

MAYER CITY COUNCIL MEETING MINUTES – JULY 23, 2018

Call Regular meeting to order at 6:30 p.m. by Mayor Dodge

PRESENT: Mayor Dodge, Council Members Boder, Butterfield, McNeilly, and Stieve-McPadden

ABSENT:

STAFF: City Administrator McCallum, City Attorney Sullivan, City Planner Anderson, City Engineer Martini, Public Works Kuntz, and Deputy Clerk Gildemeister

ALSO PRESENT: Ivan Raconteur, Don Wachholz, Deputy Sheriff Stahlke, Sheila Heldt, Chad Heldt, Jennifer Matthews, Les Hahn, Mike Wegner, Gerry Thomas, Kay Timmers, Michael Hanks, Troy Goede, Lowell Wosser, Barb Toland, and Michael Madsen.

The meeting was opened with the Pledge of Allegiance.

APPROVE AGENDA

A MOTION was made by Council Member McNeilly with a second by Council Member Butterfield to approve the agenda as presented. Motion Carried 5/0

PUBLIC COMMENT

None

APPROVE CONSENT AGENDA

A MOTION was made by Council Member Boder with a second by Council Member Stieve-McPadden to approve the Consent Agenda as presented. Motion Carried 5/0.

1. Approve the Minutes of July 9, 2018 Regular Council Meeting.
2. Approve the Minutes of July 9, 2018 Council Workshop Meeting.
3. Approve Additional Claims for the Month of July 2018.
4. Acknowledge City Administrators Report for the Month of July 2018.
5. Acknowledge Fire Department Report for the Month of June 2018.
6. Acknowledge Sheriff's Department Report for the Month of June 2018.
7. Acknowledge Public Works Report of Activities from June 20 to July 19, 2018.
8. Acknowledge City Engineer Summary Report of Projects from May 19 to June 15, 2018.

Deputy Sheriff Stahlke addressed the Council in person and stated that he witnessed a three car crash at the crosswalk on Hwy 25 and 4th Street NE. Deputy Stahlke questioned whether the location of this crosswalk should be relocated due to poor visibility for traffic heading north on Hwy 25. In addition to the 4th Street NE crosswalk, he is still observing traffic stopping for cyclists and causing unsafe situations at the Dakota Rail Trail crosswalk and Hwy 25. Deputy Stahlke briefed the Council on the recent 24 hour parking enforcement and stated that the five vehicles on Hwy 25 have been moved and one vehicle has been towed to R & V Services. He asked Council for direction on enforcing the 5-Ton weight limit on 2nd Street NW. Mayor Dodge informed Deputy Stahlke that an orange construction sign will be placed on the corner of County Rd 30 and Canary Avenue restricting construction vehicle from using 2nd Street NW to access the Sunset Meadows Development.

PUBLIC HEARING - Zoning Appeal Regarding the Residential Property Located at 220 4th Street NE.

The Public Hearing was called to order at 6:37pm. A MOTION to open the Public Hearing was made by Council Member Stieve-McPadden and seconded by Council Member Boder. Motion carried 5/0

PURPOSE

The purpose of this Public Hearing was to present the request of the property owner, Sheila Heldt, to allow the gravel driveway installed at 220 4th Street NE.

DISCUSSION

Chad Heldt, on behalf of Sheila Heldt, appealed to the Council regarding the violation of zoning codes at 220 4th Street NE. The City received two complaints and the property owner was notified that the installation of their gravel driveway/parking pad was in violation of four (4) City Codes and a permit is required for driveway parking area and hard surface improvements.

Violations: Section 152.026 of the City Code

1. **Materials:** Section 152.026(A) – In all zoning districts, driveway and parking areas shall be paved/hard surfaced with bituminous, concrete, or brick pavers.
2. **Size:** Section 152.026(B) (C) – Driveways shall be a maximum of 30 feet wide measured at the property line. Side yard parking areas cannot exceed 450 square feet.
3. **Location:** Section 152.026(C) -- Side yard parking areas must be verified to make sure setbacks from streets and property lines are maintained.
4. **Impervious Area:** Section 152.026(C) -- Each property is allowed a percentage of impervious surface area for storm water management. Impervious surface coverage cannot exceed 25% of the lot area.

Mr. Heldt asked Council to pull up a map of the City and pointed out various properties within the City of Mayer that have gravel parking pads or driveways. Mr. Heldt questioned the Council why theirs is wrong when their property is not the only driveway in the neighborhood that is gravel. Mr. Heldt told the Council that they installed a 14 X 20 foot parking pad two years ago and brought up the topic of gravel at that time. He said no one seemed to have an issue with it. He stated he wanted to comply with City Code and not park his camper on the grass. He also stated he did not know he needed a permit for gravel. Mr. Heldt claimed there has been a severe parking issue on West Ridge Road since West Ridge Park was constructed. Mr. Heldt stated that he does not know where to go from here.

CITY COUNCIL/ATTORNEY/ZONING OFFICIAL/ENGINEER

Tim Sullivan, City Attorney, questioned Mr. Heldt and asked for clarification of prior actions.

- Homeowner acknowledges the gravel driveway was installed about a month and a half ago and the original gravel parking pad was installed in 2016.
- Homeowner acknowledges receiving a formal notice from the City that the rock driveway/parking pad area is in violation of the City Code.
- Homeowner acknowledges they were given a Variance in 2009 to build a detached garaged as well as a driveway onto West Ridge Road to service the detached garage and address their parking issues.
- Homeowner acknowledges gravel driveway/parking pad was installed prior to submitting a permit application to the City.
- Homeowner acknowledges that there is no distinction between the existing concrete driveway and gravel. He stated he installed about 12 ton of rock.
- Homeowner acknowledges that they are over the maximum impervious surface coverage but stated he thought the limestone rock he put down was pervious material.
- Homeowner acknowledges City Administrator provided copies of the Code in relevance to code violations. City Attorney asked Mr. Heldt if he understood the Codes.
- City Attorney presented the findings of City Code fact as existed in 2006, as to which the property owner is in violation:
 - The Driveway is constructed out of rock. The Zoning Ordinance requires driveways, parking pads, and hard surface improvements to be paved/hard surfaced with bituminous, concrete, or brick pavers.

- The Driveway is 58 feet wide at the property line. The Zoning Ordinance sets a maximum width of 30 feet.
- With the addition of the Driveway, the Property has approximately 40% impervious surface coverage. The Zoning Ordinance sets a maximum of 35% impervious surface coverage in the R-1 zoning district.
- City Attorney addressed the claim of the property owner that gravel is not impervious. City Engineer spoke to the classification of “rock” as impervious. City Administrator stated she contacted the Carver County Engineer as well as Minnesota Conservation District for clarification of rock. Both stated “rock” is considered impervious. Current impervious surface coverage at 220 4th Street NE is 39.5% which exceeds the 35% maximum lot coverage total.
- City Zoning Official explained how the property owners are out of compliance for each code violation. He reaffirmed that the recent Parking Code Amendment added definitions for clarifying purposes and did not change the language of acceptable materials.
- Council asked City Planning and Zoning Official for options that could help the homeowner.
 - Homeowner could pave the approved parking area
 - Apply for variances to lift the thirty foot setback requirement and the 35% impervious surface coverage requirement.

After public comments, City Attorney provided copies of his drafted proposed findings of fact and advised Council deny appeal and bring property into compliance.

CLOSE PUBLIC HEARING- 7:26 pm

A MOTION to close Public Hearing and resume Regular Council Meeting was made by Council Member Boder and seconded by Council Member McNeilly. Motion carried 5/0

Resolution 7-23-18-20: Zoning Appeal Regarding the Residential Property Located at 220 4th Street NE.

A MOTION to adopt the findings of Resolution 7-23-18-20 and deny the Zoning Appeal Regarding Property Located at 220 4th Street NE where as property owner has ninety (90) days to comply with City Code was made by Mayor Dodge and seconded by Council Member McNeilly. Motion carried 5/0

Council asked Staff to deliver a copy of signed Resolution 7-23-18-20 to the property owner. Council directed Staff to work with the property owner and lay out options moving forward as well as starting the ninety (90) day time line. Council asked Staff to add the discussion of “rock” to a future Work Session.

CITY ADMINISTRATOR

1. **Authorize Cleaning Contract with MN Service** – A MOTION to Authorize the execution of Cleaning Contract with MN Service Exhibit A, with the provisions the “full clean” to include wet scrubbing all floors and bathrooms two days a week and during the Kids Company Summer Program, three days a week with a full clean including wet scrubbing all floors and bathrooms, was made by Council Member McNeilly and seconded by Council Member Butterfield. Motion carried 4/1. *Council Member Boder a nay.*
2. **Discussion on Tower Lease** – A MOTION to negotiate the current contract offering a \$35,000 signing bonus and extend the lease for 20 years to a 15 year term with same signing bonus was made by Council Member Boder and seconded by Council Member Butterfield. Motion carried 4/0. *Council Member Stieve-McPadden abstained.*

PLANNING COMMISSON

1. **Discussion on Vinkemeier Concept Plan** – Planning Commission is looking for support from Council for the Vinkemeier Concept Plan. The Planning Commission approved a motion to support the development of approximately 80 acres located in Waconia Township directly east of the City limits adjacent to the Shimmcor Industrial Park and North of County Road 30. At this time the applicant has submitted the concept plan for two different types of residential units. The first type is 97 villa home sites that have 55 foot wide lots. The second type is 26 detached townhome lots that are 45 feet wide. Both products would have homeowner associations. A MOTION to approve the Vinkemeier Concept Plan was made by Council Member McNeilly and seconded by Council Member Butterfield. Motion carried 5/0. Mayor Dodge is concerned about the amount of potential traffic on Shimmcor Street.

COUNCIL REPORTS

- Mayor Dodge recognized the Committee for the Mayer Rising Community Festival for their hard work and that there was a great turnout.
- Mayor Dodge and Council recognized Kathy Stifter for her 50 years of writing for the Community paper.

ADJOURN

There being no further business, a MOTION was made by Council Member Stieve-McPadden and seconded by Council Member Butterfield to adjourn the meeting at 8:43 p.m. Motion Carried 5/0

Mike Dodge, Mayor

Attest: _____
Janell Gildemeister, Deputy City Clerk