

MOUND CITY COUNCIL MINUTES
October 28, 2014

The City Council of the City of Mound, Hennepin County, Minnesota, met in regular session on Tuesday, October 28, 2014, at 7:00 p.m. in the council chambers of the Centennial Building.

Members present: Mayor Mark Hanus; Council members Mark Wegscheid, Kelli Gillispie and Ray Salazar

Members absent: Heidi Gesch

Others present: City Manager Kandis Hanson, Fin Dir/Clerk/Treasurer Catherine Pausche, Community Development Director Sarah Smith, Rita Trapp, Carlton Moore, Dan Faulkner, John Colotti, Jay Green, Laura Mattioli, Justin Rock, Noah Sweet, Jeff Flattum, Max Brecke, Craig Rose, Sandy Kennedy, Caleb Fetters, Anders Larson, Zach Kloh, Mike, Herd, Connie Meyer, Blake Rosenberg, Cameron Briarly, Shaun Shansen, Bob Lien, Sam Owens, Nate Owens, Kelvin Retterath, Taylor Miller, Alexandar Hayes, Jacquie Ziegler.

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

Hanson requested Item 4E be amended to read 1586 Bluebird instead of 1568 Bluebird.

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

4. Consent Agenda

Hanson requested the removal of item 4G until a future meeting.

Hanus requested Item 4D and 4F be pulled for discussion.

MOTION by Salazar, seconded by Wegscheid, 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 \$417,763.89.

B. Cancel regular meeting set for Dec. 23, 2014

C. RESOLUTION NO. 14-86: RESOLUTION AUTHORIZING CONTINUANCE OF THE LANGDON AREA CENTRAL BUSINESS DISTRICT PARKING PROGRAM FOR 2014 - 2015.

D. Pulled.

E. RESOLUTION NO. 14-87: RESOLUTION APPROVING EXPANSION PERMIT FOR 1586 BLUEBIRD LANE.

F. Pulled.

G. Removed.

4D. Approve Resolution Approving 5168 Tuxedo Boulevard

Mayor Hanus asked for this item to be pulled in order to add another condition.

Hanus stated it is always a good idea to have many and strong findings in planning cases. Hanus requested page 2238 item #5 be added to read as follows: The unusually wide boulevard at this location further minimizes the impact of the variance.

MOTION by Hanus, seconded by Salazar to approve Consent Agenda Item 4D as amended. All voted in favor. Motion carried.

RESOLUTION NO. 14-88: RESOLUTION APPROVING VARIANCE FOR 5168 TUXEDO BOULEVARD PID NO. 24-117-24-34-0003

4F. Approve Consent and Joinder for Third Amendment to Declaration of Mound Market Place

Hanus asked for item 4F to be pulled for discussion.

Sarah Smith stated a request was made to create a new unit to allow for the possible sale of Jubilee Foods to the occupant, similar to Harbor Wine and Spirits and Westonka Animal Hospital.

Planner Trapp said the only reason City involved is because it is a party to the agreement.

MOTION by Hanus, seconded by Salazar, to approve the Consent and Joinder for Third Amendment to Declaration of Mound Market Place. All voted in favor. Motion carried.

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

None were offered.

6. Dan Faulkner, City Engineer with Bolton & Menk, requesting action on Resolution Receiving Report and Authorizing Preparation of Plans and Specifications and Order Advertisement for Bids for the Bartlett Boulevard Watermain Replacement Project, Commerce Boulevard to Lost Lake Bridge, City Project No. PW-15-09

Faulkner stated that on September 23, 2014, the Council ordered an engineering feasibility report and that the Bartlett Boulevard water main will be replaced in three phases from 2014 – 2016. Phase II for 2015 includes the section of Commerce Boulevard to the Lost Lake outlet bridge and will use pipe bursting and trenchless technology once again. Faulkner stated that 20 service hook ups/curb stops and three hydrants will be replaced and that this project is being proposed in anticipation of the county's mill and overlay of the road.

Faulkner summarized the estimated cost of \$434,460, including a 5% contingency, and 20% indirect for a total of \$521,350.

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

RESOLUTION NO. 14-89: RESOLUTION RECEIVING REPORT AND AUTHORIZING PREPARATION OF PLANS AND SPECIFICATIONS AND ORDERING ADVERTISEMENT FOR BIDS FOR BARTLETT BOULEVARD WATERMAIN REPLACEMENT, COMMERCE BOULEVARE TO LOST LAKE BRIDGE, CITY PROJECT NO. PW-15-09

7. John Colotti, Liquor Store Manager, requesting discussion/action on Resolution Authorizing a Liquor Lighting Retrofit Project

Colotti stated the current 12 year old fixtures take T8 70"/70 watt fluorescent bulbs. Colotti said the trend is to replace fluorescent with LED lighting. A total of 46 bulbs are needed for all of the fixtures.

Colotti stated the proposal is to replace the fixtures with a 5 foot LED strip that should last about 20 years. Colotti said because the existing bulbs are on the doors, they are subject to more wear and tear, break easily, and have to be specially recycled. Colotti said the vendor will apply for the rebate of \$100 per door directly, thereby reducing the City's upfront cost.

