

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

A Regular Meeting of the Mounds View City Council was called to order by Mayor Neisen at 8:00 P.M. on July 8, 1974, at the Mounds View City Hall, 2401 Highway #10, Mounds View, Minnesota 55112.

Present:

Mayor Neisen  
Councilman Hodges  
Councilman Baumgartner  
Councilman Johnson  
Councilman Pickar

Also Present:

Clerk-Typist Peddycoart  
Attorney Meyers  
Engineer Bearden

MSP (Neisen-Hodges) To appoint Arlene Peddycoart as Deputy Clerk for the duration of the meeting. 5 Ayes

MS (Hodges-Pickar) To approve the minutes of June 24, 1974.

Mayor Neisen called attention to Page 3 of the minutes and asked that they be changed to read "to reject the application of the International Mediation Society to use the hall on Mondays or Tuesdays as requested because the hall is used these evenings".

MSP (Hodges-Pickar) To amend the minutes of June 24, 1974 with the above change.

4 Ayes

Johnson Abstained

Residents Requests and Comments from the Floor

Mr. George Brooks, 8482 Spring Lake Road presented a petition urging the speed limit be lowered from 40 to 30 m.p.h. on Spring Lake Road from Hwy #10 north to County Road J.

MS (Hodges-Baumgartner) To receive the petition and forward it to the county.

MSP (Baumgartner-Pickar) To approve receipt of the petition and to forward it to authorized agents for action.

5 Ayes

Mrs. Richard Huhne, 8406 Red Oak Drive inquired if dead trees were being marked with a yellow dot. Mayor Neisen instructed her to call the City of New Brighton and speak to Tom Lewcock for a final answer concerning diseased or dead trees.

Mr. Ken Letourneau, Beutow & Associates, on behalf of Smith Transfer presented final plans and requested approval to proceed with construction of the proposed terminal.

Mr. John Bearden stated he is drafting a letter for Smith Transfer for storm sewer drainage. He added that they are going to petition for a storm sewer extension on the west boundary of the property down to Rice Creek which will be required to handle water with the grading plan presented.

Councilman Baumgartner read a portion of the Planning Commission minutes dated June 3, 1974 concerning Smith Transfer.

Mayor Neisen called for any action on the plan.

MSP (Johnson-Hodges) To grant a building permit for Smith Transfer Warehouse subject to approval by the building inspector, fire chief, and other regulatory agents.

5 Ayes

#### Mayor Neisen's Report

Mayor Neisen read a letter from the Metropolitan Council announcing a public meeting to be held by the Environmental and Transportation Committee of the Metropolitan Council on Tuesday, July 16, 1974 at 7:30 P.M. in the Metropolitan Council Chambers, 300 Metro Square Building, St. Paul. The Committee has received and is considering the recommendations from the Metropolitan Parks and Open Space Commission for proposed regional park acquisition and development projects to be funded by the Metropolitan Council in 1974 and 1975.

Mayor Neisen also read a memorandum on development framework sessions of the Metropolitan Development Guide from John Boland.

Mayor Neisen read the Police Report for June 1974.

MSP (Neisen-Hodges) To approve the bills: General Fund checks #8742 thru #8816, Bond Account checks #115 and #116, Payroll Account checks #1099 thru #1103, Payroll checks #1169 thru #1207 and transfer check #8817 transferring \$13,619.04 to the Payroll Account to pay gross pay of July 15, 1974. From General - \$11,017.84, from Water - \$1,281.42, from Sewer - \$1,319.78. Total disbursements - \$144,809.97.

5 Ayes

MSP (Pickar-Baumgartner) To approve the licenses: Asphalt - G. W. Holm Co.; Excavating - Schulze Excavating & Grading, C. W. Houle Landscaping Co.; Garbage/Rubbish Hauler - Haul-A-Way System Inc.; General Contractor - Miles Garages, Gorco Construction Co., Eigenheer Builders, Inc., Bob Carlson Homes, Inc.; Heating & Air Conditioning - St. Marie Sheet Metal, Inc., Standard Heating & Air Conditioning, Clarence E. Nelson Htg. & Air Cond., Neil & Hubbard Htg. & Air Cond.; Masonry - Barry Bjugstad thru 6/30/74, Myrdal & Pearson Const. Co., Norsk Concrete Constr.

5 Ayes

#### Councilman Johnson's Report

Councilman Johnson stated that he had talked to Paster Enterprises, concerning Mounds View Square Shopping Center and they indicated that we should see some action on the construction by July 15, 1974.

MSP (Neisen-Johnson) To direct the office to contact the treasurer of the North Suburban Sanitary Sewer Board, Coon Rapids City Hall and find out what the \$431.00 bill we received covers and what period it covers by next Monday evening with a copy of the Resolution to each councilman.

5 Ayes

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Mayor Neisen called the hearing concerning changes to the Dog Ordinance to order. He explained that the hearing was being held because of the numerous complaints we have received on dogs running wild, biting persons, etc. Residents were informed of the hearing via the newsletter.

Mayor Neisen read a letter from Jane Schelb, 2555 Woodale Drive in favor of the leash law and then asked for comments from the floor for or against the leash law.

Mr. Dennis Racer, Ordinance Chairman, representing the Minnesota Purebred Dog Breeders Association presented a Model Dog Ordinance which they have adopted after reviewing several ordinances from various communities.

Mayor Neisen read a portion of the model ordinance under restraints.

Mrs. Clara Ford, 8334 Groveland Road voiced her concern as to how we intend to enforce a leash law. Mayor Neisen replied that any dog not on a leash would be in violation of the ordinance. Mrs. Ford presented a log she has kept on her neighbor's dog stating several incidents in violation of the ordinance. She expressed hope that the leash law would go into effect.

Mrs. Arlene Stowasser, 7846 Long Lake Road was not concerned with the leash law, but with barking dogs. Mayor Neisen read the City Ordinance on barking dogs and then read the Model Dog Ordinance, Item g. Nuisance Dog.

