

**MAHTOMEDI CITY COUNCIL
MINUTES
AUGUST 17, 2021**

Mayor Jud Marshall convened the regular City Council meeting at 7:00 p.m. with Council members Richard Brainerd, Jeff Charlesworth, Jeff Ledermann, and Jane Schneeweis in attendance. City Administrator Scott Neilson, City Attorney Bridget Nason, City Engineers John Sachi, and Jake Newhall, City Planner Hannah Rybak, Public Works Director Bob Goebel, Fire Chief Terry Fischer, and City Clerk Jerene Rogers were also in attendance.

CONSIDER APPROVAL OF AGENDA

City Council member Schneeweis moved and City Council member Charlesworth seconded the motion to approve the agenda as presented. The motion was unanimously approved.

CONSIDER APPROVAL OF THE JULY 20, 2021 CITY COUNCIL WORKSESSION MEETING MINUTES, THE JULY 20, 2021 CITY COUNCIL MEETING MINUTES AND THE AUGUST 2, 2021 JOINT CITY COUNCIL/PLANNING COMMISSION WORKSESSION MEETING MINUTES.

City Council member Brainerd moved and City Council member Charlesworth seconded the motion to approve the July 20, 2021 City Council worksession meeting minutes, the July 20, 2021 City Council meeting minutes and the August 2, 2021 Joint City Council/Planning Commission worksession meeting minutes as presented. The motion was unanimously approved.

4. **PRESENTATIONS**
5. **DISCUSSION FROM THE AUDIENCE**
6. **CONSENT AGENDA**

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

6a. APPROVAL – Permission to Advertise for Accounting Clerk Position.

Staff asked and received permission to advertise for a full-time accounting clerk position.

6b. APPROVAL – Construction Pay Voucher No. 9 for 2020 Street Improvement Project, Birchwood Road/Lost Lake Court in the amount of \$21,408.69 for Meyer Contracting, Inc.

Construction Pay Voucher No. 9 in the amount of \$21,408.69 for Meyer Contracting, Inc. for the 2020 Street Improvement Project Birchwood Road/Lost Lake Court was approved.

6c. APPROVAL – Construction Pay Voucher No. 3 for Phase 4 – East Historic District Improvements in the amount of \$353,320.31 for T.A. Schifsky and Sons, Inc.

Construction Pay Voucher No. 3 in the amount of \$353,320.31 for T.A. Schifsky and Sons, Inc. for the Phase 4 – East Historic District Project was approved.

6. CONSENT AGENDA - Continued

6d. APPROVAL – Change Order No. 2 Phase 4 – East Historic District Improvements.

Change Order No. 2 in the amount of \$27,900.00 for T.A. Schifsky and Sons, Inc. for the Phase 4 – East Historic District Improvement Project was approved.

6e. APPROVAL – Construction Pay Voucher No. 4 for 2021 Street Improvement Project in the amount of \$45,351.25 for North Valley, Inc.

Construction Pay Voucher No. 4 in the amount of \$45,351.25 for North Valley, Inc. for the 2021 Street Improvement Project was approved.

6f. APPROVAL – Resolution Declaring Costs to be Assessed and Ordering Preparation of Proposed Assessments for the 2021 Street Improvement Project.

Resolution No. 2021-40 a Resolution Declaring Costs to be Assessed and Ordering Preparation of Proposed Assessments for 2021 Street Improvement Project was approved.

6g. APPROVAL – Resolution Calling for and Ratifying an Assessment Hearing with Respect to Project 2021 Street Improvement Project.

Resolution No. 2021-41 a Resolution Calling for and Ratifying an Assessment Hearing with Respect to 2021 Street Improvement Project was approved.

6h. APPROVAL – Resolution Ordering Preparation of Feasibility Study for 2022 Street Improvement Project.

Resolution No. 2021-42 a Resolution Ordering Preparation of Feasibility Study for 2022 Street Improvement Project was approved.

7. PUBLIC HEARINGS – None

8. STAFF REPORTS

8a. CONSIDER APPROVAL – Request from Custom Craft Builders on behalf of Brandan and Gabrielle Iwaszko for a Conditional Use Permit to construct a two-story accessory structure with a basement, with an accessory dwelling unit to be located within the accessory structure at 355 Quail Street and described as PID 17.030.21.34.0058.

