MAHTOMEDI CITY COUNCIL
AGENDA
MAY 19, 2020
7:00 PM

Meeting to be held telephonically pursuant to Minn. Stat. Sec. 13D.021
Telephonic Meeting Call-in Instructions
Dial: 1-312-626-6799
Enter Meeting ID 869 6367 0786 Password 339504
Please Hit the # sign twice to enter to meeting
The following link will allow you to enter the meeting using video:
https://us02web.zoom.us/j/86963670786?pwd=NHQ3l2VmNitib2J0eWxxZVNNbHlxdz09

1. CALL REGULAR CITY COUNCIL MEETING TO ORDER
2. CONSIDER APPROVAL OF THE AGENDA
3. CONSIDER APPROVAL OF THE MAY 5, 2020 CITY COUNCIL MEETING MINUTES

4. PRESENTATIONS

5. DISCUSSION FROM THE AUDIENCE
Visitors may share their concerns with the City Council on any item of
community interest not on the agenda. The City Council will direct City staff to
prepare responses to the concerns or to schedule the matter for a future agenda.
No other action will be taken on these items during this time. We ask that you not
be repetitious of other speakers and to limit your comments to five minutes or
less.

6. CONSENT AGENDA

2. APPROVAL - Resolution Approving the Acceptance of Gifts for
miscellaneous purchases for the Mahtomedi Fire Department.
3. APPROVAL – Hiring of Two Public Works Seasonal Employees.
4. APPROVAL – 2020 Recycling Grant Agreement between Washington
County and City of Mahtomedi.
5. APPROVAL – 2021 Budget Calendar.
6. APPROVAL – City of Mahtomedi Facebook Page.
7. APPROVAL – Pay Voucher No. 1 in the amount of $206,453.24 for the 2020
Sanitary Sewer Lining Project for Insiteform Technologies USA, Inc.
8. APPROVAL – Pay Voucher No. 2 in the amount of $6,205.36 for the 2020
Pond Maintenance Project for Nadeau Companies, LLC.
9. APPROVAL – Acknowledge Completion of Probationary Period for
Firefighter/EMT Alex Stuart.
10. APPROVAL – Award Contract for Fire Department Apparatus Floor
Resurfacing.
11. APPROVAL – Resolution Extending Term of Previously-Declared Local
Emergency to June 12, 2020.

7. PUBLIC HEARINGS-
8. STAFF REPORTS

29 a. CONSIDER APPROVAL – Request from Jon Wollak on behalf of James Flink and Diane Uecker-Flink for a variance to allow for an increase in allowable accessory structure size for the purpose of constructing an addition on to the existing detached garage at 1829 Park Avenue and described as PID 20.030.21.22.0024.

49 b. CONSIDER APPROVAL – Request from Darren Taylor for a minor subdivision, conditional use permit and variances at 141 Rose Street and 165 Tamarack Street as described at PID 20.030.21.21.0013 and 20.030.21.21.0014.

81 c. CONSIDER APPROVAL – Resolution Rejecting Bids for Aaron’s Playground Project.

85 d. CONSIDER APPROVAL – Bill List

9. REPORT FROM THE CITY ADMINISTRATOR

10. COMMENTS FROM THE CITY COUNCIL

This period of time shall be used by members of the Council to report to the full Council or community activities, make comments on matters of interest and information, or raise questions to the staff. This item is not intended to result in substantive Council action during this time. Any action necessary because of discussion will be scheduled for a future Council meeting.

11. CLOSED SESSION – None Scheduled

12. ADJOURNMENT
MAHTOMEDI CITY COUNCIL
MINUTES
MAY 5, 2020

Mayor Jud Marshall convened the regular City Council meeting telephonically at 7:00 p.m. with Council members: Richard Brainerd, Jeff Ledermann, Jane Schneeweis, and Steve Wolgamot in attendance. City Administrator Scott Neilson, City Attorney Bridget Nason, City Engineers John Sachi and Nick Guiliams, 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 Wolgamot moved and City Council member Schneeweis seconded the motion to approve the agenda as presented. The motion was unanimously approved by roll call vote. Yea: Brainerd, Ledermann, Marshall, Schneeweis, Wolgamot. Nay: None

CONSIDER APPROVAL OF THE APRIL 21, 2020 CITY COUNCIL MINUTES

City Council member Brainerd moved and City Council member Ledermann seconded the motion to approve the April 21, 2020 City Council meeting minutes. The motion was unanimously approved by roll call vote: Yea: Brainerd, Ledermann, Marshall, Schneeweis, Wolgamot. Nay: None

4. PRESENTATIONS – 2019 Audit Presentation

Chris Knopik, CliftonLarsonAllen, presented the audit for Fiscal Year ending December 31, 2019. Some of the highlights are as follows:

- The City had a “Clean Opinion” on the 2019 financial statements
- The City again received the award for “Excellence in Financial Reporting” from GFOA for 2018, this is the 28th consecutive year the City has received the award
- There were no findings of noncompliance for 2019
- There were no exceptions noted in internal controls

Mr. Knopik explained the emerging issues that are required in the coming years.

Finance Director Scott Schaefer thanked Chris and his team for their hard work. He also thanked City staff for their efforts.

5. DISCUSSION FROM THE AUDIENCE

Brian Leach, 250 Shamrock Drive, requested permission from the City Council to build a vegetable garden on City property. The property is located behind his and three of his neighbor’s homes. At this time, Brian has approval from one of the neighbors that this
5. DISCUSSION FROM THE AUDIENCE - Continued

project would affect. He will speak with the other neighbors to get their approval as well. He indicated that the garden would be approximately 30’ x 30’.

City Council member Jane Schneeweis said she would like feedback from the neighbors that Brian has not spoken to.

City Council member Brainerd thinks this is a good idea, however he thinks there are many unanswered questions. He wants to know if there will be a cost to the city, if there is liability issues if city equipment is used, are there easements to deal with, etc.

Public Works Director Bob Goebel said there is not irrigation in this area but there is a storm pipe. He said at this time he does not know how deep the pipe is.

City Attorney Bridget Nason said property records will need to be looked at and a policy drafted. She said there might be city owned property in other locations that could also be used for gardens. The City Council will have to determine how they want to proceed. She said that a policy should include a lease or sublease for community plots. She said the land will be disturbed for this type of project and when it is no longer used as a garden, somebody will need to be responsible to put the land back to its original state.

The City Council advised Brian to make a presentation to the Parks Commission regarding his request. They asked Public Works Director Bob Goebel to identify other areas within the City that could accommodate a community garden. Public Works Director indicated that he would add this item to the May 20, 2020 Park Commission agenda. The City Council also directed City Attorney Bridget Nason to draft a policy for community gardens.

6. CONSENT AGENDA

City Council member Wolgamot moved and City Council member Schneeweis seconded the motion to approve the Consent Agenda as presented. The motion was unanimously approved by roll call vote. Yea: Brainerd, Ledermann, Marshall, Schneeweis, Wolgamot. Nay: None.

6a. APPROVAL – Dahlia Street Improvements Change Order No. 1.

Change Order #1 for the Dahlia Street Improvements was approved. The change order will allow the contractor to install a portion of the water main using the pipe bursting method instead of an open cut, excavated trench. There will be no additional cost to the City for this change.
6. CONSENT AGENDA - Continued

6b. APPROVAL – Resolution No. 2020-23 Approving Placement of Stop Signs at the Intersections of Wildwood Bay Drive and Harmony Drive.

Resolution No. 2020-23 Authorizing the Placement of Stop Signs at both intersections of Wildwood Bay Drive and Harmony Drive was approved. The new stop signs will be located at both the northern and southern intersections of Wildwood Bay Drive and Harmony Drive.

6c. APPROVAL – Award Contract for the Hallam Park Playground Equipment.

A contract for the Hallam Park Playground Equipment in the amount of $79,805.65 for Flagstaff Recreation was approved. Staff feels this playground is the best suited in terms of overall design and quality as it has the greatest playability for the widest range of age and will be well received by the residents.


Resolution No. 2020-24 Authorizing the Execution of a Settlement Agreement between the City of Mahtomedi and Katherine Verzhibitska-Radzills and related documents was approved. Upon execution of the settlement agreement by both parties and receipt of $8,715.00 for the City’s damages, the City authorizes the execution and filing of the Full Satisfaction of Judgement Amount and Discharge of Notice of Lis Pendens with the Washington County District Court/Office of the Washington County Recorder.

7. PUBLIC HEARINGS - None

8. STAFF REPORTS

8a. CONSIDER APPROVAL – Bill list.

City Council member Ledermann moved and City Council member Wolgamot seconded the motion to approve the bills as presented. The motion was unanimously approved by roll call vote. Yea: Brainerd, Ledermann, Marshall, Schneeweis, Wolgamot. Nay: None.
9. REPORT FROM CITY ADMINISTRATOR

City Administrator Scott Neilson explained that he heard from Tracy Jones regarding the Farmer’s market. He reviewed the guidelines set out by the State of Minnesota that allow for this type of activity. He said Tracy indicated that they would once again like to hold the market at Veteran’s Memorial Park. He said that he would talk to Tracy regarding the necessary signage and precautions that will need to be followed for this summer.

City Engineer John Sachi updated the City Council on the projects throughout the City. He said the Birchwood Road and Historic District Phase 4 projects should begin on Monday, May 11. He said the temporary water main is laid out and ready to be hooked up for the Dahlia Street project. He said the pipe bursting for this project will begin at the end of the week. He indicated that the storm water projects for Park Avenue and Harmony Drive have been re-bid and will be opened this week. He also said the Bevins, Bichner and Talahi project has been re-bid. He said the plans have been modified to give the contractor until 2021 to complete the project. He stated the CSAH 12 project should be completed by the end of May; they are currently completing sidewalks and landscaping.

Public Works Director Bob Goebel said the contractor for the Hallam Park project started removing trees today.

10. COMMENTS FROM THE CITY COUNCIL

City Council member Ledermann asked if we have a downtown beautification design ready for review.

City Engineer Sachi said he would contact Candace Amberg to follow up on this plan.

11. CLOSED SESSION — Attorney-Client Privileged Discussion (pursuant to Minnesota Statutes, Section 13D.05, Subd. 3(b)) of City of Mahtomedi v. Lyla M. Douglas, et al., Washington County District Court File No. 82-CV-19-5745.

City Council member Ledermann moved and City Council member Brainerd seconded the motion to adjourn the regular City Council meeting at 8:25 p.m. and go into a Closed Session for an attorney-client privileged discussion involving the following pending litigation matter: City of Mahtomedi v Lyle M. Douglas, et al. Washington County District Court File No. 82CV-19-5745. The closed meeting will be held via telephone only on a separate Zoom conference call number and will commence immediately. Once the closed meeting is completed, there being no further items on the agenda, once back in open session the Council will simply adjourn the meeting. The motion was unanimously passed by roll call vote. Yea: Brainerd, Ledermann, Marshall, Schneeweis, Wolgamot. Nay: None.
Mayor Marshall, City Council members Brainerd, Ledermann, Schneeweis and Wolgamot were in attendance along with City Administrator Neilson, City Attorney Nason, and City Clerk Jerene Rogers.

Following the Closec Session, City Council member Brainerd moved and City Council member Wolgamot seconded the motion to reconvene the regular meeting. The motion was unanimously approved by roll call vote. Yea: Brainerd, Ledermann, Marshall, Schneeweis, Wolgamot. Nay: None.

12. ADJOURNMENT

City Council member Brainerd moved and City Council member Wolgamot seconded the motion to adjourn the meeting at 9:20 p.m. The motion was unanimously approved by a roll call vote. Yea: Brainerd, Ledermann, Marshall, Schneeweis, Wolgamot. Nay: None.

ATTESTED: 

JERENE ROGERS, 
CITY CLERK

APPROVED: 

JUD MARSHALL, MAYOR
MEETING DATE: May 19, 2020

AGENDA ITEM: 4

4. PRESENTATIONS
6. **CONSENT AGENDA**

6a. **APPROVAL – Resolution Approving the Acceptance of Gifts for miscellaneous purchases for the Mahtomedi Fire Department.**

Enclosed on page 4 is a Resolution approving donations from Carl and Karen Olson for $30.00 and Michael and Gayle Huseth for $100.00 for the Mahtomedi Fire Department.

6b. **APPROVAL – Hiring of Two Public Works Seasonal Employees.**

Public Works is requesting the hiring of Charles Frable and Nicholas Edwards as Public Works Seasonal Employees. This offer is contingent upon successful completion of driver’s license checks, drug test, background check, and physical exam. Background memo on pages 5-6.

6c. **APPROVAL – 2020 Recycling Grant Agreement Between Washington County and City of Mahtomedi.**

Enclosed on pages 7-12 is the Recycling Grant Agreement Between Washington County and City of Mahtomedi in the amount of $14,549.50.

6d. **APPROVAL – 2021 Budget Calendar.**

Enclosed on page 13 is the 2021 Budget Calendar.

6e. **APPROVAL – City of Mahtomedi Facebook Page.**

City staff is requesting permission to create the City of Mahtomedi Facebook Page.

6f. **APPROVAL – Pay Voucher No. 1 in the amount of $206,453.24 for the 2020 Sewer Lining Project for Insituform Technologies USA, Inc.**

Enclosed on pages 14-16 is Pay Voucher No. 1 in the amount of $206,453.24 for the 2020 Sewer Lining Project for Insituform Technologies USA, Inc.

