

PROCEEDINGS OF THE MOUNDS VIEW CITY COUNCIL
CITY OF MOUNDS VIEW
RAMSEY COUNTY, MINNESOTA

APPROVED

Regular Meeting
January 8, 2018
Mounds View City Hall
2401 Mounds View Blvd., Mounds View, MN 55112
6:30 P.M.

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1. **MEETING IS CALLED TO ORDER**
 2. **PLEDGE OF ALLEGIANCE**
 3. **ROLL CALL:** Bergeron, Gunn, Hull, Meehlhause, Mueller

NOT PRESENT: None.
 4. **APPROVAL OF AGENDA**
 - A. **Monday, January 8, 2018, City Council Agenda.**

Council Member Meehlhause noted the City Council agenda had been revised to include Item 9E. He requested Item 8 be moved up in the agenda to be addressed prior to the Consent Agenda.

MOTION/SECOND: Meehlhause/Gunn. To Approve the Monday, January 8, 2018, agenda as presented.

Ayes – 5

Nays – 0

Motion carried.

5. **APPROVAL OF MINUTES**

None.

8. **SPECIAL ORDER OF BUSINESS**
 - A. **Recognition of Dave Long for 34 Years of Service to the Park, Recreation and Forestry Commission (Plaque to be presented by Mayor Mueller).**

Mayor Mueller recognized Dave Long and thanked him for his 34 years of dedicated service on the Park, Recreation and Forestry Commission and read Resolution 8791 in full for the record. She presented Mr. Long with a plaque on behalf of the City of Mounds View. A round of applause was offered by all in attendance.

Dave Long thanked the Council for the recognition. He explained he appreciated the City of Mounds View and the members of the Parks Commission. He stated it has been his pleasure to serve with this group for the past 34 years.

6. CONSENT AGENDA

Council Member Bergeron asked to remove Item D.

- A. **Just and Correct Claims.**
- B. **Resolution 8886, Authorizing Severance for Michael Richie Public Works Project Coordinator.**
- C. **Set a Public Hearing for Monday, January 22, 2018, at 6:30 p.m. to Consider an On-Sale Intoxicating Liquor License for Charles Goldwater, New Vision Theatres, for the property located at 2430 Mounds View Boulevard (Mounds View 15 Theater).**
- ~~D. **Set a Public Hearing for Monday, February 26, 2018, at 6:30 p.m. to Consider Amending Municipal Code, Section 702.01, Subd 13 (b) regarding Possession, Aiming or Discharging of Weapons.**~~
- E. **Set a Public Hearing for Monday, January 22, 2018 at 6:30 p.m. to Consider Ordinance 940, Amending Municipal Code, Section 910 regarding the Management of Right-of-Way within the City of Mounds View.**
- F. **Resolution 8888, Authorizing Advertisement of Engineering Technician Position.**
- G. **Resolution 8889, Authorizing Advertisement of Engineering GIS Technician Position.**
- H. **Resolution 8892, Approving Consent to Ownership Change in Silver Lake Commons Project.**

MOTION/SECOND: Meehlhause/Bergeron. To Approve the Consent Agenda as amended removing Item 6D.

Ayes – 5

Nays – 0

Motion carried.

- ~~D. **Set a Public Hearing for Monday, February 26, 2018, at 6:30 p.m. to Consider Amending Municipal Code, Section 702.01, Subd 13 (b) regarding Possession, Aiming or Discharging of Weapons.**~~

Council Member Bergeron stated this Public Hearing would consider amending City Code Section 702.01, Subdivision 13(b) regarding the possession, aiming and discharging of weapons. He requested this item be tabled until he receives answers from the City Attorney regarding the legal definition of premises and the regulatory authority of the City.

Mayor Mueller asked if these questions could be answered in the next six weeks.

Council Member Bergeron stated it would be his preference to have the answers before him prior

to setting a Public Hearing on this matter.

MOTION/SECOND: Bergeron/Gunn. To Table Setting a Public Hearing to Consider Amending Municipal Code, Section 702.01, Subd 13 (b) regarding Possession, Aiming or Discharging of Weapons to a date uncertain.

Council Member Bergeron stated there were several legal matters regarding State and Federal law and a rented firearm that needed to be further explained to him, prior to this item moving forward. He reported the developer (INH) had the intention of selling the property. He expressed concern with how this land would be used by individuals with weapons. He discussed several State Statutes that addressed this matter and reported he needed further clarification on this matter prior to the City Code Amendment being considered by the Council.

Mayor Mueller asked if staff had been in communication with City Attorney Riggs regarding this matter. City Administrator Zikmund stated he had made a call to the City Attorney, and he was confident this item could be addressed at an upcoming meeting.

Council Member Meehlhause reported City Attorney Riggs would be in attendance at the January 22nd meeting and could address the questions that had been raised prior to that meeting. He asked if Council Member Bergeron would be comfortable placing this item on the January 22nd Consent Agenda.

City Administrator Zikmund explained the Council would have to remove this item from the table in order to take action at the January 22nd meeting.

Council Member Bergeron stated this was his understanding. He reported he spoke with City Attorney Riggs regarding this matter several weeks ago.

Ayes – 5

Nays – 0

Motion carried.

7. PUBLIC COMMENT

William Urbanski, 2367 Sherwood Road, stated there were a number of residents present tonight to speak against the location of a gun range at the Crossroad Pointe site. He explained he was not opposed to the Second Amendment.

Ann Zierdt, 7416 Park View, indicated she was opposed to a gun range being located on the property at Mounds View Boulevard and County Road H2. She stated she was the parent to an Edgewood Middle School student that had recently relocated to Mounds View for its school system. She encouraged the Council to consider Mounds View was already a destination City because of its incredible schools and strong public safety. She believed the proposed gun club would undermine this positive image and will have a negative impact on home values. She stated Mounds View had strong property values but by placing a gun club in a residential neighborhood this would not send a positive message to future homebuyers. She feared the gun club would bring lead exposure and long-term expenses to the community. She discussed the

filters that would need to be in place and the protocols that would have to be followed for proper disposal of lead. She was of the opinion it was not in the City's best interest to expose its residents and young children to this type of lead exposure. She quoted Pat Egan from INH on a comment he made at a community meeting last fall stating, "But we can't control the person that is coming in the door. We don't know what their level of safety and training is. That is why we have a gun safety range officer." She explained the developer acknowledges there is an increased safety risk by having a gun club on this property in our community but fails to counter this risk. She reported the only way to eliminate this risk would be to build the gun range in another location, away from residential neighborhoods, schools and the City's most vulnerable residents. She stated the bottom line is that this risk is avoidable and other opportunities do not carry the same level of risks. She encouraged the City Council to not consider a gun club at the intersection of Mounds View Boulevard and County Road H2.

Pastor Ronald Letnes, 2917 124th Circle NE in Blaine, explained he was the Chair of the Engaged Gun Violence Prevention Work Group of the St. Paul Area Evangelical Lutheran Church of America. He reported this organization was not anti-gun but rather pro-gun safety. He spoke against the location of the proposed gun range in Mounds View noting it was problematic to personal safety. He explained the proposed site was in a high traffic, educational, business and residential area. He did not believe it was wise to introduce more guns into this area as it could create a potential for gun violence. He stated private homes border the proposed gun range on two sides. In addition, an apartment complex and senior living facility was located directly across the street with Edgewood Middle School located only 500 yards to the south. He provided further comment on the businesses located in close proximity to this intersection. He explained that more and more refugees were coming to the United States to escape gun violence and do not understand the need for guns. He encouraged the Council to understand the fact that the proposed gun range would allow for the discharge and selling of guns. He explained that injecting guns into a high traffic area increases the risk of gun violence. He provided further statistical information to the Council regarding gun deaths in Minnesota. He urged the Council to find a more appropriate and safe location for the safe practice of gun rights.

Vern Rice, 7412 Park View Drive, emphasized the relationship this gun range would have to the adjacent neighborhood. He explained he and his wife purchased their home based on the neighborhood. He stated he did not want to see a decline in his neighborhood because of the gun club. He anticipated that many homeowners would move if the gun club were to locate in Mounds View at this intersection. He discussed how property values were adversely impacted by gun clubs in residential neighborhoods. He encouraged the Council to do better than the proposed project.

Cheryl Schrader, 2566 Hillview, explained she runs a childcare program from her home. She stated she was responsible for eight precious children. She discussed the training she has to attend on a yearly basis, much of which centered on safety. She indicated she did not want her neighborhood to be involved in an active shooter situation. She stated she could not believe this request was being considered by the City Council for this community.

Jodi Hemingson, 5671 Quincy Street - Apartment #1, understood there were concerns regarding gun clubs. However, she believed that the comments made this evening were addressing worst case scenarios. She stated a gun club did not have to be in Mounds View to have a drive by with an automatic weapon. She explained this person would not be buying an automatic weapon at a local gun club. She reported she lived in North Minneapolis for 25 years and moved to Robbinsdale and then Mounds View. She discussed her experience of living in Robbinsdale near a Bill's Gun Club stating residents did not see people running around with uncased guns in the parking lot. She indicated there were rules, both City and State that would have to be followed, along with a code of ethics by the people visiting the gun club.

Mary Scotch, 7806 Gloria Circle, stated she was not aware of the firing range and gun club that was being proposed until just recently. She commented that a lot of citizens do not go home to investigate the happenings in their City. She encouraged the Council to provide residents with more information regarding the proposed development. She explained her main concern was with the City's infrastructure and noted she opposed the gun club. She noted her mother lived at Bel Ray, which was very close to the subject property. She encouraged the Council to pursue something more valuable at this intersection.

Jeff Moritko, 2400 Mounds View Boulevard, stated he owns Moe's Restaurant. He explained he supported the proposed development noting it was more than just a gun club. He feared the residents speaking tonight were throwing out the baby with the bath water. He understood that Mounds View was pro-business and was pursuing a project that worked for the City. He encouraged the residents of Mounds View to conduct research on gun clubs and Heartland. He indicated he visited both the Chanhassen and Osseo Gun Clubs. He stated in each visit he never saw an uncased gun or heard any noise. He believed the developers were proposing a respectful operation that would benefit the community. He discussed how the new market rate apartments would benefit Mounds View and his business. He indicated the proposed project was fully funded and was not requesting any TIF. This was a huge plus for the City. It was his opinion the City would benefit by the proposed development and he believed the two developers were stand up individuals.

Steve Chambers, 2957 Sherwood Place, commented he grew up on a farm in Iowa and noted a highly regarded gun club was near his home. He stated 30 years ago an individual visited this gun club in Iowa high on drugs and a terrible shooting with fatalities occurred. He feared that the same type of event could occur in Mounds View. He explained he and his wife moved to Mounds View 40 years ago because it was a safe community. He stated in all the conversations he has had with members of the community, there has been very little support. He urged the City Council not to locate a gun club in the midst of the City.

Scott Schrader, 2566 Hillview, stated his understanding was the developer was proposing apartments and a gun club with light retail as two separate phases of the project. He suggested Phase I of the project move forward with the apartments and that further consideration be made for the gun range and light retail. He encouraged the City Council to do the right thing on behalf of the entire community and only allow the apartments at this time.

Carl Spande, 5219 Irondale Road, thanked the Council for their time and stated he fully supported the project. He believed the proposed apartments would greatly benefit local businesses, such as Moe's. He explained he was a gun owner and has frequented other gun ranges. He stated he was not afraid for his four kids that the proposed gun range would bring about an active shooter. He encouraged Mounds View residents to look at the members in their community who already own guns and would be using this gun range. He stated at this time those gun owners are driving outside of the community to spend their money. He indicated he had more fear of his kids getting a concussion playing sports than there being a gun problem in the community.

