

**MAHTOMEDI CITY COUNCIL
MINUTES
SEPTEMBER 5, 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 Attorney Scott Lucas, 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 Charlesworth seconded the motion to approve the agenda as presented. The motion was unanimously approved.

CONSIDER APPROVAL OF THE AUGUST 15, 2023 CITY COUNCIL MEETING MINUTES.

City Council member Schlegel moved and City Council member Melander seconded the motion to approve the August 15, 2023 City Council meeting minutes as presented. The motion was unanimously approved.

4. PRESENTATIONS – None

5. DISCUSSION FROM THE AUDIENCE

John Yankovich of 808 Hallam Avenue said he dropped off a letter for City Administrator Neilson on July 18th regarding a deer issue. He said he has not received a response from the Administrator. He said the neighbor at 830 Hallam Avenue has been feeding a doe and fawn for three years and he has had to replace his flora.

Ian Harding, Lake Links Trail representative said the Lake Links Trail is a gold standard trail and they would like to see the other communities around the lake hold up this standard. He said the Lake Links Association has some money to spend and they would like Mahtomedi residents and the City Council to come forward with some ideas on how to spend the money. He said one idea is to add benches and a picnic area in Streetcar Park.

Public Works Director Bob Goebel said Steve Wolgamot was passionate about memorials along the trail.

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 – Resolution Approving the Acceptance of Gifts for miscellaneous purchases for the Mahtomedi Fire Department.

Resolution No. 2023-41 a Resolution Approving the Acceptance of Gifts for miscellaneous purchases in the amount of \$25.00 from Roxanne Hardy for the Mahtomedi Fire Department was

6. CONSENT AGENDA - Continued

approved.

6b. APPROVAL – Request for Surety Reduction from Real Estate Equities.

Real Estate Equities (Vista Point Apartments, 830 Wildwood Road) requested and received permission to reduce the landscaping surety to \$16,200.00.

6c. APPROVAL – Request to Hire Two Paid On Call Firefighter/EMT's.

Fire Chief Fischer requested and received permission to hire Alexander Wilcox and Michael Lundgren as paid on call firefighters/EMT's contingent upon successful completion of the required psychological exam, physical assessments, and criminal background check.

6d. APPROVAL – Resolution Approving the Acceptance of Gifts from the Lake Links Association of \$2,500.00 for a bike repair station located along the Lake Links Trail.

Resolution No. 2023-44 a Resolution Approving the Acceptance of Gifts from the Lake Links Association in the amount of \$2,500.00 for a bike repair station was approved. The repair station will be located along the Lake Links Trail.

6e. APPROVAL – Resolution Declaring Costs to be Assessed and Ordering Preparation of Proposed Assessments for 2023 Street Improvement Project.

Resolution No. 2023-42 a Resolution Declaring Costs to be Assessed and Ordering Preparation of Proposed Assessments for the 2023 Street Improvement Project was approved. The total amount to be assessed will be \$104,780.

6f. APPROVAL – Resolution Calling for and Ratifying an Assessment Hearing with Respect to the 2023 Street Improvement Project.

Resolution No. 2023-43 a Resolution Calling for and Ratifying an Assessment Hearing with Respect to the 2023 Street Improvement Project was approved. The public hearing will be held October 3, 2023 at 7:00 p.m.

6g. APPROVAL – Subscription Agreement between HealthEMS (Sansio) and the City of Mahtomedi for EMS Charting System.

A Subscription Agreement between HealthEMS (Sansio) and the City of Mahtomedi for EMS Charting System was approved. This software is used to charge for all EMS calls.

7. PUBLIC HEARINGS – None

8. STAFF REPORTS

8a. **CONSIDER APPROVAL – Joint Resolution Clarifying the Legal Description of Real Property to be Detached from White Bear Lake and Annexed into Mahtomedi Pursuant to City of White Bear Lake Resolution Number 13176 and City of Mahtomedi Resolution Number 2023-15 and Pursuant to Minnesota Stat. 414.061.**

City Attorney Bridget Nason said earlier this year the Mahtomedi and White Bear Lake City Councils adopted a joint resolution approving the detachment and annexation of property on Wildwood Road. The approved resolution was sent to the Office of Administrative Hearings for review and approval of the proposed detachment and annexation. She explained that a discrepancy was identified after the documents were sent to the Office of Administrative Hearings. She stated the issue revolved around the exact location of the boundary between the cities in the area around the annexation property, the proposed legal description of the annexation property, and the depiction of the annexation property. She said after working with staff at the Office of Administrative Hearings and the Minnesota Department of Transportation, a revised legal description was prepared. She said all parties agree the new legal description is accurate. She stated the White Bear Lake City Council approved the revised resolution at their August 22nd meeting.

