

# APPROVED

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

Regular Meeting  
August 14, 2023  
Mounds View City Hall  
2401 Mounds View Boulevard, Mounds View, MN 55112  
6:03 P.M.

- 
1. MEETING IS CALLED TO ORDER
  2. PLEDGE OF ALLEGIANCE
  3. ROLL CALL: Cermak, Gunn, Lindstrom, and Meehlhause

NOT PRESENT: None.

4. APPROVAL OF AGENDA
  - A. Monday, August 14, 2023, City Council Agenda.

MOTION/SECOND: Gunn/Cermak. To Approve the Monday, August 14, 2023, agenda as amended for Items 5A, 8E and 8I.

Ayes – 4

Nays – 0

Motion carried.

5. CONSENT AGENDA

Acting Mayor Meehlhause asked to remove Item 5E.

- A. Approval of Minutes: July 24 (as amended), July 31, August 7, 2023.
- B. Just and Correct Claims.
- C. Resolution 9786, Authorizing the City to enter into an Agreement Regarding Ramsey County HRA Critical Corridors Commercial Corridor Initiative Grant (Filipino Village / Kusina, 2408 County Road I).
- D. Resolution 9787, Authorizing the City to enter into a Professional Services contract with HKGI related to Ramsey County HRA Critical Corridors Initiative Grant.
- ~~E. Resolution 9788, Authorizing Separation Compensation for Community Development Director Jon Sevald.~~
- F. Resolution 9795, Authorizing the Purchase of Utility Billing Interface Software and Services from Tyler Technologies.
- G. Resolution 9800, Approving Settlement Agreement.

MOTION/SECOND: Lindstrom/Gunn. To Approve the Consent Agenda as amended removing Item 5E.

Ayes – 4

Nays – 0

Motion carried.

**E. Resolution 9788, Authorizing Separation Compensation for Community Development Director Jon Sevald.**

Acting Mayor Meehlhause thanked Community Development Director Jon Sevald for his years of dedicated service to the City of Mounds View and wished him all the best in his new endeavors.

MOTION/SECOND: Meehlhause/Gunn. To Waive the Reading and Adopt Resolution 9788, Authorizing Separation Compensation for Community Development Director Jon Sevald.

Council Member Lindstrom thanked Community Development Director Sevald for all he has done on behalf of the City of Mounds View.

Council Member Gunn thanked Community Development Director Sevald for his dedicated service and wished him all the best.

Council Member Cermak stated she would miss Community Development Director Sevald.

Ayes – 4

Nays – 0

Motion carried.

**6. SPECIAL ORDER OF BUSINESS**

**A. Officer Brian Kammerer Official Swearing In – Chief Zender.**

Police Chief Zender introduced the Council to newly hired Police Officer Brian Kammerer. He administered the Oath of Office to Officer Kammerer and welcomed him to the Mounds View Police Department. A round of applause was offered by all in attendance.

**B. MVPD Second Quarter Report – Chief Zender.**

Police Chief Zender reviewed the Second Quarter Report for the Mounds View Police Department with the City Council. He commented on the major events that occurred in the community one being a drive by shooting and the other event was a robbery at the SA gas station. He thanked his officers for their investigative efforts to address both of these crimes. He discussed the benefits of having an officer in the VCET unit with Ramsey County. He explained 11 youth recently attended a firearms safety course. He thanked the community for attending recent rock wall and coffee with a cop events. He commented further on the community events his officers participated in which included a Torch Run, National Night Out, a presidential visit, and a safety fair in Blaine. The department's traffic enforcement efforts were further discussed, along with the new cannabis laws.

Council Member Gunn asked how the department handles ghost guns. Police Chief Zender explained these were very difficult and stated he hoped further regulations would be passed down from the federal government to address this growing concern.

Bob King, 7408 Silver Lake Road, commended Police Chief Zender and his officers on how well they do their job.

Sharon Kirscher, 8406 Red Oak Drive, asked how the police department was addressing the guns being made from 3D printers. Police Chief Zender stated the ATF and feds are going to have to further regulate this concern.

## **7. PUBLIC COMMENT**

Bob King, 7408 Silver Lake Road, asked how the City Council defined a public place. He feared that the Council would be putting undue stress on the police department having to patrol public streets and sidewalks.

City Attorney Riggs explained this matter would be further defined and addressed under agenda Item 8I.

Mr. King indicated he did not support organized garbage collection in Mounds View. He requested the Council hold off taking action on this item because residents would be coming forward with a signed petition.

