

**MAHTOMEDI CITY COUNCIL
MINUTES
OCTOBER 16, 2018**

Mayor Jud Marshall convened the regular City Council meeting at 7:00 p.m. with Council members Richard Brainerd and Jeff Ledermann in attendance. City Administrator Scott Neilson, City Attorney Jay Karlovich, City Engineer John Sachi, City Planner Eric Zweber, Public Works Director Bob Goebel and Account Clerk Jerene Rogers were also in attendance.

Council members Timothy Deans and Steve Wolgamot were absent with prior notice.

CONSIDER APPROVAL OF AGENDA

City Administrator Scott Neilson asked to amend the agenda by adding the following to the consent agenda: Development Agreement, Assessment Appeal Waiver Agreement and Minor Subdivision Lot Line Drainage and Utility Easement Agreement for 76 Birch Street.

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

CONSIDER APPROVAL OF THE SEPTEMBER 18, 2018 CITY COUNCIL MEETING MINUTES

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

4. PRESENTATIONS - None

5. DISCUSSION FROM THE AUDIENCE

Tim DeWuske, 170 View Rd, said he has asked numerous times to be placed on the Council agenda and has never heard back from staff. He would like to be added to a future agenda.

Sheila DeWuske, 170 View Rd, has a few questions. What is the plan if contamination is found on the site for the proposed hockey rink? Who is accountable? What is the City's policy on drones? What is the City's policy on relaying private residents email addresses?

6. CONSENT AGENDA

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

6. **CONSENT AGENDA-Continued.**

- a. **APPROVAL-Request from St. Jude of the Lake Church, 700 Mahtomedi Avenue, to hold a gambling activity and sell beer and wine at Turkey Bingo on Saturday, November 3, 2018.**

St. Jude of the Lake Church received permission to hold a gambling activity and sell beer and wine at their Turkey Bingo on Saturday, November 3, 2018.

- b. **APPROVAL-New liquor license application for Forster's Bar.**

A new liquor license for Forster's Bar, formally Flame Bar, was approved. The background check by Washington County Sheriff's Office has been completed and no violations were found. The license fees have been paid and the certificate of insurance has been issued.

- c. **APPROVAL-Permission to Advertise for City Clerk/Administrative Assistant Position.**

City staff received permission to advertise for the recently vacated position of City Clerk/Administrative Assistant.

- d. **APPROVAL-Agreement Relating to Landowner Improvements located within City Street Right of Way for Property addressed as 123 Birch Street.**

An Encroachment Agreement requested by the homeowner at 123 Birch Street to construct a fence along their side property line to shield their property from the proposed Forest Avenue trail was approved. The fence will encroach onto City owned property by several feet; however, the fence will not affect the proposed trail construction.

- e. **APPROVAL-Release of Letter of Credit for Lost Lake Villas.**

The developer asked for the \$50,000 Letter of Credit for this development be released. The public improvements have been completed and site inspections have been approved. The request to release the Letter of Credit was approved.

- f. **APPROVAL-Snowplowing Agreement with City of Pine Springs.**

The City of Pine Springs requested snowplowing and de-icing of Warner Avenue South from O.H. Anderson School south to 62nd Street, and 62nd Street East to Hilton Trail. The request for snowplowing and de-icing services was approved.

- g. **APPROVAL-Water Tower Mixers.**

6. CONSENT AGENDA-Continued.

Staff asked for permission to purchase Water Tower Mixers for both towers. The mixer in tower #2 was damaged and inoperable which led to the water freezing in the tower. They would like to add a mixer to tower #1 to prevent any further damage. This request was approved.

h. APPROVAL-Construction Pay Voucher No. 5 in the amount of \$55,189.16 for Phase 3-Historic District Improvements and Edgcumbe Drive Storm Drainage Improvements.

