOTAL PROBATA COST:	\$80,000.00
801,642.70	(B) TOTAL STREET COST:	\$801,642.70
866,025.00	(C) TOTAL STORM COST:	\$866,025.00
\$6,000.00	(D) TOTAL WATER COST:	\$6,000.00
\$16,650.00	(E) TOTAL SANITARY CITY COST:	\$16,650.00
\$10,000.00	(F) TOTAL SANITARY MCCS COST:	\$10,000.00

(1) ANY SIZE, ANY TYPE
 (2) INCLUDES BITUMINOUS CURB & BITUMINOUS BURM
 (3) INCLUDES SEED MIX AND FERTILIZER TYPE 3. SEE SPEC FOR MAINTENANCE REQUIREMENTS.
 (4) INCLUDES BRUSH AND PATCH
 (5) INCLUDES BRUSH AND PATCH
 (6) TO BE USED AT DISCRETION OF THE ENGINEER AND AS NEEDED
 (7) INCLUDES REMOVAL & REPLACEMENT OF CASTING, CONIC SECTION, AND PAVEMENT PATCH AREA

**CITY OF SHOREWOOD
COUNTY OF HENNEPIN
STATE OF MINNESOTA**

RESOLUTION 24-019

**A RESOLUTION APPROVING FINAL PLANS & SPECIFICATIONS AND AUTHORIZE BIDDING FOR
2024 MILL & OVERLAY AND SMITHTOWN ROAD DRAINAGE IMPROVEMENTS
CITY PROJECT 24-01**

WHEREAS, the current Capital Improvement Plan (CIP) identifies a mill & overlay project for 2024 on various streets throughout the city and improvements to Smithtown Road drainage at various locations along its length, City Project 24-01; and

WHEREAS, the proposed improvements will help to maintain and extend the longevity of the roadway infrastructure; and

WHEREAS, staff have prepared final plans and specifications as directed by council and are ready to bid the project; and

WHEREAS, the project will be funded through the combination of Street Reconstruction Fund, Water Fund, and the Stormwater Management Fund,

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SHOREWOOD, MINNESOTA AS FOLLOWS:

1. Hereby authorizes the preparation of Final Plans & Specifications for the 2024 Mill & Overlay and Smithtown Road Drainage project.

Adopted by the City Council of Shorewood, Minnesota this 22nd day of January 2024.

Jennifer Labadie, Mayor

Attest:

Sandie Thone, City Clerk



City Council Meeting Item

Title/Subject: Consider Adoption of Ordinance Repealing Chapter 504-Premises Conducive to High-Risk Sexual Conduct

Meeting Date: March 11, 2024

Prepared By: Jared Shepherd, City Attorney and Marie Darling, Planning Director

Reviewed By: Marc Nevinski, City Administrator

Attachments: Ordinance 604

Background

As part of a 2-3 year project, the City will be reviewing and updating the Shorewood City Code to support community priorities, improve administrative processes, and lessen legal risks and challenges.

The need for the updates are due to:

- cultural changes in criteria, social norms, or language use.
- a desire or need for more precise or contemporary language.
- evolving community standards, expectations, and goals.
- updated land use plans or development goals.
- changes in laws or regulations from state, federal, or other agencies.
- organizational changes relating to governance, staffing, or processes.

Chapter 504 (Premises conducive to high-risk sexual conduct) was adopted into the ordinance when the City Code was re-written in 1987. The ordinance reflects the times and conditions in the mid-1980's when the AIDS epidemic was at a crisis point. Specifically, it reflects outdated views as both the cause of the crisis and methods of prevention.

Staff proposes to remove this section of code for the following reasons:

1. The ordinance is outdated and the findings and premise for the ordinance are no longer valid. For example, 504.01, subd. 3 provides, in relevant part, that "the sexually transmittable disease of AIDS is currently irreversible and uniformly fatal. Medical research has further established that the risk factors for obtaining or spreading AIDS are associated with high risk sexual conduct".
 - a. First, HIV/AIDS is not uniformly fatal.
 - b. Second, High-risk sexual conduct is defined as: a. Fellatio; b. Anal intercourse; or c. vaginal intercourse with persons engaged in sexual acts in exchange for money. Because high-risk sexual conduct, as defined in the ordinance, is not the only manner in which HIV/AIDS is transmitted, it is under inclusive. Unprotected sexual activity and intravenous drug use are, of course, major contributing factors to the spread of communicable diseases, such as HIV/AIDS. High-risk sexual conduct, as defined in the ordinances, is only targeted toward prostitution and sexual activity associated with gay men. Given the language used, it can be viewed as a regulation based on sexual orientation and subject to challenge under the Minnesota Human Rights Act and the U.S. Constitution.
2. The regulations overlap with Section 309 of the city code (licensing for Adult Use Establishments). Additionally, prostitution is illegal and a further regulation for prostitution within a commercial building is unnecessary. See Minn. Stat. 609.324.

Summary of Public Engagement: Notice of the ordinance was posted on the City's website, at City Hall, and shared with all those requesting notice of ordinance amendments.

Additionally, the SLMPD Chief of Police has reviewed the ordinance and had no concerns with its removal.

Financial Considerations

Other than publication of the ordinance, there are no immediate financial considerations related to this amendment.

Action Requested

Staff recommends approval of the attached ordinance and provide the following draft motion:

Move to approve an ordinance amending City Code section repealing Chapter 504 of City Code related to Premises Conductive to High-Risk Sexual Conduct.

Adoption of the above ordinance requires a majority of the entire City Council. If adopted, the summary will be published in the official newspaper. Once published, the ordinance becomes effective.

CITY OF SHOREWOOD
COUNTY OF HENNEPIN
STATE OF MINNESOTA

ORDINANCE 604

REPEALING SHOREWOOD CITY CODE CHAPTER 504,
PREMISES CONDUCTIVE TO HIGH-RISK SEXUAL CONDUCT

THE CITY COUNCIL OF THE CITY OF SHOREWOOD, MINNESOTA, ORDAINS AS FOLLOWS:

Section 1. This Ordinance repeals, in its entirety, Chapter 504 of the Municipal Code.

Section 2. Effective Date. This Ordinance shall take effect upon passage and publication in the City's official newspaper.

ADOPTED BY THE CITY COUNCIL of the City of Shorewood, Minnesota, this 11th day of March, 2024.

Jennifer Labadie, Mayor

ATTEST:

Sandie Thone, City Clerk



City Council Meeting Item

Item
8B

Title/Subject: Resolution Opposing State Preemption of Local Zoning Authority
Meeting Date: March 11, 2024
Prepared by: Marc Nevinski, City Administrator
Reviewed by: Marie Darling, Planning Director
Attachments: Resolution
League of Minnesota Cities Written Testimony dated Feb 20, 2024

Background

A series of bills are moving through the Legislature this session, and if they become law, will preempt local zoning decision making and eliminate public forums for review of residential subdivisions and development. The bills propose to broadly and bluntly apply lot size limitations and minimum density standards on all cities in the metro area without consideration of other factors critical for successful development. These factors include, but are not limited to, infrastructure capacity such as the availability of sewer and water, access to transportation, and public safety operations. Below is a summary of HF 4009 from the League of Minnesota Cities, which is one of the first preemption bills heard in committee last month:

- Sets a base level for density allowed on any residential lot by right (or without needing to go through a discretionary review processes) regardless of size at 2 units statewide and 4 units in cities of the first class. If certain conditions are met, 8 units are allowed in second-, third-, and fourth-class cities and 10 units may be allowed per lot in cities of the first class.
- Forces administrative approvals of projects that meet the standards in the bill language and prohibits public input in the approval process.
- Limits minimum lot size requirements to no greater than 2,500 square feet for first class cities (pop. 100,000+) and 4,000 square feet for all other cities except for Greater Minnesota cities with populations of less than 5,000.
- Requires all cities to accept Accessory Dwelling Units on all residential lots regardless of size and allows property owners to subdivide their lots by right.
- Prohibits off-street parking from being required close to major transit stops and limits off-street parking minimum requirements to 1 spot per unit in other areas.
- Allows multifamily buildings to be built up to 150 feet tall on any lot in a commercial zoning district.
- Broadly prohibits design standards for residential development and eliminates minimum square footage and floor area ratio requirements.

