

**MAHTOMEDI CITY COUNCIL  
MINUTES  
AUGUST 16, 2022**

City Council President Richard Brainerd convened the regular City Council meeting at 7:00 p.m. with Council members Lilly Melander, Luke Schlegel and Jane Schneeweis in attendance. Mayor Jud Marshall was absent with prior notice. City Administrator Scott Neilson, City Attorney Bridget Nason, City Engineer John Sachi, City Planner Hannah Rybak, Fire Chief Terry Fischer and City Clerk Jerene Rogers were also in attendance.

**CONSIDER APPROVAL OF AGENDA**

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

**CONSIDER APPROVAL OF THE AUGUST 1, 2022 CITY COUNCIL WORKSESSION MEETING MINUTES AND THE AUGUST 1, 2022 CITY COUNCIL MEETING MINUTES.**

City Council member Schneeweis moved and City Council member Melander seconded the motion to approve the August 1, 2022 City Council Worksession meeting minutes and the August 1, 2022 City Council meeting minutes. The motion was unanimously approved.

**4. PRESENTATIONS – Many Faces of White Bear Lake Area**

Kevin Donovan, Lisa Pocrnich, and Jackie Reis were here tonight to speak to the city council about the Many Faces organization and its mission. Ms. Reis said currently there are 23 member organizations and they are hoping the City of Mahtomedi will consider joining. She said the mission of Many Faces is to strengthen community by providing opportunities to listen, learn, reflect and engage in conversations and actions that promote equity, diversity and inclusion. Ms. Pocrnich said they ask representatives from each member organization to attend the meetings and participate in events. She said there is a membership application that can be completed and submitted to her. Mr. Donovan said the annual contribution of \$100 helps defray the programming costs.

The direction of the City Council is to move ahead with this and direct staff to get in touch with Ms. Pocrnich.

**5. DISCUSSION FROM THE AUDIENCE - None**

**6. CONSENT AGENDA**

City Council member Schneeweis moved and City Council member Schlegel 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 wine and beer at the Annual Cornfest Celebration on September 10, 2022.**

6. CONSENT AGENDA - Continued

Resolution 2022-45 a Resolution Approving an 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. The Annual Cornfest will be held on September 10, 2022.

6b. APPROVAL – Construction Pay Voucher No. 8 for Phase 4 Historic District Improvements for T.A. Schifsky and Sons, Inc. in the amount of \$80,851.59.

Construction Pay Voucher No. 8 in the amount of \$80,851.59 for the Phase 4 Historic District Improvement Project for T.A. Schifsky and Sons, Inc. was approved.

6c. APPROVAL – Construction Pay Voucher No. 2 for the 2022 Street Improvement Project for OMG Midwest in the amount of \$125,568.85.

Construction Pay Voucher No. 2 in the amount of \$125,568.85 for the 2022 Street Improvement Project for OMG Midwest was approved.

7. PUBLIC HEARINGS – None

8. STAFF REPORTS

8a. CONSIDER APPROVAL – Request from Doug Johnson for a Minor Subdivision resulting in two lots at 331 Park Avenue and described as PID 29.030.21.23.0018.

City Administrator Scott Neilson introduced this item and turned it over to City Planner Hannah Rybak for her report.

City Planner Rybak said the applicant is requesting a minor subdivision of their property to split the subject parcel into two lots. She said the existing parcel has a total lot area is 61,632 square feet. She stated the existing home is proposed to be demolished and the two newly created lots would be developed for single family homes. She said the proposed lot split would result in Parcel A being 30,984 square feet and Parcel B being 30,648 square feet. She stated Parcel A would have a lot width of 82.57' and depth of 375'. Parcel B would have a lot width of 82.47' and a depth of 375.5', well within the standards of the zoning district. City Planner Rybak stated the applicant would be required to enter into a minor subdivision agreement with the City.

City Engineer John Sachi said he has reviewed the plans and said a new sanitary sewer and water service must be installed into the property for the additional lot. He stated all costs associated with the installation of additional services and connection fees will be the applicants' responsibility. He said an existing storm sewer and storm sewer easement will be relocated. He said the applicant must provide legal descriptions for the new easement locations for the relocated storm sewer pipes and all common, front and rear lot line easements. He stated the relocated storm sewer shall be 16' in width and the new pipe shall be in the center of the relocated easement. City Engineer Sachi said the applicant must also provide documentation to vacate the existing easement of record for the existing storm sewer pipe.

