

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

APPROVED

Regular Meeting
February 26, 2018
Mounds View City Hall
2401 Mounds View Blvd., Mounds View, MN 55112
6:30 P.M.

1. MEETING IS CALLED TO ORDER

2. PLEDGE OF ALLEGIANCE

Mayor Mueller welcomed Troop #267 to the meeting and asked them to lead the Council in the Pledge of Allegiance.

3. ROLL CALL: Bergeron, Gunn, Hull, Meehlhause, Mueller

NOT PRESENT: None.

4. APPROVAL OF AGENDA

A. Monday, February 26, 2018, City Council Agenda.

Mayor Mueller noted the agenda had been revised by staff to include several missing dates.

MOTION/SECOND: Gunn/Bergeron. To Approve the Monday, February 26, 2018, agenda as revised.

Ayes – 5

Nays – 0

Motion carried.

5. CONSENT AGENDA

A. Approval of Minutes: February 12, 2018

B. Just and Correct Claims.

C. Resolution 8911 Authorizing the Purchase of a Copy Machine and Maintenance Agreement for Public Works.

MOTION/SECOND: Meehlhause/Bergeron. To Approve the Consent Agenda as presented.

Ayes – 5

Nays – 0

Motion carried.

6. PUBLIC COMMENT

Eric Robertson, 5177 Longview Drive, explained he came to the City 11 months ago regarding water concerns in his yard. He stated the new homes in his neighborhood have impacted his property. He indicated he had hired an engineer and a report addressing his concerns had been drafted. He presented this report to the City Council and requested the City take action.

Amanda Robertson, 5177 Longview Drive, introduced herself to the Council and stated she would like to be able to use her yard but at this time her rear yard was a pond. She thanked the Council for their time and attention to this matter.

Council Member Gunn requested Item 8A be addressed prior to the City Council taking further Public Comment.

The Council was in agreement with this suggestion.

8. COUNCIL BUSINESS

A. 6:30 p.m. Public Hearing - Resolution 8903, Approving a Residential Kennel License for Linda Brasaemle, 5127 Long Lake Road (Rescheduled from February 12th).

City Administrator Zikmund requested the Council approve a residential kennel license for Linda Brasaemle. He explained the applicant currently has two dogs and would like to purchase another dog, which would require a kennel license. Staff provided further comment on the request and recommended approval.

Mayor Mueller opened the public hearing at 6:43 p.m.

Linda Brasaemle, 5127 Long Lake Road, thanked the Council for their consideration. She explained she would like to get a puppy and noted one of her current dogs was 11 years of age.

Hearing no further public input, Mayor Mueller closed the public hearing at 6:44 p.m.

MOTION/SECOND: Mueller/Meehlhause. To Waive the Reading and Adopt Resolution 8903, Approving a Residential Kennel License for Linda Brasaemle, 5127 Long Lake Road.

Ayes – 5

Nays – 0

Motion carried.

6. PUBLIC COMMENT - CONTINUED

Lisa Rolfs, 8429 Eastwood Road, thanked the Council and Mayor for their time and energy. She understood the Council spent a great deal of time attending meetings and tending to the City's parks, clean water, streets and bike trails. She stated she had hoped the Council was headed in a family friendly direction that provided new families' access to the community and the great school district. She did not believe a gun shop and gun range was exactly family friendly when it would be located adjacent to a school. She encouraged the Council to not listen to the private investor but rather the voices of the public. She explained this was a prime parcel of property

and should not be squandered on a gun shop and gun range. She commented on how property values surrounding the gun range would decrease and noted how this would impact adjacent homeowners. For this reason, she recommended the Council not pursue the gun shop/gun range and suggested the City Council not bring a nationally divisive issue into this community. She recommended the Council not abandon their previous vision for this property. She believed that together the City could do better.

Jerry Schwartz, 5079 Eastwood Road, stated he was a 1st and 2nd Amendment supporter. He commented if residents gave up their 2nd Amendment right, the 1st Amendment right would follow. He discussed a news article that was put out by Pat Kessler with WCCO stating 36% of Minnesotan's own a gun. He reported in 2017, Ramsey County completed 683,544 background checks and gave out 473 permits to buy. He stated there were 94,382 hand guns sold and 125,000 long guns. He commented Minnesota now had 283,188 individuals with a permit to carry. He explained the proposed gun range would have self-defense classes and permit to carry classes. He was of the opinion that the signs being waived tonight were similar to protesters that did not know what they were doing.

Laurel Halverson Bernard, 2504 Ridge Lane, stated she lived just a few blocks from the proposed development and noted she had four children. She explained one of her children was in college, one had a traumatic brain injury and two attended Edgewood Middle School. She stated she is opposed to having a gun shop and gun range in her neighborhood. She indicated she was not opposed to people owning guns or how to use a gun but did not want a gun range in her neighborhood. She explained she grew up near a gun range, out in the country, which was a very different situation. She feared how her neighborhood and her children would be impacted if a gun range were located on the Crossroad Pointe property. She encouraged the Council to remember why people live in Mounds View, because it was family friendly and had beautiful, safe schools. She stated she wanted her kids and her neighbor's kids to remain safe.

Russ Warren, 8044 Greenwood Drive, stated the Council was amending City Code in order to facilitate a gun range with a developer. He believed the Council was acting on behalf of the developer and not the citizens. He understood the developer was proposing a \$40 million project and noted the net impact on him would be \$3 per month. He stated he did not want Mounds View to be known simply as the City with The Mermaid or the gun club. He requested the Council deny the Ordinance amendment or table it to another time.

Scott Schrader, 2566 Hillview, stated he and his wife came to Mounds View by accident and moved into the community because of its parks and friendliness. He explained the proposed location for the gun club/gun range was all wrong due to its close proximity to a school. In addition, he did not anticipate the retirees living at Bel Ray wanted to spend the rest of their days adjacent to a gun range. He encouraged the Council to not turn the community into "that place" where people did not want to live. He suggested another location be considered for the gun range, perhaps in a business or industrial park. He recommended Crossroad Pointe be considered for other development, such as apartments and retail, noting this was a prime location along the Mounds View Boulevard corridor.

Molly Overkamp, 1671 Fernwood Street, explained she was a student leader at Irondale High School. She stated in the wake of a recent school shooting in Parkland, Florida, many of her classmates are worried this could occur in their own community. She reported Irondale received a threat this week via social media and she watched as her classmates made a choice between education and safety. She indicated this was a choice no child should have to make. She stated she has attended Irondale for four years and her feeling of safety was violated this week. She encouraged the Council to not allow a gun range to be placed less than a mile from Irondale High School. She reported this would not invoke feelings of safety for the students. She encouraged the City Council to not support the gun shop/gun range.

Joan Dauphinee, 7801 Gloria Circle, stated for the past 41 years she has been a high school teacher at Spring Lake Park High School. She thanked the Council for hearing the opinions of the public. She discussed how teens and teachers were mobilizing across the country given the recent events that occurred in Florida in order to bring about stricter weapons control. She stated history was being made, a movement was happening and things were changing. She encouraged the Council to land on the right side of this issue and not on the side of further promotion and sales of guns. She recommended the Council stop pursuing this development and suggested Ordinance 939 be denied. She indicated Mounds View was a safe community and she would like this to remain the case. She anticipated that just because the developer was not requesting TIF did not mean this was a good development for the City. She commented on some research she had conducted on Heartland Gun Club and questioned why they were pursuing a location in Mounds View when they were from Florida. She stated this was a red flag for her. She feared the developer's needs were coming first and not the needs of the City. She suggested the sale of weapons not be conducted next to a school for behaviorally challenged kids. She encouraged the Council to protect these students and the adjacent senior citizens.

Larry Tell, 2840 Woodcrest Drive, stated 25 years ago his wife and daughter were shot at on the freeway in St. Paul. He explained both survived and escaped the event uninjured, noting his car had several bullet holes. He indicated he tried to work with the City of St. Paul on this issue and received no response. He believed the government had to have a different response to gun control. He encouraged the Council to resist the gun culture and recommended denial of Ordinance 939. He explained he would not vote for the Council or Mayor again if they supported this issue.

Kenneth Glidden, 5240 Edgewood Drive, stated he lived approximately six houses down from where the proposed gun club and gun range would be. He believed this was the worst decision the Council could make and discussed how this would decrease the safety of his neighborhood. He did not support the City having a gun range in the middle of the community and encouraged the Council to deny the proposed Ordinance.

Sue Rademacher, 7421 Parkview Drive, stated she has lived in Mounds View for 34 years with her husband. She explained she valued the safety and neighborliness in the community, along with the schools. She expressed concern with how a gun club would change this and questioned if guns could be rented at the proposed gun range.

Mayor Mueller stated typically guns could be rented at gun ranges. She reported at this time, the Council did not have an official proposal for a gun club/gun range from the developer, INH.

Ms. Rademacher stated it was her understanding 80% of gun club profits come from gun rentals. She explained she grew up with guns in her home because her dad was a hunter. However, she believed this situation was quite different because a gun club did not belong in a residential area. She feared how lead emissions would impact her neighborhood, especially children. She had concerns with the growing trend and how gun rentals could be used for suicide. She noted there were 64 suicides in three counties in California at gun clubs. She recommended the Council not take on this liability.

Gwen McGlaun, 841 Manor Drive, stated she worked in Mounds View and was an Army veteran noting she had served in South Korea and Iraq. She reported she was a sharp shooter and owned guns. She explained that the first lesson learned by every member of the United States Armed Forces was to never point a weapon at anything you don't intend to kill. The second lesson is there is always something behind the thing you shoot. She explained the property proposed for a gun club was adjacent to Bridges, which was a school for behaviorally challenged students. She explained this was not a good location for gun shop or gun range. She stated the area proposed was also adjacent to a movie theater and residential housing. She believed weapons ranges belonged on military installations or out in the country, not in our neighborhoods. She indicated the developer was not working in the City's best interest and recommended that the Council not approve a weapons range adjacent to a school, a movie theater and residential homes.

Kim Lane, 7810 Gloria Circle, stated she has worked as a family physician for the past 30 years and has counseled people about guns. She discussed how suicide and accidental shootings go up when guns are in a house. She commented 89% of children shot are shot by a family member. She explained lethal crime increases when guns are in a home. She discussed the number of mass shootings in the country in recent years and noted a minor tax break was not worth putting a gun range in her community. She encouraged the Council to deny the request and pursue another type of development.

Dr. Kathleen Higgins, 7801 Gloria Circle, explained she has lived in Mounds View for the past 20 years. She stated she was filled with outrage over this matter and could not believe the City was considering a gun range. She believed the entire deal was shady. She commented there was no need for a gun range in Mounds View. She discussed how the residents of Mounds View had voted people onto the City Council to be responsible representatives for the public. She encouraged the Council to act based on the opinions being voiced this evening and not pursue the gun range.

Leah Retamozo, 2688 County Road H2, stated she lives just up the road from the proposed gun club. She explained she did not want the gun club in her neighborhood and believed this was not an appropriate location. She reported she owns a Spanish immersion childcare center in Roseville and was hoping to expand into Mounds View. She feared she could not do this if a gun club were located along the Mounds View Boulevard corridor. She anticipated that additional businesses and families would be detracted from the City as well if a gun club were

located on the Crossroad Pointe property.

William McCulloch, 5269 Greenfield Avenue, stated he opposed the gun club and the apartments. He suggested condos or some other type of housing be considered for the Crossroad Pointe property.

Steve Chambers, 2957 Sherwood Place, explained he has talked to many neighbors and friends that live in Mounds View. He commented 90% are shocked to learn a gun club could be coming into the community. He encouraged the Council to consider how successful the rental of the proposed apartments would be knowing they would be next to a gun club.

Linda Metzger, 7810 Gloria Circle, explained she was a retired school teacher and moved to Mounds View three years ago from Shoreview. She believed the proposed Ordinance amendment and gun club had no place in a community that valued children, families and elders. She quoted an article from the *Star & Tribune* stating, "Guns know no policy except destruction". She encouraged the Council to consider how much the proposed gun club and Ordinance amendment have already destroyed the City of Mounds View. She described how the community was divided against each other just as the country was divided now more than ever. She stated the City needed leadership that said enough was enough to the easy purchase of guns and the use of guns that were never meant to be in the civilian population. She indicated the City needs leaders that want health and safety. She commended the City Council for creating a main corridor along Mounds View Boulevard that is attractive and family friendly. She was pleased the City had affordable housing and beautiful parks. She encouraged the Council to consider how a gun club would disrupt this community and its safety. She urged the Council to consider how Florida was recently impacted by guns within their schools. She stated if the Council's vision for the City includes guns, she encouraged the Council to move the gun range to an industrial area away from children, elders and families. She recommended the Council, "just say no" to guns which bring destruction to us all.

Sarah Mears, 5292 Edgewood Drive, commented she was not opposed to the gun club. She feared how the proposed apartments would bring down her property value. She noted she and her husband would use the gun range and they were not afraid of it. She indicated gun ranges were not a bad thing.

Lavonne Tell, 2840 Woodcrest Drive, stated she was shot at on the freeway 25 years ago. She explained her daughter was 17 at the time the event occurred and noted two shots were fired into the driver side of her vehicle. She indicated this was a very difficult event for her daughter to go through. She encouraged the Council to not consider approving a gun range in Mounds View.

Ron Bakke, 5250 Jeffrey Drive, indicated he was a 20-year resident of Mounds View. He believed that the City could do a lot better than the proposed apartments and gun range. He questioned why the Council was in such a hurry and discussed how his property value would be impacted by the proposed development. He stated he saw no positive impacts from the proposed gun range and noted there was a gun range 2.5 miles away in Circle Pines. He encouraged the Mounds View Police Department to visit this range for their training. He believed the City could

do better and encouraged the Council to be patient.

Diane Hinds, 5157 Irondale Road, explained she has been a Mounds View resident for the past 47 years. She stated she believed in the governmental process and believed public officials were doing the best they could to balance the needs of the residents in the City they served. She encouraged the Council to understand the depth of opposition to the proposed gun shop and gun range and would act accordingly. She stated there were many factual and logical arguments against the gun shop/range. She understood why the developer was attracted to the City of Mounds View, however, she the urged the Council to make the right decision and not pursue the gun club.

Marisa Reyes, 7851 Sunnyside Road, stated she opposed a discharge of weapons and having a gun club in Mounds View. She explained when she thought about the needs of the community, this did not include a gun club. She reported there were already two gun clubs within five miles of her home. She indicated she would also oppose a gambling institution or strip club from coming into the community.

Alicia Johnson, 2562 Ridge Lane, indicated she has been a resident of Mounds View for seven years. She stated she loved her neighbors and her community. She explained she was completely against the Council amending the Ordinance and was also completely against the proposed gun range.

Dan Kaczmarek, 8345 Pleasant View Drive, requested further information regarding the proposed Ordinance amendment.

Mayor Mueller reported the Council was amending two parts of the City Code to be in alignment with Minnesota State Statute. She indicated the third part of the code was to update the portion of code that talks about where guns can be discharged within the City limits.

Mr. Kaczmarek asked if the Council intends to amend City Code when the original intent was supported by Mounds View residents.

Mayor Mueller requested Mr. Kaczmarek address this question to the City Council during the Public Hearing for the Ordinance Amendment.

Richard Busby, Jr., 2625 Louise Avenue, stated he supported the proposed gun club. He explained at this time he and his family were taking their money and spending it outside of the community. He indicated his parents, himself and his sister were all conceal and carry holders. He noted his daughter took a gun safety class through the City with the Mounds View Police Department. He discussed how the proposed range would bring money into the community and noted there were laws in place to regulate this use.

Russell Flewellen, 5262 Skiba Drive, commented he chose to live in Mounds View based on the community, its schools and neighborhoods. He explained a gun club was not part of this and noted he would not have moved into the community if a gun club were located along Mound

View Boulevard. He anticipated a lot of families felt the same way.

Jerome Clark, 5001 Wellington Avenue, stated he was opposed to the low-income/Section 8 apartments. He believed the City had enough affordable housing and drugs already in the community. He discussed the recent drive-by shooting that occurred in his neighborhood and encouraged the City to not approve any additional affordable housing for the safety of the people in Mounds View. He expressed frustration with the Mounds View Police Department and his inability to receive police reports on the activities occurring at a house in his neighborhood.

Eileen Burns, 5109 Irondale Road, commented the Crossroad Pointe property was not the proper location for a gun club as it was too close to schools and residential homes. She encouraged the Council to reconsider the Ordinance amendment to increase the distance guns should be from schools.

Ken Gladen, 5149 Edgewood Drive, stated he was for the gun range. He explained the gun range would bring additional traffic into the community and would improve the tax rolls. He reported women are the fastest growing segment of gun owners. He indicated he was not real supportive of another apartment building in Mounds View, but now understood the units would be market rate. He stated he supported the Council moving forward with the development as proposed.

Mary Kay Walsh Kaczmarek, 8345 Pleasant View Drive, explained the City of Mounds View had incredible schools and a micro climate where trees needed to be protected. She stated the City did not need to build an image of the City that was promoting gun culture. She did not believe it would be responsible for the City to pursue a gun range this close to our schools. She noted there were gun ranges and gun shops in neighboring communities that could be used for the Mounds View Police Department. She encouraged the Council to think more about what could be done to make Crossroad Pointe attractive to the entire community.

Ian Mills, 7594 Greenfield Avenue, indicated he was a student at Irondale High School. He explained he and his fellow classmates were already concerned about their safety at school given the number of recent school shootings. He did not believe it was in the City's best interest to have a gun range within walking distance of his former middle school and current high school. He stated this would not make him feel safe. He explained he would not be voting for any of the Council members that supported the gun range.

David Frego, 5612 St. Michael Street, understood there were a lot of concerns surrounding the gun range. He explained he had two grandchildren that attended Bridges. He stated if the City were pursuing an open-air range this matter should be put down. However, he believed an indoor range, similar to Bill's, would be capable to stopping large caliber weapons. He commented he has not heard of any rounds escaping Bill's facility and noted you could not hear the weapons being fired from outside of Bill's.

Steve Peters, 7805 Gloria Circle, stated he was totally against the gun range as it would diminish property values. He explained the proposed gun range was too close to schools and seniors. He recommended another property be considered. He indicated he did not support additional low-

income housing coming into the community either. He believed there was enough gun violence already and he did not want to see this brought into Mounds View.

7. SPECIAL ORDER OF BUSINESS

None.

8. COUNCIL BUSINESS - CONTINUED

B. 6:30 p.m. Public Hearing – Second Reading and Adoption of Ordinance 939, Amending Chapter 702 of the Mounds View Municipal Code Relating to the Discharge of Weapons within the City.

City Planner/Supervisor Sevald requested the Council consider the adoption of an Ordinance amending Chapter 702 of the Mounds View Municipal Code relating to the discharge of weapons within the City. He stated currently City Codes does not allow for the discharge of weapons and was not in compliance with State and Federal laws. He noted the proposed Ordinance amendment was reviewed by the City Attorney. He explained this Ordinance does not approve a gun range but would allow the possession and discharge of weapons within a City Council approved facility.

City Attorney Riggs explained the proposed Ordinance amends two provisions within the Code that are not compliant with State law. In addition, the proposed amendment would allow for the discharge of firearms in an approved facility.

Council Member Hull questioned if the amendment was not approved if the gun club could proceed. City Planner/Supervisor Sevald stated the gun club could not proceed without this amendment being approved.

Mayor Mueller asked if by amending this Ordinance if a gun club had to be approved. City Planner/Sevald reported this was not the case.

Mayor Mueller opened the public hearing at 7:58 p.m.

Tom Kosel, 8120 Jackson Drive, stated he has lived at his home since 1987 and noted he fully supported the Council amending or updating the current gun Ordinance. He believed the City Council had the responsibility of promoting the general safety and welfare of its residents. He commented Mounds View was quite small in area and was already nestled between several adjacent gun shops and shooting ranges. For this reason, he did not believe it was necessary for Mounds View to pursue another gun range. He recommended the City's gun Ordinance be short, direct and uncomplicated. He proposed the Ordinance read: "The City of Mounds View prohibits the sale of any type of firearm or ammunition, or adaptation device for firearms, whether handgun or rifle or any assault style weapon, and prohibits any overt or threatening display of firearms, and prohibits the discharge of any firearm within our City limits whether indoors or outdoors. The only exceptions being: 1) someone acting in a dire situation calling for self-defense for himself or others; 2) dually authorized member of a legitimate law enforcement

entity acting to defend him or herself or to protect members of the general public from an immediate life-threatening danger”. He believed such an Ordinance would not impact any member of the community from owning a firearm, from possessing or carrying a firearm lawfully in the City or to transport a firearm out of the City for practice purposes. He indicated this type of Ordinance would place Mounds View on the leading edge of the country in an effort to curtail deadly shootings of any kind.

Kenneth Glidden, 5240 Edgewood Drive, encouraged the Council to consider if the proposed Ordinance amendment would make the residents of Mounds View safer.

Lisa Rolfs, 8429 Eastwood Road, stated she was not the only person in the room that found this topic and the two separate hearings confusing. She believed most of the people in the room had not heard about the gun range until two weeks ago, much less understood why the Council was proceeding with an Ordinance amendment that would now allow the discharge of weapons in the City. She indicated she felt like she was running trying to catch up to a speeding train without fully understanding the topics on the table. She explained she was in favor of City Code aligning with State Statute. However, she believed this was all that should be considered at this time. She encouraged the Council to not rush through an amendment that would allow the discharge of guns at a gun range at this time. She feared that the Council was simply acting on behalf of a private party and not in the best interests of the Mounds View residents.

Joan Dauphinee, 7801 Gloria Circle, stated she has been trying to investigate all of the things that are happening in the City. She questioned if Mounds View would be reviewing this Ordinance if a developer had not proposed a gun club with apartments. She asked if the Heartland Gun Club had assisted the City with the proposed amendment. She reported the NRA was pushing gun shops and gun ranges into suburban areas and she feared people were becoming numb to guns. She stated she was perplexed and confused as to why the City was pursuing this change. She could not understand why Heartland Gun Club was coming to Mounds View, Minnesota for a gun club when their only other location was in Florida. She encouraged the Council to consider the back room deals that were being made surrounding guns. She stated she was scared and nervous about this issue. She indicated she has done lock down drills with kids, talked with these kids and understood these kids would change the climate of America right now. She encouraged the Council to be transparent with their actions and believed this issue would not be coming before the City if it weren't for INH and the Heartland Gun Club.

Ann Zierdt, 7416 Parkview Drive, noted the definition of transparent as having thoughts, feelings or motives that are easily perceived. She believed now was not the time to consider amending the City's gun Ordinance given the number of shootings that are occurring in the country. She questioned why the developer, Pat Egan, had been consulting with the City on this matter if the City was simply coming into compliance with State Statute. She believed there was no reason for Pat Egan to be at City meetings. She feared his only interest in the City was gun club and not any retail or apartments. She thanked the Council for their dedicated service to the community but asked them to be transparent regarding this project. She commented on January 15th she left messages with Penny Howard and Chris Lennox as she wanted to learn about their stance on the proposed gun club. She stated she received a call back from Chris Lennox and was told by the

Mounds View City Council that the gun club was not the school's decision and that the school was to stay out of this matter. Mr. Lennox reported the school would be staying out of the issue and all parents were to be redirected to the City Council. She stated tonight she was directing her concerns to the City Council as a gun club could have major impacts on school safety and student well-being.

Mayor Mueller commented she was not aware of anyone on the City Council having this conversation with Mr. Lennox.

Dan Kaczmarek, 8345 Pleasant View Drive, stated the City appears to be taking a recreational risk, which could involve bodily harm and death caused by a weapon. For this reason, he recommended the Council not rewrite City Code or allow the discharge of weapons in the City limit.

Jan Brenk, 7800 Gloria Circle, believed it was not in the City's best interest to amend the gun Ordinance to allow a gun range within walking distance of a school, a sports bar and liquor store.

Mayor Mueller read in full for the record the proposed amendments to City Code and proposed in Ordinance 939.

Russell Warren, 8044 Greenwood Drive, asked if an Ordinance amendment required a voice vote.

Mayor Mueller reported the Ordinance amendment would require a roll call vote.

Mr. Warren encouraged the Council to put this item aside to allow the public to review this item further.

Kim Lane, 7810 Gloria Circle, recommended Item B be removed from the Ordinance amendment and that the Ordinance not allow for the sale of firearms in Mounds View. He encouraged the Council to act out of wisdom and heart, and not fear on this issue.

Sue Rademacher, 7421 Parkview Drive, asked if this item could be placed on a ballot for the entire City to vote on.

Mayor Mueller stated the proposed Ordinance was something that would be updated by the City Council and Mayor. She indicated it was a housekeeping issue for the most part, noting the City had to remain in compliance with State Statute.

City Attorney Riggs commented the City Charter does allow the initiative to both create and amend Ordinances as well as a referendum to challenge Ordinances. He explained this has been done in Mounds View before and required a certain number of petitions to be in place.

