

MOUND CITY COUNCIL MINUTES
May 26, 2015

The City Council of the City of Mound, Hennepin County, Minnesota, met in regular session on Tuesday, May 26, 2015, at 7:00 p.m. in the council chambers of the Centennial Building.

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

Members absent: None.

Others present: City Manager Kandis Hanson, Director of Finance/Clerk/Treasurer Catherine Pausche, Community Development Director Sarah Smith, Director of Public Works Eric Hoversten, Katie Morford, James Reuper, Aaron Zimmerman, Katy Nordhagen, Rob Bergh, Josh Leddy, Chris Remis, Keith Anderson, Ellen Luken, Steve McDonald, Kevin Knopick.

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 7:00 p.m.

2. Pledge of Allegiance

3. Approve agenda

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

4. Consent agenda

Council Member Gillispie asked for the removal of item 4G.

MOTION by Gillispie, 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 \$359,075.72

B. Approve minutes: May 12, 2015 regular meeting

C. RESOLUTION NO. 15-53: RESOLUTION AUTHORIZING PREPARATION OF PLANS AND SPECIFICATIONS AND ORDERING RECEIPT OF QUOTES FOR THE 2015 CRACK SEAL AND SEAL COAT PROJECTS, CITY PROJECTS PW-15-07 AND PW-15-08

D. RESOLUTION NO. 15-54: RESOLUTION AUTHORIZING CITY MANAGER TO SIGN PROPOSAL FOR CONSTRUCTION OBSERVATION AND MATERIALS TESTING SERVICES FOR THE 2015 STREET, UTILITY & RETAINING WALL IMPROVEMENTS - GRANDVIEW BOULEVARD AND TUXEDO BOULEVARD PROJECT, CITY PROJECTS NO. PW-15-01 AND PW-15-02

- E. Approve payment of invoice from AET, Inc., in the amount of \$2,371.10, for geotechnical services supporting Bartlett watermain improvements, City Project PW-15-09
- F. Approve payment of invoice from AET, Inc., in the amount of \$1,750, for geotechnical services supporting Lift Station C-2 replacement, City Project PW-15-04
- G. Removed.
- H. Approve Public Gathering Permit for 2015 Red Ribbon Bike Ride on Dakota Regional Trail as it passes through Mound and for use of Wolner Field
- I. **RESOLUTION NO. 15-55: RESOLUTION TO AUTHORIZE CITY MANAGER TO ENTER INTO A CONTRACT WITH SIMPLEX GRINNELL FOR FIRE AND SAFETY SYSTEMS MONITORING SERVICES**

4G. Adopt Resolution Approving Permits for 2015 Taste of Tonka Special Event and Reduced Public Gathering Permit Application Fee Due to Public Purpose of Gathering

Gillisipie requested removal in order to abstain from voting due to her position as President of Westonka Community and Commerce.

MOTION by Gesch, seconded by Peterson, to approve the following resolution. The following voted in favor: Wegscheid, Gesch and Peterson. The following voted against: None. The following abstained: Gillisipie. Motion carried.

RESOLUTION NO. 15-56: RESOLUTION APPROVING PERMITS FOR 2015 TASTE OF TONKA SPECIAL EVENT AND REDUCED PUBLIC GATHERING PERMIT APPLICATION FEE DUE TO PUBLIC PURPOSE OF GATHERING

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

Jim Rueper, 4815 Island View Drive, said that he is the volunteer bay captain for the Lake Minnetonka Association AIS treatment and that he is here to request funding. Josh Leddy, the project manager for the Lake Minnetonka Association, said they are requesting \$12,000 from Mound as it owns 3/5^{ths} of the shoreline in Phelps Bay.

Mayor Wegscheid said \$3,000 was budgeted and he asked that Mr. Leddy prepare a formal report and submit to the City to be placed on a future agenda for consideration.

Council Member Salazar arrived at 7:16 pm.

6. Public Hearing

Sarah Smith, Community Development Director, requesting consideration/action on request for Conditional Use Permit for Metropolitan Council Environmental Services (MCES) L-39 lift station infrastructure project on portion of City-owned property

PID No. 24-117-24-41-0001

Planning Case No. 15-08

Applicant: HR Green, on behalf of the MCES

Sarah Smith, Community Development Director, provided background on the MCES L-39 lift station and infrastructure project planned for the southeast corner of Wilshire Boulevard and Bradford Lane, which is City owned property. Smith said the project qualifies as an Essential Service Building per Sec 129-2 of the code. A neighborhood meeting was held on April 9th and

the MCES is responding to requests for landscaping, screening and making the buildings as low profile as possible.

