

**MOUND CITY COUNCIL MINUTES
FEBRUARY 8, 2011**

The City Council of the City of Mound, Hennepin County, Minnesota, met in regular session on Tuesday, February 8, 2011, at 7:00 p.m. in the council chambers of city hall.

Members present: Mayor Mark Hanus; Councilmembers Kelli Gillispie, Ray Salazar, and Heidi Gesch

Members absent: Councilmember David Osmek

Others present: City Attorney John Dean, City Manager Kandis Hanson, City Clerk Bonnie Ritter, City Planner Rita Trapp, Finance Director Catherine Pausche, Public Works Superintendent Jim Fackler, Mike Regan, Amanda Schwarze, Chuck Alcon, Johann Chemin

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. Approve agenda

Kandis Hanson requested the addition of Item 4H, Approval of Garbage Collection Licenses.

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

4. Consent agenda

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

- A. Approve minutes of the January 25, 2011 regular meeting
- B. Approve payment of claims in the amount of \$192,437.14
- C. Approve Dreamwood Commons Rip Rap Project in the amount of \$53,130
- D. **RESOLUTION NO. 11-13: RESOLUTION RECOMMENDING CONTINUATION OF CDBG FUNDING OF WESTONKA COMMUNITY ACTION NETWORK (WeCAN)**
- E. Approve Final Pay Voucher No. 6 submitted by Egan Companies in the amount of \$50,113.64 for work on the Street Light Replacement Project (SP-145-030-01)
- F. **RESOLUTION NO. 11-14: RESOLUTION ORDERING PREPARATION OF REPORT ON LIFT STATION REPLACEMENT PROGRAM FOR 2011**
- G. Cancel February 22, 2011 regular meeting
- H. Approve Garbage and Refuse Collection License Renewals for Blackowiak Disposal, Allied Waste Services, Randy's Sanitation, Waste Management, Waste Technologies, and Vintage Waste, all contingent upon receipt of applicable application forms, fees and certificates of insurance.

5. Public Hearing – Conditional Use Permit (CUP) request from Michael Regan for Class III restaurant classification to serve wine and beer and offer occasional live music at Porta del Sol, located at 5309 Shoreline Drive

Rita Trapp reviewed the request for a CUP for a Class III restaurant at 5309 Shoreline Drive. There is a currently a CUP for that property for a Class II restaurant and drive-up window, that the applicant would like to keep also. It was noted that the current City Code related to liquor requires seating for not less than 50 guests at one time in one or more dining rooms and Porta del Sol currently has seating for 31. Applicant has been advised that issuance of this CUP does not guarantee issuance of the liquor licenses due to this seating requirement.

Discussion took place regarding concern over having the two CUPs at the same time, the 50 seating requirement for liquor, and the drive-up window. Hanus expressed that he is not in favor of reducing the liquor regulation for seating and feels that these mixed uses are not compatible. Gillispie views it as similar to the curb-side delivery restaurants that have liquor licenses, and not like a fast food drive-thru. Salazar and Gesch expressed concerns but would like to see if there is a way to work it out to accommodate the applicant.

Applicant Michael Regan would like to add beer and wine to attract more business. He also stressed that he will not have a typical bar/restaurant setting with his smaller dining area and hours of operation. He closes at 9 p.m. week-days, 10 p.m. on week-ends, and 8 p.m. on Sundays.

Mayor Hanus opened the public hearing at 7:43 p.m. and upon hearing no comments, closed the public hearing.

MOTION by Hanus, seconded by Salazar to table this item to a date uncertain to allow staff to work out the concerns voiced by the Council. All voted in favor. Motion carried.

Regan submitted a request for a 60 day extension to allow further consideration, and staff will research what other cities do as far as regulating seating for liquor licenses, and address the other concerns of the Council.

6. Comments and suggestions from citizens on any item no on the agenda.

Johann Chemin, 6039 Beachwood Rd, showed a presentation to the Council on reducing Mound's energy consumption.

7. Interfund Loan for Retirement of Debt and Replenishment of Cash Related to the Liquor Store Fund

Pausche stated that at the December 14th meeting the Council passed a resolution allowing Staff to call for an early redemption of the 2001B Municipal Liquor Store Revenue Bonds and create an interfund loan between the Liquor Store Fund and the General and Sewer Funds to fund the retirement of the bonds.

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

RESOLUTION NO. 11-15: RESOLUTION AUTHORIZING AN INTERFUND LOAN FOR RETIREMENT OF DEBT OF LIQUOR FUND

8. Discussion/Action on final plat for “Sulgrove”, a four-lot major subdivision of the property at 5248 Sulgrove (Planning Case #10-11)

Rita Trapp reviewed the request of applicant, Brenshell Construction, for final plat approval for the Sulgrove subdivision. The preliminary plat was approved in September of 2010. It was noted that the City Engineer has verified that all four lots are over 6,000 sq. ft. and meet the lot size requirement.

Trapp stated that the developer differs with the Staff opinion on the park dedication fee, due to their request to base this on the recent sale value of \$127,500 and not the Estimated Market Value (EMV) of \$159,000. It was the Council’s consensus to base the park dedication fee on the EMV rather than to set a precedent by basing it on sale price.

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

RESOLUTION NO. 11-16: RESOLUTION GRANTING FINAL PLAT APPROVAL FOR THE SULGROVE RESIDENTIAL DEVELOPMENT AT 5248 SULGROVE ROAD

9. Minnehaha Creek Watershed District Board Vacancies

Kandis Hanson brought to the Council’s attention that the Hennepin County Board of Commissioners is seeking applicants for two vacancies on the Minnehaha Creek Watershed District Board. Deadline for applications is February 28. Gillispie will try to seek interested people and have them contact the Mayor.

10. Information/Miscellaneous

- A. Comments/reports from Councilmembers/City Manager
- B. Reports: Villa Dock Priority Policy Modification
Fire Commission Meeting agenda
Bolton & Menk 2010 Engineer
- C. Minutes: None
- D. Correspondence: Gillespie Center Fundraising Report
Beck Glister resignation from Planning Commission

Mayor Mark Hanus

Attest: Bonnie Ritter, City Clerk