Rene Johnson, 7385 Pleasant View Drive, thanked the Council for communicating the Mounds View fall clean-up day with residents. She expressed concern with the fact the City posted the mayoral candidates in the *Vadnais Heights Press* versus the *Pioneer Press*. She recommended the City be consistent with its communication. She commented on a survey residents on Pleasant View Drive received noting the suggested return date was August 4, 2023. She explained she received the survey on July 31, 2023 and residents did not have a reasonable amount of time to review and complete the survey. She urged the City do better when trying to communicate and gather information from the public.

CR Barragan, 7765 Spring Lake Road, thanked Council Member Lindstrom and Acting Mayor Meehlhause for meeting with him. He indicated a three foot fence was discussed instead of a four foot fence. He encouraged the Council to proceed in this manner. He commented on the four foot drop on his property and asked that steps be installed in order allow him to market his property as having lake access.

Sharon Kirscher, 8406 Red Oak Drive, requested the City Council quit using acronyms and use real words in order to better involve residents in packet information and meetings.

Carol Mueller, 8343 Groveland Road, expressed concern regarding an item on the Consent Agenda, Item 5A, Resolution 9800, Approving a Settlement Agreement. She assumed the City reached an agreement with someone and she would like further information as to what this agreement was about.

City Administrator Zikmund explained there was full information regarding this item in the Council packet. City Attorney Riggs reported this item involves an agreement settling with the engineer/architect firm that the City has been working with, so they will participate with the City in a lawsuit regarding the water treatment facility. He stated this was a step in the process. He encouraged Ms. Mueller to read through the staff report in order to learn more about the settlement.

Dr. Jean Strait, 7728 Knollwood Drive, stated she was in favor of the City holding off on the garbage collection decision. She encouraged the Council to not compare Mounds View to St. Paul, noting this community does not have alleyways. She explained she brought a grant opportunity forward to City staff that would allow the City to get up to \$500,000 to help repair the lake. She indicated Spring Lake Park and Fridley could also be involved in this project. She explained she was not trying to attack anyone personally and she apologized if she hurt anyone's feelings. She commented on how she was educating herself on road design and noted her father was in road construction. She described how retaining walls are constructed asked that the total wall only be four feet high for the stone and fence.

Council Member Lindstrom asked if it was possible to use the wall as part of the barrier in order to lower the fence height. City Administrator Zikmund stated there was a two part equation, which included the backfill on the lake side of the wall. The higher this could be brought up, the lower the fence could be. He understood the DNR said the elevation could not be changed. He indicated as elevation information becomes available, he understood the City may be able to have a three foot fence on the north end.

Acting Mayor Meehlhause clarified for the record that he did not recall Dr. Strait saying anything derogatory to City staff.

Julie Clark, 8005 Woodlawn Drive, discussed the petition that residents were pursuing which would go against organized trash collection. She stated the petition only need 253 signatures. She urged the Council to not start the negotiations tonight. She commented on the concerns she had with the City pursuing a seven year contract if the residents were to override this action through the petition.

Dennis Frohm, 7840 Bona Road, encouraged the Council to delay action on the negotiations for the organized trash collection in order to allow residents to get enough signatures on the petition.

Joyce Jones-Strait, 7728 Knollwood Drive, urged the Council to hold off on approving organized trash collection. She believed there were other ways or measures that could be taken in order to assist in preserving City streets. She stated she cares deeply for this community and she believed organized trash collection was wrong for Mounds View.

Heather Schuchard, 7984 Woodlawn Drive, stated she would like the City to work with residents in order to improve communication. She believed building better communication with residents would improve trust between the City and residents.

Kris Lillemo, 5132 Long Lake Road, asked that the Council delay action on the organized trash collection. In addition, he wanted the Council to delay action on the ordinance that would address the use of cannabis in public spaces. He was of the opinion the use of cannabis does not need to be regulated.

Sue Weatherly, 7555 Pleasant View Drive, requested her mailbox be put back in front of her house.

Tony Preciado, 8217 Long Lake Road, reported all of the haulers were not for the City having a single trash hauler.

**8. COUNCIL BUSINESS**

**A. Resolution 9789, Approving Professional Services Agreement with Tubman to Provide Public Safety and General Welfare Related Services Addressing Domestic Abuse.**

City Administrator Zikmund requested the Council approve a Professional Services Agreement with Tubman to provide public safety and general welfare related services addressing domestic abuse. He explained this organization provides specific services not being offered by anyone else in the community. He commented on how payments would be made to this organization, noting this would be similar to NYFS.

Finance Director Beer reported the contract would be for 18 months and would cost the City \$25,500.

Acting Mayor Meehlhause asked if there was a conflict in Items 3A and 3B within the contract. City Attorney Riggs stated he could look further into these items.

