

MOUND CITY COUNCIL MINUTES
April 14, 2020

The City Council of the City of Mound, Hennepin County, Minnesota, met in regular session on Tuesday, April 14, 2020 at 7:00 p.m. remotely using the ZOOM videoconferencing website.

Members present: Mayor Ray Salazar; Council members Phil Velsor, Jeff Bergquist, Paula Larson, and Sherrie Pugh

Members absent: None

Others present: City Manager Eric Hoversten, Fin Dir/Clerk/Treasurer Catherine Pausche, Community Development Director Sarah Smith, Sarah Gilgenbach, Phyllis Stoiaken, Lauren Eggert, Denise Knights

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 Salazar called the meeting to order at 7:02 p.m.

2. Roll Call

Mayor Salazar read each Council Member's name and they replied 'here.'

3. Pledge of Allegiance

4. Approve agenda

Hoversten noted new page 625A and replacement page 631 for Item No. 7.

MOTION by Velsor, seconded by Pugh, to approve the agenda as amended. Roll call vote In Favor: Larson, Velsor, Bergquist, Pugh, Salazar Opposed: None Abstain: None. Motion carried.

5. Consent agenda

MOTION by Larson, seconded by Bergquist, to approve the agenda as amended. Roll call vote In Favor: Larson, Velsor, Bergquist, Pugh, Salazar Opposed: None Abstain: None. Motion carried.

A. Approve payment of claims in the amount of \$704,852.28.

B. Approve minutes: February 18, 2020 Concurrent Special Meeting with Planning
Commission
March 10, 2020 Regular Meeting
March 10, 2020 Special Meeting Workshop
March 25, 2020 Emergency Meeting

- C. **RESOLUTION NO. 20-26: RESOLUTION APPROVING PERMITS FOR 2020 TOUR DE TONKA ON AUGUST 1, 2020 AND REDUCING FEES DUE TO PUBLIC PURPOSE OF GATHERING**
- D. **RESOLUTION NO. 20-27: RESOLUTION APPROVING PERMITS FOR 2020 DOG DAYS AT SURFSIDE PARK AND BEACH ON AUGUST 8, 2020 AND REDUCING FEES DUE TO PUBLIC PURPOSE OF GATHERING**
- E. **RESOLUTION NO. 20-28: RESOLUTION APPROVING PURCHASE OF HENNEPIN COUNTY TAX FORFEIT PARCEL IDENTIFIED AS PID NO. 23-117-24-14-0048 AND DETERMINATION OF CONSISTENCY WITH THE 2040 COMPREHENSIVE PLAN**
- F. **RESOLUTION NO. 20-29: RESOLUTION APPROVING PURCHASE OF HENNEPIN COUNTY TAX FORFEIT PARCEL IDENTIFIED AS PID NO. 13-117-24-21-0080 AND DETERMINATION OF CONSISTENCY WITH THE 2040 COMPREHENSIVE PLAN**
- G. **RESOLUTION NO. 20-30: RESOLUTION APPROVING VARIANCE FOR 1936 SHOREWOOD LANE PLANNING CASE NO. 20-06**

6. **Comments and suggestions from citizens present on any item not on the agenda.**
None were offered.

7. **Sarah Smith, Community Development Director, requesting discussion and action on a resolution approving Public Lands Permit for 4555 Island View Drive**

Smith the Public Lands Permit is to allow for planting and shrub along shoreline to improve aesthetics and water quality. The permit only applies to the commons area and noted most of the improvements will take place on the private upland. Smith said staff recommends approval subject to the condition of getting approval from abutting property owner, which happens to be Mayor Salazar and the reason for this item being on the regular agenda vs consent, and that permission was granted.

Smith noted Ellie Dahl from Norling’s Landscape submitted the application on the property owner’s request and is available for questions. No questions were asked by the Council.

MOTION by Bergquist, seconded by Velsor, to adopt the following resolution. Roll call vote In Favor: Larson, Velsor, Bergquist, Pugh, Salazar Opposed: None Abstain: None. Motion carried.

RESOLUTION NO. 20-31: RESOLUTION TO APPROVE A PUBLIC LANDS PERMIT FOR PROPERTY AT 4555 ISLAND VIEW DRIVE

8. **Sarah Gilgenbach, 1751 Resthaven Lane, requesting discussion on City Code Chapter 14 (Animals) and lifting ban on raising chickens**

Gilgenbach said she is requesting the City of Mound to allow residents to have background chickens. Gilgenbach said residents can notify the City if they have chickens and listed a number of resources from CDC and University of Minnesota on how to be successful and safe at raising chickens and the City could choose to verify chicken owners have reviewed the

information. Gilgenbach said some of the info is new compared to what she provided for the packet and includes info on how to take care of a sick bird, prevent Avian Flu, protect flock from predators, etc. Gilgenbach said the biggest advice is to wash hands and keep birds outside. Gilgenbach said her request is a result of having children at home and raising chickens will be a valuable lesson and that there is a shortage of eggs due to the demand for eggs for vaccine testing. Gilgenbach noted the unprecedented times and that chickens will provide a valuable food source in addition to gardens. Gilgenbach does not recommend allowing roosters. Gilgenbach said there are many metro cities that are not concerned with lot sizes and she has seen cities allow 3 – 10 birds. Gilgenbach said she does not think this will create problems and there is still no need for an animal control unit. Gilgenbach said circumstances have changed since the last time allowing chickens was discussed. Gilgenbach said 58 cities allow chickens and the number is way up from the last discussion, noting she listed many of them in her letter. Gilgenbach asked the Council to approve a program that includes education, resources and a successful path for raising chickens.

Velsor thanked Gilgenbach for her presentation and said it is an important topic. Salazar said the matter was discussed most recently in 2014 and 2016. Pugh said she would like to have the staff look at making changes to the existing rule to allow background chickens as she doesn't think it will be a problem as we allow other pets and exterior storage including up to 4 recreational vehicles. Pugh said she thinks it should be an allowable activity. Bergquist said his main concern is enforcement and he thinks the police have better things to do and he would be concerned with compliance. Velsor said the Field Officer has the capacity to deal with this since it is just complaint based enforcement anyway. Velsor and Pugh agreed the police should not be involved. Salazar said he has to assume the Field Officer has a full plate already and that this may require additional staff. Velsor and Pugh disagreed. Salazar said the ordinance has been in place since 1962 when Mound was moving from an agricultural community to an urban community. Salazar noted the Staff report addresses the issue of predatory animals and that this may increase the presence of foxes, raccoons and possibly wolves. Pugh said people who raise animals take responsibility for their safety and the coops can be designed to protect them. Pugh said 1962 was a different time and there is nothing to prove this has been a problem for the cities who now allow them. Pugh asked if the other members in the audience will be allowed to speak.

Larson said she has a chicken themed kitchen and she loves chickens, but wonders from a procedural standpoint why this did not go to the Planning Commission first before coming before the City Council. Hoversten said Staff is seeking guidance from the Council to direct Staff how to proceed first. Hoversten said there would be two components, including changing the City Code to allow chickens but also a change to the Zoning Code which would have to go through the Planning Commission/Public Hearing process. Hoversten said this would need to be a lower priority than the legislative requirements to implement zoning changes related to the 2040 Comp Plan scheduled for the next six months. Larson said she discussed the issue with a former mayor of a neighboring community who allowed chickens in 2+ acre lots. Larson asked what the average lot size is in Mound. Smith said she does not have that info off the top of her head, but noted that information was gathered for a previous discussion. Smith said

most are in vicinity of 6,000 – 14,000 SF, with many inland lots in the 6,000 range. Larson said she is reluctant to vote yes or no and she asked if we know how many people are interested in having chickens.

Gilgenbach said she knows of about 20 people, so she thinks it is a small request. Gilgenbach said some cities did not address lot size and type of coop since the University of Minnesota provