

**MAHTOMEDI CITY COUNCIL
MINUTES
SEPTEMBER 21, 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 Nick Guilliams, City Planner Hannah Rybak, Public Works Director Bob Goebel, Finance Director Scott Schaefer, and City Clerk Jerene Rogers were also in attendance.

CONSIDER APPROVAL OF AGENDA

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

CONSIDER APPROVAL OF THE SEPTEMBER 7, 2021 CITY COUNCIL MEETING MINUTES

City Council member Schneeweis moved and City Council member Ledermann seconded the motion to approve the September 7, 2021 City Council meeting minutes as presented. The motion was unanimously approved.

4. PRESENTATIONS – Sara Markoe Hansen, White Bear Lake Historical Society

White Bear Lake Historical Society Executive Director Sara Markoe Hanson provided an update regarding what the Historical Society does. She said the Society connects the community to its past. They gather and maintain historical information, educate the community about our history and advocate for historic preservation. She indicated that the amount of the 2022 budget request is based on population, 17.1% for Mahtomedi. She said they continue to offer tours, participate in local events and develop publications for local media outlets.

5. DISCUSSION FROM THE AUDIENCE

Pat McGrath, 585 Woodland Drive asked if there would be public input regarding a topic the Council will be discussing at the end of the meeting.

6. CONSENT AGENDA

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

6a. APPROVAL – Resolution Declaring Costs to be Assessed and Ordering Preparation of Proposed Assessments for Phase 4 East – Historic District Improvements.

Resolution No. 2021-57 Declaring Costs to be Assessed and Ordering Preparation of Proposed Assessments for the Phase 4 East – Historic District Improvements was approved.

6b. APPROVAL – Resolution Calling for and Ratifying an Assessment Hearing with respect to Phase 4 East – Historic District Improvements.

6. CONSENT AGENDA - Continued

Resolution No. 2021-58 Calling for and Ratifying an Assessment Hearing with respect to Phase 4 East – Historic District Improvements was approved. The Assessment Hearing is scheduled for October 19, 2021.

- 6c. **APPROVAL – Resolution Calling for a Public Hearing by the City Council on the Proposed Modification to the Development Program for Municipal Development District No. 2, Establishing Tax Increment Financing District No. 8 Therein and Adoption of a Tax Increment Financing Plan Therefor.**

Resolution No. 2021-55 Calling for a Public Hearing by the City Council on the Proposed Modification to the Development Program for Municipal Development District No. 2, Establishing Tax Increment Financing District No. 8 Therein and Adoption of a Tax Increment Financing Plan Therefor. The Public Hearing is scheduled for November 16, 2021.

- 6d. **APPROVAL – Construction Pay Voucher No. 4 for Phase 4 East-Historic District Improvements in the amount of \$237,520.52 for T.A. Schifsky and Sons.**

Construction Pay Voucher No. 4 for T.A. Schifsky and Sons, Inc. in the amount of \$237,520.52 for the Phase 4 East – Historic District Improvements was approved.

- 6e. **APPROVAL – Hiring of Paid On-Call Firefighter/EMT/Paramedic.**

Fire Chief Fischer received permission to hire Ken Chiebanowski, Carol Florez, and Hannah Campbell as paid on-call firefighter/EMT's and Tim Oachs as a paid on-call firefighter/Paramedic contingent upon successful completion of the criminal background check, and the psychological and physical exams.

- 6f. **APPROVAL – Resolution Approving Amendment of Personnel Policy Regarding Sick Leave Payout Upon Termination of Employment with the City.**

Resolution No. 2021-59 Approving an Amendment of Personnel Policy Regarding Sick Leave Payout Upon Termination of Employment with the City as approved. Full-time employees with five or more years of continuous employment leaves employment for any reason other than misconduct, the employee shall be eligible to receive 75% of a maximum of 800 unused sick leave hours as severance pay to be deposited in the Minnesota Post Employment Health Care Savings Plan.

- 6g. **APPROVAL – Hiring of Full-time Accounting Clerk.**

City Staff received permission to hire Melissa Bohdan for the position of a full-time Accounting Clerk. The offer is contingent upon successful completion of the criminal background check.