Mrs. Sharon McCarthy, 7760 Long Lake Road stated her concern for dogs running loose in her neighborhood causing dogs that are tied to bark and cry and break their chains.

Mrs. Sue Kelly, 8240 Red Oak Drive said she was in favor of the leash law and that it was unfair to people who don't have dogs as well as those who do and the dogs themselves to let them run loose.

Mr. Carl Hoisser, 2520 Hillview Road just wants to see enforcement of any law. He said it is not dogs we have to control it is the owners themselves.

Mrs. Sue Benedict, 7806 Gloria Circle stated that she is not a dog owner herself and suggested that persons having a problem with dogs getting into garbage cans should buy a tie-down strap for their cans.

Mr. Russell Paul, 7940 Greenfield Avenue, owner of two well trained and cared for field dogs challenged the leash law and felt it would be unfair to dogs and to persons like himself who do not violate the present command law. He said if there is a problem we should get at the problem. He suggested the City employ individuals to check door to door the number of dogs and owners, checking on licensing of dogs with proper description, to insure a true registration.

Mr. Robert Glazer, 2625 Hillview Road, feels a leash law is reasonable and wants to endorse it.

Mrs. Mary Lavaque, 2146 Hillview Road stated that dogs at the playgrounds unattended have been biting or knocking down small children while they were quietly playing. She is in favor of the leash law.

Mrs. Mike Lonergan, 7852 Long Lake Road stated there are six barking dogs in her neighborhood and wants to know what is being done or what should be done about this.

Mayor Neisen read a portion of the City Dog Ordinance concerning habitual barking or crying dogs. The procedure to be followed is: 1) Come to City Hall, 2) file a complaint with the judge, 3) Judge imposes fine on the owner. Persons may call the dog catcher and if the dog is barking or crying while they are there, then a complaint could be filed against the owner.

Mrs. Stowasser, 7846 Long Lake Road asked B & E Patrol if they picked up abused dogs.

Mrs. Connie Mossey, B & E Patrol representative stated that they do in some cases such as someone who is gone on vacation and leaves their dog unattended.

Mrs. Sharon McCarthy said many people have three or four dogs who are not licensed for kennels.

Mrs. Allen Elleraas, 7800 Gloria Circle said dogs chase her en route to the bus stop in the morning and she wished the leash law would be passed.

Mayor Neisen commented that if people let their dogs run loose in violation of the present law; will they let them run loose in violation of the leash law? We cannot blame the dogs, we have to blame the owners.

Pat Kelly, 8240 Red Oak Drive asked about the current operation of B & E Patrol. Mayor Neisen said they patrol two hours per day five days a week, and from August, 1973 to December, 1973 - 55 dogs were picked up.

B & E Patrol feels the two hours per day is adequate.

Attorney Meyers suggested that people keep a log on dog violation so that if they come into court they have proof because the court has to have something to work with to prove a man guilty, and this is very difficult to do. We have all the tools basically at present except the leash law and it is a prima facia case - there is a violation of the ordinance.

Mr. Russell Paul stated the leash law adopted by both St. Paul and Minneapolis has been impossible to enforce. It is far from the answer to the problem.

Mrs. Phyllis Brooks, 8482 Spring Lake Road asked what the purpose of the dog license was. Attorney Meyers stated it covers the cost of administration, office work, policing, paper work, and that no profit is made on licensing.

Mr. LaVerne Gollnick, 8085 Greenwood Drive asked what the fine was when someone was caught in violation. He suggested the fine be quadrupled. Mayor Neisen then read the fine schedule.

Mrs. Dawn Paul, 7940 Greenfield is for enforcement of the present law and urged people to have enough courage to sign complaints.

Councilman Johnson asked B & E if it was easier to pick up dogs under the leash law than the present law. B & E Patrol stated that it is easier to prove that they are in violation under the leash law. They added that they do not give out the names of persons who file complaints.

Mayor Neisen asked Attorney Meyers about the Restraint Section of the Model Dog Ordinance. Attorney Meyers stated you would have to prove competent person, disprove competent person or immediate obedient to person's command.

Mr. Shelquist, 8025 Fairchild stated the leash law would be a tool for enforcement, and feels Mounds View needs effective control more than two hours dog patrol per day.

Mayor Neisen said the City is currently paying \$400.00 per month now for dog patrolling.

Robert Glazer, 2625 Hillview Road would like to see the ordinance amended so that if an animal is picked up the owner is held responsible and have a fine applied to him.

Mayor Neisen asked about the possibility of giving a permit to a man to work his field dogs if a leash law were enacted. Attorney Meyers said any modification from leashing becomes a problem for an officer and a court. For enforcement purposes any less than complete leashing is getting practically back to command situation.

Mr. Floyd Linnell, 5205 Sunnyside Road felt he should not have to pay for dog catcher fees when they have never owned a dog.

Mrs. Wayne Mecl, 6969 Knollwood Drive felt people should be more fully informed

Mrs. Barbara Haake is in favor of a leash law and asked about a special permit to run field dogs.

Attorney Meyers stated the law would have to be written so well that the office staff would be able to determine who would or would not qualify for a special permit or each application for special permit would require a hearing before the City Council.

Mr. Russell Paul suggested the fine imposed be raised.

Mayor Neisen stated the reason this fine is not raised is that it is cheaper for people to buy another dog than pay the fine.

Mr. George Brooks asked how much income the City receives from dog fines. Connie Mossey, B & E Patrol representative stated that fines collected from August thru December amounted to \$407.00.

Mrs. Floyd Linnell, 5205 Sunnyside stated they made a signed complaint on dogs in their old neighborhood and nothing was ever done.

Connie Mossey feels B & E Patrol should be permitted to sell licenses and dogs picked up would not be released until dogs were licensed.

David Racer, Minnesota Purebred Dog Breeders representative stated he would be available to work on the ordinance with any member(s) of the Council.

Mr. Allen Elleraas, 7800 Gloria Circle, feels dogs should be trained to stay in their own yards. He said some Cities have people sign a pledge that their dog will stay in its yard or they can pay a higher license fee without signing the pledge. Letting the people decide for themselves what they want to do.

