

**MOUND CITY COUNCIL MINUTES**  
**July 28, 2015**

The City Council of the City of Mound, Hennepin County, Minnesota, met in regular session on Tuesday, July 28, 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 Public Works Eric Hoversten, Director of Community Development Sarah Smith, City Planner Rita Trapp (HKGI), Director of Finance/Administration Catherine Pausche, Stacie Kvilvang, Administrative Assistant Mary Mackres, Katie Morford, Andy Johnson, Dave Roelofs, Becky Glister, Ruth Bauer, Karen Carlson, Tom Wiblishauser, Elena Zhuk, Roman Zhuk, Brian & Tracy Gibbens, Jim Brand, Troy Koopman

*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**

Hanson asked to pull consent agenda item 4C(2.) and agenda item 6.

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

**4. Consent agenda**

**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 payment of claims in the amount of \$320,875.30

B. Approve minutes: July 14, 2015 regular meeting

C. Set Special Meetings

1. Workshop for the purpose of discussing water pressure on the Island as it relates to fire suppression and certain homes: Sept. 15, 2015, 7:00 p.m.
2. Pulled.

**D. RESOLUTION NO. 15-78: RESOLUTION AUTHORIZING AMENDMENT TO RESIDENTIAL RECYCLING GRANT AGREEMENT WITH HENNEPIN COUNTY (A120125)**

**E. RESOLUTION NO. 15-79: RESOLUTION APPROVING FIRST AMENDMENT TO THE LIMITED USE AGREEMENT FOR PUBLIC LANDS PERMIT FOR PHASE 2 IMPROVEMENTS IN THE HARBOR DISTRICT BETWEEN THE CITY OF MOUND, MOUND HRA AND MOUND WESTONKA ROTARY CLUB**

**F. RESOLUTION NO. 15-80: RESOLUTION DENYING VACATION OF NORTH 1/2 OF UNIMPROVED PORTION OF GALWAY LANE (PLANNING CASE NO. 15-09)**

**G. RESOLUTION NO. 15-81: RESOLUTION DENYING VARIANCE FOR 4730 GALWAY ROAD (PLANNING CASE NO. 15-10)**

**H. RESOLUTION NO. 15-82: RESOLUTION APPROVING VARIANCE FOR 4414 DORCHESTER ROAD (PLANNING CASE NO. 15-15)**

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

Elena Zhuk, 4825 Hanover Road, stated she has questions on dock sharing. Zhuk stated she has lived in Mound for 10 years and has a business here. Zhuk stated she has a neighbor who is willing to share their dock with Zhuk and wonders why she has to wait almost two years to be able to share their neighbor's dock.

Catherine Pausche, Director of Finance and Administration, addressed the Council and said the code is written expressly that someone must be on the wait list before they are able to share a dock site. Pausche explained that some people have to wait for over 5 years to get on a dock site and believes the code was written to stop people from bypassing the wait list altogether.

Mayor Wegscheid suggested that Ms. Zhuk should go to the Docks Commission meeting to discuss her concerns. Pausche informed Zhuk that the next Dock Commission meeting is set for Sept. 19th at 7:00pm.

**6. Visit by Alex Stanford, outreach staff for Congressman Erik Paulsen**

Pulled.

**7. Public Hearing**

Stacie Kvilvang, Senior Municipal Advisor/Director, Ehlers, Inc., requesting discussion/action on property tax abatement to facilitate the acquisition and refinancing of the Mound Transit Facility and refunding of the HRA Limited Tax Pledge Bonds (Mound Transit Center), Series 2006, in order to achieve interest savings.

Kvilvang stated the Council previously approved refinancing the transit center bonds in order to produce significant interest savings. The new bonds will be General Obligation Tax Abatement Bonds which require two actions by law: 1. to hold public hearing on this issue; 2. to list the parcels that the City would abate taxes from as a form of collateral as these parcels would then not be allowed in a TIF district as long as the bonds are outstanding. Kvilvang stated there is no real impact as the taxes from the twelve properties listed for abatement will still fund the general levy and the debt service will continue to be paid 100% from the HRA special tax levy.