Construction Pay Voucher No. 5 in the amount of \$55,189.16 for the Phase 3-Historic District Improvements and Edgcumbe Drive Storm Drainage Improvements to Kuechle Underground, Inc. was approved.

i. APPROVAL – Construction Pay Voucher No. 5 in the amount of \$12,673.48 for the Hickory Street Improvements.

Construction Pay Voucher No. 5 in the amount of \$12,673.48 for the Hickory Street Improvements to Douglas-Kerr Underground was approved.

j. APPROVAL – Construction Pay Voucher No. 5 in the amount of \$196,337.81 for the Briarwood Area Improvements and Quail Street Utility Extension.

Construction Pay Voucher No. 5 in the amount of \$196,337.81 for the Briarwood Area Improvements and Quail Street Utility Extension to T.A.Schifsky & Sons, Inc. was approved.

k. APPROVAL – Inspection Services Proposal for Water Tower No. 1

Staff requested and received permission to hire Dixon Engineer & Inspection Services to conduct a thorough inspection to determine why the coating on Water Tower #1 is failing in the amount of \$6,500.00. Funds for the inspection are available in the Water Department Maintenance Budget.

l. APPROVAL – Minor Subdivision Agreement, Lot Line Drainage and Utility Easement Agreement and Assessment Appeal Waiver Agreement for 76 Birch Street and Utility Improvements Benefitting 76 Birch Street Minor Subdivision Parcel A and Parcel B

The minor Subdivision Agreement, Lot Line Drainage and Utility Easement Agreement and Assessment Appeal Waiver Agreement for 76 Birch Street and Utility Improvements Benefitting 76 Birch Street Minor Subdivision Parcel A and Parcel B were approved.

7. PUBLIC HEARINGS

7a. Storm Water Pollution Prevention Plan (SWPPP)

Jennifer Hildebrandt of WSB & Associates provided an update on current requirements and activities relating to the Minnesota Pollution Control Agency. She said there are six control measures for the permit.

1. Public education and outreach
2. Public participation and involvement
3. Illicit discharge detection and elimination
4. Construction site storm water runoff control
5. Post Construction storm water management
6. Pollution prevention and good housekeeping for municipal operations

Engineer Hildebrandt said the City has done the following:

- 4 Storm water related articles in the City's newsletters
- Put information on the City's website
- Rite of Spring Event
- Annual public meeting
- Outfall and Pond Inspections are complete
- Street Sweeping 4-5 times per year
- Update the City's storm sewer map (as needed)
- Completed 100% Structural Storm water BMP inspections
- 4 NPDES construction permits active
- 6 plan reviews completed for projects greater than 1 acre
- 0 illicit discharges identified in 2017; no enforcement actions required

Total Maximum Daily Load (TMDL) Waste Load Allocation's (WLA) to Mahtomedi's MS4

- TMDL identifies specific contributors and assigns load reductions per impaired waterbody. Enforced through MS4 permit condition for MS4's with assigned Waste Load Allocations
- MS4's progress in meeting WLA is reported in each annual report
- 2013 MS4 permit: Lake St. Croix Excess Nutrients (2030 Target Date)
- 0.338 lbs./acre/year TP load reduction over the regulated MS4
- How does Mahtomedi achieve the WLA?

7a. Continued.

-Increased street sweeping, identify and install BMP's (raingardens) through street recon projects and other opportunities

Additional information may be found on MPCA's, Rice Creek Watershed District, Valley Branch Watershed District and the White Bear Lake Conservation District's websites.

Mayor Marshall opened the public hearing at 7:25 p.m.

Tim DeWuske, 170 View Road, he informed the City Council about his concerns regarding Lost Lake. He feels there have been illicit discharges into Lost Lake. He would like to know where the storm water from the Mahtomedi School property goes. He feels there are numerous toxins on his property.

Council member Ledermann asked to get the background on any spills into Lost Lake.

Sheila DeWuske, 170 View Road, discussed her concerns with water from Wildwood School and a lift station that failed.

