

**MAHTOMEDI CITY COUNCIL
MINUTES
FEBRUARY 7, 2023**

Acting Mayor Richard Brainerd convened the regular City Council meeting at 7:00 p.m. with City Council members Lilly Melander, Luke Schlegel, and Jane Schneeweis in attendance. City Administrator Scott Neilson, City Attorney Bridget Nason, City Engineer John Sachi, 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 Melander seconded the motion to approve the agenda as presented. The motion was unanimously approved.

CONSIDER APPROVAL OF THE JANUARY 17, 2023 CITY COUNCIL MEETING MINUTES

City Council member Schneeweis moved and City Council member Schlegel seconded the motion to approve the January 17, 2023 meeting minutes as presented. The motion was unanimously approved.

- 4. **PRESENTATIONS - None**
- 5. **DISCUSSION FROM THE AUDIENCE - None**
- 6. **CONSENT AGENDA**

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

- 6a. **APPROVAL – Resolution Awarding Contract for 2023 Juniper Street Reconstruction Project to Miller Excavating, Inc. with a total bid in the amount of \$414,537.67 and Authorizing the Acting Mayor to sign said contract.**

A contract in the amount of \$414,537.67 for the Juniper Street Reconstruction Project was awarded to Miller Excavating, Inc.

- 6b. **APPROVAL – Non-Union Employee Pay Plan.**

A revised pay scale and pay placements within each pay scale for each position for the non-union employees was approved. The placements are based on the results of a market study and the individual employee years of service. The revised pay will be retro-active to January 1, 2023.

- 6c. **APPROVAL – Proposal for Professional Services – Mahtomedi Community-Wide Data Collection 2021.**

A proposal from WSB to update the City of Mahtomedi's community wide energy, waste, water, and associated gas emissions on the Regional Indicators Initiative website was approved. The proposed fee is \$3,500, excluding reimbursable expenses.

6. CONSENT AGENDA - Continued

6d. APPROVAL – Public Works Breakroom Chairs.

Public Works Director Bob Goebel asked and received permission to purchase breakroom/office chairs from Innovation Office at the cost of \$4,078.21. They will receive 9 office chairs and 9 additional stackable chairs.

6e. APPROVAL – Bike Repair Station at Veterans Memorial Park.

The Lake Links Trail Association requested a bike repair station be installed at Veterans Memorial Park. The Association will fund the project up to \$2,500.00. The Council approved the purchase and installation of a bike repair station at Veterans Memorial Park.

6f. APPROVAL – Request to hire paid on-call Firefighter/EMT.

Fire Chief Terry Fischer requested and received permission to hire Brad Nidersson as a paid on-call Firefighter/EMT contingent upon successful completion of the required assessments and background check.

6g. APPROVAL – Lease agreement between the City of Mahtomedi and Everest Emergency Vehicles, Inc.

A zero cost lease agreement between the City of Mahtomedi and Everest Emergency Vehicles, Inc. was approved. The lease covers a loaner ambulance needed while Ambulance 2 is having a remount of a new chassis.

6h. APPROVAL – LMCIT Liability Coverage – Option Not to Waive Statutory Tort Liability Limits.

The City's insurance agent, Bearence Management Group requested and received approval from the City Council to approve the League of Minnesota Cities Insurance Trust (LMCIT) liability coverage waiver form. Staff recommended the City Council not waive the monetary limits as established by Minnesota Statutes 466.04.

7. PUBLIC HEARINGS

7. Storm Water Pollution Prevention Program (SWPPP)

City Administrator Scott Neilson said tonight we are holding the annual Storm Water Pollution Prevention Program public hearing.

City Engineer Rebecca Haug provided a power point presentation describing the requirements of this program. Cities with a MS4 Permit are required to hold an annual public hearing. She said

7. PUBLIC HEARINGS - Continued

this is to educate interested residents and to receive comments from the public. She explained the six minimum control measures are as follows:

1. Public Education and Outreach
2. Public Participation and Involvement
3. Illicit Discharge Detection and Elimination
4. Construction Site Storm water Runoff Control
5. Post Construction Storm water Management
6. Pollution Prevention and Good Housekeeping for Municipal Operations

City Engineer Haug stated that as part of the public education requirement the City includes storm water related articles in the City's newsletter and on the City's website. We also hold an annual public meeting and there is participation in the annual Rite of Spring event. She said there were 0 illicit discharges in 2021-2022 and we have updated the City's storm sewer map. She said 36 site inspections were completed by the White Bear Lake Building Officials and WSB in 2021-2022, with 0 violations issued.