6g. **APPROVAL – Pay Voucher No. 2 in the amount of $6,205.36 for the 2020 Pond Maintenance Project for Nadeau Companies, LLC.**

Enclosed on pages 17-21 is Pay Voucher No. 2 in the amount of $6,205.36 for the 2020 Pond Maintenance Project for Nadeau Companies, LLC.
6h. **APPROVAL – Acknowledge Completion of Probationary Period for Firefighter/EMT Alex Stuart.**

Firefighter/EMT Alex Stuart has completed his probationary period. Fire Chief Fischer is recommending to have his job status changed to paid on call firefighter/EMT. Background memo on page 23.

6i. **APPROVAL – Award Contract for Apparatus Floor Resurfacing.**

The apparatus floor at the fire station needs to be resurfaced. Fire Chief Fischer received two quotes and is recommending the floor resurfacing contract be awarded to SwedeBro in the amount of $32,400.00. Background memo on pages 23-25.

6j. **APPROVAL – Resolution Extending Term of Previously-Declared Local Emergency to June 12, 2020.**

Enclosed on pages 36-37 is a Resolution Extending Term of Previously-Declared Local Emergency to June 12, 2020.
CITY OF MAHTOMEDI
WASHINGTON COUNTY, MINNESOTA
RESOLUTION NO. 2020-25

A RESOLUTION APPROVING THE ACCEPTANCE OF GIFTS
FOR THE FIRE DEPARTMENT

WHEREAS, the City of Mahtomedi is a statutory city and is generally authorized to accept gifts of real
and personal property pursuant to Minnesota Statutes § 412.211;

WHEREAS, the following persons and/or entities have offered to contribute cash sums set-forth below
to the City of Mahtomedi to assist the City in providing for the miscellaneous Fire Department purchases within
the City’s corporate limits:

<table>
<thead>
<tr>
<th>Name of Donor</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Carl and Karen Olson</td>
<td>$30.00</td>
</tr>
<tr>
<td>Michael and Gayle Huseth</td>
<td>$100.00</td>
</tr>
</tbody>
</table>

WHEREAS, the City Council finds that it is appropriate to accept gifts set-forth above.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF MAHTOMEDI:

1. That the gifts set-forth above are hereby accepted by the City of Mahtomedi and shall be used
   for miscellaneous purchases by the Mahtomedi Fire Department.
2. That the City Clerk is hereby directed to issue receipts to each donor acknowledging the City’s
   receipt of the donor’s gift.

Adopted by the City Council of Mahtomedi this 19th day of May 2020.

CITY OF MAHTOMEDI

__________________________
Jud Marshall, Mayor

ATTEST:

__________________________
Jerene Rogers, City Clerk
INTRODUCTION:

The Council is requested to authorize the hiring of 2 seasonal public works employees. These positions are assigned duties in all maintenance functions within the department and are supervised by full time public works employees. Adequate funds were allocated in the 2020 public works division budgets to fund the positions.

BACKGROUND:

The Council authorized advertising for seasonal employees at the February 18, 2020 meeting and approved the hiring process. Based on the applications received (6), 2 finalists have been selected and are recommended for the positions subject to successful completion of a drivers license check, drug test, background check and physical. Historically the public works department has hired seasonal employees to supplement department workloads during the peak summer season of the year. Seasonal employees are trained to perform tasks in parks, streets, sewer & water, storm drainage and building maintenance. Typically seasonal employees work 40 hours per week and the positions are subject to a maximum of 67 working days for non college students and 100 working days for college students.

DISCUSSION:

The wage rate for seasonal employees are set up on a 3 part step system ranging from $13.00/Hr. for a first year employee to $15.00/Hr. for an employee who has worked for the department 3 years or longer. This year we have 2 recommended employees with 1 year of prior service with the department who will start at the $14.00/Hr. rate. The step system in place is competitive with other City's and has resulted in quality seasonal employees.
BUDGET IMPACT:

The 2020 operating budgets proportioned adequate funds from streets, parks, storm water and utility divisions for funding the positions.

RECOMMENDATION:

It is recommended that the Council authorize the hiring of 2 public works seasonal employees subject to successful completion of drivers license checks, drug tests, background checks and physical exams.

ACTION REQUESTED:

The Council should by motion approve the hiring of 2 seasonal public works employees subject to successful completion of pre-employment testing as follows:

- Charles Frable - $14.00
- Nicholas Edwards - $14.00
2020
GRANT AGREEMENT
FOR
MUNICIPAL RECYCLING GRANT DISTRIBUTION

THIS AGREEMENT made and entered into by and between the County of Washington, hereinafter referred to as the "County", and the City of Mahtomedi, 600 Stillwater Road, Mahtomedi, MN 55115, hereinafter referred to as the "Grantee".

WHEREAS, the County desires to encourage and provide opportunities for residential recycling to reduce the County's reliance on solid waste disposal facilities, and

WHEREAS, the Washington County Board of Commissioners has budgeted funds to be used to further develop recycling projects in the County.

NOW, THEREFORE, the parties hereto agree as follows:

1. Term:

   The term of the Agreement shall be from the date this Agreement is approved by the County to December 31, 2020.

2. The County's Obligations:

   The County will pay the Grantee an amount of up to $14,549.50 which is to be used for recycling program expenses in 2020. Payment will be within 60 days of execution of this Agreement.

3. The Grantee's Obligations:

   a. The Grantee agrees to follow their 2020 Municipal Recycling Grant Application and the guidelines therein (Exhibit A).

   b. The Grantee will use all recycling grant money received in 2020 as a result of this Agreement, for base funding activities, recycling projects, and public education related to recycling, as indicated in Exhibit A. If all recycling grant funds are not used within the grant period, the Grantee must return unexpended funds to the County unless the County approves utilizing the unspent funds for recycling projects the following year.

   c. The Grantee shall sign and return this Agreement to the County by July 1, 2020. Failure to do so will result in a reduction or loss of grant funds.

   d. The Grantee agrees to support State efforts in obtaining hauler reports by ensuring compliance through ordinance, contract or license requirements and the ability to exercise punitive actions, if needed.

   e. The Grantee will prepare and submit annual work plan project reports to the County. The reports shall cover the time period from January 1 to December 31 and shall be submitted to the County by January 31st of the year following the reporting period. The annual reports are available on the County's Municipal Recycling Grant Application and Reporting software (Re-TRAC Connect).

   f. Pursuant to Minnesota Statutes Sections 115A.46 and 115A.471, all waste generated by city/township government activities (including city/town halls, public
works buildings, parks, and for city/townships that arrange for waste services on behalf of their residents) shall be delivered to the Ramsey/Washington Recycling and Energy Center in Newport for disposal. Failure to comply with this provision shall constitute a breach of this Grant Agreement.

g. The parties agree that if the Grantee contracts or otherwise arranges for municipal solid waste hauling service on behalf of its residents and/or businesses and the Grantee issues bills for this service, the Grantee shall bill the County Environmental Charge (CEC) as a separate line item on the solid waste bill and shall make reasonable effort to collect the CEC. Exception to this provision is if the licensed hauler collected the CEC for the previous year. All County Environmental Charges collected shall be remitted to the County according to section 14.5 of Washington County Ordinance #178 or its replacement, Ordinance #194, effective July 1st, 2014. Failure of the Grantee to comply with this provision shall constitute a breach of this Grant Agreement and will result in loss of grant funds.

4. Indemnification and Insurance:

   a. The Grantee agrees it will defend, indemnify and hold harmless the County, its officers and employees against any and all liability, loss, costs, damages, and expenses which the County, its officers, or employees may hereafter sustain, incur, or be required to pay arising out of the negligent or willful acts or omissions of the Contractor/Consultant in the performance of this agreement.

   b. The Grantee agrees that in order to protect itself, as well as the County, under the indemnity provisions set forth above, it will at all times during the term of this Agreement, keep in force the following insurance protection in the limits specified:

1. Commercial General Liability/Professional Liability with contractual liability coverage in the amount of the County's tort liability limits set forth in Minnesota Statute 466.04 and as amended from time to time.
2. Automobile coverage in the amount of the County's tort liability limits set forth in Minnesota Statute 466.04 and as amended from time to time.
3. Worker's Compensation in statutory amount. (if applicable)

Prior to the effective date of this Agreement, the Grantee will furnish the County with a current and valid proof of insurance certificate indicating insurance coverage in the amounts required by this agreement. This certificate of insurance shall be on file with the County throughout the term of the agreement. As a condition subsequent to this agreement, Grantee shall insure that the certificate of insurance provided to the County will at all times be current. The parties agree that failure by the Vendor to maintain a current certificate of insurance with the County shall be a substantial breach of the contract and payments on the contract shall be withheld by the County until a certificate of insurance showing current insurance coverage in amounts required by the contract is provided to the County.
Any policy obtained and maintained under this clause shall provide that it shall not be cancelled, materially changed, or not renewed without thirty days notice thereof to the County.

5. Data Practices:

All data collected, created, received, maintained, or disseminated for any purposes by the activities of Grantee because of this Agreement is governed by the Minnesota Government Data Practices Act, Minnesota Statutes Chapter 13, as amended, the Minnesota Rules implementing such Act now in force or as adopted, as well as Federal regulations on data privacy.

6. Condition Subsequent:

It is understood and agreed that in the event that reimbursement to the County from state sources is not obtained and continued at a level sufficient to allow the Grant, the obligations of each party hereunder shall thereupon be reviewed to determine the necessity of renegotiating all or parts of this Agreement.

7. Records Availability and Retention:

Pursuant to Minnesota Statute Section 16C.05, Subd. 5, the Grantee agrees that the County, the State Auditor, or any of their duly authorized representatives at any time during normal business hours and as often as they may reasonably deem necessary, shall have access to and the right to examine, audit, excerpt, and transcribe any books, documents, papers, records, etc. which are pertinent to the accounting practices and procedures of the Grantee and involve transactions relating to this Agreement.

Grantee agrees to maintain these records for a period of six (6) years from the date of termination of this Agreement.

8. Independent Contractor:

Nothing contained in this Agreement is intended or should be construed as creating the relationship of co-partners or joint ventures with the County. No tenure or any rights or benefits, including Worker’s Compensation, Unemployment Insurance, medical care, sick leave, vacation leave, severance pay, PFRA, or other benefits available to County employees, shall accrue to the Grantee or employees of the Grantee performing services under this Agreement.

9. Nondiscrimination:

During the performance of this Agreement, the Grantee agrees to the following: No person shall, on the grounds of race, color, religion, age, sex, sexual preference or orientation, disability, marital status, public assistance status, criminal record, creed or national origin,
be excluded from full employment rights in, participation in, be denied the benefits of, or be otherwise subjected to discrimination under any and all applicable Federal and State Laws against discrimination.

10. Firearms Prohibited:

Unless specifically required by the terms of this contract or the person it is subject to an exception provided by 18 USC§ 926B or 926BC (LEOSA) no provider of services pursuant to this contract or subcontractors shall carry or possess a firearm on county premises or while acting on behalf of Washington County pursuant to the terms of this agreement. Violation of this provision is grounds for immediate suspension or termination of this contract.

11. Noncompliance by Grantee:

If the County finds that there has been a failure to comply with the provisions of this Agreement, the County may terminate the Agreement at any time following seven (7) days written notice to the Grantee and upon failure of the Grantee to cure the default within the seven day period. The County will require the Grantee to repay the grant funds in full or in a portion determined by the County. Nothing herein shall be construed so as to limit the County's legal remedies to recover grant funds.

12. Termination:

This Agreement may be canceled by either party upon thirty (30) days written notice. Notice to the Cities shall be mailed to the City Administrator or to the City Clerk if there is no Administrator. Notice to Townships shall be mailed to the Township Clerk. Notice shall be sent to the official business address of the City or Township. Notice to the County shall be mailed to: Department of Public Health and Environment, 14949 62nd Street N, PO Box 6, Stillwater, MN 55082-0006.

13. Merger and Modification:

a. It is understood and agreed that the entire Agreement between the parties is contained here and that this Agreement supersedes all oral agreements and negotiations between the parties relating to the subject matter. All items referred to in this Agreement are incorporated or attached and are deemed to be part of this Agreement.

b. Any material alterations, variations, modifications, or waivers of provisions of this Agreement shall be valid only when they have been reduced to writing as an Amendment and signed by the parties.

14. Force Majeure Events:

For purposes of this agreement, “Force Majeure” refers to an event that by its nature is
unforeseen, or, if it was foreseen, was beyond reasonable control by either party, and includes COVID-19. With a Force Majeure event of COVID-19, the parties agree to 1) make an attempt to reschedule any such municipally planned events impacted by COVID-19 included but not limited to community clean-ups, collection events, planned performances, and promotional campaigns, or 2) substitute the impacted event with other acceptable recycling efforts as outline in Exhibit A of this agreement.
IN WITNESS WHEREOF, the parties have executed this Agreement on the dates indicated below.

