

**MAHTOMEDI CITY COUNCIL  
MINUTES  
SEPTEMBER 18, 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 Engineers John Sachi, Alex Miller and Kris Keller, 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**

**a. 25 Year Service Award – Luann Tembreull**

Mayor Jud Marshall presented Luann Tembreull with a 25 year service award and thanked her for her years of service to the City.

**b. Update on Hockey Rink – Alex Rogoscheske**

Alex Rogoscheske was present to update the City Council on the proposed ice arena located on the Mahtomedi School grounds in the City of Grant.

He said a Not for Profit 501 (c) (3) has been established with several members that are volunteers. A single ice sheet hockey arena is proposed with an estimated cost of \$11-13 million. There will be no public money used, only donations.

He said a joint application with the School District and Rink 2 Corp was submitted to the City of Grant in August of 2016. He said since then an Environmental Assessment Worksheet and a traffic study have been completed.

Council member Ledermann asked what if during the building process more contamination is found.

Mr. Rogoscheske said they have a plan in place if that happens.

Council member Wolgamot congratulated the group on all the work they have done on the project.

**4b. Continued.**

Council member Ledermann asked who will manage the rink.

Mr. Rogoscheske said there will be a management company hired.

He said they are scheduled to appear at the Grant November Planning Commission and the City Council in December. He said if all goes well, a building permit will be applied for and there will be continued fund raising for construction of the building.

Administrator Neilson said the current Joint Powers Agreement with Grant will need to be updated along with Mahtomedi's Comp Plan.

The City Council thanked Mr. Rogoscheske for his presentation and wished him well on the project.

**5. DISCUSSION FROM THE AUDIENCE**

Julie Ohs, who is running for Washington County Commissioner, was present to introduce herself.

**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-Proposal from WSB and Associates for Park Planning for Pheasant Run and Hallam Parks.**

A proposal from WSB and Associates for Master Planning for Pheasant Run and Hallam Parks was approved.

**b. APPROVAL-Construction Pay Voucher No. 4 in the amount of \$22,435.65 for T.A.Schifsky & Sons for the Briarwood Area Improvements and Quail Street Utility Extension.**

Construction Pay Voucher No.4 in the amount of \$22,435.65 for T.A.Schifsky & Sons for the Briarwood Area Improvements and Quail Street Utility Extension was approved.

**c. APPROVAL-Construction Pay Voucher No. 4 in the amount of \$59,920.11 for Douglas-Kerr Underground, LLC for the Hickory Street Improvements.**

Construction Pay Voucher No. 4 in the amount of \$59,920.11 for Douglas-Kerr Underground, LLC for the Hickory Street Improvements was approved.

6. CONSENT AGENDA-Continued.

d. APPROVAL-3.2 Liquor License and Gas Station license application for SuperAmerica, 3122 Century Avenue.

The Circle K, 3122 Century Avenue, gas station is being sold to Northern Tier Retail, (dba SuperAmerica). Staff recommended approval of the licenses contingent upon receipt of all appropriate paperwork and certificate of insurance.

e. APPROVAL-Construction Pay Voucher No. 4 in the amount of \$65,990.32 for Phase 3-Historic District Improvements and Edgcumbe Drive Storm Drainage Improvements.

Construction Pay Voucher No. 4 in the amount of \$65,990.32 for Phase 3-Historic District Improvements and Edgcumbe Drive Storm Drainage Improvements was approved.

f. APPROVAL – Washington County Mobile Command Agreement.

An agreement between Washington County and City of Mahtomedi for use of Mobile Command was approved.

7. PUBLIC HEARINGS

7a. CONSIDER APPROVAL – Consider a Resolution Ordering Certification of Unpaid Utility Charges Pursuant to Minnesota Statutes § 444.075, Subd. 3e, and § 443.29 for Collection with Payable 2019 Property Taxes

Administrative Support Specialist Patty McGing said letters were sent to 156 property owners whose utility accounts were delinquent in the amount of \$119,612.04. They were asked to pay their bills in full, make arrangements for payment, or appear before the City Council on September 18, 2018.

As of September 18, 2018, 101 delinquent accounts remain unpaid, totaling \$79,000. Of the remaining accounts, 45 customers have made arrangements and/or payments.