Acting Mayor Richard Brainerd opened the public hearing at 7:16 p.m.

Tom Collins, 117 Edgecumbe Drive said he has lived in Mahtomedi for 45 years and has seen a lot of progress as the management plan has become more sophisticated. He spoke about the water quality measurement. He said the Minnesota Pollution Control Agency list lakes and wetlands as class two waters suitable for recreation and a bio-diverse aquatic environment depending on the beneficial uses of the water body. He stated our water management, shoreland and wetland ordinances do not require any systematic testing processes. He would like to see the water quality of our lakes and ponds tested more often. He suggested hiring a biologist to evaluate the aquatic plant and animal diversity in the small lakes and wetlands with the highest potential of impairment. He feels the results could develop an effective water quality measurement plan.

Hearing no further public commentary the public hearing was closed at 7:22 p.m.

8. STAFF REPORTS

8a. CONSIDER APPROVAL-Resolution Declaring Vacancy in Office of Mayor and Appointing Person to Fill Existing Vacancy.

City Administrator Scott Neilson said Mayor Jud Marshall resigned from office effective immediately at the January 17, 2023 City Council meeting.

City Attorney Bridget Nason said the resignation leaves a vacancy on the Council in the office of Mayor. She explained because there is less than two years left on the existing term for the Mayor, the Council is required to appoint somebody to serve out the remainder of the term, which expires at the end of 2023. She said the Council is asked to approve a resolution formally accepting Mayor Marshall's resignation and appoint somebody to fill the vacancy.

8. STAFF REPORTS - Continued

City Council member Schneeweis moved, and City Council member Schlegel seconded the motion to approve Resolution 2023-03 a Resolution Declaring Vacancy in Office of Mayor and Appointing City Council Member Brainerd to Fill the Existing Vacancy. The motion was approved with City Council Member Brainerd abstaining.

Mayor Brainerd said it was an honor and privilege to serve with Jud. He said there will be an Open House on March 7th, from 4:30 p.m. – 6:30 p.m. at St. Andrew’s Church to honor Mayor Marshall.

City Attorney Nason administered the Oath of Office to Mayor Richard Brainerd. Mayor Brainerd will fill the remainder of the unexpired term of the office of Mayor.

Mayor Brainerd said he is honored to be appointed to Mayor. He thanked everybody for their continued support.

8b. CONSIDER APPROVAL – Resolution Declaring Vacancy on the City Council.

City Attorney Nason said with the appointment of Council member Brainerd to the Office of Mayor, the Council will need to fill the vacancy created on the Council. She said the Council will need to determine what process it wishes to use for appointing an individual to serve out the remainder of the vacant council seat.

City Council member Melander said she supports a paper application and interview process. She would like to see at least a 10 day public notice with an ad to promote the vacancy in the paper and on our social media sites.

City Council member Schlegel agrees with publicizing the vacancy. He asked if we could get something in the paper for February 15 and February 22.

City Council member Schneeweis would like to be as transparent as possible. She agrees with the process of applications and interviews.

Mayor Brainerd said we can advertise in the paper, then interview the week of February 27th. He stated the Council could then appoint somebody at the March 7th meeting.

City Administrator Neilson suggested asking for a Letter of Interest instead of an application.

City Attorney Nason reviewed the direction to staff. The Council asked to put an ad in the paper, on our website and social media platforms asking for Letters of Interest for the vacant council seat. The City will accept Letters of Interest through the close of business on Friday, February 24th and will interview interested candidates the week of February 27, with the intent of appointing somebody at the March 7th meeting. She stated Staff will publicly notice a Special City Council meeting at least three days before the meeting.

8. STAFF REPORTS - Continued

City Council member Schlegel moved and City Council member Melander seconded the motion to approve Resolution No. 2023-04 a Resolution Declaring Vacancy on the City Council. The motion was unanimously approved.

8c. CONSIDER APPROVAL – Committee Assignments.

City Administrator Neilson said with the resignation of Mayor Marshall the Council should reassign the committee assignments.

Mayor Brainerd suggested the committee assignments be reassigned as follows:

- Schneeweis – Council President/Acting Mayor
- Brainerd/Schneeweis – Personnel Committee
- Schlegel – Finance Commission
- Melander – Parks Commission
- Schneeweis – Environmental Commission
- Schneeweis – Law Enforcement Services
- Brainerd/Administrator Neilson – City of White Bear Lake
- Schlegel – City of Grant
- Melander – City of Birchwood and City of Pine Springs
- Brainerd – Century College
- Brainerd/Administrator Neilson – Washington County
- Schlegel – Mahtomedi School District
- Schlegel – Ramsey/Washington County Cable Commission
- Schneeweis – City of Dellwood and City of Willernie

The City Council decided not to appoint a liaison for the Planning Commission.