Mary Kay Walsh-Kaczmarek, 8345 Pleasant View Drive, wished the Council a Happy New Year. She stated the Council could not predict the best or worst case scenario that could occur at the gun range. However, she encouraged the Council to consider the risks to the community. She feared that the market rate apartments would not be filled given the fact it was located next to a gun range and therefore their value would decrease. She questioned what the benefit of the proposed development would be to the City. She stated Mounds View was a residential community that should not be pursuing gun culture that was already too perverse in the United States. She was of the opinion the City would be repeating the same mistake that had been made with Medtronic. She indicated the gun range was a redundancy and noted other ranges were available in Spring Lake Park, Blaine and Otsego. She believed there was a dichotomy of views as to what Mounds View should be and she encouraged the Council to keep the City focused on its strong schools and being residential in nature.

Mayor Mueller thanked the public for their comments.

Mayor Mueller recessed the City Council meeting at 7:23 p.m.

Mayor Mueller reconvened the City Council meeting at 7:26 p.m.

9. COUNCIL BUSINESS

A. Resolution 8887, Differential Pay for Patrol Officer David and Development of Policy.

City Administrator Zikmund requested the Council approve a pay differential for Patrol Officer David and the development of a policy. He explained Patrol Officer David recently received extended deployment papers which led to a differential pay discussion. He noted the HR Committee discussed this matter and was recommending differential pay for four to five months or until she is released from the deployment. Staff also recommended the drafting of a policy to further address this issue. He noted this item would be discussed further at their February work session meeting.

Mayor Mueller noted Officer Sarah David would be deployed from January 16, 2018 through May 15, 2018. She reported the City must keep her position open for her but was not required to pay differential wages. However, after discussions were held by the Human Resources Committee a recommendation was being made to pay differential pay.

MOTION/SECOND: Hull/Gunn. To Waive the Reading and Adopt Resolution 8887, Differential Pay for Patrol Officer David and Development of Policy.

Council Member Meehlhause reported the Human Resources Committee wanted to support this City employee during her deployment by offering differential pay to cover the difference between what the National Guard would be paying her when compared to her job with the Mounds View Police Department. He stated this seemed like the right thing to do while she is away serving the country.

Council Member Bergeron indicated this was a very honorable act and he was proud to offer his support.

Mayor Mueller stated she would like Patrol Officer David to be happy, safe and returned to the City of Mounds View. She thanked the Mounds View Human Resources Committee for their work on this item.

Ayes – 5

Nays – 0

Motion carried.

B. First Reading and Introduction of Ordinance 940, Amending Municipal Code, Section 910, regarding the Management of Right-of-Way within the City of Mounds View.

Public Works Director Peterson requested the Council introduce an Ordinance amending City Code regarding the management of right-of-way within the City of Mounds View. He discussed the changes made by the State that now allowed for small cell towers in public right-of-way. He reported the proposed changes had been reviewed by both staff and the City Attorney. Staff noted the Planning Commission reviewed this item at their January 3rd meeting and recommended approval of Ordinance 910.

Council Member Meehlhause asked if these types of cell towers would be handled through a permitting process versus a conditional use. City Planner/Supervisor Sevald stated this was the case. He commented on the new legislation and noted small cell towers were allowed in all zoning districts except residential and historical districts. In those two cases, cities could require a conditional use permit instead. He reported staff was recommending that rather than requiring a conditional use permit, the small cell towers would be permitted through the Public Works Department.

Council Member Gunn asked what the permit fee would be. Public Works Director Peterson stated this had yet to be determined by staff.

Mayor Mueller asked if other cities had a fee structure in place. Public Works Director Peterson reported this was a fairly new initiative that was still being determined.

Further discussion ensued regarding the size of small cell towers.

Mayor Mueller questioned when the City would be ready to issue permits for small cell towers. Public Works Director Peterson explained staff would be ready to issue permits after the second reading of this Ordinance.

Council Member Gunn asked if the City would charge a fee for the use of its poles. Public Works Director Peterson reported a \$150 fee per year would be charged for use of City's poles.

