



CITY COUNCIL MEETING MINUTES
September 18, 2023

1) Call to Order

Mayor Whalen called the meeting to order at 7:00 pm.

a) Pledge of Allegiance

b) Introductions: City Council: Mayor Lisa Whalen, Cathleen Reffkin, Ann MacGregor and Claudia Lacy Staff: City Administrator Jasper Kruggel, Finance Director Brian Grimm, Director of Public Safety Paul Falls, Community Development Director David Abel, Director of Public Works Gary Peters and Deputy City Clerk Angela Boll Consultants: City Attorney Sarah Sonsalla, Kennedy & Graven and City Engineer Alyson Fauske, WSB Engineering
Absent: City Council: Peter Vickery

c) Approval of Agenda

Motion by Lacy, seconded by MacGregor to approve agenda as presented.
Motion passed 4-0. Absent: Vickery

2) Special Presentations

a) Westonka Lions

The president, former president and secretary for the Westonka Lions provided a presentation.

3) Persons to Be Heard

Representatives from Harrison Bay Association, Cherie Wallas, 2135 Overland Lane Mound, spoke to bring attention to and educate the community on water quality issues.

Angela Savstrom 5525 Sherwood Drive Mound, spoke about rain barrels, storm water and water quality issues.

4) Consent Agenda

- a) Approve Conditional Offer of Employment for Jonathan Geyen for Public Works Maintenance Worker
- b) Approve Conditional Offer of Employment for Jack Rodine, Community Service Officer
- c) Approve Application for a Temporary One-Day Intoxicating Liquor License for the event of Tonka Brew Fest
- d) Approve Ready Watt Electric Outdoor Warning Siren Service Agreement
- ~~e) Receive and Accept Preliminary Well Siting and Design Report~~
- f) Res No 81-23 Approve Claims
- g) Res No 82-23 Approving Lakeshore and Streetside Setback Variances at 3790 Enchanted Lane
- h) Res No 83-23 Denying Side Yard Setback Variances at 3790 Enchanted Lane
- i) Res No 84-23 Approving Lakeshore and Streetside Setback Variances at 3800 Enchanted Lane
- j) Res No 85-23 Denying Side Yard Setback Variances at 3800 Enchanted Lane
- k) Res No. 86-23 Accepting a Sidewalk Easement at 4358 Woodland Cove Parkway

Motion by Reffkin, seconded by MacGregor to approve the consent agenda 4a, b, c, d, f,

g h, i, j, and k as presented, and remove 4e.
Motion passed 4-0. Absent: Vickery.

Whalen requested to remove consent Agenda 4e to discuss with AE2S at a future meeting so they can provide a presentation and have the Council can get their questions answered.

Motion by Whalen, second by Reffkin to approve Consent Item 4e that was pulled for discussion is approved as presented. Motion passed 4-0. Absent: Vickery

5) Public Hearings

No Public Hearings

6) Business Items

a) Approve Ordinance No 485 Mediacom Franchise Extension through January 1, 2031 and Modifying Certain Franchise Terms

Kruggel provided an overview for discussion.

Highlights include:

- The City renewed its franchise agreement with Mediacom in 2013 for 10 years.
- In November 2022, Mediacom requested an extension of the franchise agreement to 2029. The City responded in April 2023 that they would not extend the agreement unless certain items were addressed.
- The City notified Mediacom that they failed to build out and serve certain areas required by the agreement. Since then, staff has determined that this issue has been addressed by a combination of Mediacom's recent completion of some system expansion and Midcontinent's plan to expand its service to remaining unserved areas in the City.
- The City proposed an extension of the agreement for seven years, ending in 2031 with the terms proposed.

Motion by MacGregor, seconded by Lacy to approve Ordinance No 485 Mediacom Franchise Extension and Modifying Certain Franchise Terms as presented. Motion passed 4-0. Absent: Vickery

i) Res No 87-23 Authorizing Publication of Ordinance No 485 by Title and Summary

Motion by Reffkin, seconded by MacGregor to approve Resolution 87-23 Authorizing Publication of Ordinance No 485 by Title and Summary.

b) Approve Ordinance No 486 Amending Sections 1505.19 and 1505.21 of the City Code Regarding Use of Substances in Public Places

City Attorney, Sarah Sonsalla provided an overview.

Highlights included:

- As of August 1, 2023 the use of cannabis products is legal in Minnesota, but that law did not place any restrictions on the use of the products in public places such as City parks, public ways, and city parking lots.
- Currently, the City prohibits the consumption of liquor and beer in public places including parks, public ways, and parking areas. The City currently does not prohibit smoking or vaping in public areas.

- The City Council discussed this item at the September 6, 2023 and directed staff to come back with an ordinance to prohibit the use of edible cannabis products, and the smoking and vaping of cannabis products in public places.

Lacy stated that she has concerns about the enforcement of the ordinance proposed. She also has concerns about littering in city areas. Lacy stated she prefers that there is no smoking of any sort in public places.

There was discussion about if there can be limitations on the locations at which smoking can be allowed. Falls stated there have been no recent complaints about smoking or vaping in public areas.

MacGregor stated that the ordinance can always be revised in the future if the Police Department experiences more complaints.

Motion by Reffkin, seconded by MacGregor to approve Ordinance No 486 Amending Sections 1505.19 and 1505.21 of the City Code Regarding Use of Substances in Public Places as presented. Motion passed 3-1. Opposed: Lacy. Absent: Vickery

- i) Res No 88-23 Authorizing Publication of Ordinance No 486 by Title and Summary

Motion by Reffkin, seconded by MacGregor to approve Resolution No 88-23 Authorizing Publication of Ordinance No 486 by Title and Summary. Motion 4-0. Absent Vickery

7) Administrative Items

a) Staff Reports

- i) City Engineer- Project Update
- ii) City Administrator – City Events

b) Council Reports

- i) Mayor Lisa Whalen
 - NW Hennepin League
 - Mayor's Breakfast
- iii) Cathleen Reffkin
- iii) Ann MacGregor
 - Gillespie Center
- iv) Claudia Lacy

8) Adjournment

Motion by Reffkin, seconded by Lacy to adjourn the meeting. Motion passed 4-0. Absent: Vickery

Mayor Whalen adjourned the meeting at 7:48 pm.

Respectfully submitted,

Angie Boll
Deputy City Clerk