

**CITY OF WILLERNIE  
CITY COUNCIL MINUTES  
FEBRUARY 21, 2024**

**PRESENT:** Parent, DeJong, Siver, Soderlund, Baglio, Attorney-Susannah Torseth, Law Clerk-Tori Kelm, Maintenance Superintendent – Ken Johnson and Clerk-Vickie Keating.

**APPROVAL OF AGENDA**

Siver moved to approve the agenda, Soderlund seconded the motion, and the agenda was approved.

**MINUTES OF THE JANUARY 2024 MEETING**

Baglio made the motion to approve the January minutes as pre-read, DeJong seconded the motion, and the minutes were approved.

**COUNCIL MEETING SUSPENDED AT 7:05 PM TO BEGIN THE PUBLIC HEARINGS**

**1500 ORDINANCE REVISION PUBLIC HEARING**

Mayor Parent asked for comments or concerns on the changes to ordinance 1500 and there were none.

The public hearing on ordinance 1500 ended.

**PUBLIC HEARING ON SANTINO TENERELLI – 301 WEBSTER**

Baglio asked Ken if there were any problems with the retaining wall when plowing Webster or Paddington. Ken did not have any issues with the placement of the retaining wall, and it did not interfere with the plowing.

Mr. Tenerelli was not present to answer any questions on the retaining wall, however, he explained in the variance application that the wall was installed to help with the safety of his vehicles during the winter months.

**PUBLIC HEARING ON OEVERING HOMES 111 CLYDE**

Emily and Eric – prospective buyers of 111 Clyde, were in attendance for the hearing. They will abide by council decision concerning the deck that was built on city property.

**PUBLIC HEARINGS CLOSED AT 7:12 P.M.**

**CITY COUNCIL MEETING RESUMED AT 7:13 P.M.**

Discussion on ordinance 1500 – DeJong believes the ordinance needed to be upgraded.

Baglio would like to go forward with the ordinance changes in 1500.

Parent read the resolution to approve ordinance 1500 and then a motion to approve the resolution was made by DeJong. Baglio seconded the motion and the motion passed.

**REVIEW OF VARIANCE REQUEST ON 301 WEBSTER-SANTINO TENERELLI**

Parent understood the retaining wall is not 10 feet from the street and is already completed.

Soderlund would like to make sure residents understand permits are required before the work is done and before considering the necessity of a variance.

A fee should be set since the permit was not obtained.

DeJong believes the wall is too close to the road on Paddington and Webster but moving it would not help at this time. He wants to make sure if there is damage to the wall the city is not liable.

Susannah said a condition of the variance is for Santino to apply for a building permit and follow the stipulation that the city is not liable for any damage to the wall.

Parent moved to conditionally approve the variance request, allowing the wall to remain in place but Santino will need to apply for a building permit, and he will be charged twice the original amount plus the city is not liable for any damage to the wall. Siver seconded the motion and the motion passed.

**OEVERING HOMES VARIANCE 111 CLYDE DECK**

The deck that was constructed at 111 Clyde is on a city road that is not used at the present time. Oevering Homes knew there was a city road and built the deck without following setbacks as required.

DeJong would be in favor of stating the deck is in noncompliance due to the setback and it could not be replaced if removed. The property line is city property, and the residents should be informed of the setbacks that will not allow a swing set, patio or any other objects on city property.

Soderlund reviewed the property and looked at the water flow. The drain is holding at the present time; however, some dirt was moved from one of the homes to the log home and the water was flowing into that home.

Bob Grundman resident of 319 Kimberly explained that Oevering Homes said they were going to landscape the area with railroad ties. He was informed the realtor decided not to landscape the property and pushed the dirt onto his property. They also took his fence and cracked his foundation. The damage has been turned over to his insurance company, however, this company will be in contact with the League of Minnesota Cities to assess the damage. Mr. Grundman explained a possible lawsuit could take place due to the damage to his house.

Baglio explained the retaining wall to Kimberly is still standing, branches and brush have been shoved there and not cleaned up.

The prospective buyers inquired about the liability of the problems on this house. Is the builder liable or are they going to be liable as the new owners?

Susannah explained these issues are the responsibility of the current property owner. The permit is not closed until all the issues on the house are addressed. There was no escrow held on the property.

The other issue is the retaining wall and the attorney for Oevering Homes has asked Susannah about escrowing the wall which she has addressed.

DeJong moved to approve the variance, stating the deck is not in compliance with city ordinances and no other permanent structures or temporary structures can be placed on the city road. If the deck is removed for any reason, it cannot be replaced. Baglio seconded the motion, and the variance was approved.