8. Staff reports- Continued

City Planner Rybak stated the Planning Commission recommended unanimous approval of this application.

City Council member Schlegel moved and City Council member Schneeweis seconded the motion to approve Resolution 2022-46 a Resolution Approving a Minor Subdivision at the Property Located at 331 Park Avenue and described as PID 29.030.21.23.0018. The motion was unanimously approved.

8b. **CONSIDER APPROVAL – Request from William and Krystan Putney for a Variance for an increase in allowable impervious surface coverage at 845 Arcwood Road and described as PID 31.030.21.13.0051.**

City Administrator Scott Neilson introduced this item and turned it over to City Planner Hannah Rybak for her report.

City Planner Rybak said the applicant is requesting a retroactive variance to allow additional impervious coverage on their property. She said the home was constructed between February and December 2020, including the landscaping and other site improvements. She stated some of the work did not require a permit at the time the work was completed and the coverage limit was not intentional. She said the applicant made some of the improvements with the lake in mind. She explained the applicant provided additional stormwater management facilities through a system of rainwater divergence to a filtered retention basin, swale area, as well as the use of landscaping to prevent erosion.

City Engineer Sachi said the applicant has made a conscience effort to get rainwater to the basin in their yard. He indicated that as much as 80% of the roof drainage goes into the basin and the remaining 20% goes to the grass swale. He stated the applicant has planted over 300 native plants in the shoreline area to promote better stabilization and less runoff to the lake.

City Council member Schneeweis stated she can support this request because of the extensive lengths the applicant has gone through to divert water from the impervious areas to existing basins and swale areas.

City Council member Schlegel moved and City Council member Melander seconded the motion to approved Resolution 2022-47 a Resolution Approving a Variance to Allow Increased Impervious Surface Coverage of 28% at the Property Located at 845 Arcwood Road and described as PID 31.030.21.13.0050. The motion was unanimously approved.

8c. **CONSIDER APPROVAL – Request from Crown Castle USA, Inc. and DISH Wireless for a Conditional Use Permit to allow the colocation of new equipment on the existing telecommunications tower at 2111 Briarwood Avenue.**

City Administrator Scott Neilson introduced this item and turned it over to City Planner Hannah Rybak for her report.

**8. Staff reports- Continued**

City Planner Rybak said the applicant Dish Wireless, LLC is requesting a conditional use permit to co-locate three wireless communication antennas on the existing telecommunications tower at the City owned property at 2111 Briarwood Avenue. She said the city owns the property, but the tower itself is owned by Crown Castle USA, Inc. She stated this would be the fourth set of equipment on the tower. She said there was a neighbor at the planning commission meeting that complained about the noise from the site. City Planner Rybak said we will contact our code enforcement to look into the complaint. She indicated that this might be an issue for Crown Castle to resolve. She said that there were a few complaints about the lack of maintenance of the property.

City Engineer Sachi stated he has already spoken to Public Works Director Bob Goebel about cleaning up the property and he has also spoken to code enforcement about the noise complaint.

City Council President Brainerd asked how we came to the conclusion that the equipment is screened.

City Engineer Sachi said if our gate was closed it would be better. He said the fence around the equipment is at the maximum allowable height.

City Attorney Bridget Nason said there might be something in the lease agreement with Crown Castle regarding the screening of the equipment. She said she would review the agreement and have a conversation with Crown Castle regarding the screening.

City Council member Schneeweis moved and City Council member Schlegel seconded the motion to approve Resolution No. 2022-48 a Resolution Approving a Conditional Use Permit to Install Three Antennas on the Existing Tower and Install Associated Ground Equipment on the Property Located at 2111 Briarwood Avenue and described as PID 20.030.21.21.0021. The motion was unanimously approved.