GRANTEE

BY

TITLE

DATE

WASHINGTON COUNTY

BY

Lowell R. Johnson, Director
Department of Public Health
and Environment

DATE

APPROVED AS TO FORM

BY: /s/ Rick Hodsdon
Ass't Washington Co. Attorney

DATE: 5/1/2020
CITY OF MAHTOMEDI
2021 BUDGET CALENDAR

May 19, 2020  City Council Approval of Budget Instructions
June 13, 2020  Forms Distributed to All Department Heads
June 13, 2020 –
July 3, 2020  Department Heads Prepare Budgets and Background Material
July 6, 2020  Department Heads Submit Budget Requests to City Administrator and Finance Director
July 7, 2020 -
July 17, 2020  City Administrator and Finance Director review Department Budgets and Confer with Departments
July 15, 2020  City Council Sets Public Hearing Date for Levy Certification on September 15, 2020
July 17, 2020 –
August 3, 2020  City Administrator Budget is drafted for Presentation to the Finance Commission and City Council
August 7, 2020  Finance Director completes Preliminary Revenue Estimates
August 7, 2020  Washington County distributes property tax revenue estimates and notifies City of dates available that have not been chosen by the County and School Districts for Budget Hearings
Sept. 1, 2020  Joint Finance Commission and City Council Meeting to Review General Fund, Special Revenue, Building & Equipment Replacement and Utility Funds & Preliminary Capital Improvement Plan
Sept. 15, 2020  City Council approves Preliminary General Fund Budget, Proposed Levy for Certification to Washington County and dates of Budget Hearings
Oct. 20, 2020  Joint Finance Commission and City Council Meeting to Review Capital Improvement Plan and Fee Schedule
Nov. 2, 2020  Capital Improvement Plan Public Hearing
Mid-November  Truth in Taxation Notices and Public Hearings Schedule distributed by the County
December 1, 2020  Public Hearing for Budget and Levy Consideration at City Council Meeting
Mid-December  Continuation Hearing, Approval of Budget and Certification of Property Tax Levy for submission to County
Late December  Finance Director Submits final levy to County and prepares Final Budget Document
May 4, 2020

Mr. Scott Neilson  
City of Mahtomedi  
600 Stillwater Road  
Mahtomedi, MN 55115

Re: 2020 Sanitary Sewer Lining Project  
City of Mahtomedi  
WSB Project No. 015079-000

Dear Mr. Neilson:

Please find enclosed Construction Pay Voucher No. 1 for the above referenced project in the amount of $206,453.24. The quantities completed to date have been reviewed and agreed upon by the contractor, and we hereby recommend that the City of Mahtomedi approve Construction Pay Voucher No. 1 for Insituform Technologies, Inc.

The amount indicated above reflects work certified through April 28, 2020, with a 5% retainage applied. Please include one executed copy with the payment to Insituform Technologies, Inc. and return one executed copy to our office for our file. If you have any questions or comments regarding this voucher, please contact me at 651.286.8468. Thank you.

Sincerely,

WSB

Nick Gilliams, PE  
Sr. Project Manager

Attachments

cc: John Sachi, WSB

kkp
City of Mahtomedi  
600 Stillwater Rd  
Mahtomedi, MN 55115-2007

Pay Request Number 1

<table>
<thead>
<tr>
<th>Project Number: 015079-000</th>
<th>Project Description: 2020 Sanitary Sewer Lining Project</th>
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</thead>
<tbody>
<tr>
<td>Client Project Number:</td>
<td></td>
</tr>
<tr>
<td>State/Federal Project Number:</td>
<td>/</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Contractor: In situform Technologies USA, Inc.- MO</th>
<th>Vendor Number:</th>
</tr>
</thead>
<tbody>
<tr>
<td>702 Spirit 40 Park Drive, Chesterfield, MO 63005</td>
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Percent: Retained: 5%  
Percent Complete: 93.57%

This is to certify that the items of work shown in this certificate of Pay Estimate have been actually furnished for the work comprising the above-mentioned projects in accordance with the plans and specifications heretofore approved.

Approved By

[Signature]
County/City Project Engineer
April 30, 2020
Date

Approved By

[Signature]
Insituform Technologies USA, Inc.- MO
Contractor
4/30/2020
Date

Approved By

[Signature]
City of Mahtomedi
Date
# Pay Request Number 1

## Payment Summary

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**Base Bid Totals:**

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## Contract Total

| Contract Total | $217,319.20 |

## Contract Change Totals

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-16-
May 1, 2020

Mr. Scott Neison  
City of Mahtomedi  
600 Stillwater Road  
Mahtomedi, MN  55115

Re:  202C Pond Maintenance Project  
City of Mahtomedi, MN  
WSB Project No. R-014398-000

Dear Mr. Neison:

Please find enclosed Construction Pay Voucher No. 2 for the above referenced project in the amount of $6,205.36. The quantities completed to date have been reviewed and agreed upon by the contractor, and we hereby recommend that the City of Mahtomedi approve Construction Pay Voucher No. 2 for Nadeau Companies, LLC.

The amount indicated above reflects work certified to date through April 16, 2020, with a 5% retainage applied. Please include one executed copy with the payment to Nadeau Companies, LLC., and return one executed copy to our office for our file. If you have any questions or comments regarding this voucher, please contact me at 763.231.4861. Thank you.

Sincerely,

WSB

[Signature]

Jake Newhall, PE  
Project Manager

Attachment

alp
City of Mahtomedi  
600 Stillwater Rd  
Mahtomedi, MN 55115-2007

Pay Request Number 2

<table>
<thead>
<tr>
<th>Project Number: Project: R-014398-000</th>
<th>Project Description: 2020 Pond Maintenance Project</th>
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| Contractor: Nadeau Companies LLC  
23596 LeeAnn Dr.  
Hampton, MN 55031 | Vendor Number:  
Up To Date: 04/10/2020 |

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<tr>
<td>Revised Contract</td>
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<td>Base Bid Items</td>
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<td>Contract Changes</td>
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<tr>
<td>Material On Hand</td>
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<td>Total</td>
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Percent: Retained: 5%  
Percent Complete: 34.04%

This is to certify that the items of work shown in this certificate of Pay Estimate have been actually furnished for the work comprising the above-mentioned projects in accordance with the plans and specifications heretofore approved.

Approved By  
Michael [Signature]  
Contractor  
5/1/2020

Approved By  
[Signature]  
WSB  
May 1, 2020

Date
## Payment Summary

<table>
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Base Bid Totals: $6,531.95, $103,670.05
# Pay Request Number 2

## Contract Change Item Status

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<th>Amount This Request</th>
<th>Quantity To Date</th>
<th>Amount To Date</th>
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**Contract Change Totals:**

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**Contract Total**

$103,870.05

## Contract Change Totals

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<th>Description</th>
<th>Amount This Request</th>
<th>Amount To Date</th>
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## Material On Hand Additions

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<th>Date</th>
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<th>Comments</th>
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## Material On Hand Balance

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<th>Description</th>
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<th>Remaining</th>
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</table>
CITY OF MAHTOMEDI
FIRE DEPARTMENT
MEMORANDUM

To: Mayor Marshall and City Council Members
FROM: Terry Fischer, Fire Chief
DATE: 5/13/2020
SUBJECT: Status Change for Probationary Employee

INTRODUCTION:

The following Fire Department Employee has completed our probationary period allowing him to have his job status changed to a paid on call firefighter/EMT.

DISCUSSION/BACKGROUND

Alex Stuart joined our department from White Bear Fire. He came to us fully trained and has proven to be a great addition to our department.

BUDGET IMPACT

The status change should not have any increased impact on the budget.

RECOMMENDATION:

I am requesting that the council approve by consent that Alex Stuart have his employment status changed from a probationary paid on call Firefighter/EMT to an on-call Firefighter/EMT.

Terry Fischer
INTRODUCTION:

The apparatus floor at the fire station is in need of resurfacing. We had it done 5 years ago but unfortunately it started bubbling and peeling up becoming a safety hazard.

DISCUSSION/BACKGROUND:

I received two quotes to do the work, one from Concrete Science for $22,466.50 and the second from SwedeBro for $32,400.00. I am recommending that we use the SwedeBro quote. Their bid came in more but I feel that after talking with their specialist from DuPont that they have a plan that will block the moisture issue that we have with the floor which can cause some products from not adhering to the concrete without the application of a moisture mitigation system. Both companies have done fire station floors so I contacted them to see if they had any issues with their floors and nobody could say that they had. The issue that we have with our floor is the moisture that works its way up from below that none of the other floors have experienced. I have attached a copy of both quotes.

ACTION REQUESTED:

It is my recommendation that the council approve the quote from SwedeBro to resurface our apparatus floor at the fire station.

Respectfully,

Terry Fischer
We hereby propose to furnish all necessary labor and material to complete the following scope of work and specification:
Includes yellow safety striping

Price Breakdown

Coatings = GFC - Flake Blend

*Pricing assumes Homeowner has cleared all personal contents out of work space prior to installation day. This proposal includes the following scope of work:

- Mechanically diamond grind the floor to properly prepare surface for coating application. Any "agreed to" repairs are done at this time.
- Tape and poly work space as needed to protect walls, etc. Apply color tinted base coat of polyurea.
- Broadcast colored flake blend into wet base coat to refusal. Allow approximately one hour to cure.
- Scrape and recover the excess flake, immediately apply the clear poly-aspartic finish(top) coat.

Upon completion, the floor will need 24 hours to fully cure prior to foot traffic and 48 hours for vehicular traffic.

Our standard size flake blend is 1/4". Smaller flake sizes (1/8", 1/16" and custom flake orders require a 10% up-charge and may add to lead time due to shipping requirements.

Total Price: $22,466.50

Thank You,
Pete Slama
612-554-0212 Mobile

Pete Slama / Sales Rep.
Customer: City of Mahtomedi - Fire Dept.  
600 Stillwater Rd  
Mahtomedi, MN 55115  

Date: 1/16/20  

RE: Parking Area, Walkways and Curbs  

Description:

Resinous Floor Coatings  
- Remove existing coatings in Parking Area.  
- Mechanically Shot-blast concrete floor to profile.  
- Apply FastTop MVT moisture mitigation system.  
- Apply 3746 epoxy in a solid color TBD and with a partial broadcast of 1/4 vinyl chips for accent.  
- Apply top coat of 4638 urethane enamel.

Floor must be swept clean from debris prior to our arrival.  
Everything must be off the floor prior to our arrival. Owner to provide dumpster use. Project will take 5 days to complete and requires exclusive access.

*Additional phases will require additional re-mobilization charges*

*Pricing is based on Cooperative Purchasing Connection thru the Metro ECSU Coop*  

<table>
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<th>Total Price</th>
<th>$32,400.00</th>
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<tr>
<td>Deposit for Materials Required</td>
<td>$</td>
</tr>
<tr>
<td>BALEANCE DUE</td>
<td>$32,400.00</td>
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</table>

Cement, acid, and stain colors cannot be precise; therefore finished color and texture will vary from any color charts or samples shown. All existing expansion joints may be re-cut; cracks in base substrata may reoccur.

Bids and prices are valid thru 10/31/20

Contract subject to terms/conditions listed. Unpaid balances after 60 days of completion may be sent to collections. Unpaid balances are assessed a 1.5% (18% APR) finance charge per month after 30 days. A mechanic’s lien may be filed on any unpaid balances after 60 days.

Buyer’s Signature          Date
RESOLUTION NO. 2020-29
CITY OF MAHTOMEDI
WASHINGTON COUNTY, MINNESOTA

RESOLUTION EXTENDING TERM OF PREVIOUSLY-DECLARED LOCAL EMERGENCY TO JUNE 12, 2020

WHEREAS, on March 13, 2020, Governor Tim Walz, by way of Emergency Executive Order 20-01, declared a Peacetime State of Emergency to authorize and all necessary resources to be used in support of the COVID-19 response, effective immediately, which Peacetime Emergency has been extended by Executive Order through June 12, 2020; and

WHEREAS, by that Proclamation and Declaration of Emergency dated March 16, 2020, Mayor Judson Marshall declared that a local emergency existed due to the COVID-19 health pandemic; and

WHEREAS, on March 17, 2020, the City Council adopted Resolution No.2020-16 which agreed with the Mayor’s Proclamation and Declaration of Emergency, consented to the declaration of a local emergency due to the COVID-19 health pandemic, and extended the declaration of local emergency for a period of thirty (30) days from the date of adoption of Resolution No. 2020-16; and

WHEREAS, on April 7, 2020, the City Council adopted Resolution No. 2020-20 which extended the declaration of local emergency until May 31, 2020; and

WHEREAS, the City Council of the City of Mahtomedi finds that the existing local emergency will continue past May 31, 2020, therefore necessitating an extension of the existing emergency declaration.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Mahtomedi, Minnesota, as follows:

1. The City Council finds that the existing local emergency due to the COVID-19 health pandemic will continue past May 31, 2020, and that it is necessary to extend the existing declaration of a local emergency through June 12, 2020.

2. The City Council hereby extends the existing declaration of local emergency through June 12, 2020.

3. All of the authorizations and approvals granted in the initial Proclamation and Declaration of Emergency and in Resolutions No. 2020-16 and 2020-20 are hereby continued for the curtailment of the extension of the declaration of local emergency.

4. The City Council and Mayor hereby determine that in-person meetings of the City Council, Planning Commission, and other commissions of the City of Mahtomedi are not practical or prudent due to the COVID-19 pandemic and the emergencies declared by the Governor and the City under Minnesota Statutes, Chapter 12. The City Council extends the authority to all city public bodies to conduct public meetings pursuant to and in compliance with Minnesota Statutes, Section 13D.021 until such time as the presiding officer of each body determines, in consultation with the City Administrator, that it is no longer impractical or imprudent for the
respective public body to resume regular in-person meetings.