Council Member Gunn supported staff investigating this portion of the agreement further and suggested action on this item be tabled to the next City Council meeting.

MOTION/SECOND: Gunn/Cermak. To Table Action on Resolution 9789 to the August 28, 2023 City Council meeting.

Ayes – 4

Nays – 0

Motion carried.

**B. Resolution 9797, Approving and Accepting a Grant from Ramsey County- Be Active, Be Green, Ramsey County Bench Initiative Program.**

Public Works/Parks and Recreation Director Peterson requested the Council approve and accept a grant from Ramsey County – Be Active, Be Green for the Ramsey County Bench Initiative Program. He explained the Council reviewed and discussed plans to beautify Mounds View Boulevard and one of the recommendations was to place benches along the corridor. He reported the Parks, Recreation and Forestry Commission was tasked with addressing the placement of benches. He noted staff was tasked with seeking a grant to assist with the expense of the benches. He stated staff pursued a grant with Ramsey County and was awarded 32 benches.

Council Member Lindstrom reported these benches were specific to the Mounds View Boulevard corridor. Public Works/Parks and Recreation Director Peterson reported this was the case.

Council Member Gunn thanked staff for pursuing this grant.

MOTION/SECOND: Gunn/Lindstrom. To Waive the Reading and Adopt Resolution 9797, Approving and Accepting a Grant from Ramsey County- Be Active, Be Green, Ramsey County Bench Initiative Program.

Ayes – 4

Nays – 0

Motion carried.

**C. First Reading and Introduction to Ordinance 1004; Amending Mounds View City Code 160.088 related to Accessory Dwelling Units.**

Community Development Director Sevald requested the Council introduce an ordinance that would amend Mounds View City Code related to accessory dwelling units (ADU's). He explained the proposed ordinance would allow ADU's or a second home on a single family property. He reviewed examples of the different types of ADU's and discussed where an ADU would be allowed in the R-1 zoning district. He stated in conversations with residents interested in ADU's the biggest prohibitor was cost. However, he had a resident that was interested in pursuing an ADU, which was not currently allowed per City Code which led to the proposed ordinance amendment.

Council Member Lindstrom reported an ADU has to be tied into the properties City water and sewer but had to have a separate mailbox. Community Development Director Sevald reported this was the case.

Council Member Lindstrom asked if ADU's had to have a separate driveway. Community Development Director Sevald indicated ADU's were to have a shared driveway with the existing home on the property.

Council Member Lindstrom questioned what the approval process would be for an ADU. Community Development Director Sevald stated an ADU would require a conditional use permit approval.

Acting Mayor Meehlhause inquired if the size of a resident's backyard would limit the size of an ADU. Community Development Director Sevald commented a resident could have up to 1,800 square feet in accessory buildings in the rear yard, minus the existing garage space.

Acting Mayor Meehlhause stated he supported the City Council tabling action on this item until the City had a full Council. He indicated the original idea may be okay, but he feared ADU's would be turned into rental properties when properties changed hands.

MOTION/SECOND: Meehlhause/Lindstrom. To Table Action on Ordinance 1004 until the City had a full Council in place.

Valerie Amundsen, 3048 Woodale Drive, suggested the lone ADU request be completed through the variance process versus amending City Code. She recommended that if this ordinance were to move forward that neighbors be able to weigh in. She expressed concern regarding the proposed setbacks noting ADU's could be only five feet from property lines. She recommended ADU's not be licensed as a rental. She feared this would become a concern for residential neighborhoods. She supported City Code remaining as is for the time being and that ADU's not be addressed through an ordinance amendment.

Bob King, 7408 Silver Lake Road, questioned what this ordinance would do for Mounds View.

Dennis Frohm, 7840 Bona Road, stated if homes are located in a rear lot, he was concerned with how stressed existing water and sewer lines would become on residential properties. In addition, he had concerns that gas lines would not be properly sized to serve two homes from one line. He commented he could support people living above a garage, but did not want to see rental homes in residential neighborhoods throughout Mounds View.

Carol Mueller, 8343 Groveland Road, explained the Council discussed this topic several years ago and again 18 months ago. She recalled at that same meeting, a homeowner had to separate their sewer service from a neighbor, which came at quite an expense. In addition, the Council at that time did not tiny homes having joint water and sewer lines. She encouraged this Council to not move forward with ADU's because she believed this community had plenty of affordable naturally occurring housing options. She did not support the City allowing shared water and sewer lines going forward.

Acting Mayor Meehlhause called the question.

Ayes – 4

Nays – 0

Motion carried.