Mr. Johnson, 7767 Long Lake Road feels all dogs should be licensed.

Mayor Neisen reviewed alternatives that could be taken: 1) Council and Attorney review Model Dog Ordinance and check on issuance of special permits, 2) Try to come up with a set fee to justify going door to door checking registration, 3) or Establishing a lifetime dog licensing.

MSP (Neisen-Johnson) To recess the hearing until August 12, 1974 at 8:30 P.M. 5 Ayes

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Mayor Neisen called the Regular Meeting back to order at 10:05 P.M.

Councilman Baumgartner's Report

MSP (Baumgartner-Hodges) To approve minor subdivision for Leonard Kremer, Lot 2, Spring Lake Park Knolls Addition with a five foot utility easement taken from each lot. 5 Ayes

Councilman Baumgartner stated that Arnold Christianson's application for a Special Permit for an oversize shed was approved at the last Planning Commission meeting.

MS (Neisen-Johnson) To approve a major subdivision for Keith Harstad; proposed plat of Red Oak Estates #3.

Councilman Baumgartner read the Planning Commission minutes concerning Mr. Harstad's subdivision. Mayor Neisen read from the subdivision request application facts leading to the present, including reading a portion of the June 12th, 1972 Council Meeting hearing for Mr. Harstad's townhouse proposal. Mayor Neisen presented the tentative plan brought forth at the hearing and then read a portion of the minutes of January 28, 1974.

Keith Harstad asked for acceptance of the final plat so that construction can be started.

Attorney Meyers read part of Chapter 42.06 Major Subdivision and stated Harstad's preliminary plat was approved and that he was appearing tonight to submit his final plat for approval.

Considerable discussion as to whether or not a "preliminary plat" ~~perse~~ was approved.

Councilman Baumgartner explained that the reason for the street access the way it is now on the plat is due to people on the other side of Long Lake Road who were present at the 1972 hearing when the proposal was first made.

Attorney Meyers stated that the property has been legally designated for townhouses and at this stage the plat plan approval is the only question before the Council.

Mr. Harstad stated that his site plan and final plat are exactly the same. The only change is that the buildings on the West of the plat plan have been moved 15 feet closer to County Road H2, he has added 10 feet to each lot, and the section of buildings on Greenwood have been moved closer to Long Lake Road.

Several residents of Red Oak Estates #2 voiced their protest against the townhouses.

Mrs. Darwin Bosell, 2601 Ridge Lane stated they did not live here when this was approved and they are concerned about the traffic pattern to the 34 units which will be on Greenwood Drive.

Mayor Neisen commented that the total plan, total number of townhouses, total number of exits were approved before one basement was dug and before one footing was put in Red Oak Estates #2. This townhouse proposal was pre-planned.

Darwin Bosell said the Planning Commission led them to believe they could have a public hearing on this and wanted to know about the drainage problem. Mayor Neisen stated there already has been a public hearing and Engineer Bearden will be working with Mr. Harstad as soon as he can get into the lower end of the property he will dig the ditch.

Mr. Harstad stated he has not been able to complete the swal between County Road H2 and Louisa Avenue because of rain.

Darwin Bosell asked if there was anything they could legally do that they were not doing now. Attorney Meyers stated that this matter has been thoroughly heard and the Planning Commission can only advise the Council.

David Berg, 2609 Clearview Avenue expressed the problem they are having with water standing in yards and basements in the neighborhood.

Mr. Harstad commented on the question of whether or not he intends to rent the townhouses. He stated that he does not want to rent them, but may have to do so on a temporary basis if economic conditions so dictate.

MSP (Neisen-Johnson) To approve the final plat for Keith Harstad's townhouses, Red Oak Estates #3, dated June 21, 1974.

5 Ayes

MSP (Neisen-Pickar) That no more building permits will be issued to Mr. Harstad for townhouse construction in Red Oak Estates #3 until the drainage facilities for that area and the drainage ditch between County Road H2 and Louisa Avenue were completed.

55 Ayes

Councilman Baumgartner stated the Park and Recreation Commission met last week. Wayne Weflin and Kip Lundquist are attending the Commission meetings as trainees.

Councilman Pickar's Report

Councilman Pickar stated that the Human Rights Commission did not meet this month. He also stated that Lakeside Park suffered approximately \$300.00 damage by vandals.

Attorney Meyers' Report

Attorney Meyers presented the Council with a proposed agreement on the Minor Property.

MSP (Johnson-Baumgartner) To authorize the Mayor and Deputy Clerk to execute the purchase agreement for \$90,000.00 with a 25 foot easement. 5 Ayes

Attorney Meyers reported that the attorney for Downing property was considering acceptance of our offer, but he has had no further word from him.

Attorney Meyers stated he has received a summons and complaint from Dailey Homes verses City of Mounds View and he is answering the lawsuit.

Engineer Bearden's Report

MSP (Neisen-Hodges) To authorize John Bearden to execute and sign the required forms from the National Pollution Discharge Elimination System (NPDES) Permit to the best of his ability. 5 Ayes

Engineer Bearden commented on the storm sewer line Smith Transfer would like to install at their own expense in order to handle the water run off.

MSP (Neisen-Pickar) To direct the Engineer to conduct a study and cost estimate and proposal of Rice Creek Water Shed Board of running another line parallel. 5 Ayes

MSP (Johnson-Hodges) To adjourn at 12:24 A.M. 5 Ayes

Respectfully Submitted,

*Arlene Peddycoart*

Arlene Peddycoart,  
Clerk-Typist

Mounds View / City Council Meeting Minutes  
Minnesota Historical Society



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

A Regular Meeting of the Mounds View City Council was called to order by Mayor Neisen at 8:00 P.M. on July 22, 1974, at the Mounds View City Hall, 2401 Highway #10, Mounds View, Minnesota 55112.