Bill Urbanski, 2367 Sherwood Road, stated he had an opportunity to speak with Ramsey County Attorney John Choi. He asked Mr. Choi if it was necessary for a local government unit to have

its Ordinances in compliance with State and Federal law and he was told no. He was told local governments have the right to have their own Ordinances and what they want in it. Mr. Chou recommended he contact an attorney to do pro bono work on behalf of the Mounds View residents. He explained he was very seriously considering taking this action. He commented the vast majority of residents of Mounds View do not want a gun club/gun range in this City.

Dr. Kathleen Higgins, 7801 Gloria Circle, requested a show of hands from the members in the audience who were against the proposed Ordinance amendment. Fifty-three members of the audience raised their hands.

Mr. Kosel stated he wanted the Ordinance changed to include an absolute prohibition of gun sales and gun use within Mounds View.

Danielle Fixell, 2528 Ridge Lane, asked how long the City has not been in compliance with State Statute and questioned why the City was making a change at this time.

Mayor Mueller stated she was uncertain how long the City has been out of compliance.

Hearing no further public input, Mayor Mueller closed the public hearing at 8:26 p.m.

Council Member Bergeron encouraged the members of the public to remain in attendance to witness the vote.

Council Member Hull questioned when the developers came before the Council to discuss their plans for Crossroad Pointe. City Planner/Supervisor Sevald explained this occurred in August of 2017.

Council Member Hull commented he believed residents have had plenty of time to inform themselves on this topic given the fact the Council has been discussing this matter since August of 2017. He asked how long the Crossroad Pointe property has been vacant. City Planner/Supervisor Sevald stated the site has been vacant since 2013.

Council Member Hull requested further information on the developments that have been proposed for this property since 2013. City Planner/Supervisor Sevald discussed the developments that have been proposed for this site. He noted a Hy-Vee would not fit on this site due to the fact they require 10 acres of land.

Council Member Hull understood the public was looking for more retail in the City. He provided further comment on how retail was dying due to increased sales on the internet.

Council Member Meehlhause inquired if a City could prohibit the sale of firearms. City Attorney Riggs explained this would be difficult for a City to do but noted zoning requirements could be put in place.

Council Member Meehlhause questioned how the City was made aware of the fact it needed to

review this Ordinance. City Planner/Supervisor Sevald reported the applicant made the City aware of need to review this Ordinance.

Council Member Meehlhause requested further information on INH and their primary core business. City Planner/Supervisor Sevald indicated INH was a developer and their core business was to manage apartment buildings. He explained INH was located out of St. Cloud, Minnesota.

Council Member Meehlhause stated he was not aware of anyone on the City Council approaching the school district telling them this was not their issue. He commented he had not talked to anyone at the school district. He asked what type of risk the City had if weapons were allowed to be discharged in Mounds View. City Attorney Riggs stated under the Ordinance the use would be limited and the reality was the liability would remain the same.

Council Member Meehlhause commented on an unfortunate suicide event that occurred at Bill's Gun Club in Robbinsdale, Minnesota. He inquired if Robbinsdale had any liability for this unfortunate situation. City Attorney Riggs advised the City of Robbinsdale would have no liability.

Council Member Meehlhause questioned if City Ordinances had to be in alignment with State Statute. City Attorney Riggs commented he would have to speak with Ramsey County Attorney Choi regarding this matter as he did not understand where this comment came from. He stated the best practice was to have City Ordinance in alignment or compliant with State Statute.

Council Member Bergeron commented Minnesota Statute 471.633 stipulates that the legislature preempts all authority of a home rule, charter, or statutory city, including a city, first class county, town, municipal corporation, or other government subdivision or any of their instrumentalities to regulate firearms, ammunition, or their respective components to the complete exclusion in any order, ordinance, or regulation by them except: 1.) we may adopt regulations that are identical to State law; and 2.) a government subdivision may regulate the discharge of firearms. He explained this meant the discharge of firearms was the only regulatory action the City Council could take. City Attorney Riggs reported this was the case and noted the City was proposing to address the discharge of firearms.

Council Member Bergeron stated the bone of contention at this time was the proposed addition addressing the discharge of firearms. He read the proposed language in full for the record. He recommended the Council delete Section B from the proposed Ordinance amendment.

AMENDMENT MOTION/SECOND: Bergeron/Gunn. To Remove Exception 5, Section B from Ordinance 939, Amending Chapter 702 of the Mounds View Municipal Code Relating to the Discharge of Weapons within the City.

Council Member Gunn explained based on her own research and after witnessing the students at Irondale she did not support the City allowing the discharge of guns at a gun range/gun club. She commented the recent events in Florida have greatly impacted students and it was important to her to keep them safe. She stated she would only support the Ordinance amendment after Section

B was removed.

