

**MOUND CITY COUNCIL MINUTES
JANUARY 11, 2011**

The City Council of the City of Mound, Hennepin County, Minnesota, met in regular session on Tuesday, January 11, 2011, at 7:00 p.m. in the council chambers of city hall.

Members present: Mayor Mark Hanus; Councilmembers David Osmek, and Heidi Gesch.

Members absent: Councilmember Ray Salazar

Others present: City Manager Kandis Hanson, City Clerk Bonnie Ritter, Community Development Director Sarah Smith, Finance Director Catherine Pausche, Kelli Gillispie, Mike Engstrand, Alicia Heck, John Beise, Taylor Young

Consent agenda: All items listed under the Consent Agenda are considered to be routine in nature by the Council. There will be no separate discussion on these items unless a Councilmember or citizen so requests, in which event it will be removed from the Consent Agenda and considered in normal sequence.

1. Open meeting

Mayor Hanus called the meeting to order at 7:00 p.m.

2. Pledge of Allegiance

3. Swearing-in of Councilmembers

Kandis Hanson swore in Mayor Mark Hanus, and Councilmembers David Osmek and Kelli Gillispie.

4. Approve agenda

MOTION by Osmek, seconded by Gesch to approve the agenda. All voted in favor. Motion carried.

5. Consent agenda

Gillispie requested the removal of 5A, 5C, and 5R for discussion.

MOTION by Gesch, seconded by Osmek to approve the consent agenda as amended. Upon roll call vote, all voted in favor. Motion carried.

A. (removed)

B. Approve payment of claims in the amount of \$717,347.06

C. (removed)

D. RESOLUTION NO. 10-01: RESOLUTION APPOINTING COUNCILMEMBERS AS REPRESENTATIVES OF THE CITY COUNCIL

E. RESOLUTION NO. 10-02: RESOLUTION APPOINTING POLICE CHIEF JIM KURTZ AS ACTING CITY MANAGER FOR 2011

F. RESOLUTION NO. 10-03: RESOLUTION DESIGNATING THE LAKER AS THE OFFICIAL NEWSPAPER FOR 2011

G. RESOLUTION NO. 10-04: RESOLUTION APPROVING THE PURCHASE OF AT LEAST \$20,000 BOND FOR THE CITY CLERK

H. RESOLUTION NO. 10-05: RESOLUTION APPROVING THE PURCHASE OF AT LEAST \$20,000 BOND FOR THE CITY TREASURER/FINANCE DIRECTOR

I. RESOLUTION NO. 10-06: RESOLUTION DESIGNATING THE OFFICIAL DEPOSITORIES FOR 2011

J. RESOLUTION NO. 10-07: RESOLUTION APPOINTING PUBLIC WORKS SUPERINTENDENT JIM FACKLER AS ASSISTANT WEED INSPECTOR FOR 2011

K. Approve request for kennel permit by Mound Police Department

L. Approve proposed 2011 Dock Location Map as presented

M. RESOLUTION NO. 10-08: RESOLUTION APPROVING AN EXTENSION OF THE LICENSE AGREEMENT WITH HENNEPIN COUNTY REGARDING ELECTRONIC PROPRIETARY GEOGRAPHICAL DIGITIZED DATA BASE (EPDB)

N. RESOLUTION NO. 10-09: RESOLUTION MAKING A SELECTION NOT TO WAIVE THE STATUTORY TORT LIMITS FOR LIABILITY INSURANCE PURPOSES

O. RESOLUTION NO. 10-10: RESOLUTION ADOPTING THE HENNEPIN COUNTY ALL-HAZARD MITIGATION PLAN

P. Conform Open Book Meeting by Hennepin County Assessors for May 4, 2011, from 4:00 p.m. to 7:00 p.m. at city hall.

Q. Approve Pay Request No. 3 from Kuechle Underground, Inc., in the amount of \$8,532.98 for the 2010 Lift Station Improvement Project

R. (removed)

S. Approve final payment to Hennepin County in the amount of \$226,838.83 for CSAH 15/110 Street/Streetscape Improvement Project

T. Bolton & Menk, Inc., report on request for variances from MSA Standards for 2011 Street, Utility and Retaining Wall Improvement Project – Highland Area

5A. Approve minutes

Gillispie requested this be removed from the consent agenda so she could abstain from the vote because she was not on the Council for this meeting.

MOTION by Osmek, seconded by Gesch to approve the minutes of the December 14, 2010 meeting. The following voted in favor: Hanus, Gesch and Osmek. The following voted against: None. Gillispie abstained from voting. Motion carried.

5C. Resolution to appoint Acting Mayor

Gillispie stated that she removed this item from the consent agenda to determine if any Councilmembers wanted discussion on the item. No discussion was offered.

MOTION by Hanus, seconded by Gesch to adopt the following resolution. All voted in favor. Motion carried.

RESOLUTION NO. 10-10A: RESOLUTION APPOINTING DAVID OSMEK AS ACTING MAYOR

5R. Payment to Wilkus Architects for Pump House Remodeling Project

Gillispie asked if this charge was for just the remodel, or also the relocation costs. Carlton Moore stated it is just for the remodel, and the cost is split 50/50 with Three Rivers Park District.

