

**MAHTOMEDI CITY COUNCIL
MINUTES
MARCH 20, 2018**

Mayor Jud Marshall convened the regular City Council meeting at 7:00 p.m. with Council members Jeff Ledermann, Richard Brainerd and Steve Wolgamot in attendance. Council member Tim Deans was absent with prior notice. City Administrator Scott Neilson, City Attorney Bridget Nason, City Engineer John Sachi, City Planner Erin Perdu, Finance Director Scott Schaefer, Public Works Director Bob Goebel and City Clerk Mary Solie were also in attendance.

CONSIDER APPROVAL OF AGENDA

Council member Brainerd moved and Council member Ledermann seconded the motion to approve the agenda as presented. The motion was unanimously approved.

CONSIDER APPROVAL OF CITY COUNCIL MEETING MINUTES

Council member Wolgamot moved and Council member Ledermann seconded the motion to approve the minutes as presented. The motion was unanimously approved.

4. PRESENTATIONS-None

5. DISCUSSION FROM THE AUDIENCE

There was no discussion from the audience.

6. CONSENT AGENDA

Council member Brainerd moved and Council member Ledermann seconded the motion to approve the Consent Agenda as presented. The motion was unanimously approved.

a. APPROVAL- Schedule Planning Session for April 12, 2018 at 5:30 p.m. at Public Works.

The planning and goal setting session with City Council and Management Staff was scheduled for Thursday, April 12, 2018 at 5:30 p.m. at Public Works.

b. APPROVAL-Consider Bids and Award Contract for Briarwood Area Improvements and Quail Street Utility Extension to T.A. Schifsky and Sons, Inc. in the amount of \$937,182.51.

Bids were received for the project on Thursday, March 8, 2018. Four bids were received. The low bid in the amount of \$937,182.51 was submitted by T.A. Schifsky and Sons, Inc. It was recommended to award a contract in the amount of \$937,182.51 to T.A. Schifsky and Sons, Inc.

6. CONSENT AGENDA-Continued.

c. APPROVAL-Resolution Supporting Minnesota GreenCorps Host Site Application for Program Year 2018-2019.

A Resolution and application materials for a Minnesota GreenCorps Member for program year 2018-2019 was approved.

d. APPROVAL-Cost Share Agreement Between the City of Mahtomedi and Rice Creek Watershed District for Phase 3 – Historic District Improvements.

The City was recently awarded a \$47,500 grant from the Rice Creek Watershed District for the Phase 3- Historic District Improvements. A cost share agreement was approved.

e. APPROVAL-Consider Bids and Award Contract for Hickory Street Improvements to Douglas-Kerr Underground, LLC in the amount of \$349,883.55.

Bids were received for the project on Friday, March 9, 2018. Five bids were received. The low bid in the amount of \$349,883.55 was submitted by Douglas-Kerr Underground, LLC, Mora, Minnesota. It was recommended to award a contract in the amount of \$349,883.55 to Douglas-Kerr Underground, LLC.

f. APPROVAL-Cost Share Agreement Between the City of Mahtomedi and Rice Creek Watershed District for Glendale Park Project.

The City was awarded a \$47,500 grant from the Rice Creek Watershed District for the Glendale Park Best Management Practices Project. A cost share agreement was approved.

g. APPROVAL- Joint Powers Agreement with the City of Dellwood for Dwinnell Street Improvements.

A Joint Powers Agreement with the City of Dellwood for cost sharing related to the improvements on Dwinnell Avenue from Briarwood Avenue to Quail Street was approved. The JPA provides that the City of Dellwood will pay 50% of the street costs on the common street segments of Dwinnell Avenue. In addition, Dellwood would pay up to 20% of the construction costs towards engineering/design/inspection. It is estimated that Dellwood's portion will amount to about \$77,000.

7. PUBLIC HEARINGS-None

8. STAFF REPORTS

8a. **CONSIDER APPROVAL-Approval of the 2040 Comprehensive Plan for Adjacent Community Review.**

City Planner Erin Perdu said the Planning Commission has reviewed all chapters of the Comprehensive Plan and held a public hearing on this matter and recommended unanimous approval.