**MOTION** by Salazar, seconded by Gillispie, to approve resolution. All voted in favor. Motion carried.

**RESOLUTION NO. 15-83: RESOLUTION APPROVING PROPERTY TAX ABATEMENTS**

**8. Planning Commission Recommendation**

Rita Trapp, consulting Community Planner is requesting discussion/action on Planning Case No. 15-13 a variance application for house remodel/addition at 1729 Dove Lane. The Applicant: Mike Mann of Lecy Bros, on behalf of owner

Trapp explained the lot is 20,000 square feet which lies south of Three Points Boulevard at the end of Dove Lane and has a detached non-conforming garage located on the rear property line. The front of the house has a 24 feet setback and is 90 feet from the shoreline. Orientation of the lot is a bit different than a traditional lot as the house is oriented toward Lake Minnetonka instead of Dove Lane. The owner would like to build a new garage which would be 20 by 24 feet and is larger than the existing garage on the property. The applicant would like to add a mud room and dinette between the existing house and the proposed garage. Staff does not think the addition is unreasonable but is concerned about the setback to the neighboring rear property line. The Planning Commission recommended denial of the variance due to the setback issues. The staff recommends a six foot side setback so the build out isn't so close to the neighboring property.

The Mayor asked if anyone in the audience would like to give input.

Troy Koopman, 1732 Canary, said he is the neighbor whose property is adjacent to the applicant and that he favors the staff recommendation of the 6 foot side setback.

Karen Carlson, 1712 Canary, said her property abutts the applicant's property and that she would like the 15 foot setback in the City Code to be maintained as she stated there is ample room on the lot for an addition.

Jim Brand, 1724 Canary, said his property abutts the applicant's property to the west. He stated he recently built an addition to his house with views of lake. He is in favor of building improvements but doesn't want the setbacks to be amended and believes the lot is large enough with plenty of land to work with to put the garage in different place on the lot. Brand stated he elected to remain in Mound instead of moving because it is a great neighborhood, but that he believes a precedent will be set and the neighborhood negatively affected if the Council allows this variance.

Brian Gibbens, 1709 Dove, asked a question regarding the recommendations of City planning staff. Staff recommended a six foot variance which the Planning Commission denied. Gibbens believes a six foot setback is reasonable.

Andy Johnson, Lake Minnetonka Remodeling, addressed the Council. Johnson stated the homeowner is trying to beautify the neighborhood, create more interior space including a dining area and wants an attached garage.

Salazar asked if a complete razing of the property and a new home was considered. Johnson stated that the homeowner said that is not an option.

Peterson asked Johnson what affect the design changes would have on the height of the buildings. Johnson stated he estimated the garage roof and addition would be approximately 15 or 16 feet and the current height is about nine to ten feet.

Peterson stated that the Planning Commission had difficulty finding hardship in not allowing the variance to setbacks.

Salazar stated he is leaning in the direction the Planning Commission took and finds the setback issue didn't meet the practical difficulty test.

Wegscheid commented that there seems to be split among the neighbors and would look to the City Code for guidance. The plans move the structures further from the property line than the current buildings. Wegscheid stated he was okay with the staff recommendation of the six feet setback though he supports the Planning Commission recommendation on this one.

Gillispie asked staff to clarify why there was a side setback recommendation of 6 feet for this situation when the side setbacks are set at 15 feet in the City Code. Trapp said the orientation of the house is that the lake acts as a front, but Dove Lane is legally the front because it is the only street in which the lot can be accessed. Staff recommended 6 feet instead of 15 feet to make a reasonable compromise to the home's orientation on the lot.

Gesch asked about the existing windows which the builder was concerned about blocking and how meeting the staff recommended six foot setback would affect the design of the proposed addition and garage.

Discussion continued with Council Members, two members of the public who spoke previously and Andy Johnson all deliberating different plans based on meeting setbacks and understanding the building layout in regards to setbacks.

Wegscheid spoke on the lack of hardship due to the large lot at 1729 Dove and said he supported the Planning Commission variance denial. The Council deliberated and agreed that as this is a large lot, there is no hardship to the homeowner to place a new garage in different spot on the lot and maintain the setback set in City Code.

**MOTION** by Salazar, seconded by Gesch, to direct staff to prepare a resolution denying the variance for 1729 Dove Lane. All voted in favor. Motion carried.

9. **Eric Hoversten, Public Works Director, requesting discussion/action on Resolution Awarding Additional Quoted Work to the 2014/2015 Sanitary Sewer Rehabilitation Project in the Amount of (TBD), City Project Nos. PW-14-05 and PW-15-06**

Hoversten stated the Council previously awarded a sanitary sewer rehab project along with a change order at the July 14th meeting. Due to the favorable rates, the City Attorney was consulted as to how the City may increase the scope and remain compliant with uniform municipal contracting law. The City Attorney suggested keeping the scope under \$100K to allow for quotes rather than sealed bids. The lowest quote came in at \$103,524.60 which Staff feels is keeping with the intent of the law. A total of \$302,000 will now be invested in sanitary sewer rehab which will be offset by \$29,000 to \$60,000 in grants from the Metropolitan Council. Hoversten added documentation to the agenda packet detailing this new financial information.

Mayor Wegscheid asked about the likelihood of the City receiving these grants from the Metropolitan Council. Hoversten explained that rehabbing the City sewer systems increases opportunities to receive the grant allotment. This investment also reduces financial penalties for exceeding overflows from the system which are expected to occur. Hoversten noted the budget also assumes an additional 10-15% to allow for incidental costs during the lining project and for other sewer related repairs.

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

**RESOLUTION NO. 15-84: RESOLUTION ACCEPTING QUOTE FOR THE 2015 SANITARY SEWER REHABILITATION PROJECT – CITY PROJECT NO. PW-15-06**

**9. Eric Hoversten, Public Works Director, requesting discussion/taking comments on the Hennepin County Natural Resources Strategic Plan**

Hoversten stated the City has an opportunity to comment on Hennepin County's Natural Resources Strategic Plan. Hennepin County identified five basic goals and three action items in the plan, including: 1. Hennepin County proposes establishing an inventory of water resource management opportunities across the County. 2. Proposes an easement program to protect water resources in the County. 3. The County proposes establishing a coordinating body to integrate governance levels across water resources.

Hoversten believes there is not a need for another layer of governance as proposed in action number three. Hoversten stated there is a survey related to the natural resources which is available for any citizen to take. Hoversten recommends that everyone complete this survey.

Peterson asked if the County survey could be linked or put on the City website. Hoversten stated the County sent it out via GovDelivery and would look into options for making the survey more available to Mound residents.

The Council also requested that an article in the Laker asking people to take survey and supplying our comments as a City be written.

**MOTION** by Salazar, seconded by Gesch, to support submittal of comments by Public Works Director in response to Hennepin County's Natural Resources Strategic Plan. All voted in favor. Motion carried.

**10. Information/Miscellaneous**

A. Comments/reports from Council Members/City Manager

Hanson commented that Spirit of the Lakes Festival was a huge success in spite of poor weather and that it made more money than last year. Hanson thanked everyone who attended and supported the event.

Night to Unite is being held on August 4 from 6:00-8:00 p.m. Hanson encouraged residents to register their block party with the Orono Police Department so that a squad car can visit your party. Council members also can ride along with police to attend block parties in the City.

Gillispie and Hanson made an announcement that WCC will be hosting Dog Days on Saturday, August 22nd in the Harbor District.

- Minutes: Planning Commission - June 2, 2015
- Suburban Rate Authority - July 15, 2015
- B. Reports: Finance - 2015 YTD, as of June 30, 2015
- C. Correspondence:

**11. Adjourn**

**MOTION** by Gesch, seconded by Gillispie, to adjourn at 8:16 p.m. All voted in favor. Motion carried

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Mayor Mark Wegscheid

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Attest: Catherine Pausche, Clerk