

**MAHTOMEDI CITY COUNCIL
MINUTES
JULY 17, 2018**

Mayor Jud Marshall convened the regular City Council meeting at 7:00 p.m. with Council members Timothy Deans, Jeff Ledermann, Richard Brainerd and Steve Wolgamot in attendance. City Administrator Scott Neilson, City Attorney Bridget Nason, City Engineer Nick Guilliams, City Planner Erin Perdu, 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 Deans 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

Assistant Fire Chief Jake Tschida swore in Nate Peterson as a Paid On-Call Firefighter.

Greater White Bear Lake Community Foundation

Several members of the Greater White Bear Lake Community Foundation were present to talk about what the foundation does for the various communities around the lake and how individuals, businesses and nonprofits can become a part of it.

5. DISCUSSION FROM THE AUDIENCE

There was no discussion from the audience.

6. CONSENT AGENDA

The Joint Finance Commission and City Council meeting will begin at 5 p.m. instead of 5:30 p.m. Council member Deans moved and Council member Ledermann seconded the motion to approve the Consent Agenda as amended. The motion was unanimously approved.

- a. **APPROVAL-Request from St. Jude of the Lake Church, 700 Mahtomedi Avenue, to hold a gambling activity and sell beer and wine at the Corn Fest on Saturday, September 8, 2018.**

6. CONSENT AGENDA-Continued.

St. Jude of the Lake Church, 700 Mahtomedi Avenue, requested and received Council permission to hold a gambling activity and sell beer and wine at the Corn Fest on Saturday, September 8, 2018.

b. APPROVAL-Grant Contract between State of Minnesota and City of Mahtomedi for Streetcar Trail.

A Grant Contract between the State of Minnesota and City of Mahtomedi for the Forest Avenue Streetcar Trail was approved.

c. APPROVAL-Schedule Public Hearing for Preliminary 2019 Budget and Levy Certification for September 4, 2018 at 7:00 p.m.

The public hearing for the preliminary 2019 Budget was scheduled for September 4, 2018 at 7:00 p.m.

d. APPROVAL-WSB and Associates Proposal for Wetlands Delineations, Geotechnical Services, Surveying and Preliminary Design Analysis for the Lake Links Segment within the City of Mahtomedi.

A professional services agreement with WSB and Associates to perform wetland delineations, geotechnical services, surveying and preliminary analysis of an alignment for the construction of the improvements for the Lake Links trail segments located within the Birchwood Road and Wildwood Beach Road right of way along State Trunk Highway 244 from Neptune Street to Maple Street and adjacent to Briarwood Avenue on City owned property from Hazel Avenue to north of Dwinnel Avenue was approved.

e. APPROVAL- Authorizing Feasibility Report for Historic District Phase 4.

A request from the City Engineer to the City Council to authorize the feasibility report for Historic District Phase 4 was approved.

f. APPROVAL Request to Hire Paid On-Call Firefighter/EMT's.

Fire Chief Fischer recommended the hiring of Kristen Dehn and Conor Vaughn as paid on-call firefighter/EMT's. The hiring is contingent on successful completion of the City's psychological assessment, criminal background check and physical assessments.

6. CONSENT AGENDA-Continued.

g. **APPROVAL-Acknowledgement of Completion of Probationary Period for Firefighter/EMT.**

Firefighter/EMT Nate Peterson has completed the requirements of his probationary period for firefighter/EMT and the fire chief recommended his employment status be changed from being a probationary paid on call firefighter to a paid on call firefighter/EMT.

h. **APPROVAL-Termination of Regulatory Agreement with Briarcliff of Mahtomedi Limited Partnership (2008 Bonds)**

Briarcliff of Mahtomedi Limited Partnership has requested the termination of regulatory agreement as it pertained to the 2008 bonds. The regulatory agreement established certain covenants, conditions and restrictions on the property. The 2008 bonds have been paid in full and the qualified project period has expired. The Agreement was approved.

i. **APPROVAL-New liquor license application for Quinny's Sports Bar and Grill.**

Karen Bowie owner of Jethro's has sold her business to Janis Quinlan-Guerin. The name of the business will be changed to Quinny's Sports Bar and Grill with a proposed closing date for the sale of August 1, 2018.

