

**MAHTOMEDI CITY COUNCIL  
MINUTES  
MARCH 19, 2019**

Mayor Jud Marshall convened the regular City Council meeting at 7:00 p.m. with Council members: Richard Brainerd, Tim Deans, Jeff Ledermann and Steve Wolgamot in attendance. City Administrator Scott Neilson, City Attorney Jay Karlovich, City Engineer John Sachi, City Forester Steve Schumacher, City Planner Erin Perdu, Finance Director Scott Schaefer, and City Clerk Jerene Rogers were also in attendance.

**CONSIDER APPROVAL OF AGENDA**

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

**CONSIDER APPROVAL OF THE MARCH 5, 2019 CITY COUNCIL MINUTES**

Council member Brainerd moved and Council member Ledermann seconded the motion to approve the March 5, 2019 City Council meeting minutes as presented. The motion was unanimously approved.

**4a. PRESENTATIONS – Government Finance Officers Association Award for Comprehensive Financial Report**

Finance Director Schaefer said for the 27<sup>th</sup> straight year, the City has received the Governmental Finance Officers Association Award for its Comprehensive Financial Report. He thanked Jerene Rogers and Patty McGing for their help each year preparing the report.

**5. DISCUSSION FROM THE AUDIENCE**

Lorraine and Kirk Kluegel, 750 Warner Avenue North, explained a problem they have been dealing with in regards to the Wildwood Cove subdivision. She stated when the subdivision was approved there was a mistake on the survey. This resulted in the developer taking 15' x 400' of their property. She explained they found a Resolution dating back to 1995 that had an error on it. After two years, they have resolved the issue. She is asking the City to compensate them for their legal fees in the amount of \$11,092.00.

Council member Brainerd asked staff to look into this matter.

**6. CONSENT AGENDA**

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

6a. **APPROVAL – Memorandum of Understanding Between Local No. 49 and City of Mahtomedi relating to addition of Transportation Curriculum.**

The memorandum of understanding between the Local No. 49 and the City of Mahtomedi relating to the addition of Transportation Curriculum was approved.

6b. **APPROVAL – Construction Pay Voucher No. 9 in the amount of \$44,756.55 for Kuechle Underground, Inc. for Phase 3-Historic District Improvements and Edgumbe Drive Storm Drainage Improvements.**

Pay Voucher #9 in the amount of \$44,756.55 for Kuechle Underground, Inc. for Phase 3 - Historic District Improvements and Edgumbe Drive Drainage Improvements was approved.

7. **PUBLIC HEARINGS - None**

8. **STAFF REPORTS**

8a. **CONSIDER APPROVAL – Request from Paul DeWitt, on behalf of Jack Cedarleaf II, for a rezoning from A-Agriculture to R1-B Low Density Residential and a preliminary plat in order to develop the property located at 927 Arcwood Road into three single-family lots.**

Planner Perdu said the applicants are proposing to split the existing 1.91-acre property into three single-family residential parcels. In addition to the subdivision, a rezoning for A-Agriculture to R1-B Low Density Residential has been requested. The property currently has an existing home with one accessory structure. There is a twenty-foot driveway easement running through the middle of the property. The driveway provides access from Arcwood Road to the parcel to the south of the subject property. She said Arcwood Road would be extended along the current driveway easement and end in a cul-de-sac, which will serve the three new lots, as well as property to the south.

Planner Perdu stated all three lots will meet the required dimensions for the R1-B Zoning District. Additionally, the City's ordinance contains requirements for allowable shore land alterations. Any alterations in wetland buffers or shore land impact zones will be required to be restored per the City. She stated the City Forester has reviewed the map indicating the trees that are being proposed to be removed as well as the map of replacement trees. The Forester indicated these maps can be a part of the overall request and constitute part of the replanting plan, but by themselves, they are an incomplete preservation plan. He indicated the plan must account for trees removed for building pads, driveways, streets, etc. A complete preservation plan is required with final submittal so a final determination can be made as to approval.

8. STAFF REPORTS – Continued

Planner Perdu said there are two new lots being created and the applicant will need to pay \$6,000 for parkland dedication fee.

Engineer Sachi said there are several issues that must be addressed to the satisfaction of the City Engineer as a condition of approval. The street and utilities within this subdivision will be public upon completion of construction of the public infrastructure by the developer and acceptance by the City Engineer. A storm sewer maintenance agreement shall be executed between the developer and the City regarding maintenance of the ponding area.

Planner Perdu said the City has received concerns from several neighbors regarding tree preservation, drainage and light pollution from the cul-de-sac.

Planner Perdu said based on the revised plans; staff recommends **conditional approval** of the rezoning and minor subdivision request with the following conditions:

Council member Wolgamot asked how we enforce the tree issues, do we have a procedure in place.

Planner Perdu explained we have construction observers and the City Forester will make sure the trees are planted per our requirements.

Council member Ledermann asked why the size of the cul-de-sac increased with this project.

