

**MAHTOMEDI CITY COUNCIL  
MINUTES  
SEPTEMBER 19, 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 John Sachi, City Planner Hannah Rybak, 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 Schlegel moved and City Council member Schneeweis seconded the motion to approve the agenda as presented. The motion was unanimously approved.

**CONSIDER APPROVAL OF THE SEPTEMBER 5, 2023 CITY COUNCIL MEETING MINUTES.**

City Council member Charlesworth moved and City Council member Melander seconded the motion to approve the September 5, 2023 City Council meeting minutes as presented. The motion was unanimously approved.

**4. PRESENTATIONS**

**a. Luann Tembreull – 30 year service award.**

Mayor Brainerd presented Luann with a Certificate of Appreciation and thanked her for her 30 years of service to the City of Mahtomedi.

**b. Jake Tschida – Retirement Mahtomedi Fire Department**

Fire Chief Terry Fischer presented Jake with the customary axe as a show of appreciation for his years of service to the Fire Department.

**c. Safe Routes to School Committee Update – Erin Roche, Safe Routes to School volunteer**

Erin Roche said the Safe Routes to School Plan is a volunteer driven, multi-partner collaborative effort with a goal of making it safer, easier and more enjoyable for students and families to walk, bike and roll to school. She said there are nine areas of improvements the City could incorporate into capital improvement plans. She explained two of the most crucial areas to work on are Warner Avenue South and County Highway 12 (Stillwater Road). She indicated the plan suggests updating the school speed zone to 15 mph, construct sidewalks on Warner Avenue South from Warwick to 72<sup>nd</sup> Street and in front of O.H. Anderson School. She said collaboration with Washington County on the final project plans for CSAH 12 is crucial. She stated careful design details to include pedestrian safety practices are an important part of the upcoming County project.

Mayor Brainerd and the City Council thanked the Safe Routes to School team for all their hard work and effort putting together this comprehensive plan.

**5. DISCUSSION FROM THE AUDIENCE**

Katja Finger, 8 Echo Lake Boulevard thanked the Council and Public Works for installing the Rectangular Rapid Flashing Beacon at Wildridge Road and Lincolntown Avenue. She said it has been a lot safer crossing the street at this intersection.

Jim Podobinski, 570 Warner Avenue said speed is still an issue near his home. He believes installing stop signs would alleviate the speed in this area. He stated listening to the proposed improvements on Warner Avenue South as part of the Safe Routes to School Plan, he questions why there isn't a sidewalk proposed in front of the school.

**6. CONSENT AGENDA**

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

**6a. APPROVAL – Accepting Public Utility Improvements at Vista Point Apartments.**

The developer for the Vista Point Apartments was required to perform certain alterations to the City's public water and sewer infrastructure. This included connection to the City's watermain, alteration of a hydrant and gate valve, and connection to the City's sanitary sewer system with a new manhole and connection to the City's storm water system at two locations. The work has been completed to the City's satisfaction and the City Council formally accepted the public utility improvements at the development located at 830 Wildwood Road.

**6b. APPROVAL – Request to hire 2 Full-time Firefighter/Paramedics.**

Fire Chief Fischer requested and received permission to hire Nick Linder and Kayla Tesch as Full-time firefighters/Paramedics contingent upon successful completion of the required physical assessments, and criminal background check.

**6c. APPROVAL – Construction Pay Voucher No. 1 for Winberg Companies for the Lincolntown Avenue Drainage Improvement Project in the amount of \$189,655.29.**

Construction Pay Voucher No. 1 in the amount of \$189,655.29 for the Lincolntown Avenue Drainage Improvement Project for Winberg Companies was approved.

**7. PUBLIC HEARINGS – None**

**7a. CONSIDER APPROVAL – Resolution Ordering Certification of Unpaid Utility Charges Pursuant to Minnesota Statutes 444.075, Subd. 3e, and 443.29 for Collection with payable 2024 Property Taxes.**

Finance Director Schaefer said the delinquent utility accounts for 2023 are a little higher than last year. He said since the letters have been sent out, we have already received about \$48,000 in payments. He explained if payment is not received by November 15<sup>th</sup>, the balance will be

**7. PUBLIC HEARINGS – Continued**

assessed to the 2024 property taxes. The City will receive payment with our normal tax settlement payments in July and December 2024 and the final 2024 payment that we receive in January 2025.

Mayor Brainerd opened the public hearing at 7:34 p.m. Hearing no commentary the public hearing was closed at 7:35 p.m.

City Council member Charlesworth moved and City Council member Schneeweis seconded the motion to approve Resolution 2023-52 a Resolution Ordering Certification of Unpaid Utility Charges Pursuant to Minnesota Statutes 444.075, Subd. 3e, and 443.29 for Collection with Payable 2024 Property Taxes. The motion was unanimously approved.