Mayor Marshall opened the Public Hearing at 7:35 p.m. There was no public comment and the public hearing was closed.

Council member Brainerd moved and Council member Wolgamot seconded the motion to approve Resolution No. 2018-43 Ordering Certification of Delinquent Utility Accounts to Washington County for collection with the 2019 taxes. The motion was approved.

**7b. CONSIDER APPROVAL-Resolution Adopting Special Assessments for Project 2016-02, Briarwood Area Improvements.**

Engineer Sachi said on August 21, 2018, the City Council approved a Resolution Calling for and Ratifying an Assessment Hearing Project for Project 2016-02, Briarwood Area Improvements. A notice of hearing on the proposed special assessment was published in the White Bear Press and sent to each landowner. The cost and expense in making the improvements is \$1,326,102.34. The amount to be specially assessed is \$280,985.73. The remainder of the project amount namely the sum of \$1,045,116.61 shall be financed by the City.

Engineer Sachi explained how the assessments are determined in accordance with the City's Street Assessment Policy and they are also based on property use and improvement. The assessments are calculated over a 10-year term at a 4.40% interest rate. The Assessments can be prepaid with no interest if done so within 30 days of the Assessment Roll adoption or by October 18, 2018. A senior citizen deferral is also available for those aged 65 years and older. The assessments are as follows:

- Roadway Reclamation is \$2,700/lot for Single Family/Duplexes
- Front foot for commercial, industrial, tax-exempt and multi-family residential is \$39.70/front foot
- Gravel roadway paving is 100% of cost assessed

Mayor Marshall opened the public hearing at 7: 40 p.m.

John Manship said why soil borings weren't done if the soil conditions are that bad. He said it seems the City didn't do what they should have done and instead are saying there are problems with the contractor. He complained the road is only 13 feet wide and it's impossible to pass on the road. Doesn't know how emergency vehicles could get through either.

Robert Ostler, 222 Quail, submitted a written objection to the assessment. He asked how it is determined when to subdivide a lot. He said another stub was put in and he never asked for that to be done. He said it was a mess, had to drive through deep water and feels like they did a terrible job. He would like an answer about the extra assessment.

Engineer Sachi said during the preconstruction meetings with the residents, there were notices mailed out along with neighborhood meetings held. Residents were notified if their lots were sub-dividable and would be assessed accordingly. He said his assessment is \$5400 for Briarwood and \$51,000. He said it has been a long process for those along Quail Street.

**7b. Continued.**

Mr. Ostler said even if they missed a meeting they still should have been notified about the extra assessment. He feels they shouldn't have to pay and would like it changed.

Mayor Marshall closed the public hearing at 7:55 p.m.

Council member Brainerd said he thinks some of the confusion comes from there being more than one project going on.

Engineer Sachi again said, notices were mailed, neighborhood meetings held and published in the newspaper.

Council member Brainerd moved and Council member Deans seconded the motion to approve Resolution No. 2018-44 Adopting Special Assessments for the Briarwood Area Improvements. The motion was approved.

**7c. CONSIDER APPROVAL-Resolution Adopting Special Assessments for Project 2018 – 01, Phase 3 – Historic District Improvements.**

Engineer Sachi said on August 21, 2018, the City Council approved a Resolution Calling for and Ratifying an Assessment Hearing for Project 2018-01, Phase 3 – Historic District Improvements. A notice of hearing on the proposed special assessment was published in the White Bear Press and sent to each landowner. The cost and expense in making the improvements is \$2,245,113.00. The amount to be specially assessed is \$213,588.28. The remainder of the project amount namely in the sum of \$2,031,524.72 shall be financed by the City.

Engineer Sachi explained how the assessments are determined in accordance with the City's Street Assessment Policy and they are also based on property use and improvement. The assessments are calculated over a 10-year term at a 4.40% interest rate. The Assessments can be prepaid with no interest if done so within 30 days of the Assessment Roll adoption or by October 18, 2018. A senior citizen deferral is also available for those aged 65 years and older. The assessments are as follows:

- Roadway Reclamation is \$2,700/lot for Single Family/Duplexes
- Roadway Reclamation for commercial, industrial, tax-exempt and multi-family residential is \$39.70/ft
- Complete Reconstruction is \$5,200/lot
- Complete Reconstruction for Multi-Family/Tax-Exempt is \$76.47/ft
- Mill and Overlay is \$800/lot
- Mill and Overlay for Multi-Family/Tax-Exempt is \$11.76/ft

**7c. Continued.**

Mayor Marshall opened the public hearing at 8:10 p.m.

