

MOUND CITY COUNCIL MINUTES
July 26, 2016

The City Council of the City of Mound, Hennepin County, Minnesota, met in regular session on Tuesday, July 26, 2016, at 7:00 p.m. in the council chambers of the Centennial Building.

Members present: Mayor Mark Wegscheid, Council Members Heidi Gesch, Kelli Gillispie, Ray Salazar, and Jennifer Peterson

Members absent: None

Others present: City Manager and Public Works Director Eric Hoversten, Community Development Director Sarah Smith, City Attorney Troy Gilchrist, Assistant City Engineer Brian Simmons, Field Officer Stewart Simon, Administrative Assistant Mary Mackres, Nicole Brodzik, Michael Kukas, Pam Myers, Nicole Harrill, Vadim Trifel, Alexander Teplitski, Alexandra Teplitski, Max Teplitski, and Francis Winters

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 Council Member or citizen so requests, in which event it will be removed from the Consent Agenda and considered in normal sequence.

1. Open meeting

Mayor Wegscheid called the meeting to order at 7:04 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

MOTION by Salazar, seconded by Gesch, to approve the consent agenda.

Upon roll call vote, all voted in favor. Motion carried.

A. Approve payment of claims in the amount of \$368,788.45

B. Approve minutes: July 12, 2016 regular meeting

C. Approve Pay Request No. 1 from Insituform Technologies USA, LLC in the amount of \$79,014.83 for the 2015 Sanitary Sewer Rehabilitation Project B, City Project No. PW-15-06

D. RESOLUTION NO. 16-91: RESOLUTION ORDERING PREPARATION OF REPORT ON LIFT STATION AND FORCEMAIN IMPROVEMENT PROJECT FOR 2017

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

None offered

6. Public Hearing to consider revocation of Amended and Restated Conditional Use Permit No. 02-68 for the Property Located at 4831 Shoreline Drive - continued from July 12, 2016 City Council meeting

Gillispie recused herself due to a potential conflict of interest.

Mayor Wegscheid explained that the public hearing was continued from the July 12th City Council meeting after the Teplitskis, owners of the property at 4831 Shoreline Drive, had retained legal counsel and requested the continuance to allow more time to prepare. Wegscheid noted the council heard statements at the July 12th meeting but had no discussion due to the request for continuance.

MOTION by Salazar, seconded by Gesch, to reopen the public hearing.
All voted in favor. Motion carried.

Mayor Wegscheid reopened the public hearing at 7:07pm

The Mayor gave a short synopsis of the situation, saying that this is about a Conditional Use Permit (CUP), which goes with the property and that anyone that buys the property must abide by the CUP that is in place for that business. Wegscheid noted that the Teplitskis bought the property in 2009, which came with a CUP from 2002, and noted that there were violations in 2011 and 2016. Wegscheid said the Teplitskis met with staff to make revisions to the CUP, which were approved in May of 2016, but violations continued prompting the public hearing on July 12th. Wegscheid noted that revocation is the only tool the city has to enforce the CUP.

Vadim Trifel, legal counsel for the Teplitskis, stated his office address is 120 South 6th St., Ste. 2450, Minneapolis. Trifel stated that Main Street continues to comply with the current CUP and noted that the Teplitskis have met with staff to address the city's concerns and clarify the language in the CUP. Trifel asked that the city not revoke the CUP as it would have a devastating effect on the Teplitskis who have been in business for 20 years. Trifel said non-revocation is in everybody's best interest.

Trifel said he thinks the problem starts with miscommunication and noted the original CUP stated no more than 20 vehicles for display and sale. Mayor Wegscheid asked Trifel to stay focused on what this hearing is about, which is the revocation of the CUP.

Trifel stated the Teplitskis hired an architect, who drew up plans for the lot to have 29 parking spots, which the city rejected. Trifel said when the city limited the number of vehicles to 25 in May of 2016, Main Street did not receive a copy of the resolution until June 9 along with a letter asking them to comply by June 10. Trifel said the city didn't give Main Street enough time to comply and noted that Main Street has done its best to maintain 25 cars or fewer on the lot since the last meeting and he requested another meeting with staff to clarify the language of the amended CUP.

Trifel said that Main Street would like to work with the city to increase the number of cars on the lot and Mayor Wegscheid asked that Trifel stick to the revocation issue. Wegscheid asked what assurances can be given to the council that the Teplitskis won't be back here in a month with violations to the existing CUP?

