

MOUND CITY COUNCIL MINUTES
February 25, 2014

The City Council of the City of Mound, Hennepin County, Minnesota, met in regular session on Tuesday, February 25, 2014, at 7:00 p.m. in the council chambers of the Centennial Building.

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

Members absent: Mark Wegscheid

Others present: City Manager Kandis Hanson, Fin Dir/Clerk/Treasurer Catherine Pausche, Community Development Director Sarah Smith, City Engineer Dan Faulkner, City Planner Rita Trapp, Chris Brown, Phil Veslor, Linda Cordie, Judy McKeand

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 Gillispie, 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 \$350,978.83.
- B. Approve minutes of the February 11, 2014 regular meeting.
- C. Set a Special Meeting Workshop for Tuesday, April 15, 2014 at 6:30 p.m. for the delivery of 2013 Supervisor Annual Reports to the City Council.
- D. Cancel a Special Meeting Workshop on Saturday, March 1, 2014 at 1:00 p.m. for presentation of a development proposal.
- E. Approve Application and Permit for Temporary On-Sale Liquor License for the Knights of Columbus fund raising event on March 28, 2014 with fee paid.
- F. Approve Pay Request No. 3 from Minger Construction, Inc. in the amount of \$28,702.58 for the 2013 Lift Station Improvement Project, City Project No. PW-13-03.

G. RESOLUTION NO. 14-19: RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND ORDERING ADVERTISEMENT FOR BIDS FOR THE 2014 STREET, UTILITY, AND RETAINING WALL IMPROVEMENT PROJECT – THREE POINTS BOULEVARD

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

None were offered.

6. Dan Faulkner, Engineer from Bolton & Menk, requesting action on Resolution Receiving Report and Authorizing Preparation of Plans and Specifications and Ordering Advertisement for Bids for the Bartlett Boulevard Watermain Replacement Project, City Project No. PW-14-08

Faulkner stated that the water main from Commerce Blvd to Shoreline Blvd/CR15 is from the 1960's and that there have been multiple breaks over the years. Staff was waiting on Hennepin County to coordinate with a road work project and that the County plans to do at least a mill and overlay in the next two to three years. Staff is proposing to replace the water main in three segments over the next three years and to bid the project with the annual street improvement project. Staff is proposing the first segment be 2300 LF of replacement which was included in the CIP although current estimated cost is higher than the original estimate. Faulkner estimates construction costs of \$714K + 5% contingency, indirect of \$150K for an approximate total project cost of \$900K. Faulkner said that Staff will also be considering lining vs. total replacement to save on costs but that more information is needed.

Mayor Hanus asked what is involved in the repair and what the average repair cost is. Faulkner confirmed that it has to be dug up and the line cut and patched and costs from \$3,000 to \$5,000. Hanus asked if the bonds to finance this project would cause the water rates to increase. Pausche said yes. Reasonable rate increases have been forecasted for the next few years. Gillispie asked if there were any cost benefit savings to consider if this was done in conjunction with the County project. Faulkner said no as the County will likely only do a mill and overlay not a total replacement. Gesch said she is concerned that committing to one segment means committing to all three. Hanus confirmed with Faulkner that it does not necessarily require that the next two segments are done and Faulkner agreed. Pausche said she would like to bring data on the cost of repairs back at a future meeting for the council to consider and Hanson stated the additional intangible costs like interruptions to water service for neighboring residents should also be included.

Hanus proposed amending the resolution to add the following language:

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Mound, Minnesota, to receive this feasibility report to order preparation of plans and specifications as an optional addition to the Three Points Boulevard Street Project and to add an option for the cost to just reline the pipe if feasible, and to order advertisement for bids for Bartlett Boulevard Watermain Replacement Project.

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

RESOLUTION NO. 14-20: RESOLUTION RECEIVING REPORT AND AUTHORIZING PREPARATION OF PLANS AND SPECIFICATIONS AND ORDERING ADVERTISEMENT FOR BIDS FOR BARTLETT BOULEVARD WATERMAIN REPLACEMENT, LOST LAKE BRIDGE TO WILSHIRE BOULEVARD

7. Sarah Smith, Community Development Director, with Planning Commission recommendation requesting discussion/action on Urban Agriculture Report related to the keeping of chickens and bees.

Community Development Director Smith introduced the item and provided an overview of the report which contains a review of community regulations and information about chicken and bee keeping. The City Code currently does not allow for the keeping of chickens, subject to certain exceptions, and bee keeping is not addressed and therefore is not allowed. The Planning Commission held a public forum at its January 7th meeting at which time the report was presented and comments were taken.

Staff's recommendation was for the continuation of the current regulation that does not allow chickens and to not allow bees. Staff also recommended amendments be prepared to more clearly state these regulations. Staff noted that Mound has relatively small lots resulting in a greater potential for impact on neighboring properties. Staff also had concerns about predators and nuisance issues.

