

**MAHTOMEDI CITY COUNCIL
MINUTES
AUGUST 21, 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 Jay Karlovich, City Engineer John Sachi, City Planner Hannah Rybak, Public Works Director Bob Goebel, Fire Chief Terry Fischer, Finance Director Scott Schaefer and City Clerk Mary Solie were also in attendance.

CONSIDER APPROVAL OF AGENDA

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

CONSIDER APPROVAL OF CITY COUNCIL MEETING MINUTES

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

a. APPROVAL-New liquor license application for Bloody Mary's Bar.

Taun and Deb Bartholomew owners of the Dugout Bar have sold their business to Jackeline Equia-Welch. The name of the business will be changed to Bloody Mary's Bar with a projected closing date in August of 2018.

The background check on Ms. Equia-Welch 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.

6. CONSENT AGENDA-Continued.

b. APPROVAL-Resolution Adopting Special Assessment for 508 Wildwood Road Lateral Sanitary Sewer Line and Lateral Water Line Local Improvement Project Pursuant to Minnesota Statutes 429.021.

The City and Larry Lofquist and Elizabeth C. Hafferman of 508 Wildwood Road have agreed to an assessment levy in the amount of \$12,695 to construct a lateral sanitary sewer line and water line. The property owners desired the City's assistance to finance the construction of the lateral sanitary sewer line connection and water line. A Resolution and agreement for the construction were approved.

c. APPROVAL-Solsmart Participation Letter.

The Environmental Commission recommended the City of Mahtomedi become a SolSmart designated community. SolSmart is a local government designation program which recognizes communities that have taken steps to improve solar market conditions. All communities pursuing SolSmart designation are eligible for no-cost technical assistance from a team of national solar experts. A Participation letter was approved.

d. APPROVAL-Proposals for Special Benefit Services.

A request for a proposal from Patchin Messner Dodd and Brumm to analyze special benefit to a home in Mahtomedi resulting from reconstruction projects was approved. The total cost will range from \$10,000 to \$12,000 and will not exceed \$12,000. In addition, is a proposal for a special benefit analysis for the Bevins, Bichner and Talahi Reconstruction and Utility Extension project. The cost will range from \$7,000 to \$10,000 and will not exceed \$10,000. The total cost for both proposals is \$17,000 to \$22,000 and will not exceed \$22,000.

e. APPROVAL-Schedule Council Work Session for August 28, 2018 at 5:30 p.m. to Discuss TH 244, Pavement and Trail Rating Program, and Stormwater Pond review.

A Council Work Session was scheduled for August 28, 2018, at 5:30 p.m. to discuss TH 244, Pavement and Trail Rating Program, and Stormwater pond review.

f. APPROVAL-Lease Agreement for Firefighter Housing at 196 Hallam Avenue.

A lease agreement for firefighter housing at 196 Hallam Avenue was approved.

6. CONSENT AGENDA-Continued.

- g. **APPROVAL-Construction Pay Voucher No. 3 in the amount of \$168,433.14 for T.A.Schifsky & Sons for the Briarwood Area Improvements and Quail Street Utility Extension.**

Construction Pay Voucher No. 3 in the amount of \$168,433.14 for T.A.Schifsky & Sons for the Briarwood Area Improvements and Quail Street Utility Extension was approved.

- h. **APPROVAL-Construction Pay Voucher No. 3 in the amount of \$32,343.76 for Douglas-Kerr Underground, LLC for the Hickory Street Improvements.**

Construction Pay Voucher No. 3 in the amount of \$32,343.76 for Douglas-Kerr Underground, LLC for the Hickory Street Improvements was approved.

- i. **APPROVAL-Construction Pay Voucher No. 3 in the amount of \$304,207.96 for Phase 3 Historic District Improvements and Edgcumbe Drive Storm Drainage Improvements.**

Construction Pay Voucher No. 3 in the amount of \$304,207.96 for Phase 3-Historic District Improvements and Edgcumbe Drive Storm Drainage Improvements was approved.

- j. **APPROVAL-Resolution Declaring Costs to be Assessed and Ordering Preparation of Proposed Assessments for Phase 3 – Historic District Improvements.**

The total cost of the project is \$2,245,113.00. The amount to be specially assessed is 9.5% of the total amount or \$213,588.28. Of the remaining 90.5% of the total amount, \$2,031,524.72 shall be financed by way of general tax levy, City utility funds, and available reserves as determined by the City Council. A Resolution ordering the preparation of the proposed assessments was approved.

- k. **APPROVAL-Resolution Calling for and Ratifying an Assessment Hearing with Respect to Project 2018-01, Phase 3 – Historic District Improvements.**

The assessment hearing for Project 2018-01 will be held on September 18, 2018 at 7:00 p.m. Notice of hearing will be published at least once in the official newspaper at least two weeks prior to the hearing and a notice mailed to the owners of each parcel described in the assessment roll. A Resolution calling for the assessment hearing was approved.

6. CONSENT AGENDA-Continued.

l. APPROVAL-Resolution Declaring Costs to be Assessed and Ordering Preparation of Proposed Assessments for Quail Street Utility Extension.

The total cost of the project is \$421,284.59. The amount to be specially assessed is 93.2% of the total amount or \$392,755.23. Of the remaining 6.8% of the total amount, \$28,529.36 shall be financed by way of City sanitary sewer utility funds and available City reserves as determined by the City Council. A Resolution ordering the preparation of the proposed assessments was approved.

m. APPROVAL-Resolution Calling for and Ratifying an Assessment Hearing with Respect to Quail Street Utility Extension.

The assessment hearing for the Quail Street Utility Extension will be held on September 18, 2018 at 7:00 p.m. Notice of hearing will be published at least once in the official newspaper at least two weeks prior to the hearing and the notice mailed to the owners of each parcel described in the assessment roll. A Resolution calling for the assessment hearing was approved.

n. APPROVAL-Resolution Declaring Costs to be Assessed and Ordering Preparation of Proposed Assessments for Briarwood Area Improvements.

The total cost of the project is \$1,326,102.34. The amount to be specially assessed for Project 2016-02 is 21.2% of the total amount or \$280,985.78. Of the remaining 78.8% of the total amount, \$1,045,116.56 shall be financed by way of general tax levy, City utility funds, and available City reserves as determined by the Council. A Resolution ordering the preparation of the proposed assessments was approved.

o. APPROVAL-Resolution Calling for and Ratifying an Assessment Hearing with Respect to Project 2016-02 Briarwood Area Improvements.

The assessment hearing for Project 2016-02 will be held on September 18, 2018 at 7:00 p.m. Notice of hearing will be published at least once in the official newspaper at least two weeks prior to the hearing and the notice mailed to the owners of each parcel described in the assessment roll. A Resolution calling for the assessment hearing was approved.

p. APPROVAL – Resolution Declaring Costs to be Assessed and Ordering Preparation of Proposed Assessments for Hickory Street Improvements.

The total cost of the project is \$356,260.64. The amount to be specially assessed for Project 2017-01 is 25.2% of the total amount or \$89,806.11. Of the remaining 74.8% of

6. CONSENT AGENDA-Continued.

the total amount, \$266,454.53 shall be financed by way of general tax levy, City utility funds and available City reserves as determined by the City Council. A Resolution ordering the preparation of the proposed assessments was approved.

q. APPROVAL – Resolution Calling for and Ratifying an Assessment Hearing with Respect to Project 2017-01 2017 Street Improvement Project.

The assessment hearing for Project 2017-01 will be held on September 18, 2018 at 7:00 p.m. Notice of hearing will be published at least once in the official newspaper at least two weeks prior to the hearing and the notice mailed to the owners of each parcel described in the assessment roll. A Resolution calling for the assessment hearing was approved.