Other bills in both the House and Senate propose preemption of other local decisions, such as street width, and material and aesthetic requirements. The bills have bipartisan support and the League of Minnesota Cities recommends cities share concerns about the bills directly with

their legislators. Staff noted concern about these bills at the February 26th Council meeting and the Council asked that a resolution opposing the bills be presented at this meeting for consideration.

Financial Considerations

None at this time.

Action Requested

Motion to approve the attached resolution opposing legislation preempting local zoning authority. A majority vote by the Council is required.



February 20, 2024

Re: City comments on HF 4009 (“Missing Middle Housing”)

Dear Chair Howard, Vice Chair Agbaje and Members of the House Housing Finance and Policy Committee:

The League of Minnesota Cities, Coalition of Greater Minnesota Cities, Metro Cities, Minnesota Association of Small Cities, and Municipal Legislative Commission appreciate the opportunity to provide comments in opposition to HF 4009 (Kraft) as amended by the DE amendment. Our organizations and the cities we represent are deeply concerned with provisions in the bill that broadly preempt city zoning and land use authorities, remove public input in the residential development process, ignore long range local comprehensive plans and lack consideration for how cities utilize zoning and land use to ensure the health safety and welfare for residents and scale infrastructure to support new housing density.

Cities across the state have implemented innovative changes at the local level with community engagement to address their individual zoning and land use ordinances, provide local resources to ensure affordability, and create opportunities for new development across the housing spectrum. Zoning is hyper local as is each community’s locally identified housing needs, public infrastructure capacity to accommodate new density, and advancing other individual community goals including historic preservation and protection of natural resources. While housing is a statewide issue, addressing housing affordability and availability must continue to be locally driven to account for these nuances.

The Missing Middle Housing bill as currently drafted, unfortunately falls short of policy that supports state-local partnership for residential development. Instead, the bill as written replaces existing zoning and land use authorities with an overly broad and rigid framework that eliminates the ability for all cities to account for nuances and be responsive to local conditions. In addition to the overall breadth of the preemptive nature of the policy proposed in the bill, numerous provisions in the proposed legislation pose serious practical questions for how city operations would function under the bill and either lack clarity or directly conflict with existing statute in ways that would likely result in litigation including:

- Section 1 of the bill creates minimum levels for density on all residential lots, which would force cities of the first class to allow between four and ten residential units and all other cities to accept between two and eight residential units on any residential lot regardless of its size or water and sewer infrastructure capacity or other state and federal requirements including stormwater management, fire and EMS access, and other standards.
- The bill does not consider overall lack of public infrastructure capacity, but forces cities to accept additional density without any consideration for how re-sizing infrastructure will be paid for to support the additional density, which will ultimately be borne by existing residents.
- Section 1 of the bill imposes unreasonable minimum lot size requirements to support the level of density mandated in the bill.
- Both Section 1 of the Missing Middle Housing bill and the DE amendment mandate new administrative review requirements that eliminates a resident’s ability to voice concerns over material impacts a project would have on their property by eliminating all public hearing requirements for most residential development projects.

- Section 1 of the bill requires cities without a major transit stop to identify a commercial district in the city where high density development must be accepted despite most cities in Minnesota having neither and in hundreds of cities would result in allowing higher density multifamily buildings on all lots despite being well beyond the capacity of most greater Minnesota cities.
- The bill as amended by the DE amendment would force a city to accept by right up to a 150-foot multifamily building in certain areas of a city on any parcel even if that parcel was next to a single-family owner-occupied home without adequate ability to ensure reasonable setbacks for fire and safety.
- Section 1 of the bill also creates an exhaustive list for city zoning and land use authority, which leaves out significant life safety and public, health, safety, and welfare considerations that are included in longstanding city zoning and land use authority including emergency services access, fire safety, public infrastructure capacity, utility access, etc. The exhaustive list in the Missing Middle Housing bill, which includes height restrictions appear to directly contradict provisions in the DE amendment that prohibit restrictions on height.
- The bill in limiting minimum parking requirements while requiring higher density could result in developers underbuilding parking resulting in spillover onto city streets that were not designed to accommodate dense on street parking.
- The bill also includes contradictions within the bill itself including references that missing middle housing must be “compatible in scale, form, and character” with other housing while also broadly eliminating the ability for cities to impose those standards with the preemption of architectural design standards in section 2, which is overly broad and subjective likely resulting in legal challenges.

