

**MAHTOMEDI CITY COUNCIL  
MINUTES  
OCTOBER 19, 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 Engineer John Sachi, City Planner Hannah Rybak, Fire Chief Terry Fischer, Public Works Director Bob Goebel, and City Clerk Jerene Rogers were also in attendance.

**CONSIDER APPROVAL OF AGENDA**

City Administrator Scott Neilson added Sale of Public Property to Jason Burak, 240 Dwinnell Avenue as item 8e and moved the Bill List to item 8f.

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

**CONSIDER APPROVAL OF THE OCTOBER 5, 2021 CITY COUNCIL MEETING MINUTES**

City Council member Charlesworth moved and City Council member Schneeweis seconded the motion to approve the October 5, 2021 City Council meeting minutes as presented. The motion was unanimously approved.

4. **PRESENTATIONS – None**
5. **DISCUSSION FROM THE AUDIENCE**
6. **CONSENT AGENDA**

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

- 6a. **APPROVAL – Construction Pay Voucher No. 8 (Final) for Bevins, Bichner, and Talahi Utility Extension Project in the amount of \$69,837.30 for Park Construction Company.**

Construction Pay Voucher No. 8 and Final in the amount of \$69,837.30 for the Bevins, Bichner, and Talahi Drive Utility Extension Project for Park Construction Company was approved.

- 6b. **APPROVAL – Change Order No. 3 – Phase 4 East Historic District Improvements.**

Change Order No. 3 in the amount of \$41,578.45 for the Phase 4 East Historic District Improvement Project for T.A. Schifsky and Sons, Inc. was approved.

- 6c. **APPROVAL – Construction Pay Voucher No. 5 for the Phase 4 – East Historic District Improvement Project in the amount of \$172,658.34 for T.A. Schifsky and Sons, Inc.**

Construction Pay Voucher No. 5 in the amount of \$172,658.34 for the Phase 4 – East Historic District Improvement Project for T.A. Schifsky and Sons, Inc. was approved.

7. **PUBLIC HEARINGS – CONSIDER APPROVAL – Resolution Adopting Special Assessments for Phase 4 – East Historic District Improvement Project.**

City Administrator Neilson said tonight is the public hearing to adopt the Special Assessments for the Phase 4 – East Historic District Improvement Project.

City Engineer John Sachi said Spruce and Rose Streets from TH 244 to Tamarack Street, Tamarack Street from Spruce Street to Quail Street and East Shore Avenue from TH 244 to Juniper Street were included in this segment of the project. He explained that pavement improvements, installation of surmountable concrete curb and gutter, water mains, valves and hydrants, sanitary sewer and storm sewer improvements were made in the project area. He said some retaining walls were also replaced. He stated the restoration work is complete, with the exception of a few punchlist items. City Engineer Sachi explained the funding sources for this project. He said the estimated total project cost is \$2,064,000. Of which \$934,000 will be paid from the Street Improvement Fund, \$372,000 from the Water Utility Fund, \$74,000 from the Sanitary Sewer Utility Fund, \$396,000 from the Storm Sewer Utility Fund and \$288,000 from Special Assessments. He reminded the Council that the assessment amounts are based on the 2019 Fee Schedule.

City Clerk Jerene Rogers read into the minutes an objection to the special assessment letter (Attachment A) the City received from Brady Ramsey, PID's 20.030.21.24.0032, 20.030.21.24.0030, 20.030.21.24.0057.

City Council member Brainerd moved and City Council member Charlesworth seconded the motion to officially receive the objection to the special assessment letter. The motion was unanimously approved.

Mayor Jud Marshall opened the public hearing at 7:14 p.m. Hearing no public commentary the public hearing was closed at 7:15 p.m.

City Council member Brainerd moved and City Council member Charlesworth seconded the motion to approved Resolution 2021-61 a Resolution Adopting Special Assessments Phase 4 East Historic District Improvements. The motion was unanimously approved.

8. **STAFF REPORTS**

8a. **CONSIDER APPROVAL-Request from Ralph and Kelly Cardinal for a Conditional Use Permit to allow an accessory dwelling unit at 29 Birchwood Road and described as PID 30.030.21.0017.**

City Administrator Neilson said the City is in receipt of an application for a Conditional Use Permit for the property located at 29 Birchwood Road.

City Planner Hannah Rybak said the applicants, Ralph and Kelly Cardinal are requesting a Conditional Use Permit to construct a two-story accessory structure that will replace an existing detached garage. She said an accessory dwelling unit is proposed on the upper level. She explained the applicants are planning to demolish their existing detached garage and replace it with the two-story accessory structure to potentially house an aging family member and visitors. She stated the Planning Commission recommended unanimous approval of the request subject to the two conditions listed in the resolution.

**8. STAFF REPORTS – Continued**

City Engineer Sachi said the site grading and erosion control plan will be reviewed with the building permit. He stated that he has no concerns with this site and said the accessory dwelling unit can be serviced easily from the existing sanitary sewer and water services.

City Council member Ledermann moved and City Council member Schneeweis seconded the motion to approve Resolution 2021-62 a Resolution Approving a Conditional Use Permit for a Multi-story Accessory Structure and an Accessory Dwelling Unit at the property located at 29 Birchwood Road, PID 30.030.21.41.0017. The motion was unanimously approved.

**8b. CONSIDER APPROVAL-Amendments to Section 11.02 Subdivision Regulations; Section 11.01, Subd. 9.6, G: Swimming Pool; Section 11.01. 11.36, E, 2: Placement, Height, Design of Structures; Section 11.01, 11.36, E 3 Shoreland Alterations.**

City Planner Rybak said staff has prepared several Ordinance amendments based on discussion at the August 11<sup>th</sup> Planning Commission meeting. She stated this group of amendments include some clarifications recommended by Staff. She said a text amendment for Section 11.01, Subd. 9.6 is recommended allowing pools in the front yard of riparian lots, since the front yard is the lake side for these properties. She said a table will be removed from Section 11.01, Subd. 11.36 regarding Additional Structure Setbacks along with other amendments regarding additional setbacks. She explained a new subdivision will be added to Section 11.02, Subd. 6.0 regarding Lot Line Adjustments. She said this section will allow property owners to move a property line or lines without requiring use of the minor subdivision process as long as several criteria are met.

City Council member Brainerd moved and City Council member Charlesworth seconded the motion to approve Ordinance 2021-32 an Ordinance Amending Mahtomedi City Code Chapter 11, Section 9.0 Related to Swimming Pool Setbacks and Barriers, Ordinance 2021-33 an Ordinance Amending Mahtomedi City Code Chapter 11, Section 11.36 Related to Certain Setbacks and Shoreland Alterations, Ordinance 2021-33 an Ordinance Amending Mahtomedi City Code Chapter 11, Section 11.02 Related to Lot Line Adjustments. The motion was unanimously approved.

**8c. CONSIDER APPROVAL-Resolution Receiving the Feasibility Report of the Consulting Engineer and Calling for a Public Improvement Hearing Concerning Project 2022 Street Improvement Project.**

City Engineer Sachi said the City Council is asked to approve a resolution receiving the feasibility study for the 2022 Street Improvement Project. He stated this project will include Warner Avenue from Stillwater Road to Maple Street, Maple Street from TH 244 to Warner Avenue and Locust Street from TH 244 to Warner Avenue. He said there will be intersection improvements at Forest Avenue, mill and overlay of the roadways and the replacement of the bituminous trail, spot gate valve repairs or replacements, and new concrete curb and gutter.

City Council member Brainerd asked when the last time Warner Avenue was improved.

Public Works Director Bob Goebel said early to mid-1990's.

8. STAFF REPORTS – Continued

City Engineer Sachi said the street has held up pretty well for 30 years. He explained that we will be asking Willernie to participate for their small section of the roadway. He said that Municipal State Aid funds will be available to pay for part of this project.

City Council member Ledermann asked if the pedestrian ramp will be replaced at Grove Street and Warner Avenue.

City Engineer Sachi said yes it will.

City Council member Brainerd moved and City Council member Schneeweis seconded the motion to approve Resolution 2021-60 a Resolution Receiving the Feasibility Report of the Consulting Engineer and Calling for a Public Improvement Hearing Concerning Project 2022 Street Improvement Project. The motion was unanimously approved.

8d. **CONSIDER APPROVAL-Resolution Waiving Compliance with Subdivision Provisions for Splitting of the Property Located at PID: 20.030.21.32.0021.**

City Planner Rybak said the property owners of PID 20.030.21.32.0021 asked to split a small lake access parcel. The neighbors Robert and Jane Schneeweis and Charles and Sandra Wilkinson mutually purchased a small parcel of property with the intent to split it in half. The parcel totals 240 square feet and following the split both parties would then own a 7.5' by 16' portion, totaling 120 square feet. She explained the parcel is too small for any type of development, and the purpose of the parcel is simply to provide a physical access to White Bear Lake. She stated staff recommends a waiver of subdivision regulations be used in this situation.

City Council member Brainerd asked what the property owners have to do legally for this split.

City Planner Rybak said the owners will have to hire a surveyor to draw up new surveys and they will have to take the surveys along with a copy of the approved resolution to the county for recording.