Trifel stated that Main Street is serious about complying with the CUP as they have hired legal counsel, organized the lot and have maintained 25 or fewer cars since the last meeting. Trifel said the Teplitskis do not want to lose their business and noted that their son, Max Teplitski, quit his job in order to help his father with the business.

Mayor Wegscheid stated that nobody wants to shut down a business, but the council is here to enforce CUPs, and this is the third time that the council has had to consider revocation of this CUP. Wegscheid said he needs to be convinced that the Teplitskis are taking this seriously now and he asked to hear from Max Teplitski on his commitment to stay within the existing CUP.

Trifel stated that the Teplitskis and he had a meeting with city staff that went well and that the Teplitskis now have a better understanding of the CUP and the language therein.

Max Teplitski, 4831 Shoreline Drive, owner of Main Street USA, asked to show pictures of the car lot and number of cars there. Mayor Wegscheid stated that the council does not want to rehash old stuff, but rather wants to hear the commitment that the Teplitskis will make the CUP work.

Max Teplitski stated that there has been miscommunication that brought them to this point and that there is confusion with the language of the new CUP. Teplitski said he did not receive a draft of the revised CUP and therefore, couldn't participate in the council meeting on May 24. Teplitski said he can provide observation numbers from last year, noting the number of cars on the lot dropped from 37 to 26. Teplitski said there is still confusion as to what the new amended CUP allows Main Street to do. Teplitski said he saw the final resolution on June 9 and has been compliant with new CUP. Teplitski said he is still working on addressing improvements to the property and that he has a contractor and surveyor already hired. Teplitski said he is also looking to improve the exterior of the building.

Teplitski said that Main Street is now on the same page as staff and council and that he knows that it is not in his best interest to revise the CUP and then violate it right away.

Sarah Smith, Community Development Director, received the eight photos and showed them to council, which depicted a neat and orderly lot with the correct number of cars.

Mike Kukas, 4379 Wilshire Blvd, #C-204, is an employee of Main Street Auto. Kukas stated he is frustrated with what is going on and that he has lost wages when the council shut down the business. Kukas said he has been with Main Street Auto for two years and he wants to make sure this is cleared up and offered his help.

Francis Winters, 2450 Island View Drive, said he bought four cars from Main Street Auto and said the Teplitskis are great to work with.

Mayor closed the public hearing at 7:37pm

Mayor Wegscheid said he has had several conversations with Max Teplitski and he wants to give Main Street every opportunity to do this right. Wegscheid stated the city wants this business in town.

Salazar concurred with Wegscheid and said it is unfortunate that the situation has gone this far. Salazar said he looks forward to getting the situation fixed.

Mayor Wegscheid suggested that Teplitski meet with staff to discuss the language in the CUP and possible revisions. Wegscheid said he feels that Main Street will keep in line with CUP.

Hoversten said no action is needed by the council as no resolution was put forth for this meeting.

MOTION by Wegscheid, seconded by Salazar, to get the consensus of the council that there should be no revocation of the CUP at this time, and to direct staff to meet with the Teplitskis to look at any clerical and administrative changes to the CUP.

Discussion ensued with Gesch clarifying that while the Teplitskis are meeting with staff, the current CUP is in place. Mayor Wegscheid restated that revocation is the only tool the city has to ensure the CUP is followed and noted that the council is giving the Teplitskis all the rope they can to keep the CUP adhered to.

The following voted in favor: Salazar, Wegscheid, Gesch, and Peterson. The following voted against: none. The following abstained: none. Motion carried.

Gillispie returned to the dias.

7. Brian Simmons, Assistant City Engineer, requesting discussion/action on Resolution Receiving Report and Authorizing Preparation of Plans and Specifications and Ordering Advertisement for Bids for the Island Park Watermain Loop Project, City Project No. PW-15-10

Simmons explained that this report was authorized in 2015, but that it was not brought back to the council at that time because Bolton & Menk was focused on other projects.

Simmons stated that Mound owns three above-ground storage tanks and 48.5 miles of water pipes which range in size from four inches to 16 inches in diameter. Simmons said these cast iron pipes are being replaced with ductile iron or plastic.

Simmons said this project will eliminate the booster pumps and the stand pipe, which provide additional volume to the Island Park area, but also create interruptions to pressure zones. Simmons said this project will allow the city to have one contiguous pressure zone across the city and still have the firefighting volumes that the city is seeking.