Mayor Brainerd moved and City Council member Schlegel seconded the motion to approve the reassignment of the committee assignments as suggested by Mayor Brainerd. The motion was unanimously approved.

8d. CONSIDER APPROVAL – Massage Business License Applications – Xiaowei (Weili) Cai.

City Attorney Nason said the City received a massage business application from W&M, LLC. She said the background investigation found no grounds for denial of a massage business license and the council is asked to approve a resolution approving a massage business license located at 3152 Century Avenue North. She said at this time approval for a massage therapist license is not being requested because the applicant needs to provide additional information before obtaining that license. She said massage services are not allowed until a licensed therapist is approved for this location. She explained a licensed therapist from another licensed business within Mahtomedi could work at this location.

8. STAFF REPORTS - Continued

Tim Gerbozy, 483 Salem Place said his significant other Weili Cai has a clear criminal background history. It has been discovered that the school she received her training from is not a recognized school and has closed, therefore her therapist license is invalid. He indicated that Ms. Cai is planning to take the therapist test or go back to school to receive her license. He explained they have a potential employee to work at the business that will apply for her license if the business license is approved.

City Council member Schlegel moved and Mayor Brainerd seconded the motion to approve Resolution No. 2023-05 a Resolution Approving Massage Business License Application for W & M, LLC. The motion was unanimously approved.

8e. CONSIDER APPROVAL-Bill List

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

9. REPORT FROM THE CITY ADMINISTRATOR

City Administrator Neilson advised the Council that the Rite of Spring event will be held on April 22, 2023 from 10:00 a.m. to 1:00 p.m. at Wildwood School. He said this will be the 16th year. He said he and City Engineer Sachi went to a meeting at Washington County to discuss Phase 2 of the CSAH 12 project. He said the County will be holding a public engagement session in the next few weeks.

City Attorney Nason said the City of White Bear Lake wishes to move forward with the annexation/detachment of the property located at the Chuck and Don's grooming location. She said both councils will have to adopt the exact same resolution. The resolution once adopted will be sent to the Chief Law Judge for approval. She said the resolution will be on the next council agenda.

Fire Chief Terry Fischer informed the Council that one of his full-time employees may be getting deployed at the end of the year for 12 to 18 months. He said this employee will leave next week for 3 months of training. He said he would like to move quickly once the council has a chance to review the recent Fire Department Staffing study that is being completed at this time.

City Administrator Neilson said he received the draft study and he will schedule a work session to go through it with the City Council in the next few weeks.

10. COMMENTS FROM THE CITY COUNCIL

Mayor Brainerd said the council received a letter regarding the intersection at Hilton Trail and CSAH 12. The letter writer has concerns regarding the safety of this intersection. The City Council directed City Administrator Neilson to send a response advising her to contact Washington County.

10. COMMENTS FROM THE CITY COUNCIL – Continued

Mayor Brainerd stated he would like to have a council work session after a new council member is appointed. He feels this is an opportunity to get the thoughts and ideas of the council moving forward. He also stated the City Council would be having a Closed Session before the next council meeting to conduct the annual review of the City Administrator.

City Council member Schlegel said the Purple Line is attempting to schedule a meeting at the beginning of March. He will keep the council informed of the proceedings.

City Council member Melander said the Parks Commission and Public Works had a successful skating party. She said she has heard from some residents that would like to have a dog park in Mahtomedi.

Mayor Brainerd said at one point FedEx offered property to the City to build a dog park. He said we should see if this offer is still open. He stated his intention is to get out and speak to the business owners in Mahtomedi. He is going to work with the Administrator to talk to the Mayors from the surrounding communities as well.

City Council member Schlegel thanked public works for clearing the snow out of the bus stop benches. He said he had a meeting with our arborist and said we are lucky to have this service available to our residents.

11. CLOSED SESSION - None

12. ADJOURNMENT


City Council member Schneeweis moved and City Council member Schlegel seconded the motion to adjourn the meeting at 8:32 p.m. The motion was unanimously approved.

ATTESTED:

APPROVED:



JERENE ROGERS, CITY CLERK



RICHARD BRAINERD, MAYOR