Present:

Mayor Neisen  
Councilman Hodges  
Councilman Baumgartner  
Councilman Johnson  
Councilman Pickar

Also Present:

Administrative Sec. Wamhoff  
Attorney Meyers  
Engineer Bearden

MSP (Neisen-Hodges) To appoint Maridelle Wamhoff as Deputy Clerk for the duration of the meeting. 5 Ayes

MSP (Hodges-Johnson) To approve the minutes of July 8, 1974. 5 Ayes

Mayor Neisen's Report

Mayor Neisen presented a petition for a street light to be located on or near the pedestrian walk-way between Lois Drive and Knoll Drive on Lois Drive. The petition contained 18 signatures.

MSP (Pickar-Hodges) To order the installation of a street light near the pedestrian walk-way between Lois Drive and Knoll Drive on Lois Drive. 5 Ayes

MSP (Neisen-Johnson) To appoint Ernest Grabowski as official applicant for the reimbursement for the basic training of our peace officers during the fiscal year 1974. 5 Ayes

Mayor Neisen presented the bill received from the North Suburban Sewer Service Board in the amount of \$431.00 which had been tabled at the last regular meeting because we wanted to find exactly where we stood on it. The Mayor stated that we did owe the money because it was found that it covers from the start of 1973 through the end of 1974.

MSP (Neisen-Johnson) To direct Gerald Johnson, representative of the City Council to the North Suburban Sewer Service Board to notify the Sewer Service Board that we are not happy with the Board and we feel that we are not getting our money's worth. 5 Ayes

Mayor Neisen directed Deputy Clerk Wamhoff to forward a bill in the amount of \$102.00 for the sodding of the boulevard at 2500 Woodcrest Drive to Mr. Ed Dropps. Mayor Neisen also explained that if persons were wondering why Mr. Hjelm and Mr. Havland were getting their yards watered from the hydrant it was not their yard we were watering but the new sod on the boulevard and all costs are being paid by Mr. Dropps including the cost of the water.

Mayor Neisen read a letter from Eugene F. Macaulay, County Administrator relating that our request to lower the speed limit on Spring Lake Road north of Hwy. #10 is being taken care of by Commissioner Salverda. A resolution was introduced to the Commissioner of Highways on June 17, 1974 asking that a

traffic survey be conducted to determine the safe speed limit on said road. Mayor Neisen directed Deputy Clerk Wamhoff to send a copy of the letter to Mr. George Brooks, 8482 Spring Lake Road since he was the gentleman that requested the action originally.

MSP (Neisen-Pickar) To adopt Resolution No. 631 for the apportionment of assessments for Lot 3, Block 1, Mounds View Industrial Park.

5 Ayes

MSP (Neisen-Hodges) To approve the licenses: General Contractor - T.V. Construction Inc., Sunnyside Builders, Inc., Crown Iron Works Co.; Heating & Air Conditioning - Fred Vogt & Co., Northeast Sheet Metal, Inc.; Masonry - Crete-Wood Construction; Sewer & Water - Minnesota Home Sewer, Waalen & Sabby Inc., J & T Contracting, Inc.; Transient Merchant - Timothy Powers, Kevin J. Cranford, John Durgin.

5 Ayes

MSP (Neisen-Hodges) To approve the bills: General Account checks #8818 for \$8,400.00 to Lakeside Park Commission which was omitted from the Bills for Approval in error, General Account checks #8819 through #8875, Payroll Checks #1208 through #1253, Payroll Account checks #1104 through #1106, and transfer checks #8876 transferring \$13,816.66 to the Payroll Account to pay gross pay of July 30, 1974. From General - \$11,295.20, from Water - \$1,116.00, from Sewer - \$1,405.46. Total disbursements: \$41,108.94.

5 Ayes

Mayor Neisen mentioned a letter received from Kenneth H. Walijarvi and Associates regarding the soil and ground water investigation on the proposed addition to the Municipal Building. The letter was turned over to Mr. Bearden for his study.

#### Councilman Hodges' Report

Councilman Hodges reported that he had attended a Ramsey County League meeting last week where they had a panel discussion on land zoning.

#### Councilman Baumgartner's Report

Councilman Baumgartner stated that there had been no Park and Recreation meeting since the last Council meeting, but that the regular Park and Recreation Commission would be held Thursday evening, July 25th at 8:00 P.M.

Councilman Baumgartner also stated that there would be a Planning Commission meeting Wednesday, July 24th at 7:30 P.M. He also said that at the last Council meeting he had announced that there is an opening on the Planning Commission since Mr. Houle is leaving the area and anyone interested in applying for membership on the Planning Commission can do so at the City Hall. Councilman Baumgartner asked Mr. Gene Skiba of the New Brighton Bulletin if he would announce this opening in the City's official paper.

#### Councilman Pickar's Report

Councilman Pickar reported that there was a Human Rights Commission meeting a week ago, but that it had coincided with a Lakeside Park Commission meeting. He hopes to have the Human Rights Commission meeting report at the next regular Council meeting. The Lakeside Park Commission meeting had been visited by Doug Bryant, Park and Recreation Department Director and discussion had been

on the possible uses for Lakeside Park. Other items that were discussed were the completion of the paving and the striping in the parking lot which will be completed yet this summer in addition to the adding of sand in order to extend the beach to the west.

Mayor Neisen announced that the reason a photographer was present at the meeting tonight was because of his campaign and they wanted some action shots.

Mayor Neisen read part of a report from the Municipal Housing Profile received from the Metropolitan Council stating that he thought it would pertain to the hearing that would be held at 9:00 P.M. on commercial vehicles being parked in residential areas, therefore being of interest to the Council and the audience.

MSP (Neisen-Pickar) To receive the recommendation of the Police Civil Service Commission and to hire Thomas Brown as a police patrolman effective September 1, 1974, subject to his passage of a physical examination.

5 Ayes

Attorney Meyers' Report

Attorney Meyers reported that we have completed all of the purchases and negotiations of right-of-ways for Project 1973-4 that we are able to acquire by negotiation and we have now commenced condemnation proceedings. Notices and petitions will be presented to various owners of property located within the City over the next 5 to 7 days. Within the City, the Mounds View Police Department will handle the distribution of those papers, however we will need to publish a copy of the notice of petition for those people whom cannot be found, so to conform to statutory requirements a copy of the petition should be filed for two weeks.

