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2
3 CITY OF ST. ANTHONY
4 CITY COUNCIL REGULAR MEETING MINUTES
5 NOVEMBER 9, 2021

6 **CALL TO ORDER.**

7
8 Mayor Stille called the meeting to order at 7:00 p.m.

9
10 **PLEDGE OF ALLEGIANCE.**

11
12 Mayor Stille invited the Council and audience to join him in the Pledge of Allegiance.

13
14 **ROLL CALL.**

15
16 Present: Mayor Stille, Councilmembers Jenson, Randle, Walker and Webster.

17 Absent: None

18 Also Present: City Manager Charlie Yunker, Accounting Specialist Devin Willi, and City Planner
19 Steve Grittman.

20
21
22 **CONSIDERATION, DISCUSSION, AND POSSIBLE ACTION ON ALL OF THE FOLLOWING**
23 **ITEMS.**

24
25 **I. APPROVAL OF NOVEMBER 9, 2021 CITY COUNCIL MEETING AGENDA.**

26
27 Motion by Councilmember Randle, seconded by Councilmember Webster, to approve the City
28 Council Meeting Agenda of November 9, 2021 as presented.

29
30 **Motion carried 5-0.**

31
32 **II. PROCLAMATIONS AND RECOGNITION – NONE.**

33
34 **III. CONSENT AGENDA.**

35
36 A. Approve October 26, 2021, Council meeting minutes.

37 B. Licenses and permits.

38 C. Claims.

39 D. Resolution 21-079 – A Resolution Designating Polling Places for the 2022 Election Year.

40
41 Motion by Councilmember Webster, seconded by Councilmember Randle, to approve the
42 Consent Agenda items.

43
44 **Motion carried 5-0.**

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46 **IV. PUBLIC HEARING.**

47
48 A. Ordinance 2021-05 An Ordinance Amending Multiple Sections of Chapter 33 Sewer,
49 Water, License and Permit Fees, Storm Water Facilities.

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Mayor Stille opened the public hearing at 7:07 p.m.

Accounting Specialist Devin Willi presented a PowerPoint on Utility Rates. The parameters are to align revenue sources with corresponding costs, provide transparency as to the basis of rates and rate adjustments, maintain a structural balanced operation, ensure that rates appropriately support the ability to provide safe drinking water, properly discharge sanitary sewer flows and appropriately control and treatment of storm water runoff.

Water Fund expenditures are comprised of two primary operating functions Production (\$962,507) and Distribution (\$777,964).

The current recommendations for Adjustment to Distribution Fee are continuing the phase-in of the quarterly fee to support distribution system costs and Quarterly Water Distribution fee will increase by \$3.50.

The current recommendations for Adjustment in Usage Rates are the Water Usage Tier Rates will increase by 2% in 2022 and Water Consumption for 2022 is projected to be lower than 2021 consumption.

The impact of the Adjustments was reviewed for Water Tiers I-V, Irrigation and the Quarterly Flat Fee.

Sanitary Sewer Costs are comprised of two primary operating functions Treatment (\$768,737) and Collection (\$520,157).

The current recommendations for Adjustment to Collection Fee are continuing the phase-in of the quarterly fee to support collection system costs and Quarterly Sewer Collection fee will increase by \$1.95 per quarter.

The current recommendations for Adjust to Usage Rate are to continue to manage the growth in usage rates to recognize the revenues provided by the phase in of the Sewer collection fee and the Sewer usage rate will remain at \$4.64 per 1,000 gallons. There is no increase in the sewer usage rate.

The impact of the Adjustments were reviewed with the Sewer Usage rate and Quarterly Collection system change.

The multi-year approach to Stormwater rates planned for the Quarterly single family residential charge to increase by \$.35. In 2022 this represents a 2.08% increase in rate. The 2.08% rate increase will be applied to all levels of stormwater charges.

The information collected in a Rate Survey was provided for Council consideration along with Impacts by Tier Levels. Various spreadsheets were also provided for the Council including water expenses, water operations, sewer expenses, sewer operations, 2021 utility rates survey, utility

1 fund summary, and water and sewer 10-year operating projection. St. Anthony has lower rates
2 than most of the other cities surveyed.

3
4 A red-lined copy of the ordinance showing proposed changes was included in the Council
5 packet.

6
7 Mayor Stille thanked Devin for his presentation. Mayor Stille stated the City is doing their best
8 to provide an equitable and fair cost to the residents. The Tier water pricing helps as the more
9 water that is used the more that is paid.

