

MOUND CITY COUNCIL MINUTES
May 22, 2012

The City Council of the City of Mound, Hennepin County, Minnesota, met in regular session on Tuesday, May 22, 2012, at 7:00 p.m. in the council chambers of city hall.

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

Others present: City Attorney John Dean, City Clerk Bonnie Ritter, Community Development Director Sarah Smith, Acting City Manager Catherine Pausche, City Attorneys Melisa Manderschied and Julie Eddington, Fire Chief Greg Pederson, Roger Brandel, Duane Norberg, Sean Royer, Johann Chemin, Rnady & Amy Grunow, David Paquette, Tom LaVoie, Mike Regan, Beverly Paine, David Thompson

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

Hanus indicated that Item 9 should have been included in the Miscellaneous, and requested that Item 9 be omitted and added to Item 11.

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

4. Consent agenda

Gesch requested the removal of Item H 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. Approve payment of claims in the amount of \$148,474.38

B. ORDINANCE NO. 03-2012: AN ORDINANCE AMENDING ORDINANCE NO. 08-2003 IMPLEMENTING AN ELECTRIC FRANCHISE FEE ON NORTHERN STATES POWER D/B/A XCEL ENERGY FOR PROVIDING ELECTRIC SERVICE WITHIN THE CITY OF MOUND

C. ORDINANCE NO. 04-2012: AN ORDINANCE AMENDING ORDINANCE NO. 05-2003 IMPLEMENTING A GAS FRANCHISE FEE ON CENTERPOINT ENERGY MINNEGASCO FOR PROVIDING GAS SERVICE WITH THE CITY OF MOUND

D. Approve Pay Request No. 5 from Minger Construction, Inc., in the amount of \$18,236.92 for work completed on the 2011 Lift Station Improvement Project, City Project PW-11-03

E. Approve the following liquor license renewals, contingent upon receipt of all required forms, fees, and certificates of insurance:

On-Sale Liquor – Al & Alma’s Supper Club Corp.
Willette Companies, LLC (dba Carbone’s Pizzeria Bar & Grill)
Sunday On-Sale Liquor – Al & Alma’s Supper Club Corp.
Willette Companies, LLC (dba Carbone’s Pizzeria Bar & Grill)
American Legion Post 398
Club On-Sale Liquor: American Legion Post 398
Off-sale 3.2 Malt Beverages – PDQ Food Stores, Inc.
Northern Tier Retail, LLC (dba SuperAmerica #4194)

- F. Approve permits for the Spirit of the Lakes Festival (with fee waivers)
 - Temporary On-sale Liquor License for July 14, 2012
 - Temporary On-sale Liquor License for July 19-22, 2012
 - Parade Permit for July 21, 2012
 - Temporary Sign Permit

G. RESOLUTION NO. 12-44: RESOLUTION APPROVING EXPANSION PERMIT FOR 2650 LAKEWOOD LANE

H. (removed)

I. RESOLUTION NO. 12-45: RESOLUTION AMENDING AND REPLACING RESOLUTION 08-103, APPROVING VARIANCE FOR 1558 DOVE LANE

J. RESOLUTION NO. 12-46: RESOLUTION DESIGNATING HANDICAPPED PARKING ON A PORTION OF HANOVER ROAD

4H. Sign Variance for Mound MarketPlace

Gesch indicated that she wanted this pulled from the consent agenda because she previously indicated she was in favor of the color variance, but not the size variance. Osmek also indicated he didn’t have a problem with changing to color, but did not agree with the size variance.

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

RESOLUTION NO. 12-47: RESOLUTION AMENDING RESOLUTION NO. 03-12, APPROVING SIGN AREA VARIANCE AND MODIFYING CONDITION TO ALLOW USE OF COLOR FOR TENANT SIGNAGE AREA IDENTIFICATION SIGN AT MOUND MARKETPLACE

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

None were offered.

6. Resolution expressing appreciation to City Attorney John Dean

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

RESOLUTION NO. 12-48: RESOLUTION EXPRESSING APPRECIATION TO CITY ATTORNEY JOHN DEAN

Mayor Hanus read the resolution aloud and thanked Mr. Dean for his years of service to the City of Mound. He also introduced Melissa Manderschied, the attorney from Kennedy & Graven that will now be serving as our City Attorney.

7. Grant for Fire Department Pagers

Roger Brandel, area manager for CenterPoint Energy presented a Community Partnership Grant Check in the amount of \$1,000 to Fire Chief Pederson for Fire Department pagers.

8. Consideration of proposed Walgreens Redevelopment Project applications/requests from Semper Development for certain parcels in vicinity of SW corner of Commerce and Lynwood Blvds.

The Council will conduct the public hearings concurrently for the rezoning, conditional use permit, preliminary plat-major subdivision, and vacation of public alley.

Mayor Hanus called the public hearing to order at 7:13 p.m.

Rita Trapp of Hoisington Koepler Group reviewed the following requests from Semper Development: Subdivision exemption; Alley vacation; Rezoning; CUP including specific sign program; Preliminary plat; and Final plat

Semper Development has submitted development plans for the redevelopment of the corner of Lynwood and Commerce Blvds. The site area is 1.3 acres, or 56,494 square feet. It involves the removal of an existing 15-unit apartment building and four commercial buildings. The redevelopment of this site is entirely private with willing sellers. The project includes the construction of a 14,378 square foot Walgreens and plans for a 1,010 square foot future tenant building. The development also involves a land transfer between the applicant and the Hennepin County Regional Rail Authority to modify the amount of right-of-way surrounding the Dakota Rail Regional Trail located immediately south of the project site.