Hanus clarified the annual savings in electricity is estimated to be \$3,100 less.

Salazar estimated the pay-back is 6 years for the cost of the new fixtures, but that will be reduced by the savings in electric expense.

Gillispie ask to confirm the City will require the vendor to apply for the rebate and Colotti said yes.

The resolution was omitted from the packet, and Colotti passed around the resolution from a prior packet. Hanus asked the not to exceed number to be stated as \$5,600.

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

RESOLUTION NO. 14-90: RESOLUTION AUTHORIZING A LIQUOR LIGHTING RETROFIT PROJECT

8. Jay Green, representative to LMCD, requesting discussion on public hearing on quiet waters petition for Seton Channel/Deering Island area

Green stated a request was received for a quiet waters area near Three Points. Green explained the LMCD process for responding to the request and asked if the Council has any input. Green stated after the request was made, staff conducted observations which the public safety committee reviewed and called for a public hearing on November 12, 2014 in Wayzata City Hall. Green stated a direct mail campaign was conducted to inform people on the affected shoreline and publications were made to advertise the hearing.

Green stated the LMCD chose safety and not environmental/erosion since environmental issues occur all over the lake. Green said that basically the same request was made in 1997, and the

Sheriff made a recommendation for a portion to be a quiet zone, but that was not approved by the LMCD. In 2014, Staff went out 6 times to observe and has made a recommendation not to approve. The possible outcomes from the hearing would be to (1) adopt the change (2) dismiss or (3) make alterations.

Hanus said he appreciated the opportunity for feedback. Hanus said his feeling is things should not be changed unless there is a very good reason to change it. He feels if the LMCD were to adopt the change, it should extend to the existing no-wake zone instead of having a narrow lane in between. Wegscheid stated if anything, the 1997 Sheriff recommendation should be considered. Gillispie asked if any incidents were reported in the area and Green said the Sheriff did not note any incidents. Gillispie stated she is very familiar with the area and does not see the necessity, with perhaps the exception of Derring Island since the passing is narrow. Salazar said changes should be made for safety, and he sees no reason in this case.

9. Planning Commission Recommendations

- A. Planning Case No. 14-23: Public Lands Permit and Variances
Property: 4730 Galway Road
Applicant: Justin Rock
Requested Actions:
 - 1. Action on Resolution to Approve a Public Lands Permit from Justin Rock for 4730 Galway Road
 - 2. Action on Resolution Approving Variance for 4730 Galway Road

Smith stated to create access via an undeveloped road and installing utilities requires a Public Lands Permit. Smith stated the improvements will be made on north side and that the Planning commission made a unanimous recommendation to approve.

Hanus was asked why vacating the road was not considered. Smith stated the unimproved roadway provides access to commons. Smith said to vacate roads that extend to public water requires DNR approval and they typically prefer right of way be preserved. Hanus stated the City could retain an easement and even create a path to the lake. Smith said the debate was had and Staff saw value and a public purpose for retaining it. Hanus stated he was just looking for the cleanest path. Salazar asked what is involved in vacating. Smith stated vacation triggers State Statute and must be routed to the Department of Natural Resources for approval. Smith said the applicant is aware of both options.

Justin Rock, 4730 Galway Road, stated he would prefer the road to be vacated, but wanted the simpler path since it is a condition of the financing and the closing is set for Friday.

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

RESOLUTION NO. 14-91: RESOLUTION TO APPROVE A PUBLIC LANDS PERMIT FOR PROPERTY AT 4730 GALWAY ROAD PID 19-117-23-23-0139

Smith stated that since direct abutting frontage to a developed road is typically required, a variance is required for that and the reduced front set-back. Smith noted that the lot is conforming in terms of lot size and lakeshore. Staff supported the reduced setback with conditions.

Smith stated some favorable items to note are that the plan is for a single level walk-out and only a portion of the structure requires the front set-back. The Planning Commission asked the set-back be at a minimum of 6 foot front setback to be similar to the side setback and that only 20% of the structure be allowed to be in the variance area. In addition, reasonable use, impact on neighbors, and fit within neighborhood was discussed. All Planning Commissioners voted in favor with exception of one who wanted a 10 foot front setback. Smith noted a revised resolution was distributed to the Council.

MOTION by Salazar, seconded by Wegscheid, to approve the following resolution, as amended. Hanus offered a friendly amendment to replace the stricken item 15 with the new item 15. Motion makers accepted the friendly amendment. All voted in favor. Motion carried.

RESOLUTION NO. 14-92: RESOLUTION APPROVING VARIANCES FOR 4730 GALWAY ROAD PLANNING CASE NO. 14-23 PID 19-117-23-23-0139.

B. Presentation/discussion from Planning Commissioner Kelvin Retterath regarding stormwater management techniques and accessory dwelling units

Retterath is a Planning Commissioner who practices in the residential/architectural field. Retterath stated he would like to encourage a discussion of accessory dwelling units (ADU) and stated he has been working on some of them in other communities who have embraced them as it keeps people in town and their expenditures local. Bloomington specifically requires the ADU to look like part of the main house which creates a new housing unit that respects the character of single family dwellings. Retterath suggested a limit of one ADU per property. Retterath stated ADUs make more efficient use of existing infrastructure and provide for independent living by essentially adding a 360 feet studio apartment for a potential caregiver, grandparent, and/or renter. Retterath stated owner occupation of the main living space is key to deterring problems and keeping rental income local. Retterath noted Mound's code currently requires a single family minimum of 840 square feet, which requires a significant investment.

Retterath is requesting the Council to direct Staff to look into what other cities are doing and come back with recommendations, similar to the parking study.

Hanus asked about restrictions on minimum lot size. Retterath responded that Bloomington ADUs can't be larger than principal structure. Hanus asked if all ADUs are attached to the principal structure and Retterath said it open to debate. Hanus asked if each unit had to maintain its own standards or if code would be adapted specifically for ADUs. Hanus said he has been against the concept because the City has ample rental already and it could encourage people to build storage units on small lots, creating problems. Hanus said he tries to consider the impact on the neighborhood and the need for variances when we are already granting so many as it is. Wegscheid said it is not guaranteed to raise property value and may impact marketability. Retterath stated most concerns could be handled with the design which can address convertibility back to a primary home and Bloomington's code addresses that.

Wegscheid stated that Planning Commissioner Gawtry, who works for the City of Maple Grove, said he found it to be a significant burden on Staff. Trapp noted Bloomington has a rental ordinance as well and Mound does not. Retterath said the City can require additional parking stalls.

Hanus stated he does not want to further burden staff unless there is significant interest on the part of Council. Wegscheid stated he would not support it at this time due to burden on staff and tax on infrastructure. Salazar stated it was an interesting idea, but that he does not want to saddle staff. Salazar said he would be open to Retterath looking into it further. Gillispie thanked Retterath for his work and stated that she learned a lot, but that she is not hearing that there is a demand in the community right now and that there are competing priorities. Hanus agreed with Gillispie and stated perhaps in the future.

Retterath went on to discuss storm water management techniques and hardcover restrictions. Retterath stated underground drain fields could be used as an alternative to impervious pavers, which is more affordable. Smith stated the hardcover calculation does require storm water management. Currently, an engineered pervious paver drive-way is the standard. Smith said verifiable standards have to be developed and that engineers have to sign off on it. It was noted that the City has already worked with the Watershed District on some new technologies, including the Wolner Field parking lot.

Mayor Hanus directed staff to research alternatives and bring back options to the Council.

10. Kandis Hanson, City Manager, requesting discussion/action on:

- A. An Ordinance Amending Chapter 10 of the Mound City Code as it Relates to Amusements

Hanson said this is updated language that was inadvertently removed during the 2009 recodification and is needed in order to allow the City to permit music after the 10:00 pm noise ordinance.

MOTION by Hanus, failed a second. Wegscheid asked about the concerns raised during the last discussion about repeat offenders. Hanson said any violation of the City Code is a misdemeanor. Gillispie is aware of an individual who continued to call to complain but the Police did not agree that it was in violation so that could be a problem, too. Discussion ensued and it was determined the police would have to deal with those instances.

MOTION by Hanus, seconded by Wegscheid, to approve the following Ordinance, as amended. All voted in favor. Motion carried.

ORDINANCE 09-2014: AN ORDINANCE AMENDING CHAPTER 10 OF THE MOUND CITY CODE AS IT RELATES TO AMUSEMENTS

- B. Resolution Authorizing Publication of An Ordinance by Title and Summary, as it Relates to Amusements

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

RESOLUTION NO. 14-93: RESOLUTION AUTHORIZING PUBLICATION OF AN ORDINANCE BY TITLE AND SUMMARY, AS IT RELATES TO AMUSEMENTS

11. Information/Miscellaneous

A. Comments/reports from Council members/City Manager

Hanson called attention to item 11D to acknowledge the Beises' retirement after many years of dedicated service, including founding the Spirit of the Lakes Festival organization. Hanson wants to encourage the public to make contact with the Beises or her if they are interested in serving on the Spirit of the Lakes Festival Board.

Hanson stated there is another special event at Harbor Wine and Spirits on December 3rd which is the Repeal of Prohibition Sale.

B. Minutes: Planning Commission – Sept. 2, 2014

C. Reports: Finance Department – Sept. YTD

Update on FEMA reimbursement effort – Oct. 2, 2014

Harbor Wine & Spirits – Oktoberfest & Sept. YTD

Met Council Housing Performance Scores

D. Correspondence: Beises' retirement from Spirit of the Lakes Festival

12. Adjourn

MOTION by Wegscheid, seconded by Gillispie, to adjourn at 9:14 p.m. All voted in favor. Motion carried.

Mayor Mark Hanus

Attest: Catherine Pausche, Clerk