**8d. CONSIDER APPROVAL – Ordinance Amendment to Chapter 11.01, Section 10.7: Signs**

City Planner Rybak stated currently electronic display signs are only allowed in the business and industrial zoning districts. She explained that staff has received several requests from churches and the Mahtomedi School District to install electronic signs on their properties. She said most churches and schools are in residential zoning districts, so it is not reasonable to amend the code to permit electronic signs outright. She explained that the proposed amendment would allow non-residential uses within residential districts to request a conditional use permit to install an electronic sign. She said the City would look at each property individually to determine whether an electronic sign is appropriate and will not negatively impact the surrounding residential properties.

City Council member Schneeweis moved and City Council member Schlegel seconded the motion to approved Ordinance No. 2022-07 and Ordinance Amending City Code, Chapter 11 Section 11.01, Section 10.7, Signs Related to Electronic Display Signs on Non-Residential Properties in Residential Zoning Districts. The motion was unanimously approved.

8. Staff reports- Continued

8e. CONSIDER APPROVAL – Appointment of Council Member to Serve on Metro Purple Line Corridor Committee.

City Administrator Neilson said he is waiting to hear back from Craig Lamothe, Metro Transit regarding the appointment of an election official to the Metro Purple Line Corridor Committee. He said when he receives the information he will pass it on to the City Council.

City Council President Brainerd moved and City Council member Schneeweis seconded the motion to appoint City Council member Schlegel to the Metro Purple Line Corridor Committee as a representative for Mahtomedi and to appoint City Council member Melander to be the alternate representative for Mahtomedi on the Metro Purple Line Corridor Committee. The motion was unanimously approved.

City Council President Brainerd thanked both council members for their willingness to sit on this committee.

8f. CONSIDER APPROVAL – Bill List.

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

9. REPORT FROM CITY ADMINISTRATOR

City Administrator Neilson asked City Attorney Nason to provide a presentation regarding the Legislative Changes Legalizing Certain Edible Products Containing THC.

City Attorney Nason provided background information regarding this item. She said the Legislature adopted changes during the most recent session regarding the sale of certain cannabinoid (CBD) products. She said one of the changes made allows certain edible and beverage products infused with tetrahydrocannabinol (THC) to be sold for consumption to those 21 years old and older. Another change is it allows edible cannabinoid products provided they do not contain more than 0.3% of any THC and more than 5 milligrams of THC in any single serving or more than 50 milligrams of THC per package to be sold. She said the law does not limit where edible cannabinoid products may be sold or how many may be sold to one individual.

City Attorney Nason said some of the city considerations are zoning, licensing and if the city can prohibit the sale of such products. She explained that it appears most cities are waiting to see what will transpire during the next legislative session and what the League of Minnesota Cities will come up with.

The consensus of the City Council is to have staff keep the Council abreast of the topic, continue to keep an eye on our neighboring cities to see what they do and to wait for a model policy from the League of Minnesota Cities.

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

City Engineer Sachi said the 2022 Street Improvement Project is moving nicely. The curbing is in place and paving will begin later this week. The contractor will mill Warner Avenue and will be putting the final lift of pavement on Maple and Locust Street and Warner Avenue at the same time. City Engineer John Sachi said the curb is in on the east side of the causeway for the CSAH 12 project. He said the new culvert has been installed and they are progressing quickly. He said the share the road stencils and signs are being placed on Park Avenue. He indicated the lighting for the trail should be here in late October. He said we received a request from the Lake Links Association to purchase a trail counting device to monitor the number of users that use the trail. He said this item can be purchased using grant funds.

City Administrator Neilson said the Lakeside Club building is boarded up and not accessible. He said they will be purchasing a demolition permit this week and potentially taking the building down next week.

City Administrator Neilson said there will be a Joint City Council/Finance Commission meeting before the September 6<sup>th</sup> City Council meeting to discuss the 2023 Preliminary Budget.

**10. COMMENTS FROM THE CITY COUNCIL**

City Council President Brainerd said he attended a League of Minnesota Cities meeting where they discussed the ongoing issue of hiring public safety personnel. He said we are not alone with this issue.

**11. CLOSED SESSION - None**


**12. ADJOURNMENT**

City Council member Schneeweis moved and City Council member Schlegel seconded the motion to adjourn the meeting at 9:05 p.m. The motion was unanimously approved.

**ATTESTED:**

  
JERENE ROGERS, CITY CLERK

**APPROVED:**

  
RICHARD BRAINERD, CITY COUNCIL PRESIDENT/  
ACTING MAYOR