City Administrator Scott Neilson said the City received a request from Custom Craft Builders on behalf of Brandan and Gabrielle Iwaszko for a Conditional Use Permit to construct a two story accessory structure with a basement, with an accessory dwelling unit to be located within the accessory structure at the property located at 355 Quail Street.

8. STAFF REPORTS – Continued

City Planner Hannah Rybak said the Planning Commission voted 6-0 to recommend approval of the requested conditional use permit. She said this property is located in the Rural Residential zoning district. She explained this means the property is not currently served by city sewer and water. The owners propose to construct a 912 square foot accessory structure. The building would contain garage space on the main level, with proposed living space above the second story. She said the building would include a basement, which would be for additional garage/storage space. She stated the parcel is 2.6 acres in size and therefore there is plenty of property for the proposed building.

City Engineer Sachi stated site grading will be reviewed with the building permit application. He said he does not anticipate any issues with the site grading or impact on neighboring properties due to the size of the lot and the proposed setbacks of the building. The septic inspection report provided by the applicant confirms that the existing septic can handle the proposed accessory dwelling unit.

City Council member Brainerd moved and City Council member Schneeweis seconded the motion to approve Resolution 2021-43, a Resolution Approving a Conditional Use Permit for a Multi-Story Accessory Structure and an Accessory Dwelling Unit at the Property Located at 355 Quail Street., PID 17.030.21.34.0058. The motion was unanimously approved.

8b. DISCUSSION – Study of Drainage Area for ditch off Greenwood Street to Warner Avenue.

City Engineer Jake Newhall said the City will be reconstructing Greenwood Street in the near future and is interested in solutions to resolve erosion and more efficiently convey storm water through this area. He said the ditch has a very low flow during periods without rain and becomes very flashy during rainfall events leading to erosion of adjacent banks. He said the study shows how this area can be stabilized to prevent erosion, protect existing structures, and provide storm water treatment.

City Engineer Newhall said two options were investigated in this area to determine the best option to stabilize the ditch, reduce erosion, protect existing structures and improve conveyance. Option one is to extend the storm sewer culvers to bypass the first bend in the ditch where there is the most erosion. He said pipes would be extended 70 feet south from the existing culvert. He said the 70 feet of ditch would get filled in over the pipe and seeded to grass. This option will also involve clearing and grubbing of some trees to install the pipe and coordination with the adjacent homeowners would be necessary. He said option two includes reconstructing the current culvers but leaving the current ditch in place with minor realignments and grading. He said this option would require an increased amount of riprap of the bank to reduce further impacts. He said the outside bend would be hard armored with larger boulders extending up the bank to protect the garage at 190 Warner Avenue North. He explained the outlet pipe would be changed to direct the flow away from impacting the outside bend, along with increased energy dissipation and a plunge pool at the outlet. He stated coordination with the adjacent homeowners will be required with this option as well.

8. STAFF REPORTS – Continued

City Council member Ledermann said he spoke to some of the neighbors in that area and they enjoy the water in this location. He likes Option 2 and is happy that pipe is not going all the way down the stream.

City Council member Charlesworth agreed. He said this is a beautiful area and he would like to keep it as natural as possible.

City Engineer Sachi said this will be included in the Capital Improvement Plan for 2022. He said funds will be available in the storm sewer fund.

The consensus of the City Council is to move forward with this project.

8c. **CONSIDER APPROVAL-Resolution Regulating Nonessential Water Usage Upon Critical Water Deficiency as Authorized Minn. Stat. 103G.291; the City of Mahtomedi Water Supply Plan; and Mahtomedi City Code Section 2.15. An Ordinance Amending City Code, Chapter 15, Section 15.04 To Add Subdivision 15 Regulating Nonessential Water Usage Upon Critical Water Deficiency as Authorized by Minn. Stat. 103G.291 Subd. 1 and 2. Resolution Approving the Publication of a Summary of Ordinance.**

City Attorney Bridget Nason said there are three items to consider. She said the first resolution ratifies what the City is currently following regarding a critical water emergency. The Ordinance amendment adds detail and language regarding the water emergency plan and the final resolution is for a summary ordinance to publish the amended ordinance. She noted the correct Section for this Ordinance should be 15.05, subdivision 14.