The background check on Ms. Quinlan-Guerin has been completed through the Washington County Sheriff's Office and no violations were found to prevent her from receiving a license. The license fees for On-Sale and Sunday liquor have been paid and a Certificate of Insurance for the business has been issued. The license was approved.

j. **APPROVAL-Construction Pay Voucher No. 2 in the amount of \$230,199.88 for T.A.Schifsky & Sons for the Briarwood Area Improvements and Quail Street Utility Extension.**

Construction Pay Voucher No. 2 in the amount of \$230,199.88 for T.A.Schifsky & Sons for the Briarwood Area Improvements and Quail Street Utility Extension was approved.

k. **APPROVAL-Construction Pay Voucher No. 2 in the amount of \$80,680.46 for Douglas-Kerr Underground, LLC for the Hickory Street Improvements.**

Construction Pay Voucher No. 2 in the amount of \$80,680.46 for Douglas-Kerr Underground, LLC for the Hickory Street Improvements was approved.

6. CONSENT AGENDA-Continued.

l. **APPROVAL-Change Order No. 1 for Hickory Street Improvement Project.**

A Change Order includes all labor, equipment, and materials to complete the necessary work associated with the Hickory Street Improvement Project was approved. Work in this Change Order includes the removal and replacement of an existing storm sewer pipe that was found to be deteriorated. It was anticipated that this pipe could be protected in place but after excavating it was found be an old corrugated metal pipe that required replacement. The pipe was replaced with 31-feet of new 15-inch reinforced concrete pipe and included the removal and replacement of a catch basin. The cost associated with this change order is a state-aid eligible expense. Change Order No. 1 reflects a net increase of \$4,596.75 from the original contract amount of \$349,883.55, or an increase of 1.3%.

m. **APPROVAL-Construction Pay Voucher No. 2 in the amount of \$467,930.08 for Phase 3 Historic District Improvements and Edgcumbe Drive Storm Drainage Improvements.**

Construction Pay Voucher No. 2 in the amount of \$467,930.08 for Phase 3-Historic District Improvements and Edgcumbe Drive Storm Drainage Improvements was approved.

n. **APPROVAL-Schedule Joint Finance Commission and City Council Work Session Meeting for August 6, 2018 at 5:30 p.m.**

A Joint Finance Commission and City Council Work Session Meeting was scheduled for August 6, 2018, at 5:00 p.m.

o. **APPROVAL-Construction Pay Voucher No. 1 in the amount of \$150,246.30 for Insituform Technologies USA, LLC for 2018 Sewer Lining Project.**

Construction Pay Voucher No. 1 in the amount of \$150,246.30 for Insituform Technologies USA, LLC for 2018 Sewer Lining Project was approved.

7a. **CONSIDER APPROVAL-Resolution Ordering Public Improvement Project Echo Lake Area Street Improvement Project, Authorizing Preparation of Final Plans and Specifications, Authorizing the Advertisement for Bids, and Authorizing Preparation of Preliminary Proposed Assessment Roll for Pending Assessment Reporting Purposes.**

**CITY COUNCIL MEETING MINUTES
JULY 17, 2018**

-5-

7a. Continued.

On April 3, 2018, the City Council passed Resolution No. 2018-12 which received the feasibility study recommendations of the City's consultant City Engineer and called for a public improvement hearing for the Echo Lake Area Street Improvements which includes the following roadways:

- Ashley Lane
- Barrington Place
- Berwick Lane
- Berwick Place
- Dunbar Knoll
- Dunbar Way
- Hillswick Place
- Hillswick Terrance
- Iverness Place
- Kilbirnie Way
- Prestwick Place
- Prestwick Terrace
- Windsor Lane

The City noticed and held a public hearing on the Echo Lake Street Improvements Project for May 15, 2018. At the public hearing, the City passed Resolution 2018-17 ordering the street improvements within the Echo Lake Area. The original assessment roll for the project only proposed an assessment of one-half of a single-family lot for the 8 corner lots within the Echo Lake project area that abutted either Long Lake Road or Lincolntown Avenue as per the assessment policy. Those lots are at 18 Dunbar Way, 21 Dunbar Way, 1348 Dunbar Way, 1351 Dunbar Way, 1246 Prestwick Terrace, 1318 Prestwick Place, 1349 Berwick Lane and 1350 Berwick Lane.

The City determined that a deviation from the assessment policy is warranted for these 8 corner lots as a direct assessment to these corner lots for street improvements along either Long Lake Road or Lincolntown may be difficult to show the required benefit of a special assessment related to Long Lake Road or Lincolntown Avenue. It was determined that a full single lot assessment is appropriate for these 8 corner lots.

It was noted there was an error on the resolution. It says 16 Dunbar Way and it should read 18 Dunbar Way. The public hearing notice was sent to the correct address, 18 Dunbar Way.

Mayor Marshall opened the public hearing at 7:25 p.m. and there were no comments. The public hearing was closed.

Council member Brainerd moved and Council member Wolgamot seconded the motion to approve Resolution No. 2018-24 Ordering the Public Improvement Project and Authorizing the Preparation of the Proposed Assessment Roll. The motion was approved.