Thank you for consideration of our concerns. We look forward to continuing to work with Representative Kraft and other legislators to identify incentives-based approaches that support cities in their efforts to address local housing needs. Rigid state-mandated frameworks that remove community-engagement and lack consideration for how cities pay for and plan for infrastructure to support new residential density will create serious consequences for cities across the state.

Sincerely,

Daniel Lightfoot
League of Minnesota Cities

Ania McDonnell
Metro Cities

Elizabeth Wefel
Coalition of Greater Minnesota Cities

Tom Poul
Municipal Legislative Commission

Patricia Nauman
Metro Cities

Cap O'Rourke
Minnesota Association of Small Cities

**CITY OF SHOREWOOD
COUNTY OF HENNEPIN
STATE OF MINNESOTA**

RESOLUTION 24-020

**A RESOLUTION OPPOSING STATE PREEMPTION OF LOCAL ZONING AUTHORITY AND STATE
MANDATED ZONING STANDARDS**

WHEREAS, a series of legislative bills, including HF 4009, HF 4010, HF 3168, HF 2235, SF 3964, SF 3303, SF 3080 and SF 3980, among others and hereinafter referred to as “the Bills”, proposes to preempt local zoning authority to direct the development of housing by mandating broad and blunt State zoning standards for all cities in the metropolitan area, including Shorewood, and many cities in greater Minnesota; and

WHEREAS, the Bills remove resident participation in the democratic process by imposing administrative approval of significant subdivision and development applications and thereby eliminating the ability of residents to petition their local or any elected officials in a public forum regarding the impacts of an application on them or their community; and

WHEREAS, land development has significant and wide-ranging implications on the local and regional environment, transportation facilities, public and private utilities, schools, and public safety operations, among many other systems; and

WHEREAS, the development standards mandated by the Bills are unreasonable, impractical, and fail to comprehensively consider the environmental, social, and economic impacts of its mandates; and

WHEREAS, Shorewood supports providing a range of housing options for people of all incomes and at all stages of life, as evidenced by zoning regulation amendments for elderly housing, changes to its PUD ordinance supporting elderly housing, the allowance of ADUs on any residential parcel by conditional use permit, and considering changes to its zoning regulations and map to facilitate high-density residential uses in alignment with its comprehensive land use plan; and

WHEREAS, the City of Shorewood recognizes that local control and public input are critical democratic attributes that should not be infringed upon; and

WHEREAS, zoning decisions are hyper-local and cities engage their residents to develop unique and innovative development and infrastructure that reflect local attributes, values, conditions, and goals, as well as comprehensively consider and plan for infrastructure investments to support planned and managed development; and

WHEREAS, Shorewood - although a metropolitan area city - exemplifies a community where development and infrastructure patterns limit the ability to achieve the mandates set for in the Bill, notably municipal water serves only half the community, many roads are built to rural standards with no shoulders, curbs, sidewalks, transit options or adequate width for on-street parking; and

WHEREAS, the Shorewood City Council finds that the broad and blunt statutory requirements in the Bill fail to consider or address such development and public improvement patterns, and if imposed, will result in unintended and negative outcomes for residents; and

WHEREAS, the Shorewood City Council finds that no analysis has been conducted to understand how the Bills' mandates will impact the environment, transportation facilities, public and private utilities, schools, local government finances, and public safety operations; and

WHEREAS, the Shorewood City Council finds the Bills infringe on the democratic rights of residents to participate in decisions that directly impact their properties, neighborhood, and quality of life; and

WHEREAS, the Shorewood City Council finds the Bills infringe upon resident input and engagement which is crucial to the democratic process, and where resident access to government happens most frequently and effectively at the local level; and

NOW THEREFORE BE IT RESOLVED BY THE SHOREWOOD CITY COUNCIL, that the City of Shorewood opposes the Bills, any future versions of the Bills, and any bills which preempt a local unit of government's decision-making authority, eliminates resident participation in the democratic process, and imposes State mandated zoning standards.

Adopted by the City Council of Shorewood, Minnesota, this 11th day of March 2024.

Jennifer Labadie, Mayor

Attest:

Sandie Thone, City Clerk