Changes Since 2030

The Metropolitan Council's Regional Plan, Thrive 2040, has set out a new policy direction for the upcoming planning horizon. Some areas of emphasis that are a change from the last round of comprehensive plans include:

- Non-motorized transportation, including transit and regional bike and trail networks
- Affordable housing, and each city meeting its share of the region's projected need
- Concentration of population growth in or near existing urban centers
- More emphasis on sustainability, resilience to climate change, and renewable energy

Mahtomedi's 2040 Comprehensive Plan is a completely new document but is rooted in the vision and goals from the 2030 Plan. Changes were made to the goals and objectives from the 2030 Plan based on input from the community (including the 2017 citywide survey). Some significant areas of change to note include:

- Land use: specific areas identified as likely to develop or redevelop; mixed use areas identified along Wildwood Road and Century Ave.; density increases in the multi-family residential and mixed use categories.
- Housing: targeted areas for potential multi-family and/or affordable housing at Lakeside Club site and mixed use areas on Wildwood Road and Century Ave.; detailed analysis of housing needs and tools the City is willing to use to meet those needs
- Economic Development: additional tools focused on entrepreneurship and connecting small businesses with the Mahtomedi School District and Century College; connections with the newly formed Washington County CDA
- Transportation: additional multi-modal transportation strategies; non-motorized transport design considerations
- Parks and Trails: Completely new Parks and Trails chapter which is linked to a new Parks, Trails and Open Space Plan for the City (separate document). This

8a. Continued.

chapter includes an up-to-date inventory of all parks and open spaces in the city as well as strategies for enhancing parks and trail connections.

- Sustainability: updates including the City's work in the GreenStep Cities program over the past decade; inclusion of the American Planning Association's Sustainability Framework; emphasis on energy infrastructure and efficiency, renewable resources, environmental assets, and healthy communities. When the draft plan was submitted to the Metropolitan Council for preliminary review, this chapter was singled out as a model for other communities in the region.

Once the City Council approves the Plan for adjacent community review, neighboring jurisdictions will have a 6-month review period, and then the document will be submitted to the Met Council for review. Once the Plan is approved by the Met Council the Plan will come back to City Council for final adoption.

Council member Ledermann said he appreciates all the work that has gone into the Comp Plan, but would like to see the changes that I recommended at the review meeting could be included. Specifically, the language regarding removal of vacant land/open space and "little value" or "do not serve any purpose" on pages 55 and 113 is too negative regarding the value of open space. I also would like to suggest that an additional bullet be included in the Parks and Trails section regarding the reduction of pesticide use and mowing.

Also a couple of other points he would like included are a bullet or point in the renewable energy section stressing the need for more solar energy on rooftops, and one that we need to point out the three neighborhoods that are "isolated"/lacking the ability for pedestrians and bikers to easily connect to other parts of the city. They need to be identified and stress that as streets and roads are improved or redesigned in those areas that better access for walkers and bikers needs to be a priority and integrated into those projects.

Council member Wolgamot said he would support the addition of Council member Ledermann's additional comments to the Comp Plan.

Council member Brainerd asked if the DNR ruling is part of the Water Supply Plan.

Engineer Sachi said the Plan would need to be amended.

Council member Wolgamot moved and Council member Ledermann seconded the motion to approve submitting the Comprehensive Plan for adjacent community review. The motion was approved.

8b. CONSIDER APPROVAL-Rezone properties generally located in the Quail Street and Briarwood Avenue Area from RR-Rural Residential to R1C Low Density Residential.

Planner Perdu said the City will be completing an improvement in the area generally located in the Quail Street and Briarwood Avenue neighborhood and Public Sanitary Sewer will be available to these property owners. The rezoning is being initiated by the City because the Rural Residential district is used only for properties without public utilities. The extension of utilities requires that the properties be rezoned. The R1-C zoning district is compatible with the Comprehensive Plan. The Planning Commission held a public hearing and recommended unanimous approval.

Council member Brainerd moved and Council member Wolgamot seconded the motion to approve Ordinance No. 2018-02 Amending Chapter 11 Relating to Zoning Maps. The motion was approved.

8c. CONSIDER APPROVAL – Resolution to Appeal Amendments to the City’s Water Appropriations Permit.