MOTION/SECOND: Gunn/Meehlhause. To Waive the First Reading and Introduce Ordinance 940, Amending Municipal Code, Section 910, regarding the Management of Right-of-Way within the City of Mounds View.

Ayes – 5 Nays – 0 Motion carried.

Mayor Mueller thanked the Public Works and Community Development Departments for their efforts on this item.

C. Resolution 8890, Approving Four (4) Hours of Comp/Flex Time for all FT Employees in Recognition of Outstanding Service for 2017.

City Administrator Zikmund requested the Council approve four (4) hours of Comp/Flex time for all full-time employees in recognition of their outstanding service in 2017. He stated this recommendation was brought about after the Council's worksession meeting held on December 4th. In recognition of staff's great efforts the Council was being asked to approve four hours of comp/flex time.

Council Member Hull stated 2017 was a rough year for the City's employees and the Human Resources Committee would like to reward its employees for their outstanding service to the community through the four hours of comp/flex time.

Mayor Mueller thanked all staff members for their great work in 2017.

MOTION/SECOND: Meehlhause/Bergeron. To Waive the Reading and Adopt Resolution 8890, Approving Four (4) Hours of Comp/Flex Time for all FT Employees in Recognition of Outstanding Service for 2017.

Ayes – 5 Nays – 0 Motion carried.

D. Resolution 8891, Approving Miscellaneous Purchases for the Public Works Facility.

Public Works Director Peterson requested the Council approve miscellaneous purchases for the Public Works Facility. He explained that during the phasing of this project some of the items were not included in the construction contract, but were included in the overall project. He discussed the potential of combining all Public Works staff at the new facility and noted how this

would impact the project, noting one additional office would be needed. He commented on the furniture and appliance allowance for this project. Staff recommended the Council approve the furniture and appliances expense along with the change order for the additional office space. He reported he was proposing to have cubicles in the office space which was more economical, and would also be repurposing existing office equipment for additional cost saving measures.

Council Member Gunn asked what the price would be for the office furniture. Public Works Director Peterson recommended this number be \$18,000.

Mayor Mueller requested further information on the expense for the additional hard-shell office. Public Works Director Peterson reported this expense would be \$7,013.25.

Council Member Gunn noted the Resolution would have to be amended to note only one hard-shell office was being built and not three.

Mayor Mueller requested Finance Director Beer rerun the expense numbers for the purchases in order for the Council to include this in the motion for approval in Resolution 8891. Finance Director Beer reported the expenses totaled \$37,013.25.

Council Member Gunn stated the Resolution would need to be amended to include which fund would be used for this expense. Finance Director Beer noted which fund would be used for these expenses.

Mayor Mueller asked if the City had funds in this account to cover the proposed purchases. Finance Director Beer reported this was the case.

MOTION/SECOND: Gunn/Meehlhause. To Waive the Reading and Adopt Resolution 8891, Approving Miscellaneous Purchases for the Public Works Facility for an amount not to exceed \$37,013.25.

Ayes – 5

Nays – 0

Motion carried.

E. Resolution 8894, a Resolution of Support for Brian Beeman to serve on LMCIT Board of Directors.

City Administrator Zikmund requested the Council approve a Resolution of Support for Brian Beeman to serve on the LMCIT Board of Directors. He noted the City's Business Development Coordinator was interested in serving on the League of Minnesota Cities Board as this group currently had an opening. Staff recommended the Council offer their support to this Resolution.

Mayor Mueller stated she offered her full support of Mr. Beeman pursuing this position and noted she would be drafting a personal letter of support for him.

MOTION/SECOND: Mueller/Meehlhause. To Waive the Reading and Adopt Resolution 8894, a Resolution of Support for Brian Beeman to serve on LMCIT Board of Directors.

Council Member Meehlhause stated he also supported Business Development Coordinator Beeman pursuing this position and believed his vast governmental experience would serve him well on this Board. He requested Mr. Beeman's job position be corrected on the Resolution.

Council Member Bergeron stated he would be proud to have Mr. Beeman serving on behalf of the City on this Board.

Mayor Mueller provided further comment on Mr. Beeman's extensive work history.

Ayes – 5

Nays – 0

Motion carried.

10. REPORTS

A. Reports of Mayor and Council.

Council Member Meehlhause reviewed his upcoming meeting schedule. He noted he would be attending an NYFS Executive Committee meeting on Thursday and YMCA meeting on Monday, January 15th. He stated he would be attending an NYFS HR Committee meeting on Wednesday, January 17th. He commented on the great deal of HR work that he has been doing as a Council liaison.

Council Member Meehlhause recommended a thank you letter be sent to the cities of Blaine and Spring Lake Park for allowing Mounds View to store their equipment in their facilities.

Mayor Mueller proposed a Resolution of Appreciation be offered to Blaine and Spring Lake Park to be signed by all five Council Members.

Council Member Gunn requested information on the upcoming Fire versus Police hockey game. Theresa Cermak noted there would be a Police versus Fire Hockey Game on Friday, January 26, 2018 at 5:30 p.m. at Lambert Park. All proceeds from the event would benefit the Mounds View Police Foundation.

Ms. Cermak updated the Council on Festival in the Park. She explained the committee was working on its finances while also getting contracts in place for this year's event. She noted a dance would be held on Friday, August 17th. She explained she was still seeking a volunteer to organize the crafting event and stated the next Festival in the Park Committee meeting would be held on January 16th at 7:00 p.m. at City Hall in the Conference Room.

Mayor Mueller reported the Comprehensive Plan Taskforce would be holding its first meeting on Tuesday, January 9th at 7:00 p.m. at City Hall. She noted this meeting will be broadcast for the public.

Mayor Mueller stated she was pleased to report the City's new website was up and running. She encouraged the public to check the website out and bring any problems to staff's attention.

Mayor Mueller indicated the 60th Anniversary Celebration Committee would be meeting on Tuesday, January 9th at 7:00 p.m. at City Hall in the Conference Room.

Mayor Mueller reported she would be attending a leadership conference on Friday, January 26th and Saturday, January 27th. She explained the focus of this conference would be on communication.

Mayor Mueller stated last week she attended a merit badge session with four scouts from Troop #267.

Mayor Mueller explained she received a letter from the Ralph Reeder Food Shelf thanking the City of Mounds View for their generous donations in December of 2017. She reported the food shelf was able to get well stocked in preparation for families in need in 2018. She noted the food shelf was seeking a new location as they would have to move out of Pike Lake Elementary School.

B. Reports of Staff.

City Administrator Zikmund stated The Boulevard project would be reviewed by the Council again on January 22nd.

City Administrator Zikmund reported staff would be updating the City's website to include further information on the INH Development being proposed for Crossroad Pointe.

City Administrator Zikmund reviewed the proposed agenda for the Council retreat that would be held on Monday, January 29th.

City Administrator Zikmund commented on the Engineering Tech job description and noted the education requirements had been changed which would lower the hourly wage.

City Administrator Zikmund reviewed the February worksession agenda with the Council.

Public Works Director Peterson provided the Council with a progress report on the Public Works Facility. He stated staff would begin moving equipment into the new facility on Tuesday, January 9th. He noted one truck would remain in Blaine (the Vactor) in order to keep this bay open for the contractor.

Public Works Director Peterson reported the recently purchased plow truck was working great for the City. He stated interviews for the Superintendent position would be held on January 22nd and 23rd.

Finance Director Beer asked where the Council wanted to meet for their retreat on Monday, January 29th. Council consensus was to meet at Random Park at 6:30 p.m.

C. Reports of City Attorney.

There was nothing additional to report.

- 11. Next Council Work Session: Monday, February 5, 2018, at 6:30 p.m.
Next Council Meeting: Monday, January 22, 2018, at 6:30 p.m.**

12. ADJOURNMENT

The meeting was adjourned at 8:33 p.m.

Transcribed by:

Heidi Guenther
TimeSaver Off Site Secretarial, Inc.