Roger Lyle, 100 Halcyon, said there has been nothing done with his front yard, the road was lowered and it needs to be regraded because he now has water issues. He said work was done too close to his retaining wall and was damaged. He said it's putting him at risk and something needs to be done with it. He also said in the past his sewer line that goes under his retaining wall freezes up. He said it was insulated, but would like a meeting with someone to determine what to do.

Engineer Sachi said they are aware of the retaining wall issues and are working with the insurance company. He said the sewer line was insulated during this project and the front yard will be restored this fall along with the regrading of the road.

Mayor Marshall closed the public hearing at 8:18 p.m.

Council member Brainerd moved and Council member Wolgamot seconded the motion to approve Resolution No. 2018-45 Adopting Special Assessments for Phase 3 Historic District Improvements. The motion was approved.

**7d. CONSIDER APPROVAL-Resolution Adopting Special Assessments for Project 2017 – 01, Hickory Street Improvements.**

Engineer Sachi said on August 21, 2018, the City Council approved a Resolution Calling for and Ratifying an Assessment Hearing for Project 2017-01, Hickory Street Improvements. A notice of hearing on the proposed special assessment was published in the White Bear Press and sent to each landowner. The cost and expense in making the improvements is \$459,476.64. The amount to be specially assessed is \$89,806.11. The remainder of the project amount namely the sum of \$369,670.53 shall be financed by the City.

Engineer Sachi explained how the assessments are determined in accordance with the City's Street Assessment Policy and they are also based on property use and improvement. The assessments are calculated over a 10-year term at a 4.40% interest rate. The Assessments can be prepaid with no interest if done so within 30 days of the Assessment Roll adoption or by October 18, 2018. A senior citizen deferral is also available for those aged 65 years and older. The assessments are as follows:

**7d. Continued.**

Lots adjacent to streets receiving improvements are proposed to be assessed at:

- Complete Reconstruction is \$5,200/lot
- Complete Reconstruction for Commercial, Industrial, Multi-Family/Tax-Exempt is \$76.47/ft

Mayor Marshall opened the public hearing at 8:25 p.m. There was no comment and the public hearing was closed.

Council member Brainerd moved and Council member Wolgamot seconded the motion to approve Resolution No. 2018-46 Adopting Special Assessments for Hickory Street Improvements. The motion was approved.

**7e. CONSIDER APPROVAL-Resolution Adopting Special Assessments for Quail Street Utility Extension.**

Engineer Sachi said on August 21, 2018, the City Council approved a Resolution Calling for and Ratifying an Assessment Hearing for Quail Street Utility Extension Project. A notice of hearing on the proposed special assessments was published in the White Bear Press and sent to each landowner. The cost and expense in making the improvement is \$421,284.59. The amount to be specially assessed is \$392,755.23. The remainder of the project amount namely in the sum of \$28,529.36 shall be financed by the City.

Engineer Sachi explained how the assessments are determined in accordance with the City's Street Assessment Policy and they are also based on property use and improvement. The assessments are calculated over a 15-year term at a 4.40% interest rate. The Assessments can be prepaid with no interest if done so within 30 days of the Assessment Roll adoption or by October 18, 2018. A senior citizen deferral is also available for those aged 65 years and older. The assessments are as follows:

Lots petitioning for the utility extension are proposed to be assessed 100% of cost. Unit rate per connection is \$25,951.00 and the unit rate for 59 Briarwood is \$3,475.35.

Mayor Marshall opened the public hearing at 8:40 p.m.

Robert Ostler, 222 Quail Street, said his utility was stubbed in the middle of his driveway and wondered why they would do that. He also said he never gave anyone the idea that they wanted to subdivide. He said he was never told about subdividing and stubbing in two services. He said he submitted a written object to the assessment.