5. The City Clerk is authorized and directed to file and post notice of adoption of this resolution and any emergency regulations as authorized and required by State law or City Code.

Adopted by the City Council of the City of Mahtomedi this 19th day of May, 2020.

Ayes:  
Nays:  

Attest:  

Judson Marshall, Mayor  Jerene Rogers, City Clerk
7. PUBLIC HEARINGS
MEETING DATE: May 19, 2020

AGENDA ITEM: 8a

8. STAFF REPORTS

8a. CONSIDER APPROVAL – Request from Jon Wollak on behalf of James Flink and Diane Uecker-Flink for a variance to allow for an increase in allowable accessory structure size for the purpose of constructing an addition on to the existing detached garage at 1829 Park Avenue and described as PID 20.030.21.22.0024.

ACTION TO BE CONSIDERED: To approve or deny a request from Jon Wollak on behalf of James Flink and Diane Uecker-Flink for a variance to allow for an increase in allowable accessory structure size for the purpose of constructing an addition on to the existing detached garage at 1829 Park Avenue and described as PID 20.030.21.22.0024.

FACTS:

- The City is in receipt of an application from Jon Wollak on behalf of James Flink and Diane Uecker-Flink for the requests outlined above.
- The application has been reviewed by City staff and consultants and is in order for consideration at this time.
- The Planning Commission at their May 13, 2020 meeting recommended

BACKGROUND:

- City Planner’s report on pages 30-34
- Location Map on page 35
- Application on pages 36-44
- Draft Resolution approving size variance on pages 47-48
CITY OF MAHTOMEDI MEMORANDUM

To: Honorable Mayor and City Council Members
   Scott Neilson, City Administrator

From: Erin Perdu, AICP, City Planner
      Hannah Rybak, City Planner
      John Sachi, City Engineer

Date: May 14, 2020
      City Council Regular Meeting May 19, 2020

Request: Request for approval of a variance to allow for an oversized accessory structure at the property located at 1829 Park Ave., PID: 20.030.21.22.0024.

PLANNING COMMISSION

At their regular meeting on May 13, 2020 the Planning Commission voted 5-0 to recommend approval of the requested variance. Exhibit C reflects the Planning Commission's recommendation.

GENERAL INFORMATION

Applicant: Jon Wollak

Owners: James Flink & Diane Uecker-Flink

Location: 1829 Park Ave.

Existing Land Use / Zoning: Single-Family Residential / zoned R1-E – Historic Mahtomedi District & Shoreland Overlay District

Surrounding Land

North: Single-Family Residential / zoned R1-E – Historic Mahtomedi District & Shoreland Overlay District

East: Single-Family Residential / zoned R1-E – Historic Mahtomedi District & Shoreland Overlay District

South: Single-Family Residential / zoned R1-E – Historic Mahtomedi District & Shoreland Overlay District

West: White Bear Lake

Comprehensive Plan: The Comprehensive Plan 2040 guides this property for Low Density Residential land use.

Deadline for Agency Action:
   Application Date: 03-02-2020
   60 Days: 05-01-2020
   Extension Letter Mailed: 03-23-2020
   120 Days: 06-30-2020

-30-
CONSIDERATIONS RELATING TO THE REQUEST

1. Overview. The Applicant is proposing to add on to the existing detached garage. The addition would include additional garage space and a covered staircase/breezeway area. The existing garage is 504 square feet. The staircase that is currently used to get from street-level to the home is fully outdoors. There is a grade change of almost nine (9) feet between the street and the front door to the home.

The addition would include 161 square feet of usable garage space, and 252 square feet for the breezeway/covered staircase. The additional garage space would not allow for a third car to park in the garage; it would provide space for two vehicles to park, with adequate space to open doors and allow people to maneuver in and out. The breezeway/covered staircase would be unenclosed by walls, but because it has a roof it must be included as building coverage. The Applicant has indicated that if an electric lift were to be necessary in the future to allow the property owners to access the home, it could be installed on the proposed covered stairway.

The proposed garage addition would not create any additional impervious surface, as the area where the addition is located is already paved. The building coverage of the lot would increase over existing but would not exceed the property's allowable coverage.

<table>
<thead>
<tr>
<th></th>
<th>R1-E &amp; Shoreland Requirement</th>
<th>Existing</th>
<th>Proposed</th>
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<tbody>
<tr>
<td>Accessory Structure Footprint Size</td>
<td>750 sq. ft. maximum</td>
<td>504 sq. ft.</td>
<td>917 sq. ft.</td>
</tr>
<tr>
<td>Accessory Structure Compared to Principal</td>
<td>80% of principal structure max.</td>
<td>34.4%</td>
<td>62.6%</td>
</tr>
<tr>
<td>Building Coverage</td>
<td>26.6% of total lot area max.</td>
<td>21.9%</td>
<td>26.5%</td>
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<tr>
<td>Height</td>
<td>Cannot exceed height of principal structure (21.6 ft.)</td>
<td>~9 ft.</td>
<td>11 ft. 9 in.</td>
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<tr>
<td>Impervious Surface Coverage</td>
<td>35% maximum of total lot area</td>
<td>38.7%</td>
<td>38.7%</td>
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<tr>
<td>Rear yard (street side) setback</td>
<td>8 ft.</td>
<td>~14 ft.</td>
<td>~10 ft.</td>
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<tr>
<td>North side yard setback</td>
<td>4.7 ft.</td>
<td>~16 ft.</td>
<td>5 ft. 3 in.</td>
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</table>

The Applicant has requested a variance of 167 square feet from the maximum allowable accessory structure size of 750 square feet, to allow the detached garage to total 917 square feet.

2. Ordinance Authority.
Chapter 11, Section 11.01, Subdivision 9.6.2 provides size requirements for accessory structures in all districts.

Chapter 11, Section 11.01, Subdivision 11.5 provides setback requirements in the R1-E District.

Chapter 11, Section 11.01, Subdivision 8.20, Section C provides for variances from the terms of the Zoning Ordinance if the City Council finds failure to grant the variance will result in practical difficulties on the applicant. The burden of proof is on the applicant to show that all of the variance standards have been met.

3. Consistency of the Request with the Standards for Granting a Variance

1. Practical difficulties as opposed to mere inconvenience.

The ‘practical difficulties’ test requires that the property owner proposes to use the property in a reasonable manner. This factor means that the landowner would like to use the property in a reasonable way but cannot do so under the rules of the ordinance.

The Applicant’s request to create a more functional situation for accessing their garage is reasonable. The proposed staircase is not enclosed or indoors, but because it is covered by a roof, the Ordinance states that it must be included in the building coverage calculation. Currently, the property owners have difficulty using the existing unenclosed staircase in the winter, as ice tends to buildup and they become very slippery. This creates a hazardous situation for accessing the home. Criterion met.

2. Conditions unique to the land.

The conditions upon which the applications for the variances are based are unique to the parcel of land and are not applicable, generally, to other property throughout the City.

The unique conditions in this case is the steep grade change between the access point of the property (driveway and garage) and the access point of the home. A staircase is the only mechanism that can be used for this property, and if it is not covered these can be dangerous during winter. Criterion met.

3. Purpose is not solely financial.

The purpose of the variance is not based exclusively upon a desire to increase the value or income potential of the parcel of land.

The purpose of the variance is to allow the property owners to make modifications to safely access their home. Criterion met.

4. Difficulties are posed by the Ordinance, not the property owner.

The difficulty is posed by the Ordinance in that it limits accessory structure size to a hard maximum based on lot size. The proposed addition would not cause the property to exceed allowable building coverage. Additionally, the Ordinance definition for “building” requires us to include the covered staircase in the building coverage calculation, even
though it is not technically inside of the building. It is reasonable to allow flexibility in this regard. **Criterion met.**

5. **Granting the variance is not detrimental and it does not alter the essential character of the locality.**

The proposed garage is similar in character to many other structures in the area. Due to the steep topography in this area, there are other structures in the vicinity that are taller than the proposed garage. **Criterion met.**

6. **Variance is in keeping with the spirit and intent of the Ordinance.**

While a variance is being requested for the size of the accessory structure, the intent of the Ordinance is upheld by the fact that the allowable building coverage for the property is not exceeded. **Criterion met.**

7. **Variance will not impair adequate light and air or result in additional congestion, fire danger or harm to public safety.**

The garage is situated between two other garages, with the living space of the neighboring homes set back further toward the lake. Light and air to neighboring properties will not be impaired. The proposed addition meets all setbacks and the location of the addition is exceptionally far from the neighboring structure to the north, when compared to many other properties in the R1-E District, thus not causing additional risk for fire damage. **Criterion met.**

8. **Consistency with the Comprehensive Plan.**

The requested variance would not change the single-family residential use of the property. Additionally, allowing long-time residents to age in place is consistent with the Comprehensive Plan. **Criteria met.**

**ENGINEERING CONSIDERATIONS**

The City Engineer has reviewed the application and provides the following comments:

Since, there is no change in the grading of the site, according to the Applicant, no grading plan was submitted. Any ground disturbance, as minimal as it might be, that requires erosion control will be handled as part of the building permit. It should be noted that the City's street construction project this year with the installation of concrete curb and gutter should alleviate the drainage concern stated by the applicant regarding street drainage entering their property. However, if they wish to add the trench drain as suggested in the narrative, this is acceptable and will be reviewed as part of the building permit.

**STAFF CONCLUSION**

Because the variance includes both the addition of garage space and a covered stair, staff evaluated the merit of recommending approval of a reduced variance — to allow the covered stairway, but not allow the garage space addition. The practical difficulty pertains to safer mobility in accessing the home. If the garage space addition were not permitted, the problem of the
property owners' inability to park both vehicles in the garage and also have the ability to maneuver in and out of the vehicles would remain. The additional off-street parking pad that is situated along the side of the garage would be taken away by the staircase. The driveway is extremely short and does not provide adequate length for off-street parking. Ultimately, the project would not function if only part of the requested variance were to be approved.

POTENTIAL ACTION

1. **Request Additional Information and Continue the Meeting.** The Applicant appears to have provided enough information for the City Council to make a decision to approve or deny the request. Should the City Council request additional information from the Applicant, the City Council should continue the meeting until a later time.

2. **Approval (with or without conditions) of the Request.** In the event of a decision for approval (with or without conditions), the City Council may refer to Exhibit C.

3. **Denial of the Request.** In the event of a decision for denial, the City Council should direct staff to draft a resolution of denial.

**ATTACHMENTS**

- Exhibit A: Location Map
- Exhibit B: Application
- Exhibit C: Draft Resolution of Approval
STREET ADDRESS OF PROPERTY: 1829 Park Ave, Mahtomedi MN 55115

LEGAL DESCRIPTION: See Last Page
(from your deed)

James R Flink
Diana Hackett-Flink
Address 1829 Park Ave, Mahtomedi MN 55115

Phone: Home 612.426.0904 Business 651-645-9137 Email: jrflink2000@yahoo.com

APPLICANT: (if other than owner)

Name Jon Wollak
Address 9232 68th st n, Grant MN 55082

Phone: Home BUSINESS 612.532.4148 Email: jwollak@hw2design.com

TYPE OF STRUCTURE: single unit
GARAGE: single

DESCRIPTION OF BUILDINGS, ADDITIONS AND ALTERATIONS (INCLUDE BUILDING PLANS):
Increase the size of the garage by 180sf of interior space, cover the exterior stair and breezeway
for increased winter safety, and improve site drainage with a new trench drain

PROVIDE A DESCRIPTION OF THE OVERALL PROJECT INCLUDING ITS HEIGHT AND DIMENSIONS:
A 7'x25' expansion of the footprint of the garage, with a 6'-6" overhang will allow all rain water at the roof to be directed to
pervious space and gutters. A 20'x4' eave over the exterior stair will keep them ice free in the winter for safety. Overall height
of the garage will increase from 12' to 16' to create the required roof slopes and character matching the house.

STATEMENT OF THE PRACTICAL DIFFICULTY/REASONS FOR THIS VARIANCE. ATTACH LETTERS, PHOTOGRAPHS
OR OTHER EVIDENCE IF APPROPRIATE:
The reason for the variance is the dangerous icy conditions present. As the homeowners age, another fall is even more likely.
The combination of the covered stairway and covered breezeway help prevent hazardous conditions. The trench drain will keep
runoff from the street and the garage from causing icy conditions. The expansion of the garage will allow two cars to fit more
easily in it. Also, increased south facing roof area allows the addition of solar panels.

IF POSSIBLE, OBTAIN THE SIGNATURES OF ALL ADJACENT PROPERTY OWNERS:

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<th>SIGNATURE</th>
<th>ADDRESS</th>
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<tr>
<td>[Signature]</td>
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</tr>
<tr>
<td>[Signature]</td>
<td>1827 Park</td>
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</table>

(SNICK OTHER SIDE)

October 2012
H:Forms/Variance Application Form

-36-
Legal Description of Tract:
Dear Sirs and Madams of the Planning Commission and City Council

Please find included with this letter documents showing the request for a variance for work at 1829 Park Ave in Mahomet. The variance being requested is for an increase in the allowable square footage of the accessory structure. This overage would keep us under the maximum built area allowable on the site.