Engineer Sachi stated the size indicated for this project meets the city standards for cul-de-sacs. He said the longer the dead end portion of a street is the more difficult it is for large trucks to back up.

Council member Deans noted the resolution says Valley Branch Watershed District where it should say Rice Creek Watershed District.

Council member Brainerd moved and Council member Deans seconded the motion, to approve Resolution 2019-14, Approving a request for a Rezoning from A-Agricultural to R1-B, Single Family Residential and a Minor Subdivision(including Preliminary and Final Plat approval of Cedarleaf Point 2<sup>nd</sup> Addition) to create three single-family lots from the current one lot at the property located at 927 Arcwood Road, PID: 31.030.21.13.0003. Including the change from Valley Branch Watershed District to Rice Creek Watershed District. The motion was unanimously approved.

8b. CONSIDER APPROVAL – Proposed Settlement of Robert G. Ostler and Erin E. Ostler Assessment Appeal for Quail Street Extension Project.

**8. STAFF REPORTS – Continued**

City Attorney Jay Karlovich said in September 2018, the City held an assessment hearing and levied a \$51,903.08 special assessment against the property owned by Robert and Erin Ostler. The City determined their property could be subdivided into two residential lots, so each lot would have an assessment of \$25,951.09, for 15 years at a rate of 4.4% interest. The Ostlers appealed the assessment. They do not want to split their property. The City and the Ostlers have negotiated a proposal to resolve the dispute. The City will agree to reduce the assessment for unit 2 by \$3,500.00 to \$22,451.99 and to defer the assessment for 29 years from the September 18, 2018 original assessment levy date, with interest accruing at 2.9%. If the property is subdivided during the 29-year deferral period, the \$22,421.99 unit 2 assessment with accrued interest at 2.9% will be certified for collection in the following year's payable property taxes after the subdivision event. If the property is not subdivided within the 29 year deferral period, the \$22,451.99 unit 2 assessment with accrued interest at 2.9% will lapse and not be collected.

Council member Wolgamot said this compromise seems appropriate. He said this works for those homeowners not interested in subdividing their property.

Council member Wolgamot moved and Council member Ledermann seconded the motion to Approve Resolution 2019-11, Approving a Resolution for the Reduction and Deferment of the September 18, 2018 Assessment Levy against Tax Parcel No. 20.030.21.21.0030 with Respect to the City's Quail Street Utility Extension Project for Property Owned by Robert G. Ostler and Erin E. Ostler. The motion was unanimously passed.

Council member Wolgamot moved and Council member Ledermann seconded the motion to Approve Resolution 2019-12, Approving a Resolution Approving a Compromise Agreement, and a Settlement Stipulation, Order and Judgement, Between Robert G. Ostler and Erin E. Ostler and the City of Mahtomedi relating to the City's Quail Street Utility Extension Project. The motion was unanimously passed.

Council member Wolgamot moved and Council member Ledermann seconded the motion to Approve Resolution 2019-13, Approving a Resolution and Certificate Pursuant to Minnesota Statute 429.061 Memorializing Deferment of Assessment by the City of Mahtomedi for Property owned by Robert G. Ostler and Erin E. Ostler. The motion was unanimously passed.

**8c. CONSIDER APPROVAL – Appointment of Advisory Commission Members.**

The City Council held interviews for applicants for the Advisory Commissions at a work session earlier this evening and the recommendations for the appointments to the Advisory Commissions were brought forward. Two seats are available on the Planning Commission,

**8. STAFF REPORTS – Continued**

three seats on the Parks Commission, two seats on the Environmental Commission, and four seats on the Finance Commission.

Council member Deans moved and Council member Brainerd seconded the motion to appoint Greg Maples to the Planning Commission, Jeff Charlesworth and Jesse Thompson to the Parks Commission, Austin Raebel to the Finance Commission and Scott Peterson to the Environmental Commission. These will all be three-year terms. The motion passed unanimously.

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

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

**9. REPORT FROM CITY ADMINISTRATOR**

City Administrator Scott Neilson noted there is a bill in the legislature to set aside Local Government Aid to cities that currently do not receive any funding. He said the appropriation for our city is \$123,909. He indicated that he would send a letter of support for this bill.

**10. COMMENTS FROM THE CITY COUNCIL**

Mayor Marshall said we are having a difficult time finding people to serve on our Advisory Commissions. He said it is a wonderful way to serve your local community and to get to know your neighbors. He encouraged everyone to apply and get involved.

Council member Ledermann reminded everyone they can apply on our website.

**11. CLOSED SESSION- None**

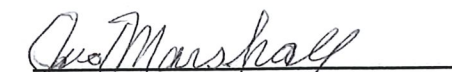
**12. ADJOURNMENT**

Council member Brainerd moved and Council member Deans seconded the motion to adjourn the meeting at 8:20 p.m. The motion was unanimously approved.

ATTESTED:

  
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JERENE ROGERS, CITY CLERK

APPROVED:

  
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JUD MARSHALL, MAYOR