7. PUBLIC HEARINGS-None

8. STAFF REPORTS

8a. CONSIDER APPROVAL – A request from Michael and Joan Eckert for a preliminary plat in order to develop the property located at 1610 Briarwood Avenue into five single-family lots.

The City is in receipt of an application from Michael and Joan Eckert for the request 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 August 8, 2018 meeting recommended approval.

City Planner Hannah Rybak said the Applicant is requesting a major subdivision of the subject parcel for the purpose of creating five (5) single-family lots. The existing parcel has a total area of 126,862 square feet and contains significant wetlands on the eastern portion of the lot. There is one existing single-family home on the property, which will remain on proposed Lot 1. The majority of the wetland affects proposed Lot 1. Proposed Lot 2 does have a small portion of the wetland as well. The wetland, as well as the buffer zone, have been shown on the survey.

The property is located within the R1-C Zoning District. The proposed lots within the major subdivision adhere to the dimensional standards of the zoning district. In addition, the existing principal structure on proposed parcel A meets the minimum setback requirements of the district as shown in the table below.

8a. Continued.

	Lot Area*	Lot Width	Lot Depth
R1-C Requirement	11,900 sq. ft.	85 feet	125 feet
Lot 1	41,055 sq. ft.	114.24 ft.	325.69 ft.
Lot 2	26,118 sq. ft.	85.00 ft.	288.85 ft.
Lot 3	22,938 sq. ft.	85.00 ft.	250.88 ft.
Lot 4	19,564 sq. ft.	85.00 ft.	212.37 ft.
Lot 5	17,178 sq. ft.	85.00 ft.	212.37 ft.

Washington County lists the 2018 total value of the property as \$310,500. Ten percent (10%) of the value would be \$31,050. The established cash fee is \$3,000 per new single-family dwelling unit. Four additional dwelling units are proposed here, which would total \$12,000. The lesser of the two would be the \$12,000 cash fee. Staff recommends that the applicant pay the \$12,000 cash fee per the ordinance requirements.

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

Wetland Delineation – The staff has reviewed the wetland delineation and found it to be complete. The preliminary plat does show the wetland delineation boundary but does not show a drainage and utility easement over the wetland. As part of the final plat this easement should be shown. The setbacks of 35 feet are consistent with a Managed 3 Type wetland

Net lot area – Although not shown in the preliminary plat submittal information, each lot should show the amount of net area that exists for each lot once the wetland area has been deducted. Each lot is required to have at least 11,900 net square feet. A rough scaling of Lots 1 & 2 show that each lot has over 20,000 square feet of net area. The final plat submittal should show the exact net area for each lot.

Building sites – there are proposed possible building pad sites shown for each lot in the subdivision. The building pads for Lots 2 thru 5 will require a fair amount of reshaping of the lots. The proposed grading for Lots 4 and 5 does cross over the proposed lot lines and therefore this grading will have to be done prior to the issuance of building permits for these lots when the properties are still in common ownership. Of course, if a different house pad for Lots 4 and 5 can be developed without encroaching across the common lot line then the grading can be handled at the time of the building permit. The grading for Lots 2 and 3 is all contained within the lot lines of the respective lots therefore the grading approval will be handled with the building permit.

Retaining Wall – There are 2 different retaining walls shown on the Grading and Drainage Plan that was submitted. Both walls are greater than 4 feet in height and will require a separate engineering design for them when the building permits for those lots

8a. Continued.

are submitted. The wall between Lots 1 & 2 is also shown right on the property line in the middle of the common lot line drainage and utility easement. This wall should be moved to the edge of the drainage and utility easement. This will require the wall to be moved 5 feet to the northeast or the southwest.

Sediment and Erosion Control – Sediment and erosion control will be handled as part of each individual building permit, other than possibly for Lots 4 and 5 as indicated above.