**8. STAFF REPORTS**

**8a. CONSIDER APPROVAL – Preliminary 2024 General Fund Budget, Certification of 2024 Levy to Washington County, Schedule Public Hearing for Consideration of Final Budget Approval and Certification for December 5, 2023 at 7:00 p.m. and Schedule a Public Hearing for 2024-2028 Capital Improvement Plan for November 6, 2023.**

City Administrator Scott Neilson said the preliminary 2024 General Fund Budget was discussed at a joint work session with the City Council and Finance Commission. He stated there are no adjustments between the budget presented at that meeting and the one that is being presented tonight.

Finance Director Schaefer said the Council is asked to approve the Preliminary 2024 General Fund Budget for certification to Washington County.

Finance Director Scott Schaefer said the 2024 General Tax Levy is proposed at \$4,282,851 an increase of 2.93% from the 2023 General Tax Levy, which does not include Special Levies. The 2024 debt service levy is proposed at \$1,756,990 a 1.90% decrease from 2023. The total Proposed Tax Levy is \$6,039,841 which represents a 1.47% increase from the 2023 Budget. The proposed tax capacity rate for 2024 is 33.889% compared to 34.410% in 2023. Based on a home value of \$445,200, property taxes will be approximately \$1,509 in 2024 compared to \$1,512 in 2023.

Mayor Brainerd said the Finance Commission and City Council discussed the proposed 2024 budget at a recent workshop meeting. At that time the Finance Commission members were asked to go through the budget in detail. He said the proposed budget that is levied to the County cannot be increased, but can be decreased if needed.

Public Works Director Goebel said there is money allocated in the 2024 budget for two new public works vehicles. He asked for permission to order the vehicles right now to ensure delivery of the vehicles in 2024. The vehicles will not be paid for until 2024.

**8. STAFF REPORTS - Continued**

The City Council gave Public Works Director Goebel permission to order both vehicles that are in the 2024 budget at this time.

City Council member Schneeweis moved and City Council member Schlegel seconded the motion to approve Resolution 2023-47 Approval of Proposed 2024 Annual Budget for General Fund. The motion was unanimously approved.

City Council member Schneeweis moved and City Council member Schlegel seconded the motion to approve Resolution No. 2023-48 a Resolution Approving Proposed Tax Levy for 2024 and Cancellation of debt levy for taxes payable in 2024. The motion was unanimously approved.

City Council member Schneeweis moved and City Council member Schlegel seconded the motion to schedule a public hearing for the 2024-2028 Capital Improvement Plan for November 6, 2023 and to schedule a public hearing for December 5, 2023 for Final 2024 Budget and Levy consideration. The motion was unanimously approved.

**8b. CONSIDER APPROVAL – Ordinance Prohibiting the Feeding of Wild Animals.**

City Attorney Bridget Nason said the council recently discussed deer management within the City. She said as part of that discussion it was recommended the Council consider approval of a broader ordinance prohibiting the feeding of all wild animals within the City. She stated the draft ordinance defines what “wild animal” means. She said if somebody violates the ordinance now it is considered a misdemeanor and has a fine attached.

Mayor Brainerd has concerns about a section of the draft ordinance where it states, “Intentional feeding is defined as distributing one gallon or more within a 24 hour period of grain, vegetables, fruits, nuts, hay, or a salt lick on the ground....etc.” He feels one gallon is a lot.

City Council member Melander asked if kids feeding the ducks at the beach would be considered feeding wild animals and would they be ticketed. She doesn’t feel this ordinance will help control the deer population. She said that the City should confront the residents that we know are violating the ordinance. We should have better enforcement of the current ordinance.

City Council member Schlegel said the DNR also has an ordinance that restricts the feeding of deer. He asked if the Washington County Sheriff’s deputies can enforce the DNR deer feeding ban.

City Attorney Nason said she doesn’t know the answer to that but will get back to the council with that information. She explained the council can continue this item to a future meeting to allow staff adequate time to see if the Sheriff’s Office can enforce the DNR deer feeding ban.

City Council member Schneeweis moved and City Council member Charlesworth seconded the motion to delay action on Ordinance No. 2023-12 and to continue this item to the October 3rd City Council meeting to allow the City Attorney time to research the ability of the Washington County Sheriff’s office to enforce the DNR Deer Feeding Ban. The motion was unanimously approved.

8. STAFF REPORTS – Continued

8c. CONSIDER APPROVAL – Resolution Receiving the Feasibility Report of the Consulting Engineer and Calling for a Public Improvement Hearing Concerning the Stillwater Road (CSAH 12) Phase 2 Improvement Project.

City Engineer John Sachi said the feasibility report addresses roadway improvements to Stillwater Road (CSAH 12) Phase 2. The improvements consist of rehabilitation with new surfacing and concrete curb and gutter, pedestrian improvements, lighting, signal upgrades and minor utility improvements from west of Hallam Avenue/East Avenue to Ideal Avenue in Mahtomedi. He explained that this project is a Washington County project that the City of Mahtomedi is participating in via a cost sharing agreement. He said the estimated project cost is \$7,287,987 of which the City's share will be approximately \$526,460. He indicated the City's assessment policy states that all properties adjacent to street improvement projects will be assessed. The cost per the 2024 Fee Schedule will be \$6,221.00 for reclamation/reconstruction for single family and duplex properties and \$91.49 per front foot for commercial, multi-family, and tax exempt properties. City Engineer Sachi said the public improvement hearing will be on the October 17<sup>th</sup> City Council meeting agenda.