City Administrator Neilson said the City has had a long-term Water Appropriations Permit issued by the Department of Natural Resources (DNR) authorizing it to withdraw water from wells for the City’s water supply. On February 28, 2018, the City received an Amended Water Appropriation Permit which added four new conditions to the existing Water Appropriation Permit. Citing the Ramsey County District Court Order, the amended permit includes the following conditions:

- 1) The City must submit a revised water supply plan to the DNR by August 29, 2018 that includes a contingency plan to fully or partially convert the source water that is authorized under its permit from groundwater to surface water sources.
- 2) The City must prepare, enact and enforce a residential irrigation ban when notified by the DNR that the lake level of White Bear Lake has fallen below 923.5 feet, to continue until the City is notified by the DNR that the lake level has reached an elevation of 924 feet. The City’s approved ordinance implementing an irrigation ban with this permit condition by April 30, 2018.
- 3) The City must submit an enforceable plan to the DNR to phase down per capita residential water use to 75 gallons per day and total per capita water use to 90 gallons per day by August 29, 2018.
- 4) The City must annually report to the DNR on collaborative efforts with the northeast metro communities to develop plans to phase down per capita residential water use to 75 gallons per day and total per capita water use to 90 gallons per day, commencing on March 31, 2019.

8c. Continued

The City has the ability to contest these conditions through a contested case hearing. Should the City Council wish to pursue an appeal of the amendment to its Water Appropriations Permit, it is required to file a demand for hearing within thirty (30) days after receipt of the Amended Permit.

Council member Brainerd asked if the amended conditions still have to be complied with during the appeal process.

City Attorney Nason said no, they do not, but the City should still consider how the amended conditions could affect the City.

Council member Wolgamot said the City needs to start thinking what the plan will look like. He supports appealing the DNR's ruling.

Council member Ledermann said as everyone knows, he works for the DNR so to avoid any potential perceived conflict of interest, he will abstain from voting on this issue.

Council member Ledermann said to be fair the watering ban should be for all residents, even the ones that have wells.

Council member Brainerd moved and Council member Wolgamot seconded the motion to approve Resolution No. 2018-10 Authorizing the City to Request a Contested Case Hearing Before an Administrative Law Judge to Appeal Amendments to the City's Water Supply Permit. The motion was approved with Council member Ledermann abstaining.

8d. CONSIDER APPROVAL – Appointment of Advisory Commission Members.

The City Council held interviews for applicants for the Advisory Commissions at a work session earlier this evening and the recommendations for the appointments to the Advisory Commissions were brought forward. Two seats are available on the Planning Commission, four seats on the Parks Commission, two seats on the Environmental Commission, and two seats on the Finance Commission

Council member Brainerd moved and Council member Wolgamot seconded the motion to appoint Chantell Knauss and Susan Stewart to the Planning Commission, Charles Lindberg and Ross Metz to the Parks Commission and Mike Chevalier to the Environmental Commission. The motion passed unanimously.

8e. CONSIDER APPROVAL-Bill List

Council member Wolgamot moved and Council member Ledermann seconded the motion to approve the bills as presented. The motion was unanimously approved.

9. REPORT FROM THE CITY ADMINISTRATOR

Administrator Neilson reminded the Council about the questionnaire for the upcoming planning session. He also said the League Conference will be in June and if anyone would like to attend to please let him know.

10. COMMENTS FROM THE CITY COUNCIL

There were no comments from the Council.

**11. CLOSED SESSION- CLOSED SESSION- Attorney-Client Privileged
Discussion of Hague, et al v. City of Mahtomedi.**

Council member Brainerd moved and Council member Wolgamot seconded the motion to recess the regular meeting at 8:10 p.m. to go into Closed Session to discuss Attorney Client Privileged information regarding the Hague, et al v City of Mahtomedi lawsuit. Mayor Marshall, Council members Brainerd, Ledermann and Wolgamot were in attendance along with Administrator Neilson, City Attorney Nason, Public Works Director Bob Goebel, Finance Director Scott Schaefer and City Clerk Mary Solie. Council member Deans was absent.

Following the Closed Session, Council member Brainerd moved and Council member Wolgamot seconded the motion to reconvene the regular meeting. The motion was approved.

12. ADJOURNMENT

Council member Brainerd moved and Mayor Marshall seconded the motion to adjourn the meeting at 10:25 p.m. The motion was unanimously approved.

ATTESTED:

APPROVED:

MARY SOLIE, CITY CLERK

JUD MARSHALL, MAYOR