7. PUBLIC HEARINGS

- 7a. CONSIDER APPROVAL – Preliminary 2022 General Fund Budget, Certification of 2022 Levy to Washington County, Schedule Public Hearing for consideration of Final Budget Approval and Certification for December 7, 2021 at 7:00 p.m. and Schedule Public Hearing for 2022-2026 Capital Improvement Plan for November 3, 2021.

City Administrator Scott Neilson said the Council is asked to approve the Preliminary 2022 General Fund Budget for certification to Washington County.

Finance Director Scott Schaefer said the 2022 General Tax Levy is proposed at \$3,582,494 an increase of 6.34% from the 2021 General Tax Levy, which does not include Special Levies. The 2022 debt service levy is proposed at \$1,793,042. The final proposed local tax rate for 2022 is 39.058%.

City Council member Brainerd said the Finance Commission and City Council discussed the proposed 2022 budget at a recent workshop meeting. At that time the Finance Commission members were asked to go through the budget in detail.

City Council member Charlesworth asked if it would be possible to refund the existing debt at a lower rate.

Finance Director Schaefer said maybe. He said the 2011 and 2013 bonds are close. He said they watch this closely and will refund if it would be beneficial.

Mayor Marshall opened the public hearing at 7:34 p.m.

Hearing no commentary the public hearing was closed at 7:35 p.m.

City Council member Brainerd moved and City Council member Ledermann seconded the motion to approve Resolution 2021-48 Approval of Proposed 2022 Annual Budget for General Fund. The motion was unanimously approved.

City Council member Ledermann moved and City Council member Schneeweis seconded the motion to schedule a public hearing for the CIP on November 3, 2021. The motion was unanimously approved.

City Council member Brainerd moved and City Council member Ledermann seconded the motion to approve Resolution No. 2021-47 a Resolution Approving Proposed Tax Levy for 2022 and Cancellation of debt levy in the amount of \$1,760,513 for taxes payable in 2022. The motion was unanimously approved.

7. PUBLIC HEARINGS - Continued

7b. CONSIDER APPROVAL – Resolution Ordering Certification of Unpaid Utility Charges Pursuant to Minnesota Statutes 444.075, Subd. 3e and 443.29 for Collection with Payable 2022 Property Taxes.

Finance Director Schaefer said the delinquent utility accounts for 2021 are consistent with prior years. He said since the letters have been sent out we have already received about \$10,000 in payments.

Mayor Marshall opened the public hearing at 7:41 p.m.

Hearing no commentary the public hearing was closed at 7:42 p.m.

City Council member Brainerd moved and City Council member Ledermann seconded the motion to approve Resolution 2021-54 a Resolution Ordering Certification of Unpaid Utility Charges Pursuant to Minnesota Statutes 444.075, Subd. 3e, and 443.29 for Collection with Payable 2022 Property Taxes. The motion was unanimously approved.

7c. CONSIDER APPROVAL – Resolution Adopting Special Assessments for 2021 Street Improvement Project.

City Engineer Nick Guiliams said at this time the 2021 Street Improvement Project is nearing completion. He said the project consisted of partial and full-depth mill and overlays of the pavement in the project area. He said there was a surface removal and replacement of the Wedgewood Trail from Wildwood Road to Woodland Drive, as well as an overlay of the Streetcar trail from Juniper Street to Maple Street. He explained that several utility improvements were completed as needed. He said the total estimated cost of the project was \$910,000 with \$667,000 being special assessments.

Mayor Marshall opened the public hearing at 7:49 p.m.

Hearing no commentary the public hearing was closed at 7:50 p.m.

City Council member Brainerd moved and City Council member Schneeweis seconded the motion to approve Resolution 2021-56 a Resolution Adopting Special Assessments 2021 Street Improvement Project. The motion was unanimously approved.

8. STAFF REPORTS

8a. CONSIDER APPROVAL – Request from Alexander and Kathryn Cooley for a Conditional Use Permit to allow an accessory dwelling unit at 164 Kenwood Street and described as PID 20.030.21.12.0037.

City Administrator Scott Neilson said the City is in receipt of a request from Alexander and Kathryn Cooley for a Conditional Use Permit to allow an accessory dwelling unit at 164 Kenwood Street.