City Council member Schlegel moved and City Council member Schneeweis seconded the motion to approve Resolution No. 2023-49 a Resolution Receiving the Feasibility Report from the Consulting Engineer and Calling for a Public Improvement Hearing Concerning Stillwater Road (CSAH 12) Phase 2 Street Improvement Project. The motion was unanimously approved.

8d. CONSIDER APPROVAL – Request from John Rent and Elisabeth Haen for a variance from the rear yard setback requirement to allow the construction of a screen porch off the back of their home at 892 Deer Oak Run and described as PID 20.030.21.44.0058.

City Planner Rybak said the applicants, John Rent and Elisabeth Haen are requesting a variance of 4 feet 8 inches from the minimum required rear yard setback of 40 feet to construction a screen porch off the back of their home to replace an existing decaying deck. She said all other setbacks will meet the requirements of the ordinance. She explained, do to a medical condition, the family cannot enjoy outdoor space on a traditional deck as there is no protection from mosquitos. She said the Planning Commission voted unanimously to approve the variance request.

John Rent, 892 Deer Oak Run thanked City Planner Rybak for her presentation. He also thanked all of his neighbors for their support of the proposed screen porch.

City Council member Charlesworth moved and City Council member Schneeweis seconded the motion to approve Resolution No. 2023-50 a Resolution Approving a Variance for a Reduction to the Required Rear Yard Setback Requirement for the Purpose of Constructing a Screen Porch at the Property Located at 892 Deer Oak Run, PID 20.030.21.44.0058. The motion was unanimously approved.

**8. STAFF REPORTS – Continued**

**8e. CONSIDER APPROVAL – Request from David and Jessica Thompson for a variance from the rear yard setback and impervious surface requirements to allow the construction of an attached garage at 43 Neptune Street and described as PID 20.030.21.23.0051.**

City Planner Rybak said applicants, David and Jessica Thompson are requesting a variance from the rear yard setback and a variance from the impervious surface requirements to construct an attached garage to their home at 43 Neptune Street. She explained the home was built in 1938 and does not have functional garage space. She said the proposed two car garage will replace the existing shed and there will be deck space above the garage where the applicants intend to install a rain barrel. She indicated the Planning Commission voted unanimously to approve the variance requests.

David and Jessica Thompson, 43 Neptune Street thanked City Planner Rybak for her presentation.

City Council member Schneeweis said the applicants have done a beautiful job renovating their house up to this point and she is in favor of their request.

City Council member Schneeweis moved and City Council member Charlesworth seconded the motion to approve Resolution No. 2023-51 a Resolution Approving a Variances to Allow for a Decreased Rear Yard Setback and an Increase in Allowable Impervious Surface Coverage for the Purpose of Constructing an Attached Garage at the Property Located at 43 Neptune Street, PID 20.030.21.23.0051. The motion was unanimously approved.

**8f. CONSIDER APPROVAL – Bill list.**

City Council member Schlegel 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 said the City received a grant from Washington County to cover the cost of a curbside collection to pick up and dispose of old mattresses. He said 213 residents signed up and had their old mattresses picked up.

Public Works Director Goebel said last Wednesday there was a wastewater spill on Lincolntown Avenue. He said the Met Council was on site within 32 minutes and the spill was stopped within 55 minutes. He said the spill was caused by an air relief valve that failed. He said the Met Council continues to monitor the pond near Dunbar Way daily. He indicated about 2500 gallons was released from the pipe and the Met Council continues to handle all communications with our residents.

**10. COMMENTS FROM THE CITY COUNCIL**

City Council member Schlegel said he attended a Purple Line Corridor meeting. He said they are picking stop locations along White Bear Avenue in St. Paul. He also stated the bus line to Century College is back to pre-Covid numbers. He said he drove by the new pickleball courts and both courts were being used.

City Council member Schneeweis said she has received positive feedback regarding the pickleball courts and asked if the City can schedule time for usage.

Public Works Director Goebel said there is an app that we can look at for this service.

City Council member Charlesworth stated he attended the most recent Environmental Commission meeting. He said the Commission has revised the Wind Energy Ordinance and they are looking to find out if another public hearing is needed before it returns to the council for approval.

Mayor Brainerd asked about the 2024 Street Improvement Project and specifically if McGregor Avenue will be part of the project.

City Engineer Sachi said the Feasibility report will be presented during a council meeting in October. He said they are still waiting to hear from the City of Willernie regarding the 180' section of roadway that is in their City. He said if we don't hear back from them soon, we will move forward with the project, just end 180' short of Stillwater Road.

**11. CLOSED SESSION – None**


**12. ADJOURNMENT**

City Council member Schneeweis moved and City Council member Charlesworth seconded the motion to adjourn the meeting at 9:10 p.m. The motion was unanimously approved.

**ATTESTED:**

  
\_\_\_\_\_  
JERENE ROGERS, CITY CLERK

**APPROVED:**

  
\_\_\_\_\_  
RICHARD BRAINERD, MAYOR