**D. Resolution 9790, Approving Minnesota Laws 2023, Chapter 64, Article 10, Section 41, Allowing the City of Mounds View to Impose a Local Sales Tax.**

City Administrator Zikmund requested the Council approve Minnesota Laws 2023, Chapter 64, Article 10, Section 41, allowing the City of Mounds View to impose a local sales tax. He explained the City went to the legislature in order to move forward with this item. He reported this item has to be approved prior to August 25 in order to get this on the ballot for the special election.

City Attorney Riggs reported Resolution 9790 would adopt the legislation enacted by the State legislature which allows this process to move forward. He explained Resolution 9791 puts this item on the ballot so it can be voted on.

Council Member Lindstrom stated if this item were to pass and the City were to get bonding this would fund the Community Center project. He questioned what debt the City would have on the build. City Administrator Zikmund stated the combination of the bonding and sales tax proceed estimates, would pay the debt for the project.

Council Member Lindstrom indicated this would mean there would be no property tax implications

for Mounds View residents. City Administrator Zikmund reported this was the case. He explained the City Council would enter into a contract with the contractor setting the prices for the project.

Valerie Amundsen, 3048 Woodale Drive, asked if staff had a chance to look into the issue regarding the November election, noting this was a special election and not a general election. City Attorney Riggs commented Joe spoke with Brian and the memo speaks for itself. He indicated he has not done any additional research noting the proposed sales tax was consistent with what other communities have done. He explained the memo laid out possibilities, where the case law was, where the statutory language was and noted the possible risks.

Acting Mayor Meehlhause questioned if the City of Mounds View was unique in that they have a general election every year because the school district holds elections in odd years. City Attorney Riggs indicated not all communities do this. He reported when you look at how statute is set up, the State has looked at changing and synchronizing those definitions, but has not done so. He stated there are questions people can pose, but the reality is the legislature had the opportunity to deal with this and has not.

Bob King, 7408 Silver Lake Road, indicated he was concerned with the fact the City would have 10% sales taxes when this was done. He asked if the sales tax would be readjusted once the community center expansion was paid off. City Attorney Riggs reported this was a requirement of the proposed sales tax.

Further discussion ensued regarding the benefits and disadvantages of having odd and even year elections.

Dennis Frohm, 7840 Bona Road, cautioned the Council from moving forward with this tax. He feared the City would find a new use for the additional sales tax and it would never go away.

MOTION/SECOND: Gunn/Lindstrom. To Waive the Reading and Adopt Resolution 9790, Approving Minnesota Laws 2023, Chapter 64, Article 10, Section 41, Allowing the City of Mounds View to Impose a Local Sales Tax.

Ayes – 4

Nays – 0

Motion carried.

**E. Resolution 9791, Approving the Imposition of a Local Sales Tax and Authorizing a Special Election During the November 7, 2023 Uniform Election.**

City Attorney Riggs requested the Council approve the imposition of a Local Sales Tax and authorizing a Special Election during the November 7, 2023 uniform election.

Acting Mayor Meehlhause read the ballot question in full for the record.

City Administrator Zikmund explained Ehlers has estimated the tax would generate \$21 million.

Council Member Lindstrom requested a roll call vote for this Resolution.



MOTION/SECOND: Gunn/Lindstrom. To Waive the Reading and Adopt Resolution 9791, Approving the Imposition of a Local Sales Tax and Authorizing a Special Election During the November 7, 2023 Uniform Election.

ROLL CALL: Cermak/Gunn/Lindstrom/Meehlhause.

Ayes – 4

Nays – 0

Motion carried.

**F. Resolution 9794, Organized Garbage Collection.**

City Administrator Zikmund requested the Council consider a Resolution that would establish the negotiation period for organized garbage collection. He explained this has to be done in order for the City to receive a price. He stated a minimum of 60 days would be set aside for the negotiations but this could go longer. He noted the negotiation team would be made up of himself, the Public Works Director and the Finance Director, along with the City Attorney.

Assistant City Attorney Ketchum discussed the history of this item noting staff conducted a survey, town halls were held with the public and haulers were notified. He reported the Council's priorities had been written into the Resolution. If approved, this Resolution would start the 60 day negotiation period.

Council Member Lindstrom stated if a petition was signed, when would this item go on the ballot. City Attorney Riggs reported this would depend on whether or not this gets through the process so it can get on the ballot this year. He anticipated this matter would get on the ballot for next year. He explained the petition would need to meet the requirements for State law and the rules established.

