

**MAHTOMEDI CITY COUNCIL  
MINUTES  
AUGUST 15, 2023**

Mayor Richard Brainerd convened the regular City Council meeting at 7:00 p.m. with City Council members Jeff Charlesworth, Luke Schlegel, and Jane Schneeweis in attendance. City Council member Lilly Melander was absent with prior notice. City Administrator Scott Neilson, City Attorney Bridget Nason, City Engineer John Sachi, City Planners Hannah Rybak and Eric Zweber, Public Works Director Bob Goebel, Fire Chief Terry Fischer, and City Clerk Jerene Rogers were also in attendance.

**CONSIDER APPROVAL OF AGENDA**

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

**CONSIDER APPROVAL OF THE AUGUST 2, 2023 CITY COUNCIL MEETING MINUTES.**

City Council member Schlegel moved and City Council member Charlesworth seconded the motion to approve the August 2, 2023 City Council meeting minutes as presented. The motion was unanimously approved.

**4. PRESENTATIONS – None**

**5. DISCUSSION FROM THE AUDIENCE**

Washington County Deputy Jarrett updated the council regarding issues within the City. He said vehicle tampering continues to be a problem and he encouraged residents to call them if they see this activity in their neighborhoods or on their ring cameras. He noted that they will be spending additional time patrolling Warner Avenue South near O.H. Anderson School.

**6. CONSENT AGENDA**

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

**6a. APPROVAL – Building and Rental Housing Inspection Services Agreement and Code Enforcement Services Agreement Renewal with City of White Bear Lake.**

Building and Rental Housing Inspection Services and Code Enforcement Services Renewal Agreements with the City of White Bear Lake were approved. The agreements are almost identical to the previous agreement except the rental housing inspection services are now clearly defined. Per request, the Code Enforcement Officer will randomly select areas of Mahtomedi to drive through to review for city code compliance. This service will not exceed four hours per month on average.

**6b. APPROVAL – WSB Proposal for 1496 Hallam Avenue.**

A proposal in the amount of \$28,700 from WSB to research and design an infiltration facility in the

6. CONSENT AGENDA - Continued

boulevard area to control the drainage and help alleviate the pooling of water in the driveway at 1496 Hallam Avenue was approved. The storm sewer project has been included in the CIP for a few years and will be part of a larger project in 2024.

7. **PUBLIC HEARINGS - CONSIDER APPROVAL – Interim Ordinance Authorizing a Study and Imposing a Moratorium on the Operation of a Cannabis Business within the City of Mahtomedi.**

City Attorney Bridget Nason said in 2022 the Minnesota Legislature legalized the sale and consumption of hemp derived cannabinoids allowing edibles, beverages and topical products to be sold in a retail setting. She said in 2023 the Minnesota Legislature enacted legislation relating to cannabis including the establishment of the Office of Cannabis Management, legalizing and limiting the possession and use of cannabis and certain hemp products by adults, etc. She stated the legislation provides local units of government certain authority related to cannabis businesses, including requiring local registration of certain cannabis businesses operating retail establishments, adopting reasonable restrictions on the time and place of retail businesses, limiting the number of cannabis businesses near schools, daycares, residential treatment facilities, and public parks which are regularly used by minors. She explained the legislation allows local units of government that are conducting studies to adopt an interim ordinance to protect the planning process and the health, safety, and welfare of its citizens. The interim ordinance may regulate, restrict, or prohibit the operation of cannabis businesses within the jurisdiction or a portion thereof until January 1, 2025.

City Council member Schneeweis said she is in favor of the interim moratorium.

City Council members Charlesworth agrees with Council member Schneeweis.

Mayor Brainerd said the League of Minnesota Cities is struggling with this new legislation. He feels it is important to take the time we need to understand the legislation.

Mayor Brainerd opened the public hearing at 7:35 p.m. Hearing no commentary the public hearing was closed at 7:36 p.m.

City Council member Schlegel said he wanted to hear from the public. He said he is not in favor of an interim moratorium. He stated there are very few locations within our city that this type of business would be allowed to operate and he prefers to have retailers here rather than a bordering city.

City Attorney Nason reminded the Council that the interim moratorium ordinance can be repealed at any time the council feels they are ready to address this issue.

City Council member Schneeweis moved and City Council member Charlesworth seconded the motion to approve Ordinance 2023-02 an Interim Ordinance Authorizing a Study and Imposing a

7. PUBLIC HEARINGS - Continued

Moratorium on the Establishment and Operation of Cannabis Businesses within the City of Mahtomedi. The motion passed 3-1 with City Council member Schlegel voting no.