**7e. Continued.**

Engineer Sachi said staff determines which lots are sub-dividable. He said topography determines where the services will be stubbed in.

Mayor Marshall closed the public hearing at 8:50 p.m.

Council member Brainerd moved and Council member Wolgamot seconded the motion to approved Resolution No. 2018-47 Adopting Special Assessments for Quail Street Utilities. The motion was approved.

**8. STAFF REPORTS**

**8a. CONSIDER APPROVAL – Request from D. Luke Thompson, on behalf of Carol Thompson, for a Conditional Use Permit for a variance of 2.08 feet from the required five foot side yard setback and a variance of 19.19 feet from the required 20 foot front yard setback in order to construct a front addition and carport at 79 Dahlia Street.**

City Planner Erin Perdu said the City is in receipt of an application from D. Luke Thompson, on behalf of Carol Thompson for the requests outlined above. The application has been reviewed by City staff and consultants and is in order for consideration at this time.

On September 12, 2018, the Planning Commission held a public hearing on the conditional use permit request. The applicant provided signatures from two neighboring property owners and one verbal approval from another. Staff reported two phone calls from neighbors with concerns but they declined to provide written comments nor did they appear to provide testimony at the meeting (they also did not provide their names and addresses for the record).

The Planning Commission voted 5-1 to recommend approval of the requested 19.19-foot encroachment into the front setback and 2.08-foot encroachment into the side setback. Their reasoning included that the proposed carport did not present any safety hazards, that there were similar structures within the historic district that are located quite close to property lines and/or roadways, and the R1-E district CUP provisions allow for this type of flexibility in situations where lots have extenuating circumstances.

Based on the criteria in this report, staff recommends denial of the requested conditional use permit for a 19.19-foot front setback encroachment and a 2.08-foot side setback encroachment at 79 Dahlia St. PID 29.030.21.24.0013.

**8a. Continued.**

Staff does recommend approval of a Conditional Use Permit for two residential additions to the home at 79 Dahlia Street that result in an 18.81-foot front setback where 20 feet is required

The Applicant is proposing to construct a 6-foot addition onto the front of the house, a front porch and a carport which require encroachments into the minimum front and side setbacks on the property. The carport is being requested due to difficulties with accessing the existing single-car detached garage on the property as well as its distance from the house.

The proposed residential additions would result in the front setback of the house at 18.81 feet, an encroachment of 1.19 feet into the required front setback for a principal structure. The addition on the west side of the home is onto the bedroom and the addition on the east side is onto the front entryway. The attached carport adds an additional 18 feet onto the front of the principal structure, resulting in a front setback of 0.81 feet from the front property line or an encroachment of 19.19 feet into the required front setback.

Council member Wolgamot said the carport wouldn't fit with the rest of the homes on Dahlia and would not be in favor of the carport but is ok with the other remodeling portions.

Council member Brainerd asked if there are any other areas around the home to put the carport.

Luke Thompson, on behalf of the homeowner, Carol Thompson, said he feels the garage at this time would be unusable in the winter. He said they looked at several other options and this was the best one they came up with. He said there are other areas in the Historic District that would be comparable to this.

Council member Brainerd asked if the carport could be put where the garage is.

Mr. Thompson said the topography is difficult in the back to do much with.

Mayor Marshall said he would vote for this as he feels the garage in the back is too difficult to use.

Mayor Marshall moved and Council member Wolgamot seconded the motion to approve Resolution No. 2018-48 Approving a Conditional Use Permit for Reduction on the Front and Side Setbacks on the Property Located at 79 Dahlia Street. The motion was approved 4-1 with Council member Ledermann voting no.

**8b. CONSIDER APPROVAL-Bill List**

Council member Brainerd 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 said the City Forester, YTS, had terminated their contract with the City. He said the City will look at other options for a forester.

**10. COMMENTS FROM THE CITY COUNCIL**

There were no comments from the City Council.

**11. CLOSED SESSION – None Scheduled**

**12. ADJOURNMENT**

Council member Wolgamot moved and Council member Deans seconded the motion to adjourn the meeting at 9:30 p.m. The motion was unanimously approved.

**ATTESTED:**

**APPROVED:**

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**MARY SOLIE, CITY CLERK**

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**JUD MARSHALL, MAYOR**