MSP (Neisen-Hodges) To publish the notice and petition for condemnation.

5 Ayes

Attorney Meyers stated that at the request of the Council he had prepared a memorandum concerning fence regulations within the City and presented it to the Council for their study. Questions of location on lot lines between residential properties, height, and material are not completely answered by our present ordinances and if further regulations are desired by the City it should be controlled under the provisions of Chapter 60 of the Building Code. Mayor Neisen suggested that before anymore discussion ensued on the subject he thought that it would be advisable for the Council to study it before the next agenda meeting going over every chapter that Attorney Meyers mentioned in his memorandum and decide what to do to update the fence regulations to some feasible level.

Councilman Baumgartner suggested that copies of the memorandum be sent back to the Planning Commission for their further study and recommendation. Mayor Neisen directed Deputy Clerk Wamhoff to make copies and have them sent to the Planning Commission members so they could have them at their next regular meeting, July 24th.

Mrs. David Carlson, 2464 Clearview Avenue mentioned that if any additional requirements were placed on fence regulations it should be added to the zoning regulations besides being under Chapter 60, Building Code, as that is where most people would look first.

Attorney Meyers reported that some time ago the Council instructed the Administrator to work on a Junked and Abandoned Vehicle Ordinance and that he had taken some of Mr. Zylla's work and put it into a suggested amendment to the Code. Attorney Meyers read the suggested amendment to Chapter 90.04 entitled "Junked and Abandoned Vehicles".

Mayor Neisen questioned Subdivision 4 of the proposed amendment: Abandoned Motor Vehicle. A motor vehicle will be considered abandoned if (1) it has remained illegally parked for a period of more than 48 hours on public property and/or it is lacking vital component parts. Exception was taken to the "and/or" within the sentence. Mayor Neisen also wanted to know what "is illegally parked". Attorney Meyers stated that you can park on a public street for 48 hours if the car is an operating car. Mayor Neisen then asked that if the car is parked there for more than 48 hours is it illegal and Attorney Meyers said no it is just an abandoned vehicle if it is illegally parked for a period of more than 48 hours on public property and/or it is lacking vital component parts.

Councilman Johnson asked Attorney Meyers that if there was a car parked on public property which has all of its component parts but is illegally parked for 48 hours would you then consider that car an abandoned vehicle. Attorney Meyers said it would not be considered an abandoned car but is possibly just illegally parked under some other ordinance.

Councilman Johnson wanted to know what would happen if the word "or" was taken out of the proposed ordinance and Attorney Meyers said as far as he was concerned it did not change it. Both criteria were being met.

Attorney Meyers stated that we have a junked vehicle ordinance now and the way it is enforced now is that if the vehicle doesn't have a current license plate they tag it and have it removed and apparently it isn't far reaching enough and not doing the job.

Mrs. Carlson, 2646 Clearview, asked if in this City you could leave your car parked without moving it for a week and there is no way to legally have that car removed if it is in running order. Attorney Meyers said if it is in running order, not in the middle of the street, or facing the wrong way under the present ordinance it is not illegal.

Jim Nerdahl, 7941 Edgewood asked what had been mentioned about abandoned vehicles on private property. Mayor Neisen read, (2) (a) of Subdivision 4. "It has remained for a period of more than 48 hours on private property without the consent of the occupant of such property, or (b) it has remained for a period of more than 48 hours on private property with or without the consent of the occupant in an inoperable condition because of the lack of vital component parts or because of the extent of damage to said vehicle that renders it inoperable."

Mr. Nerdahl stated that that was very harsh. He said a man needs a little more time than 48 hours to decide what he is going to do with a car. For example, if he had an accident and the car was smashed to have to make a decision in 48 hours would be pretty strict. Mayor Neisen asked him what would be more reasonable and Mr. Nerdahl replied that if he was in the hospital for a week or two because of an accident that at least 30 days would be more feasible. He said there is a difference between penalizing people and eliminating junk and that you can't even get an insurance company to answer their telephone within 72 hours.

Gerald Tesch, 5135 Long Lake Road said a few years ago he got a letter from the police department which said he had a junk vehicle because he had two cars and the one was driven very seldom. The police department told him to put it in his garage and he said he didn't even have a garage at the time. When questioned as to how many years ago this occurred he stated about 15 or 16 years. Mayor Neisen answered that he couldn't speak about something that happened that long ago, but stated that the only ordinance that is in effect now is the junk vehicle ordinance which gives 72 hours to remove a vehicle.

Mrs. Nello DiGiovanni, 5120 Long Lake Road stated that many people now days make their own repairs to their vehicles and at times have to wait 3 to 6 weeks for parts. She thought that only giving 48 hours was not fair.

Councilman Pickar said that he thought the whole process of amending the ordinance should be tabled until a time limitation is determined on removing a vehicle.

MSP (Neisen-Johnson) To recess the regular meeting at 9:00 P.M.

5 Ayes

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Mayor Neisen called the hearing to order to consider the formulation of regulations to control parking of commercial vehicles in residential areas. He explained that he had received many calls concerning this problem and that the calls had been approximately 2 to 1 in favor of not putting any ordinance or restrictions on commercial vehicles. He also stated he had received one letter from a party with some pictures. He felt the only thing there really amounted to a personal problem, and the party involved wants restrictions put on commercial parking in the area. Mayor Neisen stated that notice of the hearing did appear in the newspaper and in the last newsletter and that the reason the hearing was being held was to get the views of the residents on the problem.

Mayor Neisen then opened the hearing to the public and asked for comments from the floor.