8. STAFF REPORTS

8a. **CONSIDER APPROVAL – Request from Trisha Sieh, Kimley Horn on behalf of Echo Lake, LLC, for two (2) Conditional Use Permits and two (2) Variances at 3050 Echo Lake Avenue and described as PID 06.029.21.11.0007.**

City Planner Hannah Rybak said the applicants are requesting an amendment to the CUP that was granted to FedEx in 2021 to permit van and trailer parking around the building. She said plans for the use of the site include construction of a security and screening fence around the expanded portion of the site to be used by FedEx. She said the proposed fence is ten feet high, where the maximum allowed is eight feet. She explained the installation of barb wire at the top of the fence requires CUP approval. She explained the land use approvals that have been requested are: Amended CUP approval for the use of “small package delivery service” to operate on an expanded portion of the property, CUP approval for the barb wire to be installed on the top of the proposed security fence, a variance to allow the fence height be increased from the eight feet that is allowed to ten feet, a variance to permit FedEx vehicle storage on a non-stripped gravel surface, and site plan review of proposed site modifications. She stated there was one small change to the resolution that was included in the packet. Under the conditions for approval, number 8 the word *immediately* was changed to, “*as soon as practicable.*” City Planner Rybak said the Planning Commission at their August 9<sup>th</sup> meeting voted unanimous approval of this request.

City Council member Schlegel asked what the new tree height requirement is.

City Planner Rybak said the requirement is a minimum of six feet for the new trees.

City Council member Charlesworth moved and City Council Schlegel seconded the motion to approve Resolution 2023-30 a Resolution Approving a Conditional Use Permit, Two Variances and Site Plan for FedEx Expansion at the Property Located at 3050 Echo Lake Avenue, PID 06.029.21.11.0007. The motion was unanimously approved.

8b. **CONSIDER APPROVAL – Request from Cathy Hilby on behalf of property owner, Church of St. Jude of the Lake for Variances to allow three (3) on-site directional signs at 700 Mahtomedi Avenue and described as PID 29.030.21.21.0052.**

City Planner Rybak said the applicant is requesting approval of a variance to allow three of the proposed on-site directional signs to exceed the maximum allowable size. She said the purpose of the signage is to help visitors through their parking lot that is shared by the church, the school, and the food shelf. The request includes the installation of two directional signs at the parking lot entrance points, and one on the corner of Mahtomedi Avenue and Grove Street. Planner Rybak said the Planning Commission at their August 9<sup>th</sup> meeting voted unanimous approval of this request.

**8. STAFF REPORTS – Continued**

Cathy Hilby, St. Jude of the Lake Church said they are hoping the signs will help visitors find their way on the Church/School campus.

City Council member Schlegel said he appreciates the effort to move traffic through the property more efficiently.

City Council member Schneeweis moved and City council member Schlegel seconded the motion to adopt Ordinance 2023-31 a Resolution Approving a Variance to Allow Increased Sign Area for Three On-Site Directional Signs at the Property Located at 700 Mahtomedi Avenue, PID 29.030.21.21.0104. The motion was unanimously approved.

**8c. CONSIDER APPROVAL – Ordinance Amendments to Section 11.01, Subd.: 7.0 Definitions, 9.4 Wind Energy Conversion Systems (WECS), 10.3 Parking and Loading, 10.4 Landscaping, Buffers, and Screening, 10.5 Slopes/Woodland Protection, Preservation and Replacement, 11.1 Table 11.0 A Land Use Table, 8.3 Building Permits, 10.7 Signs.**

City Administrator Scott Neilson said the city has been awarded a grant in the amount of \$44,000 from the Met Council to help develop climate impact regulations.

City Planner Eric Zweber said the grant is to be used to develop policies for tree removal, green stormwater infrastructure, parking and electric vehicle charging infrastructure, wind energy, community engagement, and sustainable vegetation management. He overviewed the proposed amendments to Chapter 11, Section 11.01. Subdivisions 7, 9.4, 10.3, 10.4, 10.5, 11.1. He explained the Planning Commission held a public hearing at their most recent meeting and stated the proposed amendments are now ready for City Council approval.

City Planner Rybak overviewed the proposed amendments to Chapter 11, Section 11.01 Subdivisions 8.3 and 10.7. She said the Building Inspector asked us to add a requirement that requires the exterior finishes of any building be completed within one year of the building permit issuance. She explained the amendments to the sign ordinance primarily relate to combining electronic changeable copy signs and electronic graphic display signs into a single category.

City Council member Charlesworth asked if residential wind energy systems should really be allowed in all zoning districts. His concerns are related to the visual impacts and the noise from the systems. He said the homes in the historic district are very near each other and he does not want to create an issue by allowing these systems in all zoning districts. He would like more information regarding this type of wind energy system before moving forward with this ordinance amendment.

City Council member Schneeweis would like additional information regarding this ordinance amendment as well.

Mayor Brainerd asked to pull this item and send it back to the Environmental Commission for further review.

**8. STAFF REPORTS – Continued**

City Council member Schlegel moved and City Council member Charlesworth seconded the motion to approve Ordinance No. 2023-04 An Ordinance Amending Mahtomedi City Code Chapter 11, Section 11.01, Subd. 7.0 Related to Definitions, Ordinance No. 2023-06 An Ordinance Amending Mahtomedi City Code Chapter 11, Section 11.0, Subd. 10.3 Related to Parking and Loading, Ordinance 2023-07 An Ordinance Amending Mahtomedi City Code 11, Section, 11.0, Subd. 10.4 Related to Landscaping, Buffers and Screening, Ordinance No. 2023-08, An Ordinance Amending Mahtomedi City Code Chapter 11, Section 11.01, Subd. 10.5 Related to Slopes/Woodland Protection, Preservation and Replacement, Ordinance No. 2023-10, An Ordinance Amending Mahtomedi City Code Chapter 11, Section 11.01, Subd. 8.3 Related to the Period of Validity of a Building Permit, and Ordinance No. 2023-11, An Ordinance Amending Mahtomedi City Code Chapter 11, Section 11.01, Subd. 10.7 Related to Signs. The motion was unanimously approved.

**8d. CONSIDER APPROVAL – Resolutions 2023-32 through 2023-40, Approving Publication of Summary Ordinance for Ordinances 2023-02 Interim Ordinance on Establishment and Operation of Cannabis Businesses and Ordinances 2023-04 through 2023-11 Amending Chapter 11 relating to Definitions, Wind Energy Conversion Systems (WECS), Parking and Loading, Landscaping, Buffers and Screening, Slopes/Woodland Protection, Preservation, and Replacement, Land Use Table, Period of Validity of a Building Permit, Signs.**

City Attorney Nason explained with the prior approval of the Ordinance Amendments we are asking the Council to approve several resolutions that would allow the publication of a Summary of Ordinances instead of publishing the entire Ordinance.

City Council member Schneeweis moved and City Council member Charlesworth seconded the motion to approve Resolutions No. 2023-32, No. 2023-33, No. 2023-35, No. 2023-36, No. 2023-37, No. 2023-39, and No. 2023-40 Resolutions Approving the Publication of Summary of Ordinance No. 2023-02, No. 2023-04, No. 2023-06, No. 2023-07, No. 2023-08, No. 2023-10, and No. 2023-11. The motion was unanimously approved.

**8e. 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 Council about the Joint City Council/Finance Commission meeting scheduled for Tuesday, August 29<sup>th</sup> at 5:30 p.m.

City Engineer Sachi updated the City Council about the current construction projects as follows:  
Juniper Street – this project is mostly complete, the sod is down and the final mailbox is has been installed.

**9. REPORT FROM THE CITY ADMINISTRATOR - Continued**

Lincolntown Avenue Storm Sewer – the street was closed for a couple days and is now open, the project is moving along nicely. Robert Court will be closed for one day to install a new pipe. Pickleball Court – the painters will be in next Wednesday, then the netting will be installed and final restoration will happen this fall.

Public Works Director Bob Goebel said the Rapid Rectangular Flashing Beacon for the crossing at Wildridge Road and Lincolntown Avenue arrived today and will be installed within the next week.

Fire Chief Terry Fischer said they received five applications for the two full-time positions. He said they are currently at 13 paid on-call and 5 full-time employees.

**10. COMMENTS FROM THE CITY COUNCIL**

City Council member Schlegel provided an update regarding the recent Finance Commission meeting he attended. He said they would like to look at adding a fee for lift assists to the fee schedule for this type of emergency call. He said the commission is not opposed to increasing the tax rate to hire additional staff for the fire department or to potentially build a new fire station/city hall.

**11. CLOSED SESSION - None**


**12. ADJOURNMENT**

City Council member Charlesworth moved and City Council member Schneeweis seconded the motion to adjourn the meeting at 9:50 p.m. The motion was unanimously approved.

ATTESTED:

  
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JERENE ROGERS, CITY CLERK

APPROVED:

  
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RICHARD BRAINERD, MAYOR