City Council member Brainerd moved and City Council member Ledermann seconded the motion to approve Resolution 2021-64 a Resolution Waiving Compliance with Subdivision Provision for Splitting of the Property Located at PID: 20.030.21.32.0021. The motion was approved 4-0. City Council member Schneeweis abstained.

8e. **CONSIDER APPROVAL-Sale of Public Owned Property to Jason Burak, 240 Dwinell Avenue.**

City Administrator Neilson said Mr. Burak approached the Council and requested the city sell a portion of the adjacent city owned parcel to him so he can replace his failing septic system. The City obtained an appraisal of the property in 2017 and the value of the property was \$3.47 per square foot. Mr. Burak is asking to purchase only the portion of the City Parcel that he has determined is necessary for the installation of a replacement septic system, which is a 6,246 square foot area. Mr. Burak has signed the

**8. STAFF REPORTS – Continued**

purchase agreement purchasing the parcel for \$21,673.00. Mr. Burak is also responsible to pay the City \$1,300.00 to cover a portion of the City's costs for obtaining a title commitment as well as other legal, engineering and planning fees.

City Planner Rybak said the waiver of subdivision regulations provision should be used in this case. There are no new lots being created and no future development potential, so allowing the waiver would not interfere with the intent of the subdivision code.

City Council member Brainerd moved and City Council member Schneeweis seconded the motion to approve Resolution 2021-65 a Resolution Authorizing the Sale and Conveyance of Real Property by the City of Mahtomedi, approve the Purchase Agreement By and Between Jason Burak (buyer) and City of Mahtomedi (seller) for Purchase of Real Property in City of Mahtomedi, Washington County, Minnesota and approve Resolution 2021-64 a Resolution Waiving Compliance with Subdivision Provisions for Splitting of the Property Located at PID: 20.030.21.32.0021. The motion was unanimously approved.

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

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

**9. REPORT FROM CITY ADMINISTRATOR**

City Administrator Neilson reminded the City Council that the next meeting will be held on Wednesday, November 3 due to the election being held on Tuesday. He also informed the City Council that a Special Meeting will be held on Monday, November 8<sup>th</sup> at 5:00 p.m. to canvass the election results. He said the conciliation hearing regarding the Kluegel lawsuit was held on Friday, October 15. He explained that there was not a decision made and the judge has it under consideration.

Public Works Director Goebel said the first deer hunt was held in Katherine Abbott Park, the City owned property in the Wedgewood neighborhood and the Dwinnell Nature area. He said 11 deer were harvested. He indicated that additional hunts will take place November 5-7 and December 10-12. He informed the Council that one or more of our wells has tested high for Manganese. He said Manganese occurs naturally in rocks and soil in Minnesota. He stated that this is not part of our consumer confidence report. He indicated that water softeners can take care of the issue. He said he is going to continue to work with the Department of Health regarding the next steps for this issue.

Fire Chief Terry Fischer said there has been an issue with the lockbox keys for St. Andrew's that they are working to resolve. He said they had over 100 calls last month and are on pace to have the same this month. Two of their current paid on-call employees recently passed their paramedic licensing, so that will help with staffing.

10. COMMENTS FROM THE CITY COUNCIL - None
11. CLOSED SESSION – None
12. ADJOURNMENT

City Council member Brainerd moved and City Council member Schneeweis seconded the motion to adjourn the meeting at 8:45 p.m. The motion was unanimously approved.

ATTESTED:

APPROVED:

  
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JERENE ROGERS, CITY CLERK

  
\_\_\_\_\_  
JUD MARSHALL, MAYOR

ATTACHMENT A

The Ramsay Building, LLC  
1620 Mahtomedi Avenue  
Mahtomedi, Minnesota 55115

RECEIVED OCT 19 2021

October 19, 2021

City of Mahtomedi  
Mahtomedi City Hall  
600 Stillwater Road  
Mahtomedi, Minnesota 55115

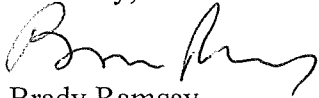
Regarding: Objection to Proposed Special Assessments  
Phase 4 East – Historical District Improvements  
The Ramsay Building LLC  
PID numbers: 2003021240032; 2003021240030; 2003021240057

To the City of Mahtomedi:

This will serve as my objection on behalf of The Ramsay Building, LLC to the special assessments proposed to be levied upon the above referenced properties for the Phase 4 East. – Historical District Improvements.

The special benefit amounts of the proposed assessments exceed the increase in the market value of such properties resulting from the improvements and the assessments are not uniformly applied to the same class of properties for the project.

Sincerely,



Brady Ramsay  
Chief Manager

The Ramsay Building, LLC