

**MAHTOMEDI CITY COUNCIL
MINUTES
JULY 18, 2023**

Mayor Richard Brainerd convened the regular City Council meeting at 7:00 p.m. with City Council members Jeff Charlesworth, Lilly Melander, Luke Schlegel, and Jane Schneeweis in attendance. City Administrator Scott Neilson, City Attorney Bridget Nason, City Engineer Justin Messner, Public Works Director Bob Goebel, Fire Chief Terry Fischer, Finance Director Scott Schaefer, and City Clerk Jerene Rogers were also in attendance.

CONSIDER APPROVAL OF AGENDA

City Council member Schneeweis moved and City Council member Schlegel seconded the motion to approve the agenda as presented. The motion was unanimously approved.

CONSIDER APPROVAL OF THE JUNE 20, 2023 CITY COUNCIL MEETING MINUTES.

City Council member Charlesworth moved and City Council member Melander seconded the motion to approve the June 20, 2023 City Council meeting minutes as presented. The motion was unanimously approved.

4. PRESENTATIONS – Dan Starry, Washington County Sheriff

Sheriff Starry provided a report to the City Council regarding police staffing, services, calls and current trends. Sheriff Starry said in 2022 there were 5,567 calls for service in Mahtomedi. He said the majority of the calls are received between the hours of 7:00 a.m. and midnight. He said the City of Mahtomedi is a safe place to live. He stated for 2024 they are looking to hire one more full-time officer for our service area.

Mayor Brainerd thanked Sheriff Starry and his staff for attending the meeting and asked them to attend future meetings.

5. DISCUSSION FROM THE AUDIENCE - None

6. CONSENT AGENDA

City Council member Schlegel moved and City Council member Schneeweis seconded the motion to approve the consent agenda as presented. The motion was unanimously approved.

6a. APPROVAL – Request from St. Jude of the Lake Church, 700 Mahtomedi Avenue, to hold a gambling event and to sell beer and wine at the Annual Cornfest Celebration on September 9, 2023.

Resolution No. 2023-25 a Resolution Approving the Application for Authorization for St. Jude of the Lake Church to Conduct a Raffle and for a Temporary, One-Day On-Sale Liquor License was approved.

6. CONSENT AGENDA - Continued

6b. APPROVAL– Construction Pay Voucher No. 1 for Wedgewood Park.

Pay Voucher No. 1 in the amount of \$82,122.18 for Bituminous Roadways, Inc. for the Wedgewood Park pickleball court was approved.

6c. APPROVAL – Resolution Approving the renewal of a Massage Business License and a Massage Therapist License for Huining Liu at Eastern Massage Hui, LLC.

Resolution 2023-26 a Resolution Approving the Renewal of a Massage Business and Massage Therapist License for Huining Liu for the Business located at 90 Mahtomedi Avenue known as Eastern Massage HUI, LLC. was approved.

6d. APPROVAL – Fire Department Paid On-call Job Description.

Fire Chief Terry Fischer requested and received permission to update the paid on-call firefighter/EMT job description. The proposed job description was presented to and agreed upon by the current paid on-call staff.

6e. APPROVAL – Audit Proposal 2023-2025.

The 2023-2025 Audit Proposal from CliftonLarsonAllen was approved.

6f. APPROVAL – Construction Pay Voucher No. 1 for Juniper Street Reconstruction.

Construction Pay Voucher No. 1 in the amount of \$232,153.64 to Miller Excavating, Inc. for the Juniper Street Reconstruction Project was approved.

6g. APPROVAL – Permission to Advertise for Two Full-time Firefighter/Paramedics.

Fire Chief Fischer requested and received permission to advertise for two full-time firefighters/paramedics.

7. PUBLIC HEARINGS – None

8. STAFF REPORTS

8a. CONSIDER APPROVAL – Request from Friends of Long Lake.

City Administrator Scott Neilson said the Friends of Long Lake Association is asking the City for financial support to help preserve Long Lake.

