

MOUND CITY COUNCIL MINUTES
June 11, 2013

The City Council of the City of Mound, Hennepin County, Minnesota, met in regular session on Tuesday, June 11, 2013, at 7:00 p.m. in the council chambers of City Hall.

Members present: Mayor Mark Hanus; Council members Mark Wegscheid, Heidi Gesch, Kelli Gillispie and Ray Salazar
Members absent: None.

Others present: Fin Dir/Clerk/Treasurer/Acting City Manager Catherine Pausche, Community Development Director Sarah Smith, City Attorney Sarah Sonsalla, Jay Green, Ron Hendley, Gary Vogel, Katy Kolbeck, Ellen Lukin, Chris Remus, Charlotte Paine, Tim Litfin, Blaze Fugina

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

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

4. Consent agenda

Mayor Hanus requested the removal of items 4E and 4F for discussion.

MOTION by Hanus, seconded by Salazar 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 \$186,351.74.
- B. Approve minutes of the May 28, 2013 regular meeting.
- C. Approve Public Gathering Permit for 2013 Dog Days Westonka, August 17, 2013, with fees paid.
- D. **RESOLUTION NO. 13-64: RESOLUTION APPROVING PUBLIC LANDS PERMIT FROM ZACH AUGUSTYN FOR 2648 SHANNON LANE PID NO. 19-117-23-23-0052**
- E. (Removed).
- F. (Removed).

G. RESOLUTION NO. 13-67: RESOLUTION AWARDING CONTRACT FOR THE 2013 SANITARY SEWER REHABILITATION PROJECT - CITY PROJECT NO. PW-13-06 TO MICHELS CORPORATION IN THE AMOUNT OF \$196,663.00.

H. Approve Pay Request No. 9 from GMH Asphalt Corporation, in the amount of \$22,266.17, for work completed on the 2012 Street, Utility, Lift Station and Retaining Wall Improvement Project, City Project No's. PW-12-01, PW-12-03, and PW-12-04.

I. Approve Pay Request No. 1 from GMH Asphalt Corporation, in the amount of \$340,552.34, for work completed on the 2013 Street, Utility, and Retaining Wall Improvement Project, City Project No's. PW-13-01, PW-13-02, and PW-13-05

4E. Expansion Permit.

Mayor Hanus requested this be removed for discussion to clarify the actions taken by the Planning Commission. Smith clarified that there are two separate addresses which call for two separate resolutions. Hanus clarified that there is no room for error on the placement of the footings. Smith stated a survey is necessary before the foundation is back-filled. Hanus requested a number 14 be added to both resolutions stating "As-Built footing and foundation survey is required to ensure compliance with the six (6) foot side set-backs." Hanus cautioned the applicants that extra care should be made to ensure nothing has to be changed.

MOTION by Hanus, seconded by Salazar, to approve the following resolution with the addition of item 14, as stated. All voted in favor. Motion carried.

RESOLUTION NO. 13-65: RESOLUTION APPROVING EXPANSION PERMIT FOR 4309 WILSHIRE BOULEVARD PID NO. 19-117-23-13-0012

4F. Expansion Permit.

MOTION by Hanus, seconded by Salazar, to approve the following resolution with the addition of item 14, as stated. All voted in favor. Motion carried.

RESOLUTION NO. 13-66: RESOLUTION APPROVING EXPANSION PERMIT FOR 4313 WILSHIRE BOULEVARD PID NO. 19-117-23-13-0011

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

Charlotte Paine, Spirit of the Lakes Volunteer Coordinator, stated festival planning is in full swing and the events will take place on July 18th, 19th, and 20th. Paine asked volunteers willing to help at the events to contact her via email at volunteer@spiritofthelakes.com or via phone at (612)559-5919.

6. Tim Litfin, representing Tour de Tonka, scheduled for Saturday, August 2, 2013.

Tim Litfin, Minnetonka Community Education Director and organizer of the Tour de Tonka, reviewed the 2012 race and displayed a Power Point and brief video. Litfin

thanked the cities, Orono Police Department, and volunteers and stated they expect even greater turnout in 2013.

7. Jay Green, Representative to the Lake Minnetonka Conservation District (LMCD) requesting approval of Right-of Entry Authorization for Watercraft Inspection Agreement with LMCD.

Jay Green, Mound Representative to the LMCD, stated the actual cost for 2012 was \$38,900, including a \$7,750 DNR grant and \$7,500 MCWD grant. For 2013 \$38,115 \$7,750 DNR \$19,507 MCWD grant.

If Right of Entry is not approved, the program would cost \$28,988 or \$4,100 less not to do inspections at Cooks Bay. Inspections are conducted when launching in and out and education is provided, but no cleaning takes place. Green clarified Level 1 and 2 inspectors can stop boats from entry and that in 2012 a Florida boat with AIS was stopped from entering Lake Minnetonka.