8a. CONSIDER APPROVAL-Request from Phillip Williams and Katherine Christopher for a minor subdivision in order to combine and divide the properties described as 250 Laurel Road and PID 20.030.21.21.0046 into two lots, and a variance from the minimum front yard setback requirement.

The City is in receipt of an application from Phillip Williams and Katherine Christopher for the requests outlined above. The application has been reviewed by City staff and consultants and is in order for consideration at this time and the Planning Commission at the July 11, 2018, meeting recommended unanimous approval.

City Planner Erin Perdu said the Applicant is requesting a minor subdivision and lot combination of the two subject parcels for the purpose of adding lot area to a parcel that is currently considered “non-buildable”. The parcel contains significant wetlands that greatly diminish its buildable area. The intent of the Applicant is to provide additional upland lot area, which would allow the lot to be considered “buildable”. One variance is requested: A ten (10) foot reduction in the front yard setback for a principal structure; the proposed setback is twenty (20) feet, where a minimum of thirty (30) feet is required. The two parcels to be combined and then divided have a total area of 97,994 square feet. Proposed Parcel A has an existing home on it and Proposed Parcel B is currently undeveloped. The subdivision would take some of the existing area of the larger parcel (Parcel A) and add it to the smaller parcel (Parcel B). This would allow for a new home to be constructed on Parcel B.

In this case, there is no increase in the number of lots. Staff therefore recommends that no parkland dedication fee be required.

The City Engineer has reviewed the plans and has provided the following comments:

Regarding the front yard setback variance request, it should be noted that with the ongoing reconstruction project of Quail Street, the reconstructed alignment of Quail Street will follow the historic alignment. That alignment has the centerline of Quail Street lying about 12-15 feet from the centerline of the dedicated right-of-way. While Quail Street does lie within the dedicated right-of-way, the actual roadway is not centered within that right-of-way. This situation lessens the impact of a front yard setback variance for this property as noted earlier in this report.

In a minor subdivision of this nature no grading plan is required until the time of building permit. Therefore, the site grading and erosion control will be addressed at the time of the building permit. A new sanitary sewer and water service were supplied to this undeveloped property as part of the recently completed Quail Street utility extension project. The wetlands have been delineated and the structures are setback the proper

8a. Continued.

distance and there are no encroachments into this wetland area. There are no further engineering considerations as part of the minor subdivision.

Council Member Deans moved and Council member Brainerd seconded the motion to approve Resolution No. 2018-28 Approving a Minor Subdivision and Variances for Property Located at 250 Laurel Road. The Motion was approved.

8b. CONSIDER APPROVAL-Request from Lake Area Discovery Center, on behalf of Saint Jude of the Lake Church, 700 Mahtomedi Avenue, for a conditional use permit amendment to allow up to 104 children in the daycare center.

City Planner Erin Perdu said in August of 2001, the City Council approved an application for a conditional use permit in order to permit St. Jude of the Lake Church to conduct a nursery school program at St. Jude's Church and school for up to 20 children. Then, in 2011, the City Council approved an amendment to that conditional use permit to allow for up to fifty-four (54) children.

In 2014 the Middle School program at St. Jude of the Lake closed. In 2015, the applicants were granted a conditional use amendment to allow for up to eighty-four (84) children, so that they could use the building space previously dedicated to the Middle School for additional nursery school offerings.

The applicants are now requesting an additional amendment, for the purpose of adding an additional Discovery Class, which serves children who are thirty-six (36) to forty-eight (48) months. The addition of this class would be an increase of twenty (20) students. This would bring the total from eighty-four (84) to one hundred four (104). No changes to the footprint of the building are proposed; the additional enrollment will be accommodated using the classrooms previously used by the Middle School.

The original conditional use permit was approved for hours of operation between 7:30 AM and 5:30 PM, Monday through Friday, with classes scattered throughout the day. The 2015 amendment extended the hours of operation to 6:30 AM to 6:00 PM. No change to the hours of operation is requested with this amendment.

Drop-off and pick-up times are scattered throughout the day in association with the class schedule and will be done at the existing entrance where the buses drop off the children. This entrance will be accessed from Mahtomedi Avenue and / or Warner Avenue. Children have the option of being dropped off early (Morning Extended Care Option) as well as staying for lunch (Lunch Bunch Buddies).

8b. Continued.

Parking design and layout was approved previously with the site improvements associated with the church and school. 170 parking spaces currently exist on the site. It appears that adequate parking and traffic circulation is available for the requested CUP amendment.

It is anticipated that a slight increase in the number of vehicle trips per day will be generated, the pick-ups and drop-offs will remain spread out over a wide time frame. It is not anticipated that any significant traffic impacts will result from this request.