8. STAFF REPORTS – Continued

City Planner Hannah Rybak said the applicants are proposing to convert their existing attached garage into an attached accessory dwelling unit. The proposed ADU will replace the entirety of the attached garage and will be remodeled within the existing building. She said the applicant is also constructing a detached garage which will be the only accessory structure on the property. She said the detached garage requires a building permit, it does not require any other land use approvals.

City Council member Schneeweis moved and City Council member Charlesworth seconded the motion to approve Resolution 2021-50 a Resolution Approving a Conditional Use Permit for an Attached Accessory Dwelling Unit at the Property Located at 164 Kenwood Street, PID. 20.030.21.12.0105. The motion was unanimously approved.

8b. CONSIDER APPROVAL – Request from Shawn and Stacia Wilson for a Variance for an increase in allowable fence height at 78 Iris Street and described as PID20.030.21.34.0123.

City Administrator Neilson said the City is in receipt of a request from Shawn and Stacia Wilson for a variance for an increase in allowable fence height located at 78 Iris Street.

City Planner Rybak said the applicants are requesting a variance to allow additional fence height in the rear yard. She said the applicant constructed a pool and was issued a permit for a six foot fence to surround the pool in the backyard for privacy and safety purposes. She explained the applicant however constructed a retaining wall that was not accounted for in the previous plans. She stated the purpose of the retaining wall is to level out the grade to create a functional backyard.

City Council member Ledermann moved and City Council member Charlesworth seconded the motion to approve Resolution 2021-52 a Resolution Approving a Variance to Allow Additional Fence Height in the Rear Yard at the Property Located at 78 Iris Street, PID 20.030.21.34.0123. The motion was unanimously approved.

8c. CONSIDER APPROVAL – Request from St. Andrews Lutheran Church for a Conditional Use Permit for bulk liquid storage of a 120-gallon LP tank at 900 Stillwater Road and described as PID 29.03.21.14.0003.

City Administrator Neilson said the City is in receipt of a request from St. Andrews Lutheran Church for a Conditional Use Permit for bulk liquid storage of a 120-gallon LP tank at 900 Stillwater Road.

City Planner Rybak said the applicants are requesting a conditional use permit to install a 120-gallon liquefied petroleum (LP) tank. She said the purpose of the tank is to light a gas fire pit. She explained the tank would be above ground and located next to an interior access drive on the campus. The fire pit is proposed to be near an existing patio.

City Council member Brainerd asked when is it required to put these types of tanks underground.

City Planner Sachi said at 500 gallons.

8. STAFF REPORTS – Continued

City Council member Charlesworth moved and City Council member Schneeweis seconded the motion to approve Resolution 2021-51 a Resolution Approving a Conditional Use Permit for 120 Gallon, Above Ground LP Tank at the Property Located at 900 Stillwater Road, PID 29.030.21.14.0003. The motion was unanimously approved.

8d. **CONSIDER APPROVAL – Request from Real Estate Equities for a Zoning Code text amendment pertaining to Planned Unit Developments.**

City Administrator Neilson said the City is in receipt of a request from Real Estate Equities for a Zoning Code Text Amendment pertaining to Planned Unit Developments.

City Planner Rybak said the applicants are requesting a text amendment allowing a Planned Unit Development to construct a single building without multiple uses. She said the applicant has recently purchased five properties on Wildwood Road and intend to develop a mixed-income multifamily housing project. She said the text amendment while it will benefit this applicant, in no way grants any sort of approval for this site.

City Council member Ledermann commended staff for their work on this text amendment.

City Council member Schneeweis moved and City Council member Ledermann seconded the motion to approve Ordinance No. 2021-31 an Ordinance Amending City Code, Chapter 11 Section 11.01, Subd. 7.0 and Subd. 11.35 Regarding the Definition of a Planned Unit Development and Intent of the PUD Overlay District. The motion was unanimously approved.

8e. **CONSIDER APPROVAL – Request from Kimley Horn, on behalf of P-4 Properties LLC for Land Use approvals at 3050 Echo Lake Avenue and described as PID 06.029.21.11.0002.**

City Administrator Neilson said the City is in receipt of a request from Kimley Horn, on behalf of P-4 Properties, LLC. for land use approvals located at 3050 Echo Lake Avenue.