MOTION by Osmek, seconded by Gesch to approve Pay Request No. 3 from Wilkus Architects, Inc., in the amount of \$20,846.80 for the Pump House Remodeling Project. All voted in favor. Motion carried.

6. Sale of \$5,440,000 GO Refunding Bonds, Series 2011A

Stacie Kvilvang of Ehlers & Associates reviewed the results of today's bond sale, stating that the low bidder, UMB Bank NA of Kansas City, MO, came in with a true interest cost of 2.4989%. This bond will refund five other issues, resulting in savings of about \$460,000.

MOTION by Osmek, seconded by Gesch to adopt the following resolution. All voted in favor. Motion carried.

RESOLUTION NO. 11-11: RESOLUTION ACCEPTING PROPOSAL ON THE SALE OF \$5,440,000 GENERAL OBLIGATION REFUNDING BONDS, SERIES 2011A, PROVIDING FOR THEIR ISSUANCE, PLEDGING SPECIAL ASSESSMENTS AND NET REVENUES FOR THE SECURITY THEREOF AND LEVYING A TAX FOR THE PAYMENT THEREOF

7. Comments and suggestions from citizens present on any item not on the agenda.

None were offered.

8. Planning Commission Recommendation

Review/Action on Resolution to Deny Board of Appeals and Adjustment Request for Property at 3037 Dundee Lane

Sarah Smith reviewed the request from Alicia Heck for review of Staff's interpretation of Section 129-194(b) of the City Code related to height calculation for a proposed new detached accessory dwelling at 3037 Dundee Lane. Staff's review indicated that the proposed height of the detached accessory structure exceeded the principal structure, therefore the building permit was not able to be issued.

There was discussion as to how the City Code presently addresses this issue, and that there are different methods of measurement for lakeshore lots and inland lots. The applicant urged the Council, that if they agree with the present Staff interpretation, to look at the Code and determine what the wording should be to be practical in all cases.

Osmek stated he thinks the code was interpreted correctly, and the applicant should request a variance if she wants to continue. The action before them, however, is if the code was interpreted correctly. Hanus disagrees with having a separate set of rules for inland lots and lakeshore lots.

MOTION by Osmek, seconded by Gesch to adopt the following resolution. All voted in favor. Motion carried.

RESOLUTION NO. 11-12: RESOLUTION TO DENY BOARD OF APPEALS AND ADJUSTMENT REQUEST FOR PROPERTY AT 3037 DUNDEE LAND AND AFFIRMING STAFF'S INTERPRETATION OF CITY CODE SECTION 129-194(B)

MOTION by Hanus, seconded by Gesch to direct Staff to start in motion the investigation of consolidating the Code with respect to height standards for all structures and how they are measured for all residential districts in the City. All voted in favor. Motion carried.

9. Discussion/Action on proposed MCWD comprehensive water resource plan amendments related to LGU local plan implementation/reporting and the establishment of an aquatic invasive species program following submittal of comment letters

The MCWD has proposed amendments to its Comprehensive Watershed Resources Management Plan related to reporting and implementation by Local Governmental Units (LGUs) and the establishment of an Aquatic Invasive Species (AIS) program which were distributed on November 18, 2010 and November 23, 2010 for a 45-day review period(s). The comment periods ended January 3 and January 7 respectively. The Council discussed the content of the letters submitted by Mayor Hanus in response to the request for public comment.

It was noted that further updates will be forthcoming and the Council will be made aware of future hearing dates relative to these topics.

10. Action on Planning Commission appointment – Geoff Michael

It was noted that this appointment was tabled at the December meeting to receive input from Mr. Michael on his availability and commitment to the Planning Commission meeting schedule. Sarah Smith stated that he has expressed his desire to remain on the Commission and he has rearranged his schedule to accommodate the regular meeting.

MOTION by Gesch, seconded by Gillispie to appoint Geoff Michael to the Planning Commission for a three-year term. The following voted in favor: Gesch and Gillispie. The following voted against: Hanus and Osmek. Motion failed. It was noted that this item will be put on the next agenda when there is a full council present.

11. Approve application to Conduct Excluded Bingo by Knights of Columbus

MOTION by Gesch, seconded by Gillispie to approve the application to Conduct Excluded Bingo submitted by Knights of Columbus for 1/15/11, 4/16/11, and 11/19/11. The following voted in favor: Gillispie, Hanus, Gesch. The following voted against: None. Osmek abstained from voting because he is a member of the Knights of Columbus. Motion carried.

12. Information/Miscellaneous

- A. Comments/reports from Councilmembers – none
- B. Reports: None
- C. Minutes: Planning Commission of December 7, 2010
- D. Correspondence: Letter of resignation from Planning Commission member Grant Johnson

13. Adjourn

MOTION by Osmek, seconded by Gesch to adjourn at 8:42 p.m. All voted in favor. Motion carried.

Mayor Mark Hanus

Attest: Bonnie Ritter, City Clerk