Public Works Director Bob Goebel said the Association is responsible to cover costs to maintain Long Lake. He said the weed control treatment provided in the past helped clear up the lake and pond that is on City property.

8. STAFF REPORTS - Continued

City Council member Schlegel moved and City Council member Schneeweis seconded the motion to approve financial support of \$2,500 to assist in the treatment of weed control for Long Lake. The City will pay the contractor directly for the treatment.

8b. CONSIDER APPROVAL – Appointment of City of Mahtomedi Representative to Metropolitan Council Regional Work Group Related to Development of a Comprehensive Water Plan.

City Administrator Neilson said the Metropolitan Council has been tasked with establishing a work group to partner with them to develop a comprehensive plan for the White Bear Lake area relating to sustainability of surface water and groundwater resources. He suggested appointing Public Works Director Bob Goebel to the working group.

Mayor Brainerd said the Met Council is looking for city engineers or public works directors because of the technical aspect of this subject. He endorsed appointing Public Works Director Bob Goebel to the working group.

Mayor Brainerd moved and City council member Charlesworth seconded the motion to appoint Public Works Director Bob Goebel to the Metropolitan Council Regional Work Group. The motion was unanimously approved.

8c. CONSIDER APPROVAL – Change Order for Sidewalk at Wildridge Road and Lincolntown Avenue.

City Engineer Messner stated at a recent City Council meeting the Council was presented with a proposal to install a sidewalk along Wildridge Road to assist students who walk or bike to O.H. Anderson School. He said the only project in the City this year is the Juniper Street Reconstruction Project, so they asked Miller Excavating to provide a change order to add the sidewalk on to that project. He said the amount of the change order is \$47,962.50. He indicated that the public works crew will be installing the rectangular rapid flashing beacon (RRFB) as part of this project.

City Council member Schlegel said he has concerns regarding the \$13,100 the contractor is charging for the mobilization fee considering they charged us \$10,394.93 for the mobilization fee of the Juniper Street Reconstruction Project. He said the mobilization is about 30% of the cost of the project.

City Engineer Messner said we can try to negotiate a better cost however, this may delay the project.

City Council member Schneeweis said she would like to see that fee cut back to a reasonable amount.

Mayor Brainerd stated WSB will have a conversation with the contractor and hopefully come to the next meeting with a lower mobilization fee.

8. STAFF REPORTS - Continued

Public Works Director Goebel said they will install the RRFB as soon as possible without the completion of the sidewalk.

8d. CONSIDER APPROVAL – Bill list.

City Council member Schneeweis moved and City Council member Charlesworth seconded the motion to approve the bills as presented. The motion was unanimously approved.

9. REPORT FROM THE CITY ADMINISTRATOR

City Administrator Neilson reminded the City Council that National Nite Out is Tuesday, August 1st so the next Council meeting will be on Wednesday, August 2nd.

City Attorney Bridget Nason said she will present a summary of legislative changes that affect cities at a future council meeting. She stated right now she would like to discuss the adult use cannabis law and how cities are moving forward. She said she would like the council to consider two ordinances regarding adult use cannabis. The first ordinance will be to prohibit the use of adult use cannabis on all public property. She said this will include parks, sidewalks, parking lots, etc. She explained the second ordinance would be an interim ordinance in effect until January 1, 2025 to place a moratorium prohibiting the sale, manufacturing or distribution of adult use cannabis which would allow the City time to study the issue. She said the city must hold a public hearing before adopting an interim ordinance. She explained the Office of Cannabis Management will be handling the task of licensing retail businesses.

City Council member Schneeweis stated she is in favor of both of the proposed ordinances. She said she wants to handle this the right way and responsibly.

City Council member Schlegel said he is in favor of ordinance number one, but is not in favor of ordinance number two. He said he will be interested to hear the results from a public hearing. He stated we have zoning ordinances in place to prohibit the retail sale of cannabis where it doesn't belong. He would like to work with businesses and said adopting an interim ordinance may hurt us.