### **KEN REPORT**

Woodchuck removed the dead trees in the park and trimmed branches around the city.

The bathroom in the maintenance building is half done. The walls are up, electricity is done but the fixtures, floor and plumbing are not completed.

There are woodchips in the park and Parent asked if they could be placed in Wildwood Park. Also, some new sand is needed in the sandbox and the diggers. The sand will be purchased and placed in the park this spring.

### **LEGION – PATRICK MILLER**

The council had a discussion on charitable gambling concerning the distribution of the funding.

Patrick explained how the funds are distributed. Requests are made and the city is on a standard request four times a year. A request for additional funds can be submitted to the Legion at any time by the city or Mahtomedi organizations. The Legion gives funds to the Food Shelf, Good Neighbor Club, schools, MAEF, the band and choir.

The Legion gives 10 to 15 scholarships a year through the endowment from MAEF.

Firgaard's is the only pull tab for the Legion in Willernie. The current ordinance allows most of the funding to be used in the service area.

The council thanked Patrick and agreed the funds are distributed to the area in a good manner.

### **RESOLUTION FOR LAW STUDENT PRACTITIONER**

Tori is in her final year of law school and clerking for Galowitz Olsen. She can legally do some representation for clients and prosecutions are a great opportunity for her to learn but she needs council approval.

Parent read the resolution to appoint Tori Kelm for the prospective training.

A motion to approve resolution 2024-4 was made by Soderlund, Siver seconded the motion and the motion passed unanimously.

### **REPORT ON CLYDE AND CRAIG HOUSES**

Susannah asked for a motion to vacate resolution 2024-2. The reason behind the motion was the Maintenance Agreement on 110 Craig with Oevinger Homes. The city can do the work and it will fall back on the property owners without this resolution.

There was a purchase agreement in early February on 110 Craig. At the present time an estimate for the repairs at 110 Craig needs to be obtained and treated as construction. Fixing the road and drainage can be done by the city and the city will withhold one and half times the amount of the estimate to pay for the cost of the repairs.

The closing is being held up by the numbers needed for the repairs on the street. Susannah will work with the companies involved and try to put an agreement in place.

The prospective buyers would like to move in by July 20<sup>th</sup> and they would like the city to fund half of the suggested 66 thousand needed to repair the road and drain.

Susannah will be in contact with the prospective buyers.

### **RIGHT OF WAY APPLICATION**

DeJong is concerned about the work being done by Century Link on fiber optics and would like to know if 5 g is also being installed.

Baglio checked with the foreman, and he explained no 5 g was being installed at this time, just fiber optic cables.

A motion to allow the permit for overhead utilities only with no 5 g being installed was made by Baglio. Parent seconded the motion and the motion passed.

### **XCEL REPLACEMENT POLES**

Xcel is replacing poles in the city and asked for a permit to install the new poles.

Parent moved to approve the permit from Xcel to install new poles in the City of Willernie. Siver seconded the motion and the motion passed.

### **REVIEW OF VARIANCE PROVISIONS**

301 Webster - Retaining wall at 301 Webster is a unique circumstance. The driveway is very steep, and this wall makes it safer for the resident to park his cars.

111 Clyde - The deck at 111 Clyde is a unique circumstance due to a safety issue on the back door, second level. The deck was built on an unopen city road causing a variance request.

Soderlund amended the previous motions to approve the variances including the above circumstances. Parent seconded the motion and the motion passed.

### **316 CHATHAM**

Jack Kramer, building inspector, has made several appointments with the resident at 316 Chatham to inspect the property, however, the resident has not been on the premises at the appointed time.

There is a compliance order the city can approve then Jack can red tag the house.

When the notice is posted no one should be living in the house. If this happens an injunction will need to be filed to follow through with the circumstances on the posting and red tag order.

Parent moved to proceed with the procedure on 316 Chatham. Siver seconded the motion and the motion passed.

**YARDS IN VIOLATION**

311 Stewart is done with the tree damage; however, some additional work needs to be done on the garage.

Everything else is done until the next review in the spring.

**APPROVAL OF THE BILLS**

Soderlund moved to approve the bills. Siver seconded the motion, and the bills were approved.

**ADJOURNMENT**

Soderlund moved to adjourn the meeting at 9:10 p.m. Baglio seconded the motion and the motion passed.

Respectfully submitted,

Victoria R. Keating  
Clerk-Treasurer