Council Member Lindstrom questioned when the petition would have to be submitted in order to meet the requirements to be on the ballot for this year. City Attorney Riggs stated he would have to look into this, noting the County had significant timeframes in order to get items on a ballot.

Council Member Lindstrom asked if there were other communities that have parallel tracked this item with a petition going on. Assistant City Attorney Ketchum explained Bloomington had a referendum and a proposed charter amendment. He stated he did not know the exact timeline for these items and how they matched up with the Council's adoption and implementation of organized collection. He reported in that case, the petition did go to the voters after the charter amendment went through the process we are describing.

Council Member Lindstrom stated this matter was a two ballot initiative. Assistant City Attorney Ketchum reported it was his understanding the ballot question would have to go to a general election vote and it would have to be submitted 17 weeks prior to the general election.

Council Member Lindstrom commented if this passed, the way the language was worded, and the City enacted organized collection, voters would then have to vote for organized collection, which would be done at another general election. City Attorney Riggs reported typically he does not

evaluate items until such time. He indicated he does not spend time considering petitions until they have been submitted.

Council Member Lindstrom questioned if there have been any scenarios where organized collection has been implemented and cities have had to pay damages for unwinding a contract. City Attorney Riggs indicated he was not aware of this. He advised the City Council that there were only 113 charter cities in Minnesota, which makes the process for Mounds View unique.

Acting Mayor Meehlhause recalled that Bloomington went forward with organized and a lawsuit was brought forward by citizens. It was turned down initially, it went to the Supreme Court and was ultimately placed on a ballot and it got voted down. The residents voted to continue to be organized. Assistant City Attorney Ketchum reported there were three lawsuits regarding this matter in Bloomington. This item was put to a charter amendment and was voted down by Bloomington residents so they still have organized collection today.

Rene Johnson, 7385 Pleasant View Drive, stated because there is such community interest in this item, she supported the Council tabling action on this item until there was a full Council. She anticipated more residents would become engaged in this matter over the next three or four months.

Bob King, 7408 Silver Lake Road, indicated this item was only to negotiate with haulers and has nothing to do with Mounds View going to organized collection. City Administrator Zikmund stated this was a step towards negotiating a price.

Dr. Strait believed the City was spending a lot of time addressing a matter that did not pertain to a City the size of Mounds View. She explained St. Paul and Bloomington had organized trash collection and both of these communities were a great deal larger than Mounds View.

Carol Mueller, 8343 Groveland Road, commented her husband had regrets he was not able to attend this meeting. She stated her husband would like to see a resident serving on the negotiating team, because they would be responsible for paying the garbage bill. She reported her husband would be willing to serve on the negotiating team, should this item move forward. She indicated his other concern was that the 3,400 single family homes in Mounds View have a higher tax rate than other properties in the community. She questioned what type of fee, on top of the garbage bill, would be added to residential utility bills. Lastly, she asked who would be fielding calls regarding concerns with garbage service.

Finance Director Beer reported apartments and commercial properties pay a much higher tax rate than residential properties.

Council Member Lindstrom asked if the City would be charging an administrative fee to residents for organized trash collection. Finance Director Beer indicated this would be determined by the City Council. His recommendation would be to not have the City do the billing or phone calls. Assistant City Attorney Ketchum indicated the Resolution before the Council would have the City handling the billing and customer service.

City Administrator Zikmund stated it would be staff's recommendation that the hauler manage the

calls. Assistant City Attorney Ketchum reported he could have this protection written into the final contract.

Dennis Frohm, 7840 Bona Road, reminded the Council that when the haulers were before the City Council a month ago, the majority did not support organized collection, but rather recommended the City keep the market open for trash collection. He encouraged the Council to keep their minds open and to allow the small companies to provide services in Mounds View through free enterprise.

CR Barragan, 7765 Spring Lake Road, explained he was retired, on a fixed income. He reported he could no longer negotiate the credits to his trash account, but reported he was able to negotiate the debits. He stated he would like to continue to live with this option.

Council Member Lindstrom stated he supported the Council tabling action on this item to see if a petition comes forward. However, he noted he would also like to see this matter through to the end to see what prices are brought forward.

MOTION/SECOND: Lindstrom/Cermak. To Table Action on Resolution 9794 to a date uncertain.

Ayes – 3                      Nays – 1 (Gunn)                      Motion carried.

**G. Resolution 9799, Acquisition of Right of Way.**

City Administrator Zikmund recommended the Council table action on this item for two weeks. He stated he spoke with Mr. Dahl on Friday and again today and noted Mr. Dahl and Mr. Harstad were in negotiations and have requested a two week delay on this matter.