City Planner Rybak said FedEx has recently leased the west building of the 3050 Echo Lake Avenue property. She said their main campus is located to the west of the subject property. She explained the proposed use of the site will be for van loading operations as an extension of the main facility. She said plans for the expansion include interior building modifications, construction of a security fence around the building and parking lot to be used by FedEx, and a driveway access connecting the parking lot to the main campus.

City Council member Brainerd moved and City Council member Charlesworth seconded the motion to approve Resolution No. 2021-53 A Resolution Approving a Conditional Use Permit, Two Variances and Site Plan for FedEx Expansion at the Property Located at 3050 Echo Lake Avenue, PID 06.029.21.11.0002. The motion was unanimously approved.

8. STAFF REPORTS – Continued

8g. CONSIDER APPROVAL-Bill List.

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

9. REPORT FROM CITY ADMINISTRATOR

City Administrator Neilson advised the City Council to contact Metro I-net directly if they are having issues with the new email system. He said City Hall has had a lot of people stopping in to sign up for the organics recycling program. He said Washington County is proposing a ribbon cutting October 6th or the 11th. He will keep the Council informed.

Public Works Director Bob Goebel said the dumpsters have been delivered, they will be placing the signs out on September 22 at the Food Scraps drop off site. He said they are still waiting for delivery of the Electric Vehicle Charging Station for Veterans' Memorial Park.

City Engineer Nick Guilliams said the Phase 4 Historic District East project continues to progress. He stated that the first layer of pavement have been placed on all the streets and restoration work will begin soon.

City Attorney Bridget Nason said she would like to respond to correspondence from Builder Paul DeWitt regarding the recently adopted amendment to the zoning ordinance regarding impervious and pervious surface. She said Mr. DeWitt asked if the City would allow him to use pervious pavers as a pervious surface for future development located within the Cedarleaf Point Development without the need for a variance. She said the undeveloped lots do not currently contain any pervious pavers. She stated site plans, building plans, or any other City approvals have not been granted, or even applied for, that show pervious pavers as a pervious surface. The City has not approved anything related to the six undeveloped lots. She said the City cannot treat a use that does not exist at the time of a zoning ordinance change as a legally established nonconforming use. She said if the developer wants to use pervious pavers, to the extent the pervious paver's results in the total impervious surface calculation exceeding the maximum impervious surface lot coverage, the Developer will need to apply for a variance for each lot.

City Council member Brainerd asked if somebody wants to use these materials and exceed the maximum coverage they could ask for a variance.

City Attorney Nason said yes they have the opportunity to apply for a variance for exceeding the impervious surface coverage amount. This would apply to each particular lot.

Mr. DeWitt said if this is the process they have to take, they will. He stated if he has to take the extra 6-8 weeks to get a variance, he would like to get a feel from the Council if he will be successful. He said it's very difficult to meet the 25% using permeable pavers. They are using permeable pavers mainly for patios.

9. REPORT FROM CITY ADMINISTRATOR - Continued

He said the hardship will be that the Council/Planning Commission changed the ordinance. He said this wouldn't be a problem if the permeable product wasn't taken away.

City Council member Ledermann had a couple comments regarding the issue with these pavers. He recalls the problem is the maintenance of the pavers. He said if the applicant has a plan to address that issue, that would help build their case. If they are willing to consider other things that increase permeability such as rain gardens and native plantings, that would go a long ways towards making a case showing they are willing to work with us to find other options as a way to improve infiltration of their property.

10. COMMENTS FROM THE CITY COUNCIL

City Council member Schneeweis said she has been approached by an increasing number of people about massage services within our City. She is asked if we have some type of ordinance regarding this type of business. She would like staff to put something together so the Council can discuss these types of businesses.

11. CLOSED SESSION – None

12. ADJOURNMENT

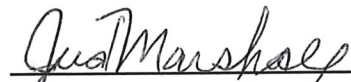
City Council member Brainerd moved and City Council member Schneeweis seconded the motion to adjourn the meeting at 9:20 p.m. The motion was unanimously approved.

ATTESTED:

APPROVED:



JERENE ROGERS, CITY CLERK



JUD MARSHALL, MAYOR