Barbara Haake, 3024 County Road I went through the existing zoning book noting what we already have. She explained that in 40.03 Subdivision 5 (3) "No front yard of an interior lot or no front yard or side yard abutting on a street of a corner lot shall be used for parking, required off-street parking or for storage or display of merchandise, except as specifically allowed within this Chapter" and 40.05 Subdivision 1 (2) (d) (1) "Accessory off-street parking spaces which are not enclosed may be located in any required yard other than the front yards or side yards abutting upon a street." She stated that according to the way the zoning ordinance reads now we cannot park in the front yard of any interior lot or the front or side yard of any corner lot, therefore the ordinance we are talking about this evening is not really necessary if we just enforced what we already have. She said that all of us are illegally parked if the back end of our cars is further than the front alignment of our home.

Shirley Bona, 5035 Bona Road asked how many hours this was for and Mrs. Haake replied that there is no specification as to how many hours stated in the present ordinance.

Al Zepper, 5255 Irondale Road stated that every manufacturer of auto's now makes one ton pickups.

Bonnie Carlson, 2646 Clearview Avenue said that this indicates that there should be some updating of our zoning regulations to allow the parking of ordinary vehicles at least in our driveways.

Jim Nerdahl stated that it should be taken into consideration if a man has to make a living using a commercial vehicle. He said he wouldn't like his neighbor to start up a big diesel at 4 o'clock in the morning and let it run for 45 minutes though.

Gerald Tesch stated that he goes along with what Mr. Nerdahl said and has personally lived alongside a truck driver for the past 21 years and his truck parked there has never affected them. He stated that he is a furniture mover and has other peoples possessions on his truck and the man can't leave this parked on public property because it could be stolen. The best place for it is along side his home. He also said it has never affected him when his neighbor has started up his truck at night and it is 22 feet from his bedroom window.

Pat Gum, 7805 Greenwood Drive asked who had started all this. Mayor Neisen replied that it had started with a neighborhood fued about a year ago and since has been brought up in different areas throughout the City.

Nello DiGiovanni, 5120 Long Lake Road said he has lived in the City for 20 years and has never seen a truck parked in front of anyone's home as a permanent fixture. He did not think it right to deprive a person to park in his yard for a day or two at a time.

William Lovegren, 5169 Edgewood Drive stated that he was under the assumption that this would also affect recreational vehicles parking on the street or private property. Mayor Neisen answered that it would not as the way the notice went in the paper and newsletter was to have restrictions for the parking of certain commercial vehicles.

Allen Zepper stated that commercial vehicles can be anything with a Y plate and that could be anything from a small ranchero to a large semi. Mayor Neisen said that a commercial vehicle could also be a private car.

Jim Nerdahl said a pickup can be termed as commercial or recreational by obtaining a Y or an X license plate from the State.

Mrs. Kieffer, 5180 Bona Road said she thought we are discriminating against people according to their jobs, and their way of earning a living.

Darcie Bosell, 2601 Ridge Lane asked if this would prohibit any commercial vehicle regardless of size and wondered if it concerned a 1/2 ton pickup. Mayor Neisen answered that it could and that is where the decision lies and why the hearing is being held. He stated that the hearing is to determine how to control a commercial vehicle in residential areas and no decision has been made how or if an ordinance would be drawn up.

Bonnie Carlson asked if we had any law on the books now that would relate to something that is unsightly so that there would not be a need to pass this ordinance. She thought it could come under a nuisance. Attorney Meyers replied that under 81.02 no one can park a truck on the street for more than 2 hours per day and there is something in the zoning ordinance which tries to cover that.

Lowell Parrish, 2504 Ridge Lane wondered what was to prevent him parking 3 or 4 garbage trucks in his yard. Mayor Neisen answered that it would come under a public nuisance because of the smell. Mr. Parrish asked what if he kept them washed every day. Mayor Neisen then explained that under the zoning ordinance it is illegal to park more than one vehicle as you would be running a business out of your home and other employees would have to come there to drive the other trucks.

Tom Foster, 2516 Ridge Lane asked what if you had one truck with 2 or 3 drivers. Mayor Neisen answered that it would be illegal and again would be running a business out of your home with other employees.

William Lovegren said that most people here tonight seem to think that most commercial vehicles are not that unsightly. Wouldn't it be possible if persons who thought a vehicle unsightly could sign a petition and have an inspector come out to determine if it was unsightly. Mayor Neisen said that it would be impossible as you would be going by one individuals reaction as to what is unsightly.

Tom Foster inquired what the definition of nuisance is and Attorney Meyers said that was a fact question that a jury would have to decide. Each case would have to stand by itself and he stated that the most important criteria would most probably be size.

Councilman Johnson said that the ordinances we have looked at from surrounding cities generally have a weight restriction which ranges anywhere from one or two ton without any regard for aesthetics.

Darwin Bosell, 2601 Ridge Lane stated that many people have trucks and vans furnished free by their company and if the ordinance is passed they will not be able to park in their driveways.

Barbara Haake stated that a compromise will have to be reached and that we will have to review our zoning ordinance so we can at least park our vehicles in our driveways. She agreed that we were a working class community, but that we should upgrade the community and just because we are a working class doesn't mean we don't have to be neat about it.

George Blais, 5213 Irondale Road stated that if we consider passing the ordinance and are worried about vans and recreational vehicles a GVW weight should be included as most vans and RV's weigh no more than five ton and are not over 27 to 30 feet in length.

Gordon Ziebarth, 5150 Bona Road said that he was concerned for the safety of children and not worried so much about aesthetics. He was concerned about the traffic hazard when trucks are parked on the street.

Nello DiGiovanni stated that he had a motor home that was 28 feet long and between eight and ten feet high and that it did not look any better than a semi. He keeps it parked in his driveway, and said if this ordinance was passed he would not be able to park it in his driveway.

Mayor Neisen again explained that at this time it is just to do with certain commercial vehicles and has nothing to do with recreational vehicles. Mr. DiGiovanni wanted to know if it was the size that was being objected to and said that his motor home was as big as a semi.

Mayor Neisen agreed with Mr. DiGiovanni that we could not discriminate between commercial and recreational vehicles.

Al Zepper wanted to know if there was anyone present who was in favor of the ordinance.