Smith said Staff and the Planning Commission are recommending approval. Mayor Wegscheid complemented the MCES for holding a public meeting to engage affected residents prior to the issue coming to the City Council.

Mayor Wegscheid opened the public hearing at 7:25 pm.

Chris Remis, MCES, said the Met Council has 5 lift stations in Mound and showed maps of the current and proposed location for the L39 lift station. Remis reviewed the goals, including phasing out L40 lift station and replacing forcemain on Wilshire Boulevard. Relocating the L39 and decommissioning the L40 lift station will move them away from residential property and make maintenance access easier for crews.

Keith Anderson, HR Green, Project Manager introduced architect Ellen Luken.

Ellen Luken, Luken Architecture, said there has been a collaborative effort to minimize impact. Luken showed views of what the finished site would look like from the street level and surrounding properties and emphasized the flat roof structure and dual roof height that minimizes height/obstruction of view. Luken showed samples of proposed siding and colors. Luken said the residents requested a black roof and windows will face away from residential properties to reduce light at night.

Wegscheid asked if there have been any other residents come forward and Chris Remis said no.

Mayor Wegscheid closed the public hearing at 7:37 pm.

Wegscheid thanked the team again for collaborating and providing for public input and recommended that the same approach be used in similar situations in the future.

Requested Actions:

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

RESOLUTION NO. 15-57: RESOLUTION GRANTING CONDITIONAL USE PERMIT APPROVAL FOR METROPOLITAN COUNCIL ENVIRONMENTAL SERVICES (MCES) LIFT STATION INFRASTRUCTURE PROJECT ON PID NO. 24-117-24-41-0001

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

RESOLUTION NO. 15-58: RESOLUTION APPROVING PUBLIC LANDS PERMIT FOR MCES L-39 LIFT STATION INFRASTRUCTURE PROJECT ON ROAD RIGHT OF WAY

7. Sarah Smith, Community Development Director, requesting consideration/action on request for variance for 5079 Bartlett Boulevard

Planning Case no. 15-01

Applicant: Nathan Holm

Smith said the applicant is requesting a reduced set-back variance to allow for a 3 season porch and deck. Smith said the applicant is trying to utilize French doors that were installed by a former owner. Staff recommends approval of a variance with conditions, and to reduce the size of the deck from 12' x 14' to 12' by 12' in order to minimize the variance. Smith noted a six foot side setback is allowed and the code states any variance should be minimized. Smith stated the original plan would have only needed a 1' variance and now they are requesting a 3' variance. Smith noted a three foot setback per the building code requires 25% maximum of windows and doors and requires a 1 hour fire door.

The Planning Commission recommended a 3' variance and Staff is recommending a 1' variance. Since the Planning Commission and Staff recommendations differ, a resolution was not prepared in advance. Staff requests direction be provided in order to assist in preparing the findings of fact and demonstrating the practical difficulty test.

Mayor Wegscheid asked if the original permit was 12 x 12. Smith said yes, but the original plan did note 12 x 14 was preferred but they tried to make it conforming. Once it was determined the property line was not where they thought it was and a variance was needed either way, they decided to make it 12 x 14. The original plan would have required a 1 foot variance vs. the 3 feet that is currently being requested.

Smith said the Planning Commission considered the original plan and intent and that it appeared the resulting 3 feet setback was adequate. Gesch asked why they would just not turn the porch and run the 14' along the side of the house. Gesch asked about the set-backs for the neighboring property and Smith said it would be either 6 or 10 feet and they, too, would be eligible to ask for a setback variance.

Nathan Holm, 5079 Bartlett Boulevard/applicant, noted the huge space between the proposed plan and the neighbor's garage, although he said he understood that could change, but feels it is unlikely. Holm stated that since a variance was going to be required after the original application, he thought he would go for the larger variance since there are additional benefits with not that much more cost.