MOTION/SECOND: Gunn/Lindstrom. To Table Action on Resolution 9799 to the August 28, 2023 City Council meeting.

Ayes – 4                      Nays – 0                      Motion carried.

**H. Resolution 9796, Approving contract services with Stantec for City Planner services.**

City Administrator Zikmund requested the Council approve contract services with Stantec for City Planner services. He reported Community Development Director Sevald would be leaving the City and it was his recommendation the City hold off on hiring a replacement for a number of reasons. He supported the City using contract services with Stantec noting this organization already provided engineering services to the City. He indicated he looked into their pricing and noted services would be billed to the City on an as needed basis.

Council Member Lindstrom asked who would be preparing and running the Planning Commission meetings. Community Development Director Sevald explained a Stantec employee would complete this work. He anticipated Phil Carlson would be the main consultant for the City. He commented further on the projects that would be coming before the City in the coming months.

Acting Mayor Meehlhause asked if Assistant City Administrator Beeman would be attending the Planning Commission meetings. City Administrator Zikmund believed this would not be the case.

Valerie Amundsen, 3048 Woodale Drive, questioned if this contract would cost the City more than hiring someone full time. She inquired if this was a good fiscal decision. City Attorney Riggs reported many cities hire consultants during an interim period while they conduct a search for a new candidate. City Administrator Zikmund stated it was not easy to hire a planner and the City needed time to evaluate the position.

Acting Mayor Meehlhause discussed the work being done by Community Development Director Sevald at this time, noting he served as the City Planner and the Community Development Director who oversees three employees. He explained the consulting planner would not be responsible for overseeing these employees, but rather this responsibility was going to be assumed temporarily by Assistant City Administrator Beeman.

MOTION/SECOND: Lindstrom/Cermak. To Waive the Reading and Adopt Resolution 9796, Approving contract services with Stantec for City Planner services.

Ayes – 4

Nays – 0

Motion carried.

**I. Second Reading, Ordinance 1007, Prohibiting use of Cannabis in Public Places. ROLL CALL VOTE**

City Attorney Riggs requested the Council adopt an ordinance prohibiting the use of cannabis in public places. He explained the Council introduced this ordinance at the August 7 Special City Council meeting. He commented further on the ordinance and definitions for public places. He explained State Statute defines public places more as a setback situation or distance requirement from certain places. He reported the cannabis act contains significant language on what a public place is and State law worked to protect minors. He reiterated that this ordinance was a tool relative to where usage can be made so the police department can educate people. He indicated the use of cannabis in a public place was not a criminal act, but rather was a petty misdemeanor. He commented further on the proposed ordinance and recommended approval.

Acting Mayor Meehlhause requested staff speak to the medical marijuana exception. City Attorney Riggs reviewed the language within the ordinance that addressed medical marijuana usage.

Council Member Lindstrom reported he liked the distance suggestion better than a flat out ban. He reiterated that the intent of the State legislation was to protect minors. City Attorney Riggs commented this ordinance would be a tool that the Council could enact. It was noted the council could take their time when approving and considering the final language.

Joyce Jones Strait, 7728 Knollwood, asked how a person was to know where a home daycare was located and questioned if both commercial and home daycares would have prohibited use. City Attorney Riggs explained both commercial and home daycares were included within the ordinance. He stated this regulation came down from the state and marijuana use was not allowed

within 500 feet of any daycare. He reported State Statute puts the onus on residents.

Dennis Frohm, 7840 Bona Road, reported the use of cannabis should be similar to alcohol and tobacco use. He recommended cannabis requirements be similar to tobacco and should not be smoked at building entrances, schools, parks, daycares or churches. He questioned how the City would manage edibles in public places.

MOTION/SECOND: Gunn/Meehlhause. To Waive the Second Reading and Adopt Ordinance 1007, Prohibiting use of Cannabis in Public Places.

Council Member Lindstrom stated he would rather move forward with a defined distance ordinance and noted he would not be supporting this ordinance.

MOTION/SECOND: Lindstrom/Gunn. To Table Action on Ordinance 1007 directing staff to bring forward a defined distance ordinance at the August 28, 2023 City Council meeting.

Ayes – 4

Nays – 0

Motion carried.

**J. Resolution 9798, Approving a Service Proposal with Goodpointe Technology for Pavement Evaluation Services and Software Upgrade.**

Public Works/Parks and Recreation Director Peterson requested the Council approve a service proposal with Goodpointe Technology for pavement evaluation services and software upgrades. He explained this project would conduct pavement ratings throughout the entire City. He stated this would assist the City with shifting its focus to maintenance or mill and overlay projects. He indicated the last time this work was completed was 2019. Staff recommended the Council adopt this Resolution and funding for the service proposal.