Council member Brainerd moved and Council member Wolgamot seconded the motion to approved Resolution No. 2018-26 Approving a Conditional Use Permit Amendment to Allow a Licensed Day Care Facility for up to 104 Children. The motion was approved.

8c. CONSIDER APPROVAL-A request from Rick and Tara Meyer for a rear yard setback variance in order to construct a deck at 580 Eastgate Parkway

The City is in receipt of an application from Rick and Tara Meyer for the request as outlined above. The application has been reviewed by City staff and consultants and is in order for consideration at this time. The Planning Commission at the July 11, 2018, meeting recommended unanimous approval.

City Planner Erin Perdu said the Applicant is proposing to construct an a-typical wrap around deck at the property located at 580 Eastgate Parkway. The main portion of the deck measures 17 feet by 16 feet with two smaller portions wrapping around either side. The Applicant is requesting a variance of 11.8 feet from the required minimum rear yard setback of twenty-five (25) feet. The deck is proposed to be located 13.2 feet from the rear property line.

Decks do not count towards maximum building coverage in any zoning district so this is not an issue for this request. In addition, impervious surface coverage is also not an issue in the R-1D zoning district. Even so, this type of deck would not be considered impervious given the wood spacing construction proposed. Based on these factors there are no engineering issues associated with this variance request.

Council member Brainerd moved and Council member Deans seconded the motion to approve Resolution No. 2018-27 Approving a Variance for a Deck located at 580 Eastgate Parkway. The motion was approved.

8d. CONSIDER APPROVAL –Request from Jay and Jessica Shortridge for a Conditional Use Permit for a side yard setback reduction in order to expand the existing attached garage at 65 Pine Street.

The City is in receipt of an application from Jay and Jessica Shortridge for the request outlined above. The Planning Commission at the July 11, 2018 meeting recommended unanimous approval.

The Applicant is proposing to add on to the existing attached garage. The garage currently has one stall, and the applicants would like to add one additional stall. The new design is intended to improve functionality of the garage; however, the addition does not meet the minimum side yard setback requirement of 10% of the lot width in the R1-E Historic Mahtomedi District. The lot is approximately 40-feet wide at the location of the garage addition, requiring a 4-foot side setback.

Chapter 11 states that the required side setback for a principal structure in the R1-E district be ten (10) percent of the lot width, with a maximum setback of eight (8) feet. The applicant is requesting a 1.5-foot exception to this side setback to allow for the proposed addition to be located 2.5 feet from the south side lot line.

The area that the additional garage space is being constructed upon is already an impervious surface. Therefore, there should be no increase in impervious surface coverage as part of this request. However, the garage will now encroach on an area that is typically reserved to handle drainage between properties. Considering this, it is recommended that a gutter be installed on the south side of the new garage addition and that the downspout for the gutter be directed to the west into a grassy area towards the lake side of the property.

Council member Wolgamot said the ordinances need to be looked at with regard to variances and setbacks. He said the houses are being built larger and taking up more and more of the lot. He said there is a concern about fire safety with the homes so close together.

Planner Perdu said with the Comprehensive Plan being reviewed now, it would be the time to have the Planning Commission review this section of the Ordinance, if directed to do so.

Council member Brainerd said he doesn't want this to slip through the cracks.

Council member Wolgamot moved and Council member Deans seconded the motion to approved Resolution No. 2018-25 Approving a Conditional Use Permit for the Reduction of the Side Yard Setback for Property Located at 65 Pine Street. The motion was approved.

8e. DISCUSSION-Update Report on Lake Links Trail.

Steve Wolgamot provided an update on the Lake Links Trail. He discussed trail options in the Birchwood/Mahtomedi area and has been investigating low-impact technologies for footings. He also showed various decking surfaces which could be used over the wetland area of Birchwood. There was also discussion about adding a historic spur trail with a covered bridge in Mahtomedi.

8f. CONSIDER APPROVAL-Bill List

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

9. REPORT FROM THE CITY ADMINISTRATOR

Administrator Neilson said the next City Council meeting will be on Monday, August 6, 2018 instead of Tuesday night due to National Night Out.

City Engineer Nick Guilliams provided an update on the various city projects.

10. COMMENTS FROM THE CITY COUNCIL

Council member Ledermann asked to be notified of any National Night Out events. Administrator Neilson said a list will be sent to council members and also placed on the City's website.

11. CLOSED SESSION – None Scheduled

12. ADJOURNMENT

Council member Brainerd moved and Council member Wolgamot seconded the motion to adjourn the meeting at 9:00 p.m. The motion was unanimously approved.

ATTESTED:

APPROVED:

MARY SOLIE, CITY CLERK

JUD MARSHALL, MAYOR