

**MOUND CITY COUNCIL MINUTES  
APRIL 26, 2011**

The City Council of the City of Mound, Hennepin County, Minnesota, met in regular session on Tuesday, April 26, 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

Member absent: Councilmember David Osmek

Others present: City Attorney John Dean, City Manager Kandis Hanson, City Clerk Bonnie Ritter, Community Development Director Sarah Smith, Public Works Director Carlton Moore, City Engineer Dan Faulkner, Community Service Officer Mike Wocken, Max Teplitski, Amanda Schwarze, Johann Chemin, Dick Osgood, Ellen Feuling, Dean Umbehoeker.

*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**

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

**4. Consent agenda**

Gesch requested the removal of Item 4D for discussion.

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 April 12, 2011 regular meeting and the April 19, 2011 special meeting
- B. Approve payment of claims in the amount of \$461,213.31
- C. **RESOLUTION NO. 11-26: RESOLUTION APPROVING AN EXPANSION PERMIT FOR THE PROPERTY AT 5174 TUXEDO BOULEVARD**
- D. (removed)

**4D. Request for educational project by Our Lady of the Lake Catholic School**

Gesch questioned what the activity actually includes, and what kind of paint is being used. Ellen Feuling of Our Lady of the Lake School showed the Council the stencil that will be used and that it will be placed on the metal backing of the storm drains. The paint to be used was purchased by Gray Freshwater Institute and is environmentally friendly.

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

**RESOLUTION NO. 11-27: RESOLUTION APPROVING A PUBLIC LANDS PERMIT FOR STENCILING PROJECT AT AUDITORS ROAD BY OUR LADY OF THE LAKE CATHOLIC SCHOOL**

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

Johann Chemin, 6039 Beachwood, commented that he believes this segment of the agenda should afford a citizen more than three minutes to speak. His second concern was the excessive amounts of dog feces on his yard. He stated he wants to bring awareness to this violation of city ordinance. Kandis Hanson stated she will address this concern in the next City Contact newsletter and also put him in touch with the group that's planning the "Dog Days" event in August so that he may also increase awareness through this event.

Chemin also expressed his feeling about the potential of Walgreen's building in Mound and displacing three businesses. Hanus stated that this is private enterprise and the City is not involved at this point. Chemin's fourth concern was energy preservation and asked that an article also go in the next City Contact regarding that.

**6. Dick Osgood, representing Lake Minnetonka Association, on milfoil treatment**

Dick Osgood was asked at the last Council meeting to supply additional information regarding the milfoil treatments on Lake Minnetonka, specifically Phelps Bay where the Council has money allocated in the budget to contribute towards treatment. Discussion centered around the information he presented and Hanus asked to see an accounting after the treatment occurs. Osgood will get this to him by August 1<sup>st</sup> so the information can be used when working on the 2012 budget.

MOTION by Hanus, seconded by Salazar to contribute the \$6,000 that is in the 2011 budget, for milfoil treatment in Phelps Bay. All voted in favor. Motion carried.

**7. 2011 Street, Utility and Retaining Wall Projects**

Carlton Moore informed the Council that only one bid was received for the 2011 Street, Utility and Retaining Wall Projects. After investigation it was determined that the reason for receipt of only one was mainly due to the complexity of the logistics of this year's project, being narrow streets, lack of space for equipment storage, etc. City Staff is recommending acceptance of the bid received, which is under the Engineer's estimate of \$3,893,100.

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

**RESOLUTION NO. 11-28: RESOLUTION ACCEPTING BID FOR THE 2011 STREET, UTILITY AND RETAINING WALL IMPROVEMENT PROJECT – SOUTHWEST ISLAND AREA (PW-11-01), AND THE 2011 STREET, UTILITY AND RETAINING WALL IMPROVEMENT PROJECT – HIGHLAND AREA (PW-11-02)**

**8. Discussion/Action relating to violation(s) of Conditional Use Permit for property at 4831 Shoreline Drive**

Sarah Smith and CSO Mike Wocken presented the Council with background, pictures and timelines on noted violations of the CUP for 4831 Shoreline Drive that allows for open lot vehicle sales. The grounds for the proposed revocation is that additional items in addition to passenger vehicles are being sold or stored on the property, including, but not limited to, semi-trucks (with and without trailers), boats, trailers and automotive body and engine parts. In addition, it appears that automotive repair work is taking place on the property. These activities are not permitted uses in this particular zoning district and are not authorized by the Conditional Use Permit that was issued for the property. Smith stated that site inspections starting in April of 2010 noted mechanical work being done, and then in April of 2011 site inspections resulted in observation of mechanical work being done, semi trucks parked on the lot, plus other CUP violations.

Discussion centered around the series of violations and lack of compliance from the business owner/operator Max Teplitski.

Teplitski addressed the Council with a handout of pictures stating that they depict the current condition of the property. He stated he recently made a contract with Metro Storage for storage of the semis, and they will be moved as soon as he can get drivers for them. He continued to say that there are 20 vehicles on site for sale and the additional vehicles are used for transport of vehicles and some belong to employees. He stated that he hasn't got another property yet for his commercial trucking and was informed again that he cannot operate that business from the subject location.

Hanus expressed concern over a trailer that's been behind the building for years and he was told that this is a 28' trailer and not as big as the others, and is used for storage of his extra office equipment. Hanson informed him that there are no provisions in the present CUP that allow for storage. Hanus stated he won't be satisfied until that storage trailer is also gone. Teplitski stated that he will have the concerned expressed by Sarah Smith in a letter delivered to him on April 22, taken care of by the end of the week.

The draft resolution to revoke the CUP, with stay of revocation included, was discussed by the Council. Adoption of the resolution would result in the business being closed immediately, until May 11, the property brought to full compliance with the CUP no later than May 6, City Staff performing a site inspection no later than May 9, and the CUP being brought back to the Council on May 10, for final action, among other requirements.

Gillispie expressed reluctance to closing down his business for two weeks when he stated he would be in compliance by the end of the week, and others felt that he had been given ample chance to comply and that these violations have been going on for an extended period of time, since mid-2009.

MOTION by Hanus, seconded by Gesch to adopt the following resolution. The following voted in favor: Salazar, Hanus and Gesch. The following voted against: Gillispie. Motion carried.

**RESOLUTION NO. 11-29: RESOLUTION REVOKING THE CONDITIONAL USE PERMIT ALLOWING OPEN LOT VEHICLE SALES ON THE PROPERTY LOCATED AT 4831 SHORELINE DRIVE**

**9. Information/Miscellaneous**

- A. Comments/Reports from Councilmembers/City Manager
- B. Reports: Finance: January-March 2011
- C. Minutes: Docks & Commons Commission: March 17, 2011  
Parks & Open Space Commission: April 14, 2011
- D. Correspondence: Mediacom letter on programming  
Letter from Michael Regan of Porta del Sol, withdrawing CUP application for property at 5309 Shoreline Drive

**10. Adjourn**

MOTION by Gesch, seconded by Salazar to adjourn at 10:18 p.m. All voted in favor. Motion carried.

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Mayor Mark Hanus

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Attest: Bonnie Ritter, City Clerk