MOTION/SECOND: Lindstrom/Cermak. To Waive the Reading and Adopt Resolution 9798, Approving a Service Proposal with Goodpointe Technology for Pavement Evaluation Services and Software Upgrade.

Ayes – 4

Nays – 0

Motion carried.

**9. REPORTS**

**A. Reports of Mayor and Council.**

Council Member Gunn stated the Tribute Committee met and was getting closer to a final design for the Tribute Park. City Administrator Zikmund explained this committee was hoping to have a recommendation for the City Council by the end of the year.

Council Member Gunn reported the Equity Committee would be meeting at City Hall on Tuesday, August 15.

Council Member Cermak stated the Mounds View Police Foundation would be meeting at Hodges Park on Tuesday, August 15 at 5:30 p.m. She indicated the group would be finalizing their plans for Festival in the Park.

Council Member Lindstrom explained Festival in the Park activities would begin on Friday, August 16 with a medallion hunt. He reported all other events would be held on Friday, August 18 and Saturday, August 19. He reviewed the schedule of events planned for Festival in the Park in further detail with the Council.

Acting Mayor Meehlhause stated he would be attending NYFS finance committee and governance committee meetings this week.

Acting Mayor Meehlhause provided the Council with an update from Twin Cities Gateway noting he was pleased to report June was another record month for the organization.

**B. Reports of Staff.**

City Administrator Zikmund questioned when staff should bring back organized trash collection. The Council recommended this item come back to the Council at the next meeting, in order to wait and see if a petition comes in.

**1. Public Works – Update on Street Projects.**

- a. Spring Lake Road North of Mounds View Boulevard.**
- b. Spring Lake Road South of County Road I.**
- c. Spring Lake Road County Road I to Knollwood Drive.**

Public Works/Parks and Recreation Director Peterson provided the Council with an update on Spring Lake Road North of Mounds View Boulevard. He commented on the history of the City's street improvement projects and reported in 1999 standards were set for these projects. He discussed the work that was done by the streets task force noting the recommendations that came from this group. He reported the street program was supposed to go for 18 years and this was reduced to nine years. Thanks to the forward thinking of this group and the Finance Director, these projects were funded without special assessments. He indicated the task force turned into a Streets and Utility Commission. He explained this commission continued to ensure future Council's would adhere to the recommendations for the street projects. It was noted the City's programmed streets were completed in 2018, after Area I was completed.

Public Works/Parks and Recreation Director Peterson commented the non-programmed streets then became a discussion for the City Council. He reported the 2022-2023 street improvement project appeared in the CIP in 2016. He explained a City survey was sent out to residents along Spring Lake Road in July of 2021. He stated in September of 2021 the Council reviewed the survey and feedback received from residents. He noted Council reviewed the 60% plans at the end of September 2021 and in October of 2021 the 100% plans were reviewed. He commented on the variance that was needed for Spring Lake Road, noting a small portion of the road was built on a private property and indicated the road was moved.

Public Works/Parks and Recreation Director Peterson discussed the work that was done in Area J and Area K. He noted Spring Lake Road was a Municipal State Aid (MSA) roadway and certain standards had to be met. He reported the City contracted with T.A. Schifsky for this project. He reviewed the substantial completion contract dates with the Council. He noted this project would not be closed out until June 30, 2024. He commented further on the testing that was required for MSA roadways. He stated public works staff walks each project once a project reaches substantial completion in order to create a punch list. He noted staff was not allowed to dictate how or when a project should be done.

Public Works/Parks and Recreation Director Peterson then updated the Council on the status of Spring Lake Road and where it was today. He explained this road was designed to meeting MSA standards. He reported the City would receive \$1,234,363 in MSA funding to help pay for the roadway and trail that was being installed. He indicated the DNR's goal was to limit the amount of fill that would go into the road or trail that would go into the ordinary high water (OHW) level. He explained staff met with the DNR onsite and pushed back on where the OHW was. He learned the surveys were done in the 1940's and this is where the OHW was located. He stated the DNR was not interested in resurveying this lake, because then every lake would have to be resurveyed. He indicated the trail within this project was ten feet wide and would be a joint bike/pedestrian pathway with two feet of snow storage. He reported the original plans called for a chain link fence but after receiving feedback from the residents at a neighborhood meeting, he understood the neighbors would like to see something different. He stated the fence would now be ornamental. He commented further on the project timeline and noted the first lift of pavement would be installed on Thursday or Friday of this week and the trail will follow. The final lift should be installed by the end of the month.

