

**MOUND CITY COUNCIL MINUTES  
JULY 26, 2016**

The City Council of the City of Mound, Hennepin County, Minnesota, met in special session on Tuesday, July 26, 2016, at 6:00 p.m. in the council chambers of the Centennial Building.

Members present: Mayor Mark Wegscheid; Council Members Kelli Gillispie, Ray Salazar, Heidi Gesch, and Jennifer Peterson

Others present: City Manager/Public Works Director Eric Hoversten, Community Development Director Sarah Smith, Finance Director/Clerk/Treasurer Catherine Pausche, Field Officer Stewart Simon, Building Official Scott Qualle (MNSpect), Attorney Troy Gilchrist

**1. Open meeting**

Mayor Wegscheid called the meeting to order at 6:00 p.m.

**2. Approve the agenda**

Mayor Wegscheid requested item 3A be moved to the end.

Motion by Salazar, seconded by Peterson to approve the agenda as amended. All voted in favor. Motion carried.

**3. Review and discussion on proposed amendments to the Mound City Code**

Smith introduced the topics for discussion and said the overall goal was to improve the code enforcement process.

**B. Chapter 42, Nuisances as it relates to public nuisances affecting health, peace and safety**

Simon said the changes to Sections 1, 2, and 3 were housekeeping in nature to provide clarifying language and better reflect the Hennepin County health code. Simon said that the substantive changes were to Section 4 which addresses abatement actions and the ability to charge back abatement and administrative costs as special assessments if unpaid, and Section 5 which defines the abatement process, timelines, and procedures for the appeal process.

Wegscheid asked that if on page 26, item 8, the distance from the road needs to be added. Gesch pointed out that page 27 item 18 was confusing as written. Gillispie asked if the term 'abandoned' needs to be defined. Simon said 'abandoned' applies to foreclosures. Gesch suggested not defining the type of disease in item 14 and qualifying warrant or permission with unless there is a urgent risk to health and safety on page 28, Section 3a. Gillispie asked if the letters have to be certified and Simon said in certain circumstances. Gilchrist said first class mail with an affidavit of service by mail is better for legal purposes. Gilchrist also noted that Section 4a on page 29 needs to be consistent with MSS 429.101.

Salazar said he would like to see a longer timeline with a minimum of 15 days. Peterson asked what other cities allow and Simon said 7 to 10 days. Wegscheid suggested requiring a response with plan specifics to the Field Officer within 7 days. Hoversten recommended the code contain firm language with staff allowed to be flexible as this code is written for the people who are not cooperating, but then concerns arise if people are treated differently. Simon said

reasonable people get reasonable results. Gesch suggested staff recheck the references to 7 and 10 days to ensure they are consistent and used correctly.

Wegscheid questioned the use of liens vs. Chapter 429 special assessments as he does not want to duplicate efforts. Gilchrist cautioned staff to check the fine amounts to avoid an arbitrary penalty and instead focus on actual cost recovery. Simon said some negligent property owners treat the City like a lawn service. Gillispie said to be sure to quantify the Field Officer and admin staff time.

Salazar recommended deleting item 17 on page 27 since that is not the city's jurisdiction.

### **C. Chapter 46, Misc. Offenses and Provisions as it relates to anti-graffiti regulations**

Simon said that during the 2009 recodification, language addressing graffiti was removed and needs to be added back in. Wegscheid said that if there were no concerns expressed, the language is good to go.

### **D. Chapter 129, Zoning as it relates to definitions and exterior storage**

Simon said the changes are to add additional types of vehicles to include in the definition of exterior storage units and a front set-back, but the allowable quantities are the same.

Wegscheid noted the police and DNR only get involved when vehicles are being operated. Hoversten said the intent is to ensure the property owner has an ownership interest in the vehicle and not leasing out storage, but noted that is hard for the city to enforce. Hoversten said derelict vehicles are the main issue.

Salazar noted a typo in 1a-1 and asked about extra pavers neatly stacked. Simon said the key is "neatly" stacked and that the standard is that it has to offend the vast majority of average citizens.

Discussion ensued on required setbacks listed on page 44, Sec 1 (e) 3. It was noted that code allows driveways close to the property line and this would not allow some of the pavement to be used.

Wegscheid said the time is up and the discussion will need to be continued and directed staff to schedule another meeting on the subject.

### **A. Chapter 2, Administration as it relates to administrative citations**

Not discussed as time ran out.

### **4. Adjourn**

MOTION by Salazar, seconded by Gesch, to adjourn at 6:50 p.m. All voted in favor. Motion carried.

---

Mayor Mark Wegscheid

---

Attest: Catherine Pausche, Clerk