Salazar asked about the existing footings and that they are 12' from the house and Holm said they would be removed either way. Wegscheid said he sees both sides and wants to hear from the other Council Members. Peterson said the Planning Commission could have gone either way, but she now believes the 12 x 12 is more appropriate based on Staff's report presented in the packet.

Gillispie asked about other 3 foot variances. Smith said variances should not set precedent and that they are individual to a site. Smith struggles with the fact that 12 x 12 appears a reasonable improvement. Wegscheid said he recognizes the layout of the house on the lot and that there is a lot of open space on the other side, but said the Council has to anticipate what if the neighbor most impacted by the variance wanted to make changes, however unlikely.

Gillispie asked about the neighboring side set-back. Smith said it would be between 6 and 10 feet, depending. Salazar asked about the reason for the additional two feet and Holm said just

comfort and increased property value. Wegscheid said that plays into the practical difficulty argument.

Gesch said she questions the practical difficulty because there are options, but she thinks it should be 12 feet out from the house and the applicant can decide what to do with the length. Salazar agreed and said the objective is to minimize the variance.

Holm asked why is there a Planning Commission. Wegscheid said they are advisory and exist to provide a system of checks and balances. The Council has to balance Staff and the Planning Commission recommendations and that the Council ultimately has to vote their conscience. Smith said often all three are in agreement, Staff, Planning Commission and Council, but often there is a combination thereof. Holm asked why a Planning Commissioner does not present the case in front of the Council and Wegscheid said the Council Liaison is here to represent the Planning Commission discussion.

MOTION by Wegscheid, seconded by Salazar, to direct Staff to prepare a resolution for the next meeting approving a one foot set-back variance for the proposed porch/deck at 5079 Bartlett Boulevard as recommended by Staff and based upon the Council discussion. All voted in favor. Motion carried.

8. Steve McDonald, representing Abdo, Eick & Meyers, LLP, presenting the 2014 Comprehensive Annual Financial Report and Management Letter, and requesting action receiving the same

Steve McDonald, Managing Partner, said the unmodified opinion is the best possible and no findings were noted on internal controls. McDonald highlighted other audit objectives.

Kevin Knopik, Audit Manager, reviewed the financial information in the management letter. Knopik said the 43% General Fund balance is healthy, the budget to actual was favorable, and the per capita expenditures was very comparable to the peer group average. Knopik noted the recommended cash balance for the enterprise funds is 25% of operating costs plus next year's debt service. Knopik noted the debt service coverage is 84% and the goal should be over 100%. Peer group averages are provided to give perspective. Knopik noted that GASB 68 will be implemented in 2015 and that it will have some impact on the financials. The auditor's will work with staff to implement that standard.

Wegscheid said he likes the way the information is laid out in the Management Letter and thanked the auditors for their effort.

MOTION by Salazar, seconded by Gesch, to approve the receipt of the 2014 Comprehensive Annual Financial Report (CAFR) and Management Letter and thanking AEM. All voted in favor. Motion carried.

9. Kandis Hanson, City Manager, presenting Certificate and Award of Financial Reporting Achievement to Catherine Pausche, Director of Finance and Administrative Services

Hanson read a press release from the Government Finance Officers Association (GFAO) and stated this was the 26th consecutive year of the City receiving the award and that it demonstrates the high standards in which the CAFR was prepared. Hanson thanked Pausche for her diligence, responsiveness and dedication. Pausche thanked Hanson for her comments.

10. Information/Miscellaneous

A. Comments/reports from Council Members/City Manager

Hanson reported the Mound Fire Fish Fry is June 6th, with dinner from 3 pm to 8pm with music to follow. Tickets are available from fire fighters going door to door, at City Hall or Harbor Wine and Spirits, or at the event itself.

Gillispie mentioned the DARE Golf Tournament Fundraiser is Friday, June 5th and that the first Taste of Tonka will be held on September 19th and is sponsored by Westonka Community and Commerce.

B. Minutes:

C. Reports:

D. Correspondence: Lake Minnetonka Conservation District - Draft 2016 Budget
Mediacom letter: May 8, 2015
Met Council 2014 population estimate: May 14, 2015

11. Adjourn

MOTION by Salazar, seconded by Gesch, to adjourn at 8:41 p.m. All voted in favor.
Motion carried.

Mayor Mark Wegscheid

Attest: Catherine Pausche, Clerk