Kitty Payton, 215 Kenwood Street, stated for 30 years she has taken readings from Long Lake for the Pollution Control Agency. She would like to be involved when the City receives the next permit. She would like the City to get public input as well.

Mayor Marshall closed the Public Hearing at 7:55 p.m.

Council member Ledermann encouraged everyone to come to Environmental Commission meetings to discuss their concerns.

8. STAFF REPORTS

8a. CONSIDER APPROVAL – Request from Daniel Trudeau for a variance from the required side yard setback and maximum width requirement within the lot for a driveway at 1481 Hallam Avenue North.

City Planner Eric Zweber said the applicant is requesting a retroactive variance to allow for both an existing driveway and a driveway expansion to remain on the property. The City issued a driveway permit under the assumption that the old driveway would be removed, and the new driveway would then be the only area of driveway surface. The applicant wants to retain the old driveway in addition to the new driveway. Both driveways together exceed the maximum allowable driveway width both at the property line, and within the lot. The new driveway area also does not meet the minimum required side yard setback of five feet.

8a. Continued.

City Engineer John Sachi said drainage in this area is a concern because much of the drainage accumulates at the east side of Hallam Avenue near Williams Woods Road. It appears the applicant has taken measures to ensure that onsite drainage from the proposed increase in impervious surface will be handled in a rain garden in front of his home.

Dan Trudeau, applicant 1481 Hallam Avenue, said he would be willing to accommodate the 24 foot width requirement at the street.

Upon a motion by City Council member Brainerd, seconded by City Council member Ledermann, the City Council recommends tabling this item to allow the applicant to work with staff to resolve the variance issues. The City Council also asks staff to send out the 120-day extension letter to the applicant. The motion was unanimously approved.

8b. CONSIDER APPROVAL – Request from Tom Suttle and Candia Cole for a variance from the required minimum lot area in order to reconstruct a single family house on property located at 1136 Neville Avenue.

City Planner Zweber said the applicant has proposed to replace the existing single family home with a new one. The size of the lot is 5,225 square feet, where 6,240 square feet is required. The proposed home will be 30 feet by 34 feet and will have a front walkout basement, a one-car tuck under garage and will be one and half stories in height.

City Engineer Sachi said the surface water from this property drains to the northwest where the City has a 10-foot wide drainage parcel, which abuts the parcel out to Neville Avenue. All site drainage should be directed to this 10-foot parcel.

Upon a motion by City Council member Ledermann, seconded by City Council member Brainerd, the City Council approves a Resolution Approving a Variance for Minimum Lot Size for the construction of a single-family home on the property located at 1136 Neville Avenue., PID 20.30.21.31.0068. The motion was unanimously approved.

8c. CONSIDER APPROVAL-Bill List

Council member Brainerd 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

City Administrator Neilson reminded the City Council that due to the election on Tuesday, November 6th, the City Council meeting will be on Monday, November 5th.

9. REPORT FROM THE CITY ADMINISTRATOR-Continued

He said the Capital Improvement Plan and the Parks Capital Improvement Plan will be on the agenda for this meeting.

He also mentioned the City's new website will go online on Monday, October 22nd.

City Engineer Sachi said they are planning a neighborhood meeting in the Dunbar Way area to discuss parking restrictions. Since that road is included in the State Aid roads, we will receive funds for the improvements; the roadway will only be allowed parking on one side.

10. COMMENTS FROM THE CITY COUNCIL

City Council member Ledermann asked if they could get a presentation on the website. He also said he would like solutions to the storm water issues on North Hallam Avenue.

City Council member Brainerd asked to get an update regarding the legal issues that are ongoing in the City.

11. CLOSED SESSION – None Scheduled

12. ADJOURNMENT

Council member Brainerd moved, and Council member Ledermann seconded the motion to adjourn the meeting at 9:22 p.m. The motion was unanimously approved.

ATTESTED:

APPROVED:

JERENE ROGERS, ACCOUNT CLERK

JUD MARSHALL, MAYOR