10
11 Mayor Stille closed the public hearing at 7:18 p.m.

12
13 Motion by Councilmember Webster, seconded by Councilmember Walker, to approve First
14 Reading of Ordinance 2021-05 An Ordinance Amending Multiple Sections of Chapter 33 Sewer,
15 Water, License and Permit Fees, Storm Water Facilities.

16
17 **Motion carried 5-0.**

18
19 **V. REPORTS FROM COMMISSION AND STAFF.**

20
21 A. Resolution 21-080 – Approving Final Plan Stage PUD, Interstate/Bremer/City of St.
22 Anthony.

23
24 City Planner Gritman reviewed the applicants (Greg and Cynthia Stull – 2912 Crestview Drive)
25 have constructed a series of improvements to their property at the above address, including
26 increased driveway width, a rear yard patio, and a rebuilt shed in the rear corner of the property.
27 For the concrete work, the applicable setback for driveways and patios is 5 feet. Both surfaces
28 have been constructed with a 2 foot setback, according to the sketch materials provided by the
29 applicant.

30
31 The shed was constructed in its current location as a replacement for a prior shed that was in
32 poor repair. The original structure was 10 feet by 10 feet, and placed up to the property lines both
33 to the north and west. The applicant's new shed is 10 feet by 20 feet, also placed adjacent to the
34 property line with a zero setback. For such buildings, a setback requirement of 5 feet applies,
35 although an existing non-confirming structure can be replaced in its prior location, provided the
36 non-conformity is not increased.

37
38 Staff's estimate of impervious surface cover – including all paved areas and the areas of the shed
39 and home, totals approximately 42.5%. For single family parcels less than 9,000 square feet, an
40 impervious surface maximum of 40% is required. As such, on this lot of 8.732 square feet, the
41 allowable impervious area is exceeded by approximately 220 square feet.

42
43 Staff has reviewed for use, setbacks, and impervious surface, among other standards. Based on
44 the material presented by the applicant, and the requirements for variance consideration in the
45 City's zoning ordinance, Staff and Planning Commission recommend as follows:

- 1 1. Side Yard Setback Variance for Driveway – reducing the required 5 foot setback to 2 feet.
2 Staff and Planning Commission recommend **approval** based on a finding that the current
3 garage and driveway are inadequate to provide reasonable access and parking area on the
4 property, and that further expansion to the interior of the lot would create other zoning issues.
5 The Planning Commission made this recommendation with one negative vote.
6
- 7 2. Side Yard Setback Variance for Patio, reducing the required 5 foot setback to 2 feet. Staff
8 and Planning Commission recommend **denial**, based on a finding that the threshold
9 requirements for unique conditions and definition of reasonable use are not met according to
10 the requirements of the zoning ordinance for variance consideration. A portion of the patio
11 should be removed to meet the 5 foot setback. The Planning Commission made this
12 recommendation unanimously.
13
- 14 3. Side and Rear Yard Setback Variance for Shed Expansion from 5 feet to 0 feet. Staff and
15 Planning Commission recommend **denial** based on a finding that the threshold requirements
16 for unique conditions and definition of reasonable use are not met according to the
17 requirements of the zoning ordinance for variance consideration. The applicant may choose
18 to remove a portion of the shed to retain the prior non-conformity setbacks for a 10' by 10'
19 shed or relocate the expanded shed to meet the 5 foot setback. The Planning Commission
20 made this recommendation unanimously.
21
- 22 4. Impervious Surface Variance from 40% maximum coverage to 43% coverage. Staff and
23 Planning Commission recommend **denial** based on a finding that the threshold requirements
24 for unique conditions and definition of reasonable use are not met according to the
25 requirements of the zoning ordinance for variance consideration. The applicant should work
26 with Code Enforcement to remove at least 220 square feet of impervious area (this amount
27 based on staff estimates), or provide a survey that demonstrates a different amount of
28 removal to meet the maximum allowable coverage of 40% (3,15) square feet). The Planning
29 Commission made this recommendation unanimously.
30

31 Because these improvements were completed prior to permitting or zoning approval, denial of
32 the variances noted would require removal of some of the improvements made to the property.
33

34 Mr. Grittmann shared drawings and photograph of the property, along with a detailed analysis of
35 the case.
36

37 Mr. Matthew Peterson 2908 Crestview Dr submitted an email stating he is in favor of the
38 variance for the driveway request.
39

40 Mr. Matthew Strodel 3112 Bell Lane submitted a letter indicating support for approval of a
41 setback variance for the garden shed location.
42

43 A letter of explanation was provided for Council consideration from the applicant which also
44 included photographs of each of the variance requests.
45

1 Councilmember Jenson asked if the homeowner has been given any advice on what would be
2 needed to be in compliance. Mr. Grittman stated Code Enforcement has worked with the owner
3 previously. Nothing has been heard from the applicant since before the Planning Commission
4 Meeting.

5
6 Councilmember Webster stated it seems the Planning Commission considered the
7 accommodations needed for the family members with disabilities. It appears the sidewalk meets
8 the setback requirements but the patio does not. Mr. Grittman stated the sidewalk is at a 2 foot
9 setback and is compliant but the applicant kept the 2 foot setback with the patio.

10
11 Councilmember Randle asked if the applicant was aware of this and Mr. Grittman stated he was
12 made aware of the requirements when the applications were submitted.

13
14 Mayor Stille stated that is not relevant as the issue is the improvements were made before the
15 application for variances was submitted. Mr. Grittman stated if the throat of the driveway was
16 reduced it would reduce impervious but not remedy the setback. Mayor Stille stated it is not
17 Council's job to determine how this can be remedied. Mayor Stille stated there used to be 35%
18 lot coverage in the City. Now the lot coverage has been revised to address different sized lots in
19 the City.

20
21 Motion by Councilmember Jenson, seconded by Councilmember Walker for Resolution 21-080
22 denying a request for variances from the required setbacks for patio and accessory building
23 (shed), denying a request for a variance from the maximum impervious surface, and approving a
24 variance for side yard setback for a driveway.

25
26 Councilmember Webster asked for clarification of the motion.

Motion carried 4-1 (Webster)

27
28
29 B. Resolution 21-081 – A Resolution Approving a Request for Variance 3501 Maplewood
30 Drive.

31
32 City Planner Grittman reviewed the applicants (Anthony and Alexia Farah 3501 Maplewood
33 Drive) proposes to construct a fence to enclose a proposed swimming pool on the west side of
34 their property at the above address. Fences are allowed to be up to 6 feet in height in side and
35 rear yards (behind the front building setback line), and 4 feet in front yards. The applicant is
36 proposing to extend the fence toward the Maplewood Drive property line, into the setback area
37 that requires a height of no more than 4 feet, but built it at the 6 foot height. That encroachment
38 of a 6 foot high fence requires approval of a variance.

39
40 The proposed encroachment is approximately 8 feet into the required setback.

41
42 Staff has reviewed for height, use, other setbacks, and impervious surface. One of the prior
43 issues, combined with the setback/height request, was impervious surface on the lot, given the
44 new pool, pool deck and existing rear yard shed. The applicant has reduced the size of the
45 proposed pool, and will be removing the existing shed to meet the impervious surface standards
46 of the code.

1
2 The Planning Commission recommended approval on a unanimous vote, suggesting that the
3 encroachment aspect of the proposal was most persuasive, acknowledging that a 6-foot tall fence
4 is allowed in many areas, and a 5-foot tall fence is a requirement for swimming pool protection.

5
6 Photographs and drawings of the property were provided for Council consideration.

7
8 The recommendation for approval is based on the following findings:

- 9
10 A. The applicant is able to construct a swimming pool, pool deck, and privacy fencing within
11 the proposed 8 foot setback encroachment.
12
13 B. A pool of the size, along with any associated construction such as a pool deck, that would
14 encroach into the front yard will require additional verification of compliance with the terms
15 of the City's impervious surface maximum for residential lots of this size.
16
17 C. The applicant has shown unique conditions on the property that interfere with putting the
18 property to a reasonable residential use, with reasonable use being defined in this case as the
19 significant encroachments toward Maplewood Drive that exist on most of the surrounding
20 properties to the east and west.
21
22 D. Circumstances that would lead to variance approval are the result of the actions of prior
23 owners, and those owners in the neighborhood, and not the actions of the applicant.

24
25 Mr. Gritman noted the request is for an 8 foot variance.

26
27 Motion by Councilmember Webster, seconded by Councilmember Randle, to approve
28 Resolution 21-081 a Resolution approving a request for a variance from the required maximum
29 height for a fence in the front yard.

30
31 **Motion carried 5-0.**

32
33 **VI. GENERAL BUSINESS OF COUNCIL.**

34
35 A. Resolution 21-082 – Canvassing Board Resolution

36
37 City Manager Yunker reviewed on November 2, 2021 a general election was held in the City of
38 St. Anthony for the offices of two Council Members and as a result of that election Wendy
39 Webster and Jan Jenson received the greatest number of votes for the office of Council Member.

40
41 Mayor Stille congratulated Councilmember Webster and Councilmember Jenson.

42
43 Motion by Councilmember Randle, seconded by Councilmember Walker, to approve Resolution
44 21-082 Canvassing Board Resolution.

45
46 **Motion carried 5-0.**

1
2 B. Resolution 21-083 – A Resolution approving the Salo Park Maintenance Agreement with
3 Doran SLV III, LLC and SAVP III Silver Lake Village, LLC.
4

5 City Manager Yunker reviewed Staff has been working with the property owners of the storm
6 water ponds. Doran SLV III, LLC and SVAP III Silver Lake Village, LLC that serve the Silver
7 Lake Village area which has been known for many years as Salo Park, to come to an agreement
8 to allow the City to handle the maintenance of the area around those ponds. This was reviewed at
9 the City Council work session with the City Attorney.

10
11 The intent of the Salo Park area from its inception was to be an amenity for the retail area, and
12 the City as a whole. As a result, the expectations of the residents is for the area to be maintained
13 at the same level as any other City park. However, given the changes in ownership over the
14 years, the maintenance of the area has suffered, and City staff is often put in position to address
15 issues through code enforcement or simply stepping in and performing maintenance to address
16 resident concerns. Staff feels it would be more efficient for all parties if the maintenance
17 activities were integrated into the overall City parks maintenance activities.

18
19 The City's legal counsel has been an active participant in these discussions, and the
20 recommended avenue for this is for the property owners to grant an easement to the City for the
21 purposes of performing those routine maintenance activities. The property owners would retain
22 ownership of the Salo Park area, as well as the responsibility for maintenance of the storm water
23 ponds, while granting a perpetual easement to the City for maintenance activities.

24
25 City of St. Anthony Responsibilities would include landscaping maintenance, irrigation repairs,
26 lighting repairs, trash collection and concrete replacement.

27
28 Property Owners Responsibilities would include storm water ponds water quality, storm water
29 ponds dredging, alum water management system, drainage facilities entering and exiting the
30 ponds and interconnection of the ponds under 39th Avenue NE.

31
32 Staff is recommending approval for entering into the Maintenance Agreement. Staff believes this
33 will make maintenance more efficient and better meet the expectations of the residents in the
34 area to maintain Salo Park at the same level of maintenance as all other parks in the City.

35
36 A draft of the Maintenance Agreement was provided for Council consideration.

37
38 Councilmember Webster agreed the residents have high expectations on how parks are
39 maintained in the City. She asked who would be responsible for the cost of concrete replacement
40 and Mr. Yunker stated the City would pay the cost.

41
42 Mayor Stille stated there have been calls from residents about the park being maintained as a
43 City park. These easement allows the City to access Salo Park for maintenance.
44

1 Motion by Councilmember Walker, seconded by Councilmember Jenson, to approve Resolution
2 21-083 a Resolution Approving the Salo Park Maintenance Agreement with Doran SLV III, LLC
3 and SAVP III Silver Lake Village, LLC.
4

5 **Motion carried 5-0**

6
7 **VII. REPORTS FROM CITY MANAGER AND COUNCIL MEMBERS.**

8
9 City Manager Yunker stated today information was pushed out about the LMC Mayor for a Day
10 Essay Contest. The LMC administers the contest.

11
12 Councilmember Webster had no report.

13
14 Councilmember Randle had no report.

15
16 Councilmember Jenson had no report.

17
18 Councilmember Walker had no report.

19
20 Mayor Stille stated he attended the Regional Council of Mayors Meeting on November 8, 2021
21 at St. Louis Park City Hall. Today he attended the Mississippi Water Management Organization
22 Meeting.
23

24 **VIII. COMMUNITY FORUM – NONE.**

25
26 **IX. INFORMATION AND ANNOUNCEMENTS.**

27
28 Mayor Stille announced the annual meeting of the St. Anthony Historical Society will be held
29 November 20, 2021 at 10:00 a.m. at St. Anthony Village City Hall. Cost of membership is \$25.
30

31 **X. ADJOURNMENT.**

32
33 Mayor Stille adjourned the meeting at 8:00 p.m.
34
35

36 Respectfully submitted,
37 Debbie Wolfe
38 *TimeSaver Off Site Secretarial, Inc.*
39

40 _____
Mayor

41 ATTEST: _____
42 City Clerk
43