Councilman Johnson read a copy of an ordinance that had been formulated and was based on what other Cities have at this time. Councilman Johnson stated that what he had done was to take parts of other ordinances and made up a sample ordinance and given it to Attorney Meyers to see if it would fit. He said it would and this is something for the residents to respond to, not a proposal at this point.

Councilman Pickar said that he was against the proposed ordinance submitted by Councilman Johnson because if we are to restrict vehicles he thought it should be by size.

Councilman Baumgartner stated that after listening to persons on the floor and considering the welfare of persons that we should consider what Councilman Johnson is talking about using 1 1/2 ton as a limit not including recreational vehicles.

Councilman Johnson added that we are having a new up dating of our zoning ordinance and it is being done for a couple of purposes. Number one, that we want to make sure that the environment in which we live is designed and constructed so ~~we~~ create an environment for us and our children that will be conducive to certain types of living that is permitted in certain zoned areas. If a single family area is layed out, why mix it with a commercial area. There should be a line of demarcation as the two are really not compatible. Number two, most people basically do not have a problem with commercial vehicles today but the way the ordinance is now people can in fact have someone buy a home and move in with a cattle truck. We should solve the problem before it becomes a problem. Councilman Johnson suggested grandfathering in the trucks that are in the residential areas now. Councilman Johnson said that the proposed ordinance could be changed in certain ways, but as a first cut he was pleased with it.

Councilman Hodges stated that he was in favor of reviewing the present ordinances, but he thought that persons with a commercial vehicle should be able to bring them home and park them. He said he would like to have more time to study the problem.

Mayor Neisen stated he thought it was time that representatives of the people start reacting to the people. The Mayor said we should not worry about neighboring communities, but should react to Mounds View's situation only. He thought that people that have semi's or trucks have a part of this community and have brought this community to where it is today. He said that the individual that comes in today has as much right as those who have been here 20 years, but not to cut the individual already here. He felt that some regulation should be done, but did not feel that we can stop people from bringing there commercial vehicles home. The Mayor stated we cannot discriminate against commercial vehicles versus recreational vehicles and is opposed to stopping the persons who are using the streets or their private property to park on under this type of an ordinance. Mayor Neisen said that if we could use a grandfather clause it might work and asked the Attorney to summarize what he had heard from the councilmen.



Attorney Meyers replied that he saw two problems with the ordinance aside from the political questions of should you or should you not regulate it. He felt that we couldn't enforce a grandfather clause on a mobile type thing; a grandfather clause is proved by something static or stable such as a building, or a license in a certain area. He thought the police department would have a terrible time enforcing a grandfather clause. Attorney Meyers felt that if an exclusion was put in the ordinance for private recreational vehicles that that might be a discriminatory action and could destroy the whole ordinance.

The Mayor asked Attorney Meyers if we put one ton and over 15 feet in length, might it be recreational or commercial, could this be proven discriminatory and the person with the 16 foot recreational vehicle and the person with a 1 1/2 ton truck prove our ordinance illegal. Attorney Meyers replied that he didn't think a court would knock us down on that. He felt that a court could uphold and find that it was a legislative finding, that it is not arbitrary, that the Council in it's best efforts was trying to define a size. He said he thought size was the issue and felt if the Council used a weight or a size factor the court would probably uphold it.

Mayor Neisen asked if anyone wanted to ask any further questions of Attorney Meyers, or is there any action that should be taken at this time. He then asked if the persons on the floor wanted to make any quick comments.

Al Zepper just wanted the Council to know that his truck was a one ton vehicle and he could carry 11,000 lbs. and that there isn't a camper in town that weighs that much.

Shirley Bona asked if we knew how many it involved, and the Mayor answered no, but Councilman Johnson felt there were about six over 1 1/2 or 2 ton.

Jim Nerdahl felt that those people with only one vehicle that are making a living using them should be left to do so. Semi-trailers should be thought about, but camping equipment should be left out of the ordinance.

Shirley Bona asked what if you have a concrete slab along the side yard to park your truck and if the ordinance passed would you not be able to park your vehicle there any longer. Mayor Neisen answered that that is what was being done by trying to pass this ordinance. Councilman Johnson said that it would be an illegal act if this ordinance was passed.

Mrs. Romning, 5140 Bona Road stated that the Bonas truck had never bothered them.

Darcie Bosell, 2601 Ridge Lane stated that they had their own business and if they brought their transporter home to load up wondered if they would be in violation of this ordinance. Mayor Neisen answered yes.

Barbara Sprung, 5126 Long Lake Road said she thought she knew which truck was being talked about when this business was first started and she just wanted to state that they had bought their home in the neighborhood with the understanding that that truck would be there. She said that it was explained to them when the house was sold to them and had never bothered them. Mayor Neisen said that the letter he had received stated contrary to that fact, but the problem had not boiled down to one family.

Councilman Baumgartner asked to hear from those who were in favor of the ordinance passing.

Jim Nerdahl said that if a man came home every night and parked a semi in

front of a house no one would appreciate it very much. Councilman Baumgartner then asked him if they parked it on their own property what he would think. Mr. Nerdahl said it would have to be thought about, because in the future there could be too many of them.

Mr. Krueger, 2476 Ridge Lane felt that if we are going to kick out big trucks we should also not allow big recreational vehicles.

MS (Neisen-Hodges) To disband any further attempts to get in a truck parking ordinance until we put in, under a total parking plan, both commercial and recreational vehicles.

Mayor Neisen asked for any discussion. Councilman Johnson asked if the motion was passed and if ten years from now a Council wanted to consider it could they consider it without taking recreational and commercial vehicles together. Attorney Meyers answered that this Council cannot bind future Councils. Councilman Johnson asked who this motion would bind then and Attorney Meyers said if he understood the Mayor's motion correctly the Council could vote today that as of right now they would not vote on an ordinance such as this unless it applied to both commercial and recreational vehicles. It could be brought up again next week and isn't that binding; it is just an open end.

Mayor Neisen said all he was trying to do was to keep this meeting from being kept open from one to two months for study.