In response to the request by Council Member Wegscheid requesting evidence that the practice of inspecting boats is having an impact, Green stated he sees it as the lesser of three evils, including doing nothing, inspections, and restricted access to lakes. Green presented two studies to support the program is effective, but stated it is difficult to prove we are “not” doing something. One study showed the number of infested lakes with zebra mussels grew slower in Minnesota than Wisconsin and Michigan, who do not have inspection programs. Hanus asked if that was due to migration from East to West. Green pointed out all three states started at the same point 20 years ago. Gesch asked about other possible factors for the trend. The other study addresses many of the other factors, but it is lengthy. The studies address in-state lakes only, not the Great Lakes. A University of Wisconsin study showed ducks not having a significant impact.

Green stated MCWD study showed densities of AIS in Lake Minnetonka are lower compared to other lakes. Green stated anti-AIS paints have environmental issues with copper and zinc elements and require professional application. Green stated possible alternatives to inspections include (1) Save the Lake Committee developing Minnetonka Certified Boater program and (2) Statewide – consensus beginning to require all boaters to obtain watercraft operator license, versus only 17 years old and younger that are required to obtain today.

Hanus stated the question is whether or not the program is effective and/or worth the money spent. No barrier is absolute, so it is just a matter of time. Measures will slow but not stop, so he wonders if it is just a “feel good” program. Dock sections and boat lifts are also carriers, but are not inspected. Hanus proposed allowing program in exchange for ensuring every contact is going to be recorded. Green stated DNR monitoring electronically, LMCD uses a paper log and would need to be transferred to DNR. Ultimately, the LMCD could add tablets so the data goes directly to the DNR data base.

Mark Wegscheid asked what if you don't inspect at Cooks Bay and divert the funds to education. Green stated Hennepin County has done a lot of education using signage at North Arm Bay. Green said the majority of the season, the people at Surfside are transient day boaters and Green stated it is about risk management. Green stated there won't be time to develop the education materials for this season. Hanus asked if we are inspecting for other invasive species or just the zebra mussels and milfoil. Hanus asked if it would be more productive to create a barrier on uninfested waters, versus focusing on infested waters. Green stated there are 5,500 public access points which is the dilemma and why they chose to focus on containment. Hanus said it seems like we are paying for other lakes when no one was there to protect Lake Minnetonka.

MOTION by Salazar, seconded by Wegscheid, to approve the right of entry agreement conditional upon an educational component being developed for the 2014 boating season on what to do if the boater encounters AIS and provide inspection data specific to Cooks Bay for 2013, including the number of boats identified with AIS. All voted in favor. Motion carried.

8. Sarah Smith, Community Development Director, with Planning Commission recommendations.

- A. Discussion/Action on Planning Case No. 13-17
Applicant Representative: HR Green
Conditional Use Permit – 6270 Westedge Boulevard
Essential Service Building – Metropolitan Council Environmental Services
(MCES) Wastewater Treatment Facility/Site

Smith stated that this is a follow-up to the public hearing held on May 14th when the issue was tabled to allow the MCES to incorporate the feedback. The narrative and comments addressing the concerns were included in the packet. Concerns were raised about height and design of the building. The project team removed the clear story and added dormers instead. In addition, the modified structure is within the height restrictions and a variance is no longer required and the elevation was lowered approximately 1.5 feet. Screening and buffering will continue to be worked on with the City Staff to ensure adequacy.

The City needs to take action by June 30, 2013, so a resolution needs to be drafted for the second meeting in June. Hanus asked about the letter from the citizen stating the trees have been trimmed, removing the screen. Smith said the CUP would allow the City to require remediation. Hanus asked about CUP screening requirements and whether the specifics have to be laid out in advance on the site plan or not. Hanus stated he felt details on the outdoor storage were missing and he is sensitive due to the proximity to the neighborhood. Smith suggested having the applicant speak. Hanus asked for the CUP to identify the placement of the outdoor storage and what kind of screen is required.

Salazar asked if notification was given to the citizens for this meeting. Smith notified the two residents who sent letters and one who called in. A second meeting notification was not done as it is not required.

Chris Remis, MCWD, addressed the council regarding the outdoor storage. He stated it is not the intent to store materials outside on a long-term basis. Hanus asked if the outdoor storage ordinance applies to commercial properties. Smith did not think so. MCWD security consultant recommended considering visibility for security and not using the vinyl slats. Hanus stated he is focused on the outdoor storage and vehicles more than the buildings. Hanus mentioned residents who spoke at the public hearing specifically mentioned brush. Salazar asked where the majority of the activity will be. Remis pointed out the main building. Salazar asked about the berm option.

Hanus recommended having Staff prepare the CUP as amended with the exception of identifying a place on the site for trash storage that will be properly screened from the neighbor's scope of view.

Ellen Lukin, Architect, asked if time could be allowed to access the best location after they moved in. New equipment and vehicles are being added and they need to maneuver. Hanus stated outdoor storage is probable and needs to be addressed or it has to be banned completely. Hanus stated materials being stored have to be relative to the business.

Hanus recommended requiring some portion of the site be designated and that MCWD can come back at a future date to amend the CUP if needed. Gillispie asked if there are similar site areas in the area to compare to. Salazar requested the berm be considered and Hanus said he thought it depends on the type of tree. Gesch stated she does not want to limit options. Smith said berms can impact aesthetics and suggests not specifically requiring something at this point. Smith prefers more trees and bushes. Salazar asked about the colors for the facility and Smith pointed out the material charts in the room.

Ron Hendley, 2611 Setter Circle, asked what the L38 building will look like since it will be most visible. He asked if the large generators will be stored in a building. Remis stated L38 will be consistent with the architecture presented in the handouts today. Smith stated it is in the design process but stated the design will be compatible and the CUP will have language to that effect. The Council can require it to come back as an amendment to the CUP if they prefer that to Staff approval.

Hanus asked for rough dimensions on outside storage, including trash and brush, and a plan to show that it will be properly screened. Remis said generators can't be stored inside and he is unsure whether they will be put in cold storage or not.

MOTION by Hanus, seconded by Gesch, to direct Staff to prepare the CUP as amended, including information and conditions contained in the record and identifying a place on the site for external refuse storage that will be properly screened from the

neighbor's scope of view, and brought back to the next meeting for approval. All voted in favor. Motion carried.

9. Catherine Pausche, Finance Director/Clerk/Treasurer

- A. MOTION by Hanus, seconded by Salazar, to adopt the following ordinance. All voted in favor. Motion carried.

ORDINANCE NO. 06-2013: AN ORDINANCE AMENEDING CHAPTER 6 OF THE MOUND CITY CODE AS IT RELATES TO ALCOHOLIC BEVERAGES

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

RESOLUTION NO.13-68: RESOLUTION AUTHORIZING PUBLICATION OF AN ORDINANCE BY TITLE AND SUMMARY AS IT RELATES TO ALCOHOLIC BEVERAGES

- C. MOTION by Hanus, seconded by Salazar, to table the ordinance regarding the electronic franchise fees until the next meeting when the corresponding fee schedule can be included. All voted in favor. Motion carried.

- D. MOTION by Hanus, seconded by Salazar, to table the ordinance regarding the gas franchise fees until the next meeting when the corresponding fee schedule can be included. All voted in favor. Motion carried.

- E. Pausche stated the Lost Lake Slip increase from \$1,148 to \$2,600 decreased demand and Pausche recommends reducing it to \$2,050, which is \$100 higher than the Mound resident rate to help move the remaining slips.

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

RESOLUTION NO. 13-69: RESOLUTION AMENDING RESOLUTION NO. 13-35 RESOLUTION AMENDING RESOLUTION NO. 12-107 ADOPTING FEE SCHEDULE

- F. Pausche stated requests have been made for an overnight parking option although Pausche does not anticipate it will be widely used. Pausche stated Public Works, Police and Fire do not have any issues with it.

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

RESOLUTION NO. 13-70: RESOLUTION TO PERMIT OVERNIGHT PARKING IN AUDITOR'S ROAD DISTRICT BY PERMIT ONLY FOR LOST LAKE SLIP LICENSE HOLDERS

- G. Set Committee to Meet with City of Wayzata on participation in a Lake Minnetonka Regional Scenic Byway, to Include City Manager.

Mark Wegscheid volunteered to attend the first meeting and see where it goes from there.

MOTION by Hanus, seconded by Salazar, to name Mark Wegscheid and Kandis Hanson as Mound representatives to the Lake Minnetonka Regional Scenic Byway Committee. All voted in favor. Motion carried.

10. Information/Miscellaneous

- A. Comments/reports from Councilmembers/City Manager
- B. Minutes: Parks and Open Space Commission: April 11, 2013
Planning Commission: May 7, 2013
Planning Commission: May 21, 2013
- C. Reports: Metropolitan Council 2012 Population Estimate
Vehicle Compliance Agreement Policy Amendment
- D. Correspondence:

10. Adjourn

MOTION by Salazar, seconded by Gillispie to adjourn at 9:15 p.m. All voted in favor. Motion carried.


Attest: Catherine Pausche, Clerk



Mayor Mark Hanus