Utilities – Sanitary sewer and water services have been already stubbed into the 5 lots as shown in the preliminary plat as part of the Quail Street Utility Extension project which is now complete and ready to be assessed in September of 2018.

Assessments – Both the assessments for the streets and the utilities thought that there would only be 4 lots within this subdivision. Therefore, it is recommended that a Waiver of Assessment Appeal be drafted to add an assessment for an additional lot on the Eckert property for both the street assessment on the Briarwood streets project (\$2,700) and the utility assessment for the Quail Street Utility Extension project (approximately \$28,000).

Based on the information in this report, staff recommends conditional approval of the major subdivision (preliminary plat) as proposed with the following conditions:

1. The following shall be included on the Final Plat:
 - a. net lot area calculations subtracting the area of the wetland from Lots 1 &
 - b. drainage and utility easement over the wetland.
2. The applicant shall sign a Waiver of Assessment Appeal to add an assessment for an additional lot on the Eckert property for both the street assessment on the Briarwood streets project (\$2,700) and the utility assessment for the Quail Street Utility Extension project (approximately \$28,000).
3. The retaining wall between Lots 1 and 2 shall be moved to the edge of the drainage and utility easement – approximately 5 feet to the northeast or the southwest of the location proposed on the preliminary plat.
4. The grading of lots 4 and 5 shall be done prior to the issuance of building permits for the lots, when the properties are still in common ownership OR the applicant shall submit an alternate grading plan showing driveway and home locations that do not require grading over the common property line.

8a. Continued.

5. The Applicant shall pay cash in lieu of parkland dedication in the amount of twelve thousand dollars (\$12,000). The cash shall be due as stated in the Development Agreement.

Council member Brainerd moved and Council member Deans seconded the motion to approve Resolution No. 2018-37 Approving a Major Subdivision to Create a Total of Five Single-Family Lots from the Current one Lot at 1610 Briarwood Road. The motion was approved.

8b. CONSIDER APPROVAL – Request from Leah Retamozo, Bilingual Child Care and Education Center Inc., on behalf of C & H Development (US) Inc., for a Planned Unit Development amendment to allow for a 1,990 square foot building addition at 720 Wildwood Road and PID 31.030.21.21.0168

The City is in receipt of an application from Lean Retamozo, Bilingual Child Care and Education Center Inc., on behalf of C & H Development (US) Inc., for the request 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 August 8, 2018 meeting recommended approval.

City Planner Hannah Rybak said the applicants are proposing to move a daycare center into the former Snyder's building and construct a play yard into an undeveloped parcel at the Wedgewood Village Center. The site is part of the Wedgewood Village PUD which was originally planned for a restaurant but has never been developed. The two parcels that would include this development (the former Snyder's building and the expansion) total approximately 1.2 acres. The underlying zoning district for the PUD is B-4 General Business.

In the original PUD the building that the daycare will be occupying was planned for a drug store and the undeveloped parcel where the play yard will be located was planned for a retail building.

The existing PUD overlay for the Wedgewood Village site is proposed to be amended to allow for a new user to move into an existing vacant space and to redevelop a portion of the site by constructing a play yard extending from the building into the open space to the south. This building has been vacant since the Snyder's drug store closed several years ago. The proposed use as a daycare center will have a similar impact on the overall site as a retail use and will not be detrimental to present and future uses in the area.

The proposed daycare use will not deter from the unified development within the boundaries of the site. The proposed play yard will cut off a driveway intended to be

8b. Continued.

used between the former Snyder's building and the building pad to the south. Otherwise, the daycare use will not impact existing parking or circulation on the site.

The daycare and play yard are also designed with sensitivity to the adjacent residential uses. The proposed use expansion to the south will result in buildings setback from the southern property line much farther than the previously approved building pad on that southerly parcel. Instead, the play yard will extend southward from the building addition which will lessen the shopping center's impact on neighborhoods to the south.

The requested PUD amendment will allow a new user to move into a long vacant building and make use of an area that was never built-out from the original PUD. The project is compatible with the existing development and is designed so as not to have an undue or adverse impact on the enjoyment of neighboring residential areas. Staff recommends approval of the requested PUD amendment per the ordinance.

The play yard addition will block off the drive lane between the existing building and the open space on the parcel to the south. However, that drive is not currently used and will not be needed if the applicant purchases both of the parcels and combines the development as proposed.

The number of spaces existing on the two parcels included in the daycare center property is 35, which is less than the 37 required for the use. The PUD for this development allows that parking may be reduced by up to 20% if there is shared parking permitted between the uses. This has traditionally been the case within the development.

The parcel to the south of the existing building was originally proposed (and parking was designed for) a 6,500 sf. restaurant. That space will now be occupied by the play yard for the daycare. Staff does not have concerns about the ability of the site to accommodate parking for the proposed use.

Lighting. No additional site lighting is being proposed at this time. Any lighting proposed on the building must meet the requirements of Section 10.8 Exterior Lighting prior to issuance of building permits.

Signs. At this time no signage for the building is being proposed. Any additional signage must be permitted through a separate sign permit and meet the requirements of Section 10.7 Signs.

Engineering Considerations: None. The stormwater system on the site was sized for the restaurant use described above, which was never developed. The impervious surface on

8b. Continued.

the site will be reduced from what was approved in the original PUD.

Staff is aware that there have been some concerns raised by the owners of the development and other tenants regarding the Operating and Easement Agreement Covenants on the development. We have put them in contact with the applicant for further discussion. The City does not enforce private covenants or regulations such as these, which are similar to condominium or homeowners' association restrictions.

The proposed site plan meets the performance standards of the zoning ordinance including site design, parking, and utilities. Therefore, staff recommends conditional approval of the site plan with the conditions as outlined below and in the attached resolution:

1. The applicant must combine the two subject parcels prior to the issuance of a building permit for site work and interior renovations.
2. Any additional signage must be permitted through a separate sign permit and meet the requirements of Section 10.7 Signs.

Council member Wolgamot moved and Council member Brainerd seconded the motion approving Ordinance 2018-05 Amending the PUD 2005-2 Associated with the Wedgewood Village Development to Allow for a Daycare Center at 720 Wildwood Road. The motion was approved.

8c. CONSIDER APPROVAL- Authorize Soliciting Request for Proposals for Recycling, Source Separated Organic Materials and Yard Waste Services.

A committee comprised of two Environmental Commission members, Council Member Ledermann, representatives from Washington County, and City staff for the last couple of months has been working on a request for proposal for curbside recycling services.

The committee is recommending seeking proposals for curbside options which include general recycling collection, proposed collection of yard waste, and yard waste combined with source separated organic materials. Once the proposals are reviewed, the committee will make a recommendation to the City Council.

The Request for Proposal documents are currently being reviewed and are subject to revisions by the City Attorney.

City staff is seeking approval of the Request for Proposal documents and authorization to solicit proposals from recycling vendors.

8c. Continued.

Council member Brainerd moved and Council member Deans seconded the motion to approve the Request for Proposals for Recycling, Source Separated Organic Materials and Yard Waste Services. The motion was approved.

8d. CONSIDER APPROVAL-Bill List

Council member Deans moved and Council member Wolgamot 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 members about the Council Workshop on Tuesday, August 28, 2018 at 5:15 p.m.

City Engineer Sachi provided an update on the various projects in the City.

10. COMMENTS FROM THE CITY COUNCIL

There were no comments from the Council.

11. CLOSED SESSION – None Scheduled

12. ADJOURNMENT

Council member Brainerd moved and Council member Deans seconded the motion to adjourn the meeting at 7:50 p.m. The motion was unanimously approved.

ATTESTED:

APPROVED:

MARY SOLIE, CITY CLERK

JUD MARSHALL, MAYOR