Public Works/Parks and Recreation Director Peterson explained the south portion of Spring Lake Road was in Area K. He indicated there was some curbing and aprons that have to be replaced. He noted these items have been placed on a punch list. He stated the first lift of asphalt was down and the final lift would be installed at the end of the month.

Public Works/Parks and Recreation Director Peterson stated he has spoken with Dan Scollen from the DNR to see if the height of the fence could be reduced. He was told no more backfill could be added to the back side of the retaining wall going into the OHW. He explained he also reviewed the MSA requirements with respect to the height of the fence and the answer there is no. He reported the fence will be going in per the design at four feet. He commented gates would be installed at each of the ped ramps to allow access.

**d. Pleasant View/Stinson – Street/Trail and Mailbox Posts.**

Public Works/Parks and Recreation Director Peterson stated this was a joint project with the City of Fridley. He noted the roadway was paved and just about done. He understood restoration work has to be completed for the grass and mailboxes have to be installed. He explained staff sent out a survey on July 28 and asked to hear back by August 4. He reviewed the results from the survey noting Option 2 was the favorite, which was group mailboxes. He commented further on how staff was addressing the mailbox placement given the fact there was two different jurisdictions along this roadway. He reported the mailbox posts were owned by the City and each resident would be

given a standard black mailbox. He noted residents could change out their mailbox if desired. He indicated he received letters in support of the trail on the west side, which assisted staff in planning this section of road.

City Administrator Zikmund stated Acting Mayor Meehlhause, Council Member Lindstrom, Public Works Director Peterson and himself met with five of the six property owners this morning for about two hours. He noted the concerns voiced from these residents had to do with the color of the wall, trees, lighting and fence height. He shared with the neighbors that they were not all on the same page. He explained the retaining wall would be sealed at this time and would remain the color of concrete. He reported staff made a commitment to revisit with these residents in one year.

Public Works/Parks and Recreation Director Peterson indicated the sealer came out more white than staff anticipated and he had spoken with the contractor to see if it could be reapplied.

City Administrator Zikmund commented trees were being addressed with the residents on a per lot basis and noted staff would have to speak with the DNR about tree placement. He stated the last issue of concern from the neighbors was that they would no longer have access to the lake. He explained the residents now had a four foot cliff. The residents requested steps be installed in order to allow residents to access the lake. He indicated he would have to investigate this further because this was not City property. In addition, he would be speaking with the DNR on how to address this concern.

Acting Mayor Meehlhause clarified the fence could not be three feet but rather would have to remain four feet. Public Works/Parks and Recreation Director Peterson reported this was the case.

Council Member Lindstrom questioned if the exposed brick counted in the total fence height. Public Works/Parks and Recreation Director Peterson explained the fence height would be four feet but would be staggered along the retaining wall. He noted as the retaining wall drops, the fence height would also drop.

City Administrator Zikmund commented further on how the southern properties would have access to the lake. He reiterated that there can be no activity or changes made within the OHW.

Council Member Lindstrom stated a lot of the frustration from the community was misplaced. He thanked Public Works/Parks and Recreation Director Peterson for his efforts on this street project. He apologized to Public Works/Parks and Recreation Director Peterson for the comments that were directed to him stating this was unfair. Public Works/Parks and Recreation Director Peterson thanked Council Member Lindstrom for this and discussed how he has always worked to leave infrastructure in a better state than it was when he started a project.

Further discussion ensued regarding an infrastructure correction that would be required.

Acting Mayor Meehlhause thanked Public Works/Parks and Recreation Director Peterson for the thorough update on the Spring Lake Road and Pleasant View projects.

Rene Johnson, 7385 Pleasant View Drive, commented on how the City set a mailbox standard



before Ring cameras and mailbox thefts. She encouraged the Council to consider allowing City posts to be installed on each residential property along Pleasant View in order to allow residents to monitor their mailboxes. She believed this would make the residents feel heard and would provide greater security for the mail.

Community Development Director Sevald provided the Council with an update on the Villas of Mounds View (former Skyline Motel site) noting this development received their temporary certificate of occupancy. He stated on Wednesday, August 16 at 6:30 p.m. the Planning Commission and City Council were invited to tour this development.

**C. Reports of City Attorney.**

City Attorney Riggs had nothing additional to report.

**10. Next Council Work Session: Tuesday, September 5, 2023, at 6:00 p.m.  
Next Council Meeting: Monday, August 28, 2023, at 6:00 p.m.**

**11. ADJOURNMENT**

The meeting was adjourned at 9:17 p.m.

Transcribed by:

Heidi Guenther  
*Minute Maker Secretarial*