Mayor Mueller discussed the developer's agreement with INH which included a 124-unit market rate four story apartment complex with a small amount of retail. She indicated their proposal also included a 16,000 to 20,000 square feet of specialty retail. She reported the developer has been very up front stating they had an investor (Heartland Gun Club) who would like to utilize this portion of the development. She explained the market rate apartments would be owned and managed by INH. She reported INH had no fear of renting these units with the full understanding a gun club would be located on the same property. She stated the developer told the City Council there were a couple of issues, one being access directly onto Mounds View Boulevard. After many discussions with the County, the City was told the Crossroad Pointe development would have access from Edgewood Boulevard. She feared how this would impact traffic in the area. She reiterated the fact that the City Council does not have a final plan before them. She commented on the discussions that were held regarding City managed garbage collection and stated she understood, in the end, the public wanted to maintain the right to choose their garbage provider. She discussed the proposed amendment on the floor and asked if the public honestly believed the City Council was not looking out for the best interests of the public. She commented without deliberate actions, a gun was no more lethal than a rock. She stated she was not for or against the project but commented the proposed project would offer tax relief for all residents in the community. However, if the exception was removed, she was confident the INH developers would present a proposal that does not include a gun club and may require a City subsidy. She explained she wished the Council could answer more the questions being raised by the public but noted the City was still gathering information. She discussed the number of Mounds View and New Brighton residents that had the right to conceal and carry. She commented on the history of Simon's which allowed for the sale of guns in Mounds View. She questioned why the public was so afraid of allowing people to practice the safe use of a gun. She understood some of the public may support a gun range if it was proposed for another location in the City. She stated she appreciated the public's patience as the Council worked through this issue. She commented on the amendment on the floor and noted she would be voting against it because she would like to table action on the Ordinance to allow staff and the City Council to gather more information. She discussed how Mounds View would be adversely impacted when TCAAP began to develop.

Council Member Bergeron commented the Council was still waiting to receive a market analysis from INH that was talked about over six months ago. He added that INH indicated during their first proposal that the market analysis was pending at that time and added that perhaps they were having a difficult time finding another apartment complex/shooting range to compare it to. He explained that the Council, when this proposal was first before them, expressed contentment for the gun club with a 4-1 vote and to go ahead with the INH plans which is why he believes INH has not pursued other specialty retail for the site. He commented that by voting for this amendment, the City would be forcing INH to find more suitable specialty retail or they would need move forward with only the market rate housing portion of the development. He added that if TIF was offered, the City would still be getting a portion of the property taxes. He thanked the residents that came out commented that the majority of the public was not against 2nd Amendment rights, but rather were focused on safety and economics. He added that based on the

research completed on TCAAP, the City of Mounds View's development options would be expanded in the future and not hindered. He reported this was confirmed for him this past weekend by an Arden Hills City Council Member.

Council Member Meehlhause stated Council Member Bergeron was absolutely correct that if TIF was offered to INH, the City would still be paid a small portion of property taxes. He noted MedTronic was within a TIF District. He explained he went back and forth on this project but understood the consensus was to move forward with INH. He described how the Council worked together as a team on behalf of the community. He discussed the shared values at his former corporation and noted he would be supporting the amendment on the floor.

Mayor Mueller called the question.

Ayes – 3 Nays – 2 (Hull and Mayor Mueller) Motion carried.

AMENDED MOTION/SECOND: Meehlhause/Bergeron. To Waive the Second Reading and Adopt Ordinance 939, Amending Chapter 702 of the Mounds View Municipal Code Relating to the Discharge of Weapons within the City, removing Exception 5, Section B.

Mayor Mueller stated she would have rather tabled action on the Ordinance but noted she would be supporting the Ordinance coming into compliance with State Statute.

ROLL CALL: Bergeron/Gunn/Hull/Meehlhause/Mueller.

Ayes – 4 Nays – 1 (Hull) Motion carried.

Mayor Mueller called for a recess of the City Council meeting at 9:10 p.m.

Mayor Mueller reconvened the City Council meeting at 9:21 p.m.

C. Resolution 8910, Adopting 2018 Council Goals and Priorities.

City Administrator Zikmund requested the Council adopt the 2018 Council goals and priorities. He noted the Council has been discussing their long-term and short-term goals since November of 2017. He commented further on the goals and priorities and recommended approval.

MOTION/SECOND: Hull/Gunn. To Waive the Reading and Adopt Resolution 8910, Adopting 2018 Council Goals and Priorities.

Ayes – 5 Nays – 0 Motion carried.

D. Boulevard Apartments Development: Resolution 8916 Authorizing Acquisition of Tax-Forfeited Land & Joint Resolution 8917, 18-EDA-307 Approving Real Estate Option Agreement.

City Attorney Riggs requested the Council authorize acquisition of tax-forfeited land for the Boulevard Apartments. He explained the EDA took similar action at their meeting prior to the City Council meeting.

MOTION/SECOND: Gunn/Bergeron. To Waive the Reading and Adopt Joint Resolution 8916, Authorizing Acquisition of Tax-Forfeited Land for the Boulevard Apartments Development.

Mayor Mueller asked if this was a house keeping item. City Attorney Riggs reported this was the case. He noted a number of other agreements have to come into place but noted this action would allow the project to continue to move forward.

Ayes – 5 Nays – 0 Motion carried.

E. Resolution 8913, Approving Hiring of Shawn Smith to the Position of Public Works Superintendent.

Human Resources Technician Ewald requested the Council approve the hiring of Shawn Smith to the position of Public Works Superintendent. She reported Mr. Smith has multiple years of service in public works and as a supervisor.

MOTION/SECOND: Mueller/Meehlhause. To Waive the Reading and Adopt Resolution 8913, Approving Hiring of Shawn Smith to the Position of Public Works Superintendent.

Mayor Mueller noted Shawn Smith would be starting with the City of Mounds View on or about March 26th.

Ayes – 5 Nays – 0 Motion carried.

F. Resolution 8912, Separation Agreement.

City Administrator Zikmund requested the Council approve a separation agreement for Keith Demarest.

Mayor Mueller read a portion of the agreement in full for the record and recommended approval. She noted the Council met in Closed Session to discuss this matter and were recommending the City separate from this employee. City Attorney Riggs reported this was the case.

MOTION/SECOND: Meehlhause/Gunn. To Waive the Reading and Adopt Resolution 8912, Separation Agreement.

Ayes – 5 Nays – 0 Motion carried.

G. Resolution 8914, Accepting Donation from Bethlehem Baptist Church and Authorizing Redistribution of Funds.

City Administrator Zikmund requested the Council accept a donation from Bethlehem Baptist Church and authorize the redistribution of funds. He discussed how the funds would be disbursed throughout the City and noted Bethlehem Baptist would continue to build up funds for Shield 616.

MOTION/SECOND: Gunn/Hull. To Waive the Reading and Adopt Resolution 8914, Accepting Donation from Bethlehem Baptist Church and Authorizing Redistribution of Funds.

Council Member Meehlhause thanked Bethlehem Baptist for their generous donation to the City of Mounds View.

Council Member Bergeron and Mayor Mueller offered their thanks to Bethlehem Baptist as well.

Ayes – 5 Nays – 0 Motion carried.

H. Resolution 8915, Approving Hiring of Alexander Aase to the Position of Police Officer.

Human Resources Technician Ewald requested the Council approve the hiring of Alexander Aase to the position of Police Officer. She explained the Police Civil Services Commission met on February 21st and recommended top candidate Alexander Aase be hired for the open position. She noted Mr. Aase would begin his service with the Mounds View Police Department on or about March 21st.

MOTION/SECOND: Hull/Meehlhause. To Waive the Reading and Adopt Resolution 8915, Approving Hiring of Alexander Aase to the Position of Police Officer.

Ayes – 5 Nays – 0 Motion carried.

I. Resolution 8918, Approving the Purchase of a Used Fork Lift for the Public Works Facility.

Public Works Director Peterson requested the Council approve the purchase of a used fork lift for the Public Works Facility. He explained staff had originally planned to purchase an overhead crane and had budgeted \$50,000 for this purchase. However, after much discussion and other expenses for the Public Works Facility, the Public Works Department would now like to purchase a used fork lift. He noted the cost of the used fork lift was \$12,400.

Council Member Bergeron questioned if the fork lift would be able to lift high enough to meet the needs of the Public Works Department. Public Works Director Peterson stated after much discussion staff believed the fork lift would better serve the needs of the Public Works Department than an overhead crane.

MOTION/SECOND: Meehlhause/Bergeron. To Waive the Reading and Adopt Resolution 8918, Approving the Purchase of a Used Fork Lift for the Public Works Facility.

Council Member Meehlhause thanked staff for finding the finances to cover this expense. He believed the fork lift would be a much safer way to move materials to the mezzanine area of the Public Works Facility than an overhead crane.

Mayor Mueller thanked Public Works Director Peterson for researching and locating a high quality used piece of equipment for the Public Works Department.

Ayes – 5

Nays – 0

Motion carried.

9. REPORTS

A. Reports of Mayor and Council.

Council Member Gunn stated she had a wonderful time at the Daddy Daughter Dance and she thanked Police Chief Harder for organizing this wonderful event.

Council Member Hull thanked Police Chief Harder and the Police Foundation for their efforts and noted he had a great time at the Daddy Daughter Dance with his daughter.

Council Member Bergeron stated he attended an orientation at CTV last week.

Council Member Meehlhause commented he attended the Daddy Daughter Dance as well. He thanked the Police Foundation and Police Chief Harder for all of their efforts.

Mayor Mueller reported volunteers were still needed for Festival in the Park. She encouraged those interested to contact City Hall for further information. She noted the next Festival in the Park Committee meeting would be held on Tuesday, March 20th at 7:00 p.m. at City Hall.

Mayor Mueller explained the Comprehensive Plan Taskforce would be meeting on Tuesday, February 27th.

Council Member Meehlhause was proud of how the Olympians from Minnesota fared in the recent Olympics.

B. Reports of Staff.

Police Chief Harder thanked everyone who was able to attend the Daddy Daughter Ball.

City Administrator Zikmund asked if the Council supported staff moving forward with finalizing numbers for the splash pad. The consensus of the Council was to direct staff to move forward.

City Administrator Zikmund listed the items that would be addressed by the City Council at their upcoming worksession meeting, which would be held on Monday, March 5th at 6:30 p.m. He reviewed a bit of information staff had found from the first municipal election.

C. Reports of City Attorney.

City Attorney Riggs had nothing additional to report.

- 10. Next Council Work Session: Monday, March 5, 2018, at 6:30 p.m.
Next Council Meeting: Monday, March 12, 2018, at 6:30 p.m.**

11. ADJOURNMENT

The meeting was adjourned at 10:04 p.m.

Transcribed by:

Heidi Guenther
TimeSaver Off Site Secretarial, Inc.