Simmons said the Island Park area pipe consists of one 8-inch pipe that will be upsized to one 10-inch pipe, which will provide a significant increase in volume.

Simmons said a geotechnical firm took soil borings under the lake and found the soils were unstable and unsafe which leaves only one option available from an engineering standpoint.

Simmons said drilling will be done from Avon Park to Tyrone Park, 35-40 feet through the center of the channel at a cost under \$520,000 which will be charged to the water fund. Simmons said the schedule is in place and asked the council for approval of the study and permission to prepare the plans and specs.

Gillispie noted that the proposed project costs show 25% for engineering, administration, and financing costs instead of the usual 20%. Simmons said that there is a contingency included because of drilling under the bay, and noted that Bolton & Menk's fees are not anywhere near 25%. Simmons said 20-25% is an industry standard and asked if the council wants to use a different number. Gillispie said no revision is necessary, but just wants it noted that the typical number is 20%.

Gesch asked if the increase in volume on the island will affect other parts of Mound? Simmons said no because the water is already migrating that way and there should be no negative impact on the rest of Mound.

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

RESOLUTION NO. 16-92: RESOLUTION RECEIVING REPORT AND AUTHORIZING PREPARATION OF PLANS AND SPECIFICATIONS AND ORDERING ADVERTISEMENT FOR BIDS FOR THE ISLAND PARK WATERMAIN LOOP IMPROVEMENT PROJECT, CITY PROJECT NO. PW-15-10

8. Visit by Dr. Pamela Myers of the Westonka Historical Society with a semi-annual update

Dr. Myers asked that Brian Simmons stay for a moment. Dr. Myers conveyed that 100 years ago, the homesteaders decided to drill a four inch well and that she is glad we have progressed since then. Dr. Myers then thanked Simmons for staying.

Myers said the school was started 100 years ago and that the first graduating class was in 1918.

Myers gave an update on what's new with the museum, noting the museum has expanded and new displays added. Myers said 100 people came to the grand re-opening and that the museum has become a destination for tours of many different kinds of groups.

Myers said many people visit the website and that there are now 70 history videos available online. Myers said the next fundraiser is the annual House of Moy dinner, which takes place at the Gillespie Center on September 17.

9. Sarah Smith, Community Development Director, requesting review/discussion/action on new legislation regarding Temporary Health Care Dwelling Units

Sarah Smith, Community Development Director, said a new law was passed creating a process for landowners to place mobile residential dwellings on their property to serve as a temporary family health care dwelling, subject to 10 conditions which must be met. Smith

said the law allows the unit for an initial six month period that can be renewed for another six months, and that cities can opt out of the law by adding an amendment to the city code zoning ordinance.

Smith said staff recommends opting out to allow more time to study and suggested the proposed amendment be considered at the August 16th planning commission meeting followed by a public hearing at the August 23rd regular council meeting in order to meet the September 1st deadline.

Salazar asked how long can cities opt out? Smith said until you choose to opt back in. Mayor Wegscheid said he agrees with staff to conduct a study first before opting in.

MOTION by Wegscheid, seconded by Salazar, to direct staff to draft an amendment to the zoning ordinance to opt out of the Temporary Family Health Care Dwelling option. All voted in favor. Motion carried.

10. Information/Miscellaneous

A. Comments/reports from Council Members

Hoversten noted the following meetings/special events:

- Night to Unite on August 2nd
- Tour de Tonka and Dog Days on August 6th
- Primary Election August 9th with regular meetings changed to August 10th
- WeCAN Ready to learn program/school supplies collection - August 19th
- Farmers Market and More, booth set up for council - August 20th
- Running of the Bays on September 10th

Mayor Wegscheid introduced the new city attorney, Troy Gilchrist, and said Troy will be replacing Melissa Manderschied.

Gillispie reminded everyone of the first annual Police vs. Fire charity softball game on Aug. 24, at the WRA ball fields in Minnetrista, which is a fundraiser for WeCAN.

- B. Reports: Finance Department - June YTD
Mound Fire Department - June 2016
Bolton & Menk - Engineering - June YTD
- C. Minutes:
- D. Correspondence: Letter from WeCAN - July 13, 2016

11. Adjourn

MOTION by Gesch, seconded by Gillispie, to adjourn at 8:08 p.m. All voted in favor. Motion carried.

Mayor Mark Wegscheid

Attest: Catherine Pausche, Clerk