The Planning Commission's recommendation was to allow chicken and bee keeping and to prepare an ordinance to establish regulations.

Following the public forum, Staff did additional research to learn what resources may be available and found a document called "Recommendations for Municipal Regulations of Urban Chickens" which has been used by several communities whom have adopted regulations for backyard chickens. Staff also contacted the U of M Extension Service who forwarded a memorandum that contained information about disease prevention, predators, nuisance conditions, and waste management. In speaking with U of M Staff, it was noted that the most important ways to minimize predator impacts and nuisance conditions is to require enclosures that are safe from predators, to require that food is stored in rodent proof containers, and to have coop management standards.

Mayor Hanus stated that he found it interesting that many rural communities allowed chickens in the agricultural zones. Hanus asked about information in one of the reports which stated that coops needed to be heated and talked about the minimum standards that are needed for the health of the animals.

Staff indicated that specific standards had not yet been prepared but would be needed and further commented that extreme conditions can affect chickens. HKGI Planning Consultant confirmed that page 394 in the packet agenda included information about climate control needs for coops. She also mentioned that the report indicates that electricity is needed for chicken coops.

Gillespie asked if a chicken was a domestic animal and whether any research had been done on home values. Hanus stated he considers it to be a farm animal.

Smith indicated no research was done on affects on property values nor had any information been reviewed on the topic. Trapp indicated that she heard anecdotal comments that it could affect values but no written information had been obtained.

Gillespie asked about uninvited guests such as a raccoon or a hawk and whether they are attracted to chickens. Smith commented that in speaking with U of M Extension Staff, it was mentioned that the keeping of chickens would not attract additional predators as common predators, such as a coyote, already exist in urban neighborhoods.

Gillespie asked about feed being an attractant. U of M Extension Staff mentioned that the most important ways to minimize threats from predators and nuisance conditions is to require enclosures that are safe from predators, to require that food is stored in rodent proof containers, and to establish coop management standards.

Gillespie stated she has concerns about bee keeping especially for those who are allergic to them.

Salazar asked about the creation of odors from backyard chickens. Staff stated that smells or odors should be minimal if proper coop standards are maintained. She also discussed manure generation with the U of M Extension Staff who indicated that a small operation will not generate much waste and two of the more common disposal methods are composting and garden application.

Salazar commented about licensing and permitting needs for these types of activities and inquired about the amount of time that will be needed. He indicated that Mound is a city and that these activities may work better outstate. He also expressed concern about the amount of work that may be required.

HKGI Planning Consultant Rita Trapp commented that the ordinance regulations that were reviewed for bees include requirements for screening and fly over barriers which help minimize potential for impacts on neighbors when bees leave the hive to find food and water. She also mentioned that Staff has concerns about Mound's small lots.

Hanus commented on fly over barriers being vegetation versus being a fence and that Mound has fencing regulations. He also commented that he believes a coop would be an accessory structure and would have to meet the City Code regulations including setbacks and other applicable regulations such as hardcover.

Hanus asked about research of other community regulations as it relates to lot sizes. Smith noted that Mound has minimum lot size requirements in some districts. It was noted that Minneapolis also has small lots. Staff mentioned that there were minimum lot requirements in some of the ordinances reviewed including the City of Woodland which has a 2-acre minimum.

Gesch indicated that she lives on a 6000 square foot lot. She believes that if the ordinance is well written she does not think it would be an issue. She also asked for information about the make-up of Mound's lots.

Staff stated that 42 percent of lots are in the R-1 District and 58 percent are in the R-1A and R-2 District. Hanus commented that this is zoning district information but does not reflect the number of lots that are 6000 square feet and that some may be more and some may be less.

Discussion took place that it is assumed that the regulations are for single family homes and not multiple family facilities.

Trapp confirmed that the R-1 District has a 10,000 square foot requirement and the R-1A and R-2 Districts have a 6000 square foot requirement. It is also assumed chicken coops would count towards hardcover.

City Manager Hanson commented about the amount of time Staff spends on conflict resolution in neighborhoods and expressed concern about manure management. We have to be confident how it would be managed in the City to prevent and minimize future problems. Hanus commented that some of the report information includes a requirement for daily maintenance of the chicken coops.

Salazar asked about licensing and inspection. Smith indicated that the process would include licensing, processing and inspection and would likely involve several people including the CSO, the City Clerk, and herself. There also could be involvement by the Building Official.

Hanus invited members of the audience to speak on the matter.

Phil Velsor, 3232 Gladstone Lane, stated he runs a power cord from the house over the yard to the coop and runs a fan during the summer. He said the most difficult issue he has had with seasonal issues was keeping the water from freezing. He commented that the problem he most incurred was stray dogs coming in to his yard and also mentioned that there was one occasion where a hawk was seen. He also commented that chickens assist with mice. He stated that if someone is not following the regulations, citations can be issued and that he is willing to pay a licensing fee. He sees allowing chickens as becoming more progressive. He also inquired whether the Council's action would be on bees and/or chickens or both. Hanus indicated all options are available. He also commented about the applicable code for an electrical line including the need for it to be buried. Gillespie also asked about the coop and how it is kept warm. Velsor stated that he had a heat lamp during the winter.