Councilman Johnson asked the persons in the audience to raise their hands if they were in favor of some type of regulation on truck transports. A count of hands showed 20 in favor of an ordinance and about 35 persons opposed to an ordinance regulating the parking of commercial vehicles on residential property.

Mayor Neisen called for a roll call of officials: Councilman Pickar - Aye, Councilman Baumgartner - Aye, Councilman Johnson - Aye, Councilman Hodges - Aye, Mayor Neisen - Aye.

MSP (Hodges-Johnson) To adjourn the hearing at 10:16 P.M.

5 Ayes

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Mayor Neisen called the regular meeting back to order.

Attorney Meyers read the letter he had sent to the Council regarding the proposed plat of Greenfield Plat #3. Attorney Meyers wanted to bring certain points to the Council's attention before approval of the preliminary plat. Mayor Neisen asked the Engineer if he had a report on the same item. Engineer Bearden stated that he had written a letter to the Council also especially regarding drainage through the plat.

MSP (Neisen-Pickar) To direct Deputy Clerk Wamhoff to send a copy of Attorney Meyers letter of July 15, 1974 and Engineer Bearden's letter of July 11, 1974 to the property owner and to Barbara Haake, Chairman of the Planning Commission regarding recommended items in proposed plat Greenfield No. 3.

5 Ayes

Attorney Meyers read his letter to the Council of July 15, 1974 regarding the proposed plat of Red Oak Estates #3. The Attorney stated that we should make sure we have adequate access to the premises to construct, maintain or otherwise manage the public utilities which will be utilized by the development.

Attorney Meyers mentioned items which require a close watch by the City. He stated that since this development does involve complicated legal requirements, it would be wise to work closely with the developer at each stage of the way so that the townhouse development can progress properly.

Engineer Bearden stated that he had reviewed the proposed plat and suggests that in conjunction with the development of Red Oak Estates #2 the three east-west drainage swales were constructed on a portion of the proposed plat. A 20 foot wide drainage easement is indicated for one of the drainageways and easements for the other two drainageways should be indicated on the proposed plat. He also suggested that the developer furnish a grading and development plan that shows the final grades and floor elevations of the proposed townhouses to show how drainage will be handled and the developer should furnish a plan indicating the method of supplying utilities to the townhouse lots.

MSP (Neisen-Baumgartner) To direct the Deputy Clerk to forward a copy of Engineer Bearden's letter of July 18, 1974 regarding Red Oak Estates No. 3 with a letter stating that before the signature of the hard shell plat and the issuance of any more building permits these conditions be met.

5 Ayes

#### Engineer Bearden's Report

Engineer Bearden stated that the letter handed to him earlier in the meeting on soil exploration work for the addition to the municipal building, should just be placed in our files and there was no need to respond to this.

The Engineer said that in conjunction with the signals that the Highway Dept. is proposing on County Road H2 and County Road I and Highway #10 various plans are starting to come through his office for lane additions at these two points and they expect to have documents ready for a letting in October for the signals at these two points. They would like to meet and explain their proposal to someone from the Council. Engineer Bearden requested that someone from the Council meet with the Highway Department and himself sometime this week. It was decided that Councilman Hodges would go if available and if not Mayor Neisen would attend.

Engineer Bearden said that in connection with that he attended a meeting in Blaine regarding Highway #10; the part that isn't constructed through Blaine and Coon Rapids. The Highway Department officials that were at that meeting said that they would do two things to try to handle the problem of that road not being built. They were going to do a traffic count on a weekend on County Road J and that area to find out how many people are cutting through Mounds View and Blaine and two, they would try to initiate an environmental impact statement which is a necessary prerequisite to any construction for that portion of Highway #10. They indicated that the City officials should try to put pressure on the Highway Department or the Metro Council to at least get some consideration to get part of this in the construction schedule. Engineer Bearden indicated that the traffic lights that are to be installed on Highway #10 will make the traffic cutting through Mounds View worse.

Barbara Haake felt that as a Council if a motion was made to write to the Highway Department to put that one stretch at the top of their priority list a lot of traffic would be eliminated. Mayor Neisen stated that this had already been done some time ago and that we have letters back stating it would not be completed until 1979. The Mayor said that we could continue to send letters which might help.

Engineer Bearden informed the Council that he had prepared a plan for Smith Transfer for the storm sewer extension and submitted it to Rice Creek Watershed District and as far as the grades he had been asked to check in Red Oak Estates #2 the profiles of the three existing ditches have been checked and the information can be given to the developer to get his response. Mayor Neisen said instead of just giving it to him he hoped the Engineer would call him and set up a meeting with him on the site and ask him to give dates of when this will take place and get it back to the Council before the next meeting.

Darcie Bosell wanted to know if this had anything to do with the open sewer pipe and if it had been checked at all. She wondered if that was ever going to be screened. Mayor Neisen thought it was in the motion from the last meeting for the Engineer to check it. He also thought one should be in the project, and should be brought up to Mr. Harstad. Engineer Bearden said he would bring it to Mr. Harstad's attention.

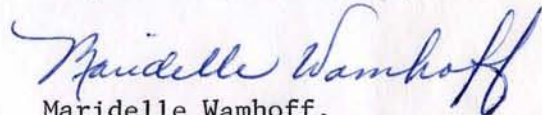
Darcie Bosell also wondered if the grade was followed correctly by the developer so that the drainage is proper. Mayor Neisen replied that it is a little high in one or two spots and low in some and said that it would have to be corrected. She said that persons north of her had some standing water in their yards and Mayor Neisen said there was more grading to be done to the north.

Frank Gabrysh asked what was happening with the Pastor Enterprises project and Mayor Neisen replied that they informed Councilman Johnson they would be going by the 15th of July. Councilman Johnson stated that they were having a problem with the financing and the financiers are making him document everything.

MSP (Pickar-Hodges) To adjourn at 10:46 P.M.

5 Ayes

Respectfully Submitted,



Maridelle Wamhoff,  
Administrative Secretary

Mounds View / City Council Meeting Minutes  
Minnesota Historical Society



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