City Council member Charlesworth said ordinance number one is consistent with smoking and alcohol use, so he is in favor of this ordinance. He explained he is in favor of an interim ordinance as well. He said the Office of Cannabis Management has to get up and running and he would like to look to them for direction.

City Attorney Nason explained the interim ordinance can be rescinded early if the council chooses to do so.

City Council member Melander indicated she is in favor of both ordinances. She feels there may be changes to the law during the next legislative session.

9. REPORT FROM THE CITY ADMINISTRATOR – Continued

Mayor Brainerd said the Office of Cannabis Management has a lot of work to do. He likes the idea of having flexibility with the moratorium and supports both proposed ordinances.

City Attorney Nason will present an ordinance prohibiting adult use cannabis on public property at the next city council meeting. The ordinance will take effect upon publication. She said we have to follow the publishing requirements for a public hearing for the second ordinance. She explained this ordinance will be presented to the council when those requirements are met.

10. COMMENTS FROM THE CITY COUNCIL

City Council member Charlesworth said he attended a joint meeting between the Planning Commission and the Environmental Commission. He said the meeting was interesting and the council will see things going forward.

City Council member Schlegel said he attended a Purple Line meeting on June 29. He said they are re-evaluating the northern end points at this time. He said the project has been pushed to 2024.

Mayor Brainerd said he met with representatives from FedEx. He said Washington County will be including FedEx in the discussions with the reconstruction of Hwy 120/Hwy 694.

11. CLOSED SESSION - Closed session pursuant to Minn. Stat. Sec. 13D.05, subd. 3(b), attorney-client privilege, regarding the contested case concerning the City's water appropriation permit that is part of OAH Master Docket No. OAH 8-2002-37733, *In the Matter of Amendments to Various Water Appropriation Permits* and OAH 8-2002-35477, *In the Matter of Amendments to Water Appropriation Permit 1969-0163, City of Mahtomedi* (OAH 84-2002-35477), which resulted from the Lake Level Litigation, *White Bear Lake Restoration Association, et al v. Minnesota Department of Natural Resources, et al.*

City Council member Schneeweis made a motion to move into closed session pursuant to Minnesota Statutes, Section 13D.05, subd. 3(b), attorney-client privilege, regarding the contested case concerning the City's water appropriation permit that is part of OAH Master Docket OAH 8-2002-37733, *In the Matter of Amendments to Various Water Appropriation Permits* and OAH 8-2002-35477, *In the Matter of Amendments to Water Appropriation Permit 1969-0163, City of Mahtomedi*(OAH 84-2002-35477), which resulted from the Lake Level Litigation, *White Bear Lake Restoration Association, et al v Minnesota Department of Natural Resources, et al.* City Council member Melander seconded the motion and the motion unanimously passed at 8:49 p.m.

Mayor Brainerd, City Council members Charlesworth, Melander, Schlegel and Schneeweis, City Administrator Neilson, City Attorney Nason, City Attorney David Sienko, City Attorney Michael Hiram, Public Works Director Goebel, and City Clerk Rogers were in attendance for the Closed Session.

11. CLOSED SESSION - Continued

Following the Closed Session, City Council member Schneeweis moved and City Council member Charlesworth seconded the motion to reconvene the regular meeting at 9:29 p.m. The motion was unanimously approved.

12. ADJOURNMENT

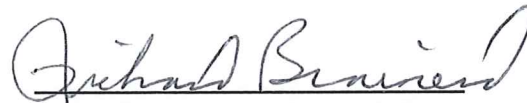
City Council member Schneeweis moved and City Council member Melander seconded the motion to adjourn the meeting at 9:30 p.m. The motion was unanimously approved.

ATTESTED:

APPROVED:



JERENE ROGERS, CITY CLERK



RICHARD BRAINERD, MAYOR