Chris Brown, 4926 Drummond Road, stated he hears a lot about the regulations and expressed concern as he grew up understanding that this country is free. He indicated that people get in to chicken keeping because they love it. He explained how his three (3) chickens have become pets and also explained how they are maintained on his property including a chicken tractor that moves around in his backyard. He also commented that his chickens assist lawn maintenance and pest control especially bugs and mice. He keeps them warm in the winter through the use of a heat/light bulb. Hanus asked about how heat affects the chickens and if they can fly. Brown indicated his coop is 2 feet by 4 feet and can accommodate 5 chickens. He has shade on his property and the area is fenced in. He stated that one way to help insure that chickens don't escape or leave the property is to clip their wings.

Discussion also took place that coop sizes varied in many of the ordinances that were reviewed and about a coop being an accessory structure and the applicability of the zoning and building code requirements. Brown said he was open to fielding questions.

Hanus stated that one of the responsibilities of the Council is to protect others in the community. Brown mentioned that he is familiar with bee keeping as well. Gillespie asked Mr. Brown how he manages waste. Brown stated that the waste generated from his chickens wouldn't fill up a five (5) gallon pail in a year's time and that he applies it to his garden.

Salazar asked about egg production and the lifespan of a chicken. Brown stated he gets three (3) eggs per day and that chickens can live 10-15 years. It was noted that they produce eggs for approximately 2-3 years. He stated that his chickens are pets and also commented that organizations such as Rooster Run will take chickens after their productive years are over. It was also mentioned that you can find individuals on Craig's List and farmers who will take chickens.

Linda Cordie, 2531 Lakeview Lane, stated she does not have chickens but does have raccoons and red tail hawks in her neighborhood and commented that she shares Mr. Brown's concerns about property rights. She has no issues with chickens and mentioned that honey bees are on the decline. She further commented that Minneapolis has small lots and allows chickens. She commented that she believes that people in Mound should be able to have chickens as long as it's done in a responsible way.

Mayor Hanus commented that the Council has to think about possible requirements that may be required because if we don't there will be individuals who won't be good stewards.

Hanus asked Community Service Officer Wocken about his insight based on his past experiences in the community. Community Service Officer Wocken stated both Mr. Velsor and Mr. Brown did an excellent job with their chickens and were brought to his attention by a report. He estimated that he has had, maybe, 10 chicken reports during his tenure in Mound. He commented that the most important way to prevent problems is to work with neighbors and to have good regulations.

Salazar stated that he appreciates all of the information and comments about bees but stated he has concerns about allowing them. He indicated he has concerns about chickens especially because of Mound's small lots.

Mayor Hanus explained about the process including the involvement of the Planning Commission. He also commented that the Council does not always follow Commission recommendations.

Gesch stated that she would like to have some additional research done regarding chickens including how possible regulations would apply to Mound lots and would like to learn more about bees. She also mentioned that a lot of the discussion on chickens could also be applied to dogs.

Gillespie stated we need to be thorough and that we learned a lot about chickens this evening. She further commented that she is not supportive of bees because they are not able to be contained on the owner's lot and therefore can affect others. Hanus stated that he also has reservations about bee keeping.

Trapp indicated that if the Council is not interested in pursuing bee keeping in Mound, it was recommended to prepare amendments to the City Code to clearly state this intent.

MOTION by Hanus, seconded by Salazar, to direct Staff to prepare an ordinance amendment to clearly state that the City of Mound does not allow the keeping of bees. All voted in favor. Motion carried.

The Council discussed what additional information would be needed to evaluate whether chickens could be allowed in Mound. Gesch stated that possible standards for lot size and setback information that would apply to lots Mound would be helpful.

Hanus also discussed the need for screening and whether operating under a CUP should be considered. Smith mentioned that majority of the communities reviewed operated under an annual license and that, preliminarily, the use of a CUP would not be Staff's preferred method.

MOTION by Gesch, seconded by Gillespie, to table action on the keeping of chickens so additional information could be assembled including contacting other communities that have allowed chickens for a few years and find about common problems or complaints and to identify recommended lot dimension regulations, including lot size and setbacks, that would be appropriate given Mound's character, so as to evaluate whether application would limit the ability of property owners to have chickens.

9. Information/Miscellaneous

- A. Comments/reports from Council members/City Manager:
- B. Minutes:
- C. Reports:
- D. Correspondence: Announcement for Relationship Abuse community public forum on March 6, 2014 at 6:30 p.m.

10. Adjourn

MOTION by Gesch, seconded by Salazar, to adjourn at 9:21 p.m. All voted in favor. Motion carried.

Mayor Mark Hanus

Attest: Catherine Pausche, Clerk