City Council member Schlegel moved and City Council member Charlesworth seconded to motion to approve City of White Bear Lake Joint Resolution No. 13235 and City of Mahtomedi Resolution No. 2023-45 a Joint Resolution Clarifying the Legal Description of Real Property to be Detached from White Bear Lake and Annexed into Mahtomedi Pursuant to City of White Bear Lake Resolution Number 13176 and City of Mahtomedi Resolution Number 2023-15 and Pursuant to Minn. Stat. 414.061. The motion was unanimously approved.

8b. **CONSIDER APPROVAL – Award Residential Recycling Collection Services Contract.**

City Administrator Scott Neilson said the current five year recycling contract with Waste Management will expire at the end of 2023. He said the City issued Request for Proposals (RFP) for Recycling Services for a new contract beginning January 1, 2024. He stated the City received three proposals and the RFP Review Committee reviewed the proposals and based on that review recommends Walters Recycling and Refuse be awarded the contract.

Jeff Newsom, VP Sales and Marketing with Walters Recycling and Refuse said they are excited to take on the contract. He said they are a locally owned and operated company and look forward to working with the City.

Mayor Brainerd asked if residents will be allowed to have the same size container as they do today.

Mr. Newsom said yes they will.

Mayor Brainerd asked what type of communication plan is in place to notify our residents of the change.

8. STAFF REPORTS - Continued

Mr. Newson said they will send out large postcards with all the information the residents will need. He said they will work with staff to communicate the change.

City Council member Schlegel said the cost is a little higher, but feels with all the issues we have had over the last few years it will be worth it.

City Council member Schlegel moved and City Council Schneeweis seconded the motion to approve Resolution 2023-46 a Resolution Authorizing Execution of Recycling Services Contract with Walters Recycling and Refuse. The motion was unanimously approved.

8c. CONSIDER APPROVAL – Request for Council to Make Motion to Reconsider Previously Approved Ordinances and Summary Publication Resolutions.

City Attorney Nason said at the August 15th meeting, the City Council adopted a number of ordinances amending the City's zoning ordinance. Before approving the ordinances, the Council decided to pull Ordinance 2023-05 (and related summary publication resolution 2023-34, which established various performance standards for CWECS and VAWTX (wind turbines) for further review and consideration by the Environmental Commission. She said while Ordinance 2023-05 was not approved, a second ordinance related to wind turbines was found to have been approved by the Council, instead of being pulled for additional review by the Environmental Commission. These ordinances were not published, so therefore are not yet in effect. The Council is asked to take the necessary steps to rescind its approval of Ordinance 2023-09 and Resolution No. 2023-38.

City Council member Schlegel made a motion to reconsider the motion made at the August 15th council meeting to approve Ordinances 2023-04, 2023-06, 2023-07, 2023-08, 2023-09, 2023-10, and 2023-11. City Council member Charlesworth seconded the motion and the motion was unanimously approved.

City Council member Charlesworth moved to amend the motion on the table to remove Ordinance No. 2023-09 from the list of ordinances being considered for approval. City Council member Schlegel seconded the motion and the motion was unanimously approved.

The amended motion was unanimously approved.

City Council member Schlegel moved to reconsider the motion made at the August 15th council meeting to approve Resolutions 2023-32, 2023-33, 2023-35, 2023-36, 2023-37, 2023-38, 2023-39, and 2023-40. City Council member Schneeweis seconded the motion and the motion was unanimously approved.

City Council member Schlegel moved to amend the motion on the table to remove Resolution No. 2023-38 from the list of resolutions being considered for approval. City Council member Charlesworth seconded the motion and the motion was unanimously approved.

The amend motion was unanimously approved.

8. STAFF REPORTS - Continued

8d. CONSIDER APPROVAL – Bill list.

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

9. REPORT FROM THE CITY ADMINISTRATOR - None

10. COMMENTS FROM THE CITY COUNCIL

Mayor Brainerd said he met with the Mayor from Pine Springs. He said they had a nice discussion and they might be looking for our assistance in a few areas.

11. CLOSED SESSION - Closed session pursuant to Minn. Stat. Sec. 13D.05, subd. 3(b), attorney-client privilege, regarding the *Gates v. City of Mahtomedi* quiet title action.

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 *Gates v. City of Mahtomedi* quiet title action. City Council member Schlegel seconded the motion and the motion unanimously passed at 7:50 p.m.

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

Following the Closed Session, City Council member Schneeweis moved and City Council member Charlesworth seconded the motion to reconvene the regular meeting at 8:16 p.m. The motion was unanimously approved.

12. ADJOURNMENT

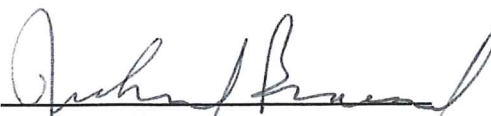
City Council member Schlegel moved and Mayor Brainerd seconded the motion to adjourn the meeting at 8:17 p.m. The motion was unanimously approved.

ATTESTED:

APPROVED:



JERENE ROGERS, CITY CLERK



RICHARD BRAINERD, MAYOR