Trapp reviewed the process, signage, lighting, building façade entrances, landscaping, and park dedication. She indicated that the Planning Commission and City Staff recommend approval of the six resolutions and one ordinance presented, and noted that Kennedy & Graven supplied the plat opinion.

Mayor Hanus opened the hearing up to public comment.

Johann Chemin, 6039 Beachwood Road, presented the issue he has with parking. He feels that the parking being proposed is more than what is necessary. He also questioned whether this proposal is pedestrian friendly, and that is not valid as a Pedestrian Planned Unit Development. He also stated that there is prime exposure for solar panels and this would be good for business and set a good example for the community.

Sarah Smith answered by stating that there is no set parking standard in the Pedestrian District, and that the parking designed for this site is less than what the code would require in a B-1 zone. Hanus stated that this is a mixed commercial use, this qualifies as mixed use and doesn't have to have residential included.

Duane Norberg, 6015 Aspen Road, stated this is not user/pedestrian friendly as proposed. There is no access from the Commerce or Lynwood and he asked why they couldn't put an entrance off at least one of those streets. Hanus stated that that issue was discussed at length and feels that if Walgreens thinks they're losing business because they don't have a door there, they can and probably will add one there.

Mike Regan, owner of Porta Del Sol restaurant, asked the Mayor about the comment he made in the City Contract that there would probably be a bistro/small café in the stand alone building, and previously when he had an application in to the City, Hanus stated that there would be no bistros/small cafes in this town. Hanus stated that this use had been suggested, but it is up to Walgreens who they sell that building to, and what they use it for.

Beverly Paine, 5709 Lynwood Blvd. made the Council aware of an issue she has with the removal of one of the driveways for the apartment buildings, and the added use that puts on the other driveway that is close to hers. She stated there won't be enough parking and her property will be affected. Osmek stated that one of the apartments will be removed, along with its driveway and thus the need for parking will be reduced by half. He also commented that emergency vehicles have access to her house from Lynwood, and if need be, hoses would reach to the rear. He also stated that if people are parking in her driveway, she need so take action and have them towed. It was indicated that City Staff work with Ms. Paine on her issue.

David Thompson, 6108 Bartlett Blvd, asked how much the Council and developer spend on trying to put the business on Auditors Road. He asked if the City suggested the proposed site for the development, or did Semper choose the location. Hanus told him that Semper came in with a development plan for the Lynwood/Commerce site. This was the site they desired after doing their due diligence.

Tom Lavoie, 6549 Bartlett Blvd, stated he thinks the design is terrific, he loves the façade with the turrets, the materials, windows, etc. He is really happy that Walgreens is considering this project and would like to see this thing go forward. He commended Sarah Smith on her work, and thanked the Council for pursuing this, and for their service to the community.

Johann Chemin, 6039 Beachwood Road, asked the Mayor to explain how he can view this as pedestrian when it's a traffic oriented business. Hanus stated that downtown business must cater to pedestrian and auto traffic. If we didn't cater to any care traffic, we will be a ghost town like years ago. He then explained the definition of a pedestrian planned unit development. Chemin then restated his issue with the plan offering too much parking.

After no further comment, Mayor Hanus closed the public hearing at 8:48 p.m.

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

RESOLUTION NO. 12-49: RESOLUTION GRANTING APPROVAL OF A SUBDIVISION EXEMPTION

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

RESOLUTION NO. 12-50: RESOLUTION GRANTING APPROVAL OF AN ALLEY VACATION

MOTION by Osmek, seconded by Salazar to pass the following ordinance. All voted in favor. Motion carried.

ORDINANCE NO. 05-2012: AN ORDINANCE APPROVING REZONING OF CERTAIN PARCELS FROM B-1 CENTRL BUSINESS DISTRICT AND R-3 MULTIPLE FAMILY RESIDENTIAL TO PEDESTRIAN PLANNED UNIT DEVELOPMENT DISTRICT

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

RESOLUTION NO. 12-51: RESOLUTION GRANTING APPROVAL OF CONDITIONAL USE PERMIT FOR A PLANNED UNIT DEVELOPMENT

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

RESOLUTION NO. 12-52: RESOLUTION GRANTING APPROVAL OF PRELIMINARY PLAT/MAJOR SUBDIVISION FOR CONNER GREEN ADDITION

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

RESOLUTION NO. 12-53: RESOLUTION GRANTING APPROVAL OF FINAL PLAT/MAJOR SUBDIVISION FOR CONNER GREEN ADDITION

9. Approval of minutes

MOTION by Salazar, seconded by Osmek to approve the minutes of the April 11, 2012 special meeting, the May 1, 2012 special meeting, the May 8, regular meeting, and the May 15, 2012 special meeting. All voted in favor. Motion carried.

10. Information/Miscellaneous

A.. Comments/reports from Councilmembers/City Manager

B. Minutes: Docks & Commons Comm. – 4/19/12
Planning Commission – 4/3/12
Parks & Open Space Comm. - 5/10/12

C. Reports: Resolution from St. Boni regarding cooperative fire protection

D. Correspondence: Letter from Lake Minnetonka Conservation District

E. Article: Public Health & Preventive experts recommend against privatization of retail alcohol sales in places that currently have government control

11. Adjourn

MOTION by Osmek, seconded by Salazar to adjourn at 8:54 p.m. All voted in favor. Motion carried.

Mayor Mark Hanus

Attest: Bonnie Ritter, City Clerk