City Council member Schneeweis moved and City Council member Charlesworth seconded the motion to approve Resolution 2021-44 a Resolution Regulating Nonessential Water usage upon Critical Water Deficiency as Authorized by Minn. Stat. 103G.291; the City of Mahtomedi Water Supply Plan; and Mahtomedi City Code Section 2.15. The motion was unanimously approved.

City Council member Schneeweis moved and City Council member Charlesworth seconded the motion to approve an amended Ordinance 2021-30, an Ordinance Amending City Code, Chapter 15, Section 15.04 to Add Subdivision 14 Regulating Nonessential Water Usage Upon Critical Water Deficiency as Authorized by Minn. Stat. 103G.291, Subd. 1 and 2. The motion was unanimously approved.

City Council member Schneeweis moved and City Council member Charlesworth seconded the motion to approve Resolution 2021-45, a Resolution Approving the Publication of a Summary of Ordinance No. 2021-30, An Ordinance Amending Mahtomedi City Code Chapter 15, Section 15.05 to Add Subdivision 14 Regulating Nonessential Water Usage Upon a Critical Water Deficiency as Authorized by Minn. Stat. 103G.291, Subd. 1 and 2. The motion was unanimously approved.

8. STAFF REPORTS – Continued

8e. CONSIDER APPROVAL-Appointment of Advisory Commission Member.

City Administrator Neilson said City of Mahtomedi resident Harry Melander has applied for a vacant seat on the Finance Commission.

City Council member Brainerd moved and City Council member Ledermann seconded the motion to approve Resolution 2021-36 a Resolution Appointing Advisory Commission Member(s) to a Term Starting August 17, 2021 running through March 31, 2024.

8e. CONSIDER APPROVAL-Bill List.

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

9. REPORT FROM CITY ADMINISTRATOR

City Engineer John Sachi said the 2021 projects are nearing completion. He said they are anticipating the Historic District Phase 4 – East project to be completed by mid-September. They are currently working on East Shore Avenue. He said Mahtomedi Avenue should be re-opened by Friday, August 20 for traffic. He said re-seeding of areas in the 2021 Street Improvement Project will take place at the end of August.

City Administrator Neilson said the Washington County project from Highway 120 to Highway 244 is proposed to begin in 2022. He said we will begin to have communication with the County soon regarding this project.

Public Works Director Goebel said we should have the Veterans' Memorial Park charging station in 3 weeks. The organics drop-site should be up and functional by mid-September. He stated that Washington County is planning a press release for it and we are putting information on our website and in the newsletter. He said the street striping will begin tomorrow.

10. COMMENTS FROM THE CITY COUNCIL - None

11. **CLOSED SESSION – Pursuant to Minn. Stat. § 13D.05, Subd. 3(b) and pursuant to the attorney-client privilege, a closed door Executive Session for discussion with the attorney representing the City relating to the pending litigation matter of the City of Mahtomedi v. Lyla M. Douglass, et. al., Washington County District Court File No. 82-CV-19-5745.**

City Council member Brainerd moved and City Council member Schneeweis seconded the motion to adjourn the regular City Council meeting at 8:04 p.m. and go into a Closed Session, Pursuant to Minnesota Statutes, Section 13D.05, Subd. 3(b) for an attorney-client privileged discussion with the attorney representing the City relating to the pending litigation matter of the City of Mahtomedi v. Lyla M. Douglass, et. al., Washington County District Court File No. 82-CV-19-5745. The motion was unanimously approved.

11. CLOSED SESSION – Continued

Mayor Marshall, City Council members Brainerd, Charlesworth, Ledermann and Schneeweis were in attendance along with City Administrator Neilson, City Attorney Nason, City Engineer Sachi and City Clerk Jerene Rogers.

Following the Closed Session, City Council member Schneeweis moved and City Council member Ledermann seconded the motion to reconvene the regular meeting at 8:09 p.m. The motion was unanimously approved.

12. ADJOURNMENT

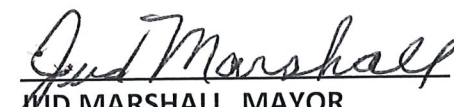
City Council member Brainerd moved and City Council member Ledermann seconded the motion to adjourn the meeting at 8:10 p.m. The motion was unanimously approved.

ATTESTED:

APPROVED:



JERENE ROGERS, CITY CLERK



JUD MARSHALL, MAYOR