The rework of the garage started as a safety issue for the homeowners, one of whom fell last year. Being an older couple who still loves the property they are looking at ways to safely occupy it for years to come. The ice building up on both the hardscape adjacent to the garage and the wooden stairs used to get from street level to the level of the house are the main issues of concern.

We have proposed to address these with two approaches. The first is to install a trench drain along the entire front of the garage apron to catch and direct the water flow from the street down to the yard and lake. Currently it sits and collects at the bottom of the apron due to the slope of the road and the ice has caused concern. The second is to create a new roof line that extends to the current north retaining wall and extends over a new wider stair to protect both locations from ice buildup. The wider stair will also be able to accommodate an electric lift if it needs to be added in the future.

In conjunction with these safety improvements the garage itself is also being made 6'-6" wider to ease getting in and out of cars, currently no vehicle can open its doors all the way when the garage is full and subsequently one is left outside of the garage on the narrow street fairly often. The expanded south facing roof will also allow the homeowners to look at installing a solar array in the future.

Thank you for your time in reviewing this matter and please feel free to contact me with additional questions

Sincerely,

Jon Wollak, RA
CITY OF MAHTOMEDI
WASHINGTON COUNTY, MINNESOTA
RESOLUTION NO. 2020-26

RESOLUTION APPROVING VARIANCE FOR ACCESSORY STRUCTURE SIZE FOR THE PURPOSE OF CONSTRUCTION AN ADDITION TO THE DETACHED GARAGE ON THE PROPERTY LOCATED AT 1829 PARK AVE., PID 20.030.21.22.0024

WHEREAS, the City of Mahtomedi received a request from the Applicant, Jon Wollak on behalf of the property owners, James Flink and Diane Uecker-Flink, on March 7, 2020 for a variance from the maximum allowable accessory structure size to allow for an addition to the existing detached garage at the property located at 1829 Park Ave., PID 20.030.21.22.0024. The property is legally described as follows:


WHEREAS, the Applicant has requested a variance of 167 square feet from the maximum allowable accessory structure size for the purpose of building an addition onto the existing detached garage; and

WHEREAS, the Planning Commission reviewed and considered the request based on the related documents shown in the Applicants’ Application at their regular meeting on May 13, 2020; and

WHEREAS, the City Council acting as the Board of Adjustments and Appeals, reviewed and considered the reports, documents, testimony, and other materials presented; and

WHEREAS, the City Council, acting as the Board of Adjustments and Appeals, can approve a variance if it finds that the standards for granting a variance as described in
RESOLUTION 2020-26
PAGE 2

Chapter 11, Section 11.01, Subdivision 8.20, C., 1 through 8 of the Mahtomedi City Code have been met.

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Mahtomedi approves the variance request of 167 square feet from the maximum allowable accessory structure square footage based upon the following findings of fact:

The requested variance is consistent with all the standards for granting a variance as described in Section 11.01, Subdivision 8.20, C., 1 through 8 of the Mahtomedi Zoning Ordinance. More specifically, the City Council finds that the requested variance is justified for the following reasons:

1. The grade change between street level and the entry point of the home is unique to the property and presents practical difficulties that require an exception from the ordinance to allow better access to the property;

2. The purpose of the variances is not based exclusively upon a desire to increase the value or income potential of the parcel of land;

3. The difficulties are presented by the parcel are not posed by the property owner;

4. Granting the requested variance would not be detrimental to the public welfare or injurious to other land or improvements in the vicinity of the parcel;

5. The proposed variance is in keeping with the spirit and intent of the Ordinance;

6. Allowing the requested variance will not impair an adequate supply of light and air to adjacent property, or increase the congestion of the public street, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood; and

7. The variance is consistent with the Comprehensive Plan.

Adopted by the City Council of the City of Mahtomedi on May 19, 2020.

______________________________
Judson Marshall, Mayor

Attested:

______________________________
Jerene Rogers, City Clerk
MEETING DATE: May 19, 2020

AGENDA ITEM: 8b

8. STAFF REPORTS

8b. CONSIDER APPROVAL - Request from Darren Taylor for a Minor Subdivision, Conditional Use Permit and variances at 141 Rose Street and 165 Tamarack Street.

ACTION TO BE CONSIDERED: To approve or deny a request from Darren Taylor for a minor subdivision, conditional use permit and variances at 141 Rose Street and 165 Tamarack Street.

FACTS:

- The City is in receipt of an application from Darren Taylor for the requests as outlined above.
- The application has been reviewed by City staff and consultants and is in order for consideration at this time.
- The Planning Commission at their May 13, 2020 meeting recommended

BACKGROUND:

- City Planner’s report on pages 50-58.
- Location map on page 59.
- Application on pages 60-74.
- Resolution approving requests on pages 77-80.
CITY OF MAHTOMEDI MEMORANDUM

To: Honorable Mayor and City Council Members
   Scott Neilson, City Administrator

From: Erin Perdu, AICP, City Planner
      Hannah Rybak, City Planner
      John Sachi, City Engineer

Date: May 14, 2020
      City Council Regular Meeting May 19, 2020

WSB Project No. 015205-000

Request: Request for approval of a minor subdivision, four variances and a conditional use permit at the properties located at 141 Rose St. and 165 Tamarack St., PIDs: 20.030.21.21.0013 & 20.030.21.21.0014.

PLANNING COMMISSION

At their regular meeting on May 13, 2020 the Planning Commission voted 5-0 to recommend approval of the requested minor subdivision, four variances and conditional use permit, subject to the seven (7) conditions outlined in this report. Exhibit C reflects the Planning Commission’s recommendation.

GENERAL INFORMATION

Applicant/Owner: Darren Taylor

Location: 141 Rose St. & 165 Tamarack St.

Existing Land Use / Zoning:
   Residential / zoned R1-E Historic Mahtomedi District & S Shoreland Overlay District

Surrounding Land Use / Zoning:
   Northwest: Residential / zoned R1-E Historic Mahtomedi District & S Shoreland Overlay District
   Northeast: Parkland / zoned P Park Lands/Public
   Southwest: Residential / zoned R1-E Historic Mahtomedi District & S Shoreland Overlay District
   Southeast: Residential / zoned R1-E Historic Mahtomedi District & S Shoreland Overlay District

Comprehensive Plan: The 2040 Comprehensive Plan guides this property for Low-Density Residential land use.

Deadline for Agency Action:
   Application Date: 04-17-20
   60 Days: 06-16-20
OVERVIEW
The Applicant is requesting a minor subdivision to accommodate a lot line adjustment between the two subject parcels. Currently, each property contains a single-family residence. The homes on each property are a century old and in need of repair/replacement.

165 Tamarack St. (Parcel B), is very undersized, containing a lot area of less than half of the lot size that the current Zoning Ordinance requires. 141 Rose St. (Parcel A) exceeds the minimum required lot area within the R1-E and Shoreland districts. The Applicant’s intent is to reconfigure the two properties to provide two reasonably sized lots for residential redevelopment.

The two subject parcels have a total area of 18,473 square feet. The following adjustments to minimum lot standards have been requested to allow the lot reconfiguration, through the minor subdivision process, to occur:

1. A variance of 1,900 square feet from the minimum required lot area of 10,400 square feet in the Shoreland District for proposed Parcel 1.
2. A variance of 427 square feet from the minimum required lot area of 10,400 square feet in the Shoreland District for proposed Parcel 2.
3. A variance of 22.76 feet from the minimum required lot width of 80 feet in the Shoreland District for proposed Parcel 1.
4. A variance of 16.95 feet from the minimum required lot area of 80 feet in the Shoreland District for proposed Parcel 2.
5. A conditional use permit to allow for the same reductions to standards (1-4 above), but within the R1-E District. The lot standards of 10,400 square feet in area and 80 feet in width apply to both the Shoreland and R1-E Districts.

The Applicant’s intent is to prepare the properties for new homes by reconfiguring the lot lines. A concept plan has been provided showing that reasonable homes, which meet the coverage and setback requirements of the applicable districts, could be constructed on the resulting properties. Demolition of the existing homes will likely be performed by the future purchaser of the lots, not the Applicant.

MINOR SUBDIVISION REVIEW

1. Ordinance Authority.

Chapter 11, Section 11.02, Subdivision 10, E: Minor Subdivision, allows minor divisions of an existing lot with several conditions:

1. The division will result in no more than three (3) new lots;
   Two lots are proposed. Criterion met.
2. The lot to be divided is in a location where conditions are well defined;
   Criterion met.
3. The newly created property lines will not cause any resulting lot to be in violation of the Zoning Code;

   -51-
A conditional use permit and variances have been requested to address the areas where the lots do not meet Ordinance standards. Criterion met if CUP and variances are approved.

4. The proposed division must be prepared by a registered land surveyor and must show the original lot and the proposed subdivision.
   Criterion met.

2. Consistency of the Request with the 2040 Comprehensive Plan. The Comprehensive Plan guides this property for Low Density Residential land use. Low density residential allows single-family residences at 1-5 dwelling units per acre. The proposed minor subdivision is consistent with the Comprehensive Plan.


<table>
<thead>
<tr>
<th>Standard</th>
<th>Required in R1-E Zoning District</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot Area</td>
<td>10,400 SF</td>
<td>Parcel 1: 8,500 SF</td>
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<tr>
<td></td>
<td></td>
<td>Parcel 2: 9,973 SF</td>
</tr>
<tr>
<td>Lot Width</td>
<td>80 feet</td>
<td>Parcel 1: 57.24 feet</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Parcel 2: 63.05 feet</td>
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<td>Lot Depth</td>
<td>120 feet</td>
<td>Parcel 1: 146.28 feet</td>
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<td>Parcel 2: 147.99 feet</td>
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<table>
<thead>
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<th>Standard</th>
<th>Required in Shoreland Zoning District</th>
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<tbody>
<tr>
<td>Lot Area</td>
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</tr>
<tr>
<td></td>
<td></td>
<td>Parcel 2: 63.05 feet</td>
</tr>
<tr>
<td>Impervious Surface Coverage*</td>
<td>25% of total lot area</td>
<td>Parcel 1: 2,125 SF (25%)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Parcel 2: 2,493 SF (25%)</td>
</tr>
</tbody>
</table>

*The site plan shows concept homes, which could be built on the property. The Applicant intends to sell the lots for future development, so plans for the homes would be evaluated at the time of building permit application. The concept home plans show that a reasonable home could be built, respecting the impervious surface coverage limit.

5. Parkland Dedication. Section 11.02, Subdivision 10, B (4) (a): Land Requirements – Residential, states that 'In all new residential subdivisions, a minimum of ten percent (10%)

-52-
of the gross area subdivided shall be dedicated for a public recreation space or open space. In the City’s sole discretion, the ten percent (10%) may be calculated on the net area, which shall be the gross area of the subdivided property minus the area of wetlands, lakes, and streams below the ordinary high water mark. The land dedicated for public use shall be in addition to property dedicated for streets, alleys, easements, or other public ways.‘

Section 11.02, Subdivision 10, B (5)(a): Cash Requirements: Amount of Payment Required states that, ‘When the subdivision is too small for practical dedication of public land or if no land in the subdivision is suitable for such use, the subdivider shall be required to pay a cash fee in lieu of such land dedication. The subdivider shall be required to pay a fee equal to ten percent (10%) of the fair market value of the land prior to subdivision or pay a cash fee as established by Ordinance of the City Council, whichever is the lesser of the two. The market value of land shall be determined by utilization of tax assessment records, a report from a certified appraiser, or by agreement between the City Council and the subdivider.

In this case, there is no increase in the number of lots. Staff therefore recommends that no parkland dedication fee be required.

VARIANCE REVIEW

1. Ordinance Authority

Chapter 11. Section 11.36, provides requirements for properties within the Shoreland District.

Chapter 11, Section 11.01, Subdivision 8.20, Section C provides for variances from the terms of the Zoning Ordinance if the City Council finds failure to grant the variance will result in practical difficulties on the applicant. The burden of proof is on the applicant to show that all of the variance standards have been met.

2. Consistency of the Request with the Standards for Granting a Variance.

1. Practical difficulties as opposed to mere inconvenience.

The ‘practical difficulties’ test requires that the property owner proposes to use the property in a reasonable manner. This factor means that the landowner would like to use the property in a reasonable way but cannot do so under the rules of the ordinance.

The requests for reduced lot width and area are logical, given in the context of the existing lots. As they sit today, there is one parcel that is severely undersized, but still serves the use of a single-family home. The other parcel, also containing a single-family home, is larger than the applicable zoning districts require. The desire to create more evenly sized lots in this situation is reasonable. The use of the properties will not change; two single family homes exist, and two single-family homes are proposed.

Criterion met.

2. Conditions unique to the land.

The conditions upon which the applications for the variances are based are unique to the parcel of land and are not applicable, generally, to other property throughout the City.
The unique conditions in this case are the sizes of the historically platted lots, and the
topography of the site. If the subdivision were to configure the parcels in a north/south
orientation, the request for lot width variances would be greatly reduced. Each lot
would have approximately seventy-six (76) feet in width. The Applicant has proposed an
east/west orientation in order to work with the existing grades of the properties. The
variance to lot area would allow an existing lot that is uniquely tiny to come much closer
to conformance with zoning district size standards. \textit{Criterion met.}

3. \textit{Purpose is not solely financial.}

The purpose of the variance is not based exclusively upon a desire to increase the value or
income potential of the parcel of land. The lot line adjustment also serves a purpose to
allow the redevelopment of aging, deteriorated homes. Additionally, the single-family use of
existing Parcel B would be greatly enhanced by the home being located on a reasonably
sized lot. No additional homesites are being created. \textit{Criterion met.}

4. \textit{Difficulties are posed by the Ordinance, not the property owner.}

The difficulties are posed by current Ordinance standards being imposed on historically
platted lots. If the Applicant were so inclined, he would be able to tear down and rebuild a
home on the existing footprint of existing Parcel B, provided there would be no increase in
size. This, despite the fact that the existing home on Parcel B does not meet any setback,
building coverage and impervious surface coverage standards, because it is considered legal
nonconforming. The variance requests to more evenly allocate space between the two
properties are an improvement over existing conditions and allow for conforming setbacks.
\textit{Criterion met.}

5. \textit{Granting the variance is not detrimental and it does not alter the essential character of the locality.}

The granting of this variances will not be detrimental to the public welfare or injurious to
other land or improvements in the vicinity of the parcel of land. The redevelopment of the
properties would be an aesthetic improvement to the area over the homes that exist on the
properties today. The width and area of the proposed properties is similar to many
properties in the neighborhood and the zoning districts as a whole. \textit{Criterion met.}

6. \textit{Variance is in keeping with the spirit and intent of the Ordinance.}

The proposed variance is in keeping with the spirit and intent of the Ordinance. While
variances to lot size and area have been requested, the Applicant has demonstrated that
homes could be constructed on both resulting parcels that meet all setback and coverage
requirements of the applicable zoning districts. Both existing homes do not meet current
setback requirements. Bringing two existing properties into better conformance with
Ordinance requirements serves the intent. \textit{Criterion met.}

7. \textit{Variance will not impair adequate light and air or result in additional congestion, fire danger
or harm to public safety.}

The resulting new homes would be scaled appropriately to the size of the lots, meet all
setbacks and would not increase the density over what exists today. \textit{Criterion met.}
8. **Consistency with the Comprehensive Plan.**

The use of the properties would remain the same, which is consistent with the Low-Density Residential designation of the Comprehensive Plan. **Criterion met.**

**CONDITIONAL USE PERMIT REVIEW**

1. **Ordinance Authority**

   *Chapter 11, Section 11.5* provides requirements for properties within the R1-E Historic Mahtomedi District.

   *Chapter 11, Section 11.01, Subdivision 8.21, Section C* states in determining whether to approve, approve with conditions, or deny a request for issuance of a conditional use permit, the Planning Commission and the City Council shall consider all relevant factors and all conditional use permit approval criteria.

2. **Consistency of the Request with the Standards for Granting a Conditional Use Permit**

   a. **Conforms to the District and conditional use provisions and all general regulations of this Ordinance.**

      The reconfiguration of the properties and resulting single-family homes conform to all Ordinance standards, except for the width and area of the lots, for which the CUP has been requested. **Criterion met.**

   b. **Does not involve any element or cause any conditions that may be dangerous, injurious, or noxious to any other property or persons, and shall comply with the performance standards in Provision D: Performance Standards herein.**

      **Criterion met.**

   c. **Is sited, oriented and landscaped to produce a harmonious relationship of buildings and grounds to adjacent buildings and properties.**

      The proposed configuration of the lots is logical in the context of the area. Additionally, the proposed homes will meet setback requirements, which is an improvement over the existing conditions of the subject properties. **Criterion met.**

   d. **Produces a total visual impression and environment which is consistent with the environment of the District and neighborhood in which it is located.**

      The redevelopment of the two single-family homes will be a visual improvement over the existing homes. Their size will fit well within the context of the lots and the neighborhood and will conform to ordinance requirements. **Criterion met.**

   e. **Organized vehicular access and parking to minimize traffic congestion in the District.**

      The request will not create any additional traffic in the area as the use of the properties will remain the same. **Criterion met.**

   f. **Promotes the objectives of this Ordinance and the overall Comprehensive Land Use Plan of the City.**
The conditional use permit request is consistent with the objectives of the Zoning Ordinance and Comprehensive Plan. The properties within the R1-E Historic Mahtomeci District often have challenges in terms of lot size. The Applicant’s proposal in keeping with the City’s goal of responsible and reasonable redevelopment of aging properties within the Historic District.

WOODLAND PRESERVATION

The Applicant has provided a tree inventory along with the application. The City Forester has reviewed the inventory and visited the site. There are twenty-five (25) significant trees on the subject properties, therefore the site is classified as “heavily wooded”. A significant number of trees would need to be removed to construct the new homes. Tree removals and replacement will be evaluated at the time of a grading or building permit. The required replacement rate for heavily wooded properties is 1:3.

ENGINEERING CONSIDERATIONS

The City Engineer has reviewed the application and provides the following comments:

Overall:
The site plan for this property involves a lot line adjustment and reorientation of two lots along Rose and Tamarack Streets. The existing homes will be demolished in order to facilitate the new proposed lot configuration and new home constructions. The existing City utility services for the house come off of Rose Street for the larger home and Tamarack Street for the smaller home.

Grading, Erosion Control and Stormwater:
Although the narrative suggests there is not significant grade changes planned for the site, the submitted site grading plan would contradict that assertion. The grades on the entire site are going to be altered with this proposed grading plan. What is also evident by this grading plan is that the entire site will be required to be graded at one time as the grades on one lot are highly dependent on the adjacent lot being graded at the same time. It is suggested by the Applicant that it can be done at the time of each building permit, that is just not possible. While minor changes from this plan could be implemented at the time of each building permit, depending on the new home’s design, the staff will require the entire site to be graded when the first building permit is requested or prior to that time. The submitted erosion control plan appears to be acceptable. It’s critical that erosion control be provided around the north, south and east sides of the lot as active City right-of-way exists on three sides and grading is occurring over the entire lot. The grading plan also shows rain gardens for each lot. These gardens are great additions in meeting storm water management issues for the site. Each garden will be required to be built as part of the building permit for each lot.

Street and Utility Reconstruction:
In 2021 the City is planning on reconstructing Rose and Tamarack Streets adjacent to these parcels. The City will also be replacing the watermain at that same time. If needed, the City can provide new services at requested locations, however some of these new services may have to be specially assessed to the parcels.
The existing sewer and water service for 141 Rose St. would be oriented to the back of the new proposed home on Parcel 2. The existing sewer service elevation may not work for the new home. Therefore, if a new service off of Tamarack St. is desired, it can be installed as part of the City work in 2021 and assessed to the parcel. Likewise, the existing sanitary sewer and water service for 165 Tamarack St. could be re-used. If the Applicant wishes to have a new service installed, that can also be done as part of the 2021 construction work by the City and assessed to the new parcel.

Each lot will be subject to a street reconstruction assessment for the City’s proposed street reconstruction work in 2021.

**Driveways:**
Since the City will be installing new drive-over curbing along Tamarack Street there is no need to site the driveway locations at this time. Those locations will be reviewed at time of the building permit.

**RECOMMENDED CONDITIONS**

1. The existing homes must be demolished prior to the recording of the minor subdivision.
2. Tree preservation and replacement plan must be approved prior the issuance of any grading or building permit.
3. The future homes to be constructed on the resulting parcels must meet all setback, height, building coverage, and impervious surface coverage requirements, as prescribed by the Zoning Ordinance.
4. All preliminary grading must be done in accordance with the submitted grading plan and the work must be done on the entire parcel and all erosion control installed prior to commencement of the grading. Rain garden installation, in accordance with the submitted grading plan, will be required to be installed as part of the building permit for each lot.
5. The Applicant should indicate where they would desire the new sewer and water connections to be placed for Parcel 1 and these services will be assessed to Parcel 1 as part of the City’s 2021 Historic District Phase 4 East project.
6. If the Applicant desires new sewer and water connections for Parcel 2, the desired location for these connections should be submitted and these services will also be assessed to Parcel 2 as part of the City’s 2021 Historic District Phase 4 East project.
7. The Applicant must enter into a minor subdivision agreement with the City.

**POTENTIAL ACTION**

1. **Request Additional Information and Continue the Meeting.** The Applicant appears to have provided enough information for the City Council to make a decision to approve or deny the request. Should the City Council request additional information from the Applicant, the City Council should continue the meeting until a later time.
2. Approval (with or without conditions) of the Request. In the event of a decision for approval (with or without conditions), the City Council may refer to Exhibit C.

3. Denial of the Request. In the event of a decision for denial, the City Council should direct staff to draft a resolution of denial.

ATTACHMENTS
Exhibit A: Location Map
Exhibit B: Application
Exhibit C: Draft Resolution – Approving the Minor Subdivision, Conditional Use Permit and Variance
APPLICATION FOR CONSIDERATION OF REQUEST
CITY OF MAHTOMEDI, MINNESOTA

STREET ADDRESS OF PROPERTY: 141 Rose Street and 165 Tamarack Street

LEGAL DESCRIPTION OF PROPERTY: See Attachment A

OWNER: Name Darren Taylor Address 9740 Justen Trail N., Grant, MN

Phone: Home Business 651.355.5756 FAX

APPLICANT: (if other than owner)
Name Address
Phone: Home Business FAX

Type of Request
- Rezoning
- Conditional Use Permit
- Site Plan
- Interim Use Permit
- Administrative Site Plan Review
- Appeal of an Administrative Decision
- X Minor Subdivision Plan for Subdivision (more than 3 lots)
- Amendment to Ordinance
- Concept Plan Review
- Final Plat

Description of Request: Lot line rearrangement of two lots in the Historic Mahtomedi District.

See attached narrative for further description.

IF POSSIBLE, OBTAIN THE SIGNATURES OF ALL ADJACENT PROPERTY OWNERS:

<table>
<thead>
<tr>
<th>SIGNATURE</th>
<th>ADDRESS</th>
<th>GIVEN</th>
<th>NOT GIVEN</th>
<th>UNDECIDED</th>
</tr>
</thead>
<tbody>
<tr>
<td>See attachment C.</td>
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</table>

SUPPORT:

Information Provided:
- Preliminary Plat
- X Grading/Drainage Plan
- Utilities Plan
- X Site Plan
- Landscape Plan
- Building Elevation
- Sign Plan
- X Registered Land Survey
- X Narrative of Project
- X Copy of Property Deed(s) (For Conditional Use Permit Applications)

(SEE OTHER SIDE)
As the applicant, I agree to reimburse the City for all expenses incurred by the City in employing planning, engineering, legal, and other professional consultants in reviewing this application. Such costs shall be paid by me, the applicant, regardless of the outcome of the review and prior to commencing any work on the project.

Owner's Signature

4/13/2020

Date

Applicant's Signature

4/13/2020

Date

BELOW IS FOR USE BY CITY OFFICIALS

Application received with fee of $2,700.00 on 4-13-2020
Amount of cash deposit for City consultant costs $2,000.00
Action by Planning Commission ___________________________ on ___________________________
Action by City Council ___________________________________ on ___________________________

(Revised January 2011)
CITY OF MAHTOMEDI
600 STILLWATER ROAD
TELEPHONE: 651-426-3344

PETITION FOR VARIANCE

STREET ADDRESS OF PROPERTY: 141 Rose Street & 165 Tamarack Street

LEGAL DESCRIPTION: Attachment A
(from your deed)

OWNER: Name Darren Taylor
Address 9740 Justen Trl N, Saint Paul MN, 55115

Phone: Home
Business 651-355-5756
FAX

APPLICANT: (if other than owner)
Name
Address

Phone: Home
Business
FAX

TYPE OF STRUCTURE: X single unit
double unit
multiple unit
double
addition

DESCRIPTION OF BUILDINGS, ADDITIONS AND ALTERATIONS (INCLUDE BUILDING PLANS):
See attached narrative for description.

PROVIDE A DESCRIPTION OF THE OVERALL PROJECT INCLUDING ITS HEIGHT AND DIMENSIONS:
See attached narrative for description.

STATEMENT OF THE PRACTICAL DIFFICULTY/REASONS FOR THIS VARIANCE. ATTACH LETTERS, PHOTOGRAPHS OR OTHER EVIDENCE IF APPROPRIATE:
See attached narrative for description.

IF POSSIBLE, OBTAIN THE SIGNATURES OF ALL ADJACENT PROPERTY OWNERS:

<table>
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<th>UNDECIDED</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>See attachment regarding adjacent properties.</td>
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</tbody>
</table>
As the applicant, I agree to reimburse the City for all expenses incurred by the City in employing planning, engineering, legal and other professional consultants in reviewing this application. Such costs shall be paid by me, the applicant, regardless of the outcome of the review and prior to commencing any work on the project. In addition, to the best of my knowledge, the above statements are true and correct.

Owner's Signature

4/13/2020
Date

Applicant's Signature

4-13-2020
Date

Fee Received: $2,250.00
Receipt #: 413-004
PC Approve: 
PC Deny: 
CC Approve: 
CC Deny: 

OFFICE USE ONLY
Attachment A: Legal Descriptions

141 Rose Street
PID: 2003021210012
Lots 16 and 17, Block 2, Mahtomedi Heights, Washington County, Minnesota, also all that part of Lot 18 in said Black lying South and West of a line drawn parallel to and 10 feet Northeasterly from the Southwesterly line of said Lot, measured at right angles to Mahtomedi Heights, Washington County, Minnesota.

165 Tamarack Street
PID: 2003021210014
All that part of Lot 18, Block 2, Mahtomedi Heights, lying north and east of a line drawn parallel to and 10 feet northeasterly from the southwesterly line of said lot, measured at right angles, all according to the plat of said Mahtomedi Heights on file and of record in the office of the Register of Deeds, Washington County, Minnesota.
Attachment B: Narrative

Lot Line Adjustment (minor subdivision), Variance and Conditional Use Permit (CUP) for Property Located at 141 Rose Street and 165 Tamarack Street, Mahtomedi, MN

Date: April 13, 2020

Applicant and Owner: Darren Taylor
("Owner")

Applicant Representative: Jennifer Haskamp, AICP
Principal Planner
Swanson Haskamp Consulting, LLC (SHC)

Subject Properties: 141 Rose Street and 165 Tamarack Street

Existing Zoning: Historic Mahtomedi District (R1-E)

Existing Lot Sizes: 15,544 SF & 3,929 SF

Background and Project Objectives

The Owner purchased the subject properties several years with the intent of eventually redeveloping the parcels with a more modern housing type. For the past several years both homes have been rental properties and the Owner is now interested in selling the properties for redevelopment for single family uses. The current configuration of the lots is awkward, and we believe they can be significantly improved if a lot line adjustment is approved.

The subject properties are part of the Historic Mahtomedi zoning district and are within the Shoreland Overlay District. This area of the City is unique and full of character, which makes it both desirable and challenging for redevelopment. The two (2) subject properties are no exception. The historic plat for the two lots shows three historically platted lots, of which historic lots 16 and 17 were part of 141 Rose Street and historic lot 18 is 165 Tamarack Street. The historic configuration made some sense, though 165 Tamarack Street was the smallest of the three lots containing only 3,929 square feet of area. As the lots lay out today 141 Rose Street includes 14,544 square feet, while Tamarack remains significantly undersized based on the City's current zoning standards.
The objectives of this application are 1) to create two similarly sized lots; 2) to improve the marketability of the lots so that redevelopment is more likely therefore supporting the City's tax base; 3) to use the existing topography to site the homes; and 4) to create lots that are in character with the surrounding neighborhood.

Attached to this narrative are:

- Survey of Existing Conditions including identification of Significant Trees
- Lot Line Adjustment Exhibit
- Conceptual Grading Plan based on Conceptual Housing Pad
- List of Adjacent Neighbors and Method to Inform/Solicit Feedback

Project Description

The following summary of the proposed project is provided for your review and consideration. We are proposing a simple lot line adjustment, and no new lots are created as a result of our Application. It is our hope and intent to create two similarly sized lots so that two new single-family homes can be constructed on the lots. By creating lots of similar size and scale, the homes that can be constructed on the lots will likewise be of similar scale. This will help ensure that the new homes are consistent with the character of the surrounding neighborhood. At this time the Owner/Applicant does not intend to construct or develop the lots, but if granted the lot line adjustment he will sell the lots to a builder or private party. The plans contained in this Application, and any approval conditions will be provided to the buyer.

A summary of the attached Lot Line Adjustment exhibit shows the following:

- The arrangement and reconfiguration will create two (2) more similarly sized lots. There are no additional units proposed as part of this Application.
- The orientation of the lots is changed from the existing east-west configuration to north-south orientation and proposes to use Tamarack Street as the front. This orientation allows for an attached tuck-under garage as well as driveway for each new home. This design will allow for at least a 2-car attached garage as well as driveway parking for visitors of each home.
  - While the proposed adjustment changes the “front” for the subject properties, it is consistent with the neighborhood as there are properties both north and south of the subject lots with their primary frontage/access on Tamarack Street.
- Our plan works with the existing topography of the site, and we plan to match housing type to the site.
  - By working with the grades, we have the opportunity to minimize the amount of constructed stormwater management needed on site. For example, significantly less retaining wall will be necessary since the tuck-under will be constructed into the hill. This has several benefits, including the ability to coordinate grading and stormwater management on both lots collectively.
- We were focused on creating lots that fit into the neighborhood.
  - By creating two lots that are similar in size and dimension we are able to better match the character of existing lots in the neighborhood. Both lots are sized to fit modest sized single-
family houses, as opposed to larger lots that could support much larger footprints. As shown
the concept housing pads are between 1,400 and 1,575 square-feet which includes the truck-
under garage. While this is “conceptual” and there are no construction plans developed, the
following images are representative of the housing scale and type that could fit within the
shown housing pad. It is worth noting that the representative images have smaller footprints
than what is currently on the existing 141 Rose Street property (see CUP description).
Please note, that we understand that any new home will be required to meet the maximum
height requirements and the roof pitch may be flat or similar to that shown in the craftsman
or prairie/modern examples below.

Conditional Use Permit (CUP) Summary

It is our understanding that the City’s Ordinances require a conditional use permit (CUP) to redevelop the
subject property in the R1-R zoning district with a similar use (existing single-family) if the reconfigured lots
do not meet the dimensional standards. The property at 141 Rose Street is developed with an existing single-
family home and detached garage that are approximately 2,320 square feet. The property at 165 Tamarack
Street is developed with an existing single-family home that is approximately 960 square feet.

If the lot line adjustment is approved, the Applicant intends to sell the lots for redevelopment. The attached
Certificate of Survey, Conceptual Site Grading and Lot Line Adjustment show all existing and proposed site
conditions. A building plan has not been developed, but as previously noted, the representative housing types
shown in this application are of similar scale and size contemplated on the attachments.

We believe that the proposed reconfiguration is consistent with the character of the neighborhood and the
new structures will not only fit in but will enhance the area.
Variance Request Summary

The proposed reconfiguration of the lots will create two lots oriented north-south with primary frontage on Tamarack Street. The following lot tabulation of the created lots as shown on the attached Lot Line Adjustment exhibit are provided:

<table>
<thead>
<tr>
<th>Description</th>
<th>Lot Width (front)</th>
<th>Lot Depth</th>
<th>Area</th>
<th>Building Coverage (%)</th>
<th>Coverage (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proposed Parcel 1</td>
<td>57.24-feet</td>
<td>143.86-feet*</td>
<td>8,500 SF</td>
<td>1,400 SF (1.5%)</td>
<td>2,125 SF (25%)</td>
</tr>
<tr>
<td>Proposed Parcel 2</td>
<td>63.05-feet</td>
<td>143.86-feet*</td>
<td>9,973 SF</td>
<td>1,575 SF (15.8%)</td>
<td>2,490 SF (25%)</td>
</tr>
</tbody>
</table>

*Shortest dimension used for calculation; lots are slightly irregular in shape.

Our understanding of the City’s ordinance is that the proposed lot line adjustment requires a variance from the following standards:
- Lot Width
- Lot Area

Summary of Practical Difficulties

Consistent with the City’s ordinance requirements and the application, we offer the following reasons and description of Practical Difficulties in support of the requested variances:

- The existing configuration of the lots is a byproduct of the original historic plat that was developed for small cabin-like structures. The configuration results in 165 Tamarack Street being significantly undersized, and undesirable for both the market and the City. By balancing out the square footage allocated to each lot there will be greater consistency in the redevelopment of each lot for appropriately sized single-family uses. The ability to create two similarly sized lots results in both lots being slightly undersized thus requiring a variance from the lot area standard.

- The existing topography has not been significantly altered, and the slopes are unique to both parcels. We have the opportunity to work with the slope which is better for stormwater management of both parcels long-term. If we are required to develop the lots in an east-west configuration significant amounts of cut and fill, including retaining walls and other stormwater management improvements will likely be necessary to develop both lots. This can largely be avoided if the north-south orientation of the lots proposed is permitted. Due to frontage limitation, the north-south orientation requires a variance from the lot width standards for newly created lots.

- While the north-south orientation requires a variance from the lot width standard, the proposed lot widths are consistent with the existing lot sizes in the surrounding neighborhood. Granting a variance from the lot width is directly correlated to the ability to use the grades on the existing parcel, and therefore you will not be setting precedent as this is a condition that is unique to the property.
Attachment C: Adjacent Properties

Given the current COVID pandemic we did not go door-to-door to solicit feedback from the adjacent property owners for the subject application. However, we have sent the Lot Line Adjustment exhibit contained in this Application to each neighbor and requested their input by either email or mail. We will provide a copy of all correspondence we receive to the City. The communication was sent to the following list of adjacent property owners:

Wendy Wright, 140 Spruce St, Mahtomedi MN 55115
James & Barbara Carpenter, 130 Spruce St, Mahtomedi MN 55115
Lucy & Thomas Heuer, 135 Rose St, Mahtomedi MN 55115
Lucille Schultz, 132 Rose St, Mahtomedi MN 55115
Owner address: Lucille Schultz, 327 Juniper St, Mahtomedi 55115
Megan & Tyler Conroy, 138 Rose St, Mahtomedi MN 55115
May 4, 2020

Lucille Schultz
132 Rose Street
Mahomet, IL 61541

RE: 141 Rose Street and 165 Tamarack Street

Dear Ms. Schultz,

I am contacting you on behalf of Darren Taylor, the property owner of the subject properties. We are working Darren to reconfigure the lot lines of the property which requires a minor subdivision, CUP and Variance from the City. Enclosed, please find a copy of the proposed lot line rearrangement which changes the lot orientation from east-west to north-south. The hope is that a builder or prospective homebuyer will purchase the lots, demolish the homes, and construct a new single-family home on each lot.

In normal circumstances, we would have stopped by to ask for your support, but because of our current pandemic we are unable to do that. Instead we are asking for your support which you can indicate by signing this letter or sending one of us an email. Please return your response by May 12th, if possible. If you have any questions, or would like to discuss the proposed project please do not hesitate to contact me, or Darren at the following:

Jennifer Haskamp
jhaskamp@swansonhaskamp.com
651-341-4193

Darren Taylor (Owner)
kiwidigger@gmail.com
651-335-5756

If you support our application, please indicate by signing this letter and return it using the envelope provided. Alternatively, you may submit an email to either of us indicating the same.

Thank you!

I have no objection to the proposed minor subdivision, CUP and variances at the subject properties.

[Signature]

Julie A. Schultz
[Printed Name]
[Date]
May 4, 2020

Lucille Schultz
327 Juniper Street
Mahtomedi, MN 55115

RE: 141 Rose Street and 165 Tamarack Street

Dear Ms. Schultz,

I am contacting you on behalf of Darren Taylor, the property owner of the subject properties. We are working Darren to reconfigure the lot lines of the property which requires a minor subdivision, CUP and Variance from the City. Enclosed, please find a copy of the proposed lot line rearrangement which changes the lot orientation from east-west to north-south. The hope is that a builder or prospective homebuyer will purchase the lots, demolish the homes, and construct a new single-family home on each lot.

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If you support our application, please indicate by signing this letter and return it using the envelope provided. Alternatively, you may submit an email to either of us indicating the same.

Thank you!

I have no objection to the proposed minor subdivision, CUP and variances at the subject properties.

Signature

Printed Name
Date
5/6/20
CITY OF MAHTOMEDI
WASHINGTON COUNTY, MINNESOTA
RESOLUTION NO. 2020-27

RESOLUTION APPROVING A MINOR SUBDIVISION, VARIANCES AND
CONDITIONAL USE PERMIT FOR THE PROPERTIES LOCATED AT 141

WHEREAS, the City of Mahtomedi received a request from the Applicant,
Darren Taylor, for a minor subdivision, four variances and a conditional use permit to
reconfigure the property lines between the two parcels in order to reconfigure two
existing lots on the properties located at 141 Rose St. & 165 Tamarack St., legally
described as follows:

LOTS 16 AND 17, BLOCK 2, MAHTOMEDI HEIGHTS, WASHINGTON COUNTY, MINNESOTA,
ALSO ALL THAT PART OF LOT 18 IN SAID BACK LYING SOUTH AND WEST OF A LINE
DRAWN PARALLEL TO AND 10 FEET NORTHEASTERLY FROM THE SOUTHWESTERLY LINE
OF SAID LOT, MEASURED AT RIGHT ANGLES TO MAHTOMEDI HEIGHTS, WASHINGTON
COUNTY, MINNESOTA

ALL THAT PART OF LOT 18, BLOCK 2, MAHTOMEDI HEIGHTS, LYING NORT AND EAST OF
A LINE DRAWN PARALLEL TO AND 10 FEET NORTHEASTERLY FROM THE
SOUTHWESTERLY LINE OF SAID LOT, MEASURED AT RIGHT ANGLES, ALL ACCORDING TO
THE PLAT OF SAID MAHTOMEDI HEIGHTS ON FILE AND OF RECORD IN THE OFFICE OF
THE REGISTRAR OF DEEDS, WASHINGTON COUNTY, MINNESOTA.

WHEREAS, the Applicant has requested a minor subdivision, four variances and
a conditional use permit to allow for a minor subdivision of the property to reconfigure
the two existing residential lots for future redevelopment; and

WHEREAS, the proposed subdivision will not result in any new residential lots,
therefore no park dedication fee is necessary; and

WHEREAS, the Planning Commission reviewed and considered the request
based on the related documents shown in the Applicants' Application at their regular
meeting on May 13, 2020; and

WHEREAS, the City Council, acting as the Board of Adjustments and Appeals,
can approve a variance if it finds that the standards for granting a variance as described in
Chapter 11, Section 11.01, Subdivision 8.20, C., 1 through 8 of the Mahtomedi City Code
have been met.

WHEREAS, the City Council, acting as the Board of Adjustments and Appeals,
can approve a conditional use permit if it finds that the standards for granting a
conditional use permit as described in Chapter 11, Section 8.21 C.1 a through f of the
Mahtomedi City Code have been met.
RESOLUTION 2020-27
PAGE 2

WHEREAS, the City Council can approve a minor subdivision if it finds that the standards for minor subdivisions as described in Chapter 11, Section 11.02, Subdivision 10, E: Minor Subdivision of the Mahtomedi City Code have been met; and

WHEREAS, the City Council acting as the Board of Adjustments and Appeals, reviewed and considered the reports, documents, testimony, and other materials presented.

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Mahtomedi approves the following variance requests: a **1,900 sf. lot area variance for Parcel 1; a 427 sf. lot area variance for Parcel 2, a 22.76 ft. lot width variance for Parcel 1, and a 16.95 ft. lot width variance** based upon the following findings of fact:

The requested variance is consistent with all the standards for granting a variance as described in Section 11.01, Subdivision 8.20, C., 1 through 8 of the Mahtomedi Zoning Ordinance. More specifically, the City Council finds that the requested variance is justified for the following reasons:

1. The configuration of the parcels, their existing size and location within the Shoreland District present practical difficulties to compliance with the ordinance;

2. The proposed use of two single family lots is reasonable for the zoning district;

3. The purpose of the variances is not based exclusively upon a desire to increase the value or income potential of the parcel of land;

4. The difficulties presented by the parcels are not posed by the property owner;

5. Granting the requested variances would not be detrimental to the public welfare or injurious to other land or improvements in the vicinity of the parcel;

6. The proposed variances are in keeping with the spirit and intent of the Ordinance;

7. Allowing the requested variances will not impair an adequate supply of light and air to adjacent property, or increase the congestion of the public street, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood; and

8. The variances are consistent with the Comprehensive Plan.
NOW THEREFORE BE IT RESOLVED that the City Council of the City of Mahtomedi approves the Applicants' Conditional Use Permit for reductions to the lot width and area requirements of the R1-E Historic Mahtomedi District.

The requested conditional use permit is consistent with all the standards for granting a conditional use permit as described in Section 11.01, Subdivision 8.21, C., 1, a through f of the Mahtomedi Zoning Ordinance. More specifically, the City Council finds that the requested conditional use permit is justified for the following reasons:

1. The proposal conforms to the District and conditional use provisions and all general regulations of this Ordinance.

2. The proposal does not involve any element or cause any conditions that may be dangerous, injurious, or noxious to any other property or persons, and complies with the performance standards in Provision D: Performance Standards herein.

3. The proposed development is sited, oriented and landscaped to produce a harmonious relationship of buildings and grounds to adjacent buildings and properties.

4. The proposed development produces a total visual impression and environment which is consistent with the environment of the District and neighborhood in which it is located.

5. The proposed development provides organized vehicular access and parking to minimize traffic congestion in the district.

6. The proposal promotes the objectives of this Ordinance and the overall Comprehensive Land Use Plan of the City.

7. The Applicant must enter into a minor subdivision agreement with the City.

NOW THEREFORE BE IT FURTHER RESOLVED that the City Council of the City of Mahtomedi approves the Applicants' minor subdivision request based on the following findings of fact:

1. All required information for a minor subdivision has been supplied.

2. Along with the variance and conditional use permit requests, the minor subdivision meets the requirements for Minor Subdivision Approval;

3. The lot to be divided is in a location where conditions are well defined;

4. The proposed division was prepared by a registered land surveyor;
5. The minor subdivision request is consistent with the City’s Comprehensive Plan; and

6. The minor subdivision is consistent with the City’s Subdivision Regulations and Zoning Ordinance for property in the R1-E – Historic Mahtomedi Zoning District.

NOW THEREFORE BE IT FURTHER RESOLVED that the applicant must meet the following conditions for variance, conditional use permit and minor subdivision approval:

1. The existing homes must be demolished prior to the recording of the minor subdivision.

2. A Tree Preservation and Replacement Plan must be approved by the City Forester prior to the removal of any trees and issuance of any grading or building permit.

3. The future homes to be constructed on the resulting parcels must meet all setback, height, building coverage, and impervious surface coverage requirements, as prescribed by the Zoning Ordinance.

4. All preliminary grading must be done in accordance with the submitted grading plan and the work must be done on the entire parcel and all erosion control installed prior to commencement of the grading. Rain garden installation, in accordance with the submitted grading plan, will be required to be installed as part of the building permit for each lot.

5. The applicant should indicate where they would desire the new sewer and water connections to be placed for Lot 1 and these services will be assessed to Parcel 1 as part of the City’s 2021 Historic District Phase 4 East project.

6. If the applicant desires new sewer and water connections for Parcel 2 then the desired location for these connections should be submitted and these services will also be assessed to Parcel 2 as part of the City’s 2021 Historic District Phase 4 East project.

Adopted by the City Council of the City of Mahtomedi on May 19, 2020.

Attested: Judson Marshall, Mayor

Jerene Rogers, City Clerk
MEETING DATE: May 19, 2020

AGENDA ITEM: 8c

8. STAFF REPORTS

8c. **CONSIDER APPROVAL – Resolution Rejecting Bids for Aaron’s Playground Project.**

Staff is recommending the City Council reject all bids, as it exceeds the current budget available for the project and furthermore, a future bid/quote package will remove the playground equipment and surfacing as it can be purchased directly by the City for more substantial cost savings by utilizing the State Contract. The site work will then be reformatted into a quote package to be distributed to the bidders who submitted a bid, at a later date.

**BACKGROUND:**

- Memo on page 82
- Resolution on pages 83-84
Memorandum

To: Scott Neilson, City of Mahtomedi

From: Candace Amberg, WSB

Date: May 13, 2020

Re: Aaron’s Playground Project
WSB Project No. R-015785-000

WSB has recommended that the public bids for the Aaron’s Playground project be rejected, as stated in the Resolution. At the time that the City of Mahtomedi approves proceeding with this project, the following outlines changes in the methods of obtaining pricing.

It has been determined that the City of Mahtomedi can purchase the playground equipment directly through the State Contract method at a discounted price and eliminates Contractor markup and bonding for the equipment, so this will be removed from the construction document package. The City of Mahtomedi can purchase the engineered wood fiber surfacing necessary within the playground container so this will be removed from the construction document package.

Once approved by the City of Mahtomedi, a quote package will be repackaged and distributed to Contractor’s for pricing rather than go through a public bidding process.

Based upon the change in methods for obtaining quotes and direct purchases, the following is a breakdown of the current budget available and total anticipated project costs.

Current Funds Available:
- $110,000 donation for playground equipment
- $50,000 CIP funds
- $20,000 City funds available from site furnishing purchases

$180,000 Total

Public Bid Results:
- $276,000 Low Bid Equipment and Site Work
- $26,000 Design & Engineering Fees

$302,000 Total

Estimate of Probable Costs:
- $230,000 - $244,000 Adjusted Costs for Equipment and Site Work
- $26,000 Design & Engineering fees

$256,000 - $270,000 Total
CITY OF MAHTOMEDI
WASHINGTON COUNTY, MINNESOTA

RESOLUTION NO. 2020-28

RESOLUTION REJECTING BIDS FOR AARON’S PLAYGROUND PROJECT

WHEREAS, on April 7, 2020, the City Council of the City of Mahtomedi authorized the advertisement of bids for the Aaron’s Playground Project. The project includes concrete pavement curbs and playground equipment with wood fiber resilient surfacing; and

WHEREAS, on May 6, 2020, sealed bids were received and opened at Mahtomedi City Hall. The City received six (6) bids as outlined below; and

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<th>Base Bid</th>
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<td>272,683.00</td>
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<td>Blackstone Contractors LLC</td>
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<td><strong>Engineer’s Estimate</strong></td>
<td>247,733.25</td>
<td>7,180.00</td>
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WHEREAS, the apparent low bid was received from Odesa II in the amount of $276,070.00; and

WHEREAS, staff is recommending that the City reject all bids, as it exceeds the current budget available for the project and furthermore, a future bid/quote package will remove the playground equipment and surfacing as it can be purchased directly by the City of Mahtomedi for more substantial cost savings by utilizing the State Contract. The site work will then be reformatted into a quote package to be distributed to the bidders who submitted a bid, at a later date.

NOW, THEREFORE BE IT HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF MAHTOMEDI, MINNESOTA AS FOLLOWS:

1. That pursuant to Minn. Stat. Sec. 429.041 and the bid specifications for the Project, all bids for the Aaron’s Playground Project are hereby rejected.

2. City staff are directed to advise the bidders that all bids for the Project have been rejected and to return all bidders the deposits made with their bids.

Adopted by the City Council of Mahtomedi the 19th day of May, 2020.
Motion for adoption by:
Seconded by:
Ayes:
Nays:
Abstained:
Absent:

Jud Marshall, Mayor

Attest:

Jerene Rogers, City Clerk
8d. CONSIDER APPROVAL – Bill List

ACTION TO BE CONSIDERED: To approve or deny the Bill List, as presented or amended, and authorize payment of the bills.

BACKGROUND:
- Bill List on pages 86 - 97
# CITY OF MAHTOMEDI

## Payments

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Pre-Written Checks $0.00
Checks to be Generated by the Computer $1,021.09

Total $1,021.09
CITY OF MAHTOMEDI

Payments

Current Period: May 2020

Payments Batch DP 050420  $341.61

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Transaction Date: 5/4/2020  Due Date: 5/4/2020  Fund: 10100  Total: $341.61

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CITY OF MAHTOMEDI
Payments

Current Period: May 2020

Payments Batch DP 051220  $77.22

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<td>Invoice</td>
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<td>Amount</td>
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| Invoice    | 20191212          |
| Date       | 12/12/2019        |
| Amount     | $4.76             |

| Cash Payment | G 602-11550 Accounts Receivable-Utility |
| Invoice    | 20191212          |
| Date       | 12/12/2019        |
| Amount     | $36.31            |

| Cash Payment | G 601-11550 Accounts Receivable-Utility |
| Invoice    | 20191212          |
| Date       | 12/12/2019        |
| Amount     | $25.61            |

Transaction Date 5/12/2020   Due 5/12/2020   4M FUND 10100   Total $77.22

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# CITY OF MAHTOMEDI
## Payments

**Current Period: May 2020**

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<td>1548 LEVANDER, GILLEN &amp; MILLER, P.A</td>
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### CITY OF MAHTOMEDI Payments

**Current Period: May 2020**

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# CITY OF MAHTOMEDI
## Payments
### Current Period: May 2020

<table>
<thead>
<tr>
<th>Cash Payment</th>
<th>Invoice</th>
<th>Description</th>
<th>Amount</th>
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<tbody>
<tr>
<td>E 101-43100-411 Tree Trimming-Cont.</td>
<td>7360504</td>
<td>TREE REMOVAL - 928 WARNER AVE N &amp; 371 72ND ST</td>
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<td>20200430</td>
<td>FORESTRY SVS APRIL 2020</td>
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<td>R 101-36223 Rent Water Tower</td>
<td>20200501</td>
<td>WATER TOWER COST SHARE - MAY 2020</td>
<td>$1,460.81</td>
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<td>E 101-43100-224 Street Maint Materials</td>
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<td>ASPHALT MIX</td>
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<td>E 101-42270-210 Operating Supplies (GEN HEMS PLAN - MAY 2020)</td>
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<td>E 604-49550-400 Repairs &amp; Maint Cont (G)</td>
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<td>REPAIR WEDGEWOOD STORM SW FLOW</td>
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<td>E 101-45200-404 Vehicle Repair-Cont.</td>
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<td>REPAIR TIRE/RIM - MOWER</td>
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<td>E 601-49400-321 Telephone</td>
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<td>PHONE SVC 0324-0433</td>
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<td>2020 ASSESSMENT FEES</td>
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<td>E 101-42800-310 Other Professional Servi</td>
<td>5845498-050-8</td>
<td>ELECTRICAL INS - APRIL 2020</td>
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## CITY OF MAHTOMEDI

**Payments**

Current Period: May 2020

<table>
<thead>
<tr>
<th>Transaction Date</th>
<th>Due Date</th>
<th>Fund</th>
<th>Reference</th>
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<td>Cash Payment  E 101-43160-381 Electric Utilities</td>
<td>STREET LIGHTS 040320-050220</td>
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<td>618323695 &amp; 54133296</td>
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### Fund Summary

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<td>202 PARK</td>
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<td>518 2018 STREET IMPROVE PROJECTS</td>
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<td>520 2020 STREET IMPROVE PROJECTS</td>
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<td>601 WATER UTILITY</td>
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<td>602 SEWER UTILITY</td>
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<td>604 STORM WATER UTILITY</td>
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### Pre-Written Checks

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9. REPORT FROM THE CITY ADMINISTRATOR

10. COMMENTS FROM THE CITY COUNCIL

This period of time shall be used by members of the Council to report to the full Council on community activities, make comments on matters of interest and information, or raise questions to the staff. This item is not intended to result in substantive Council action during this time. Any action necessary because of discussion will be scheduled for a future Council meeting.

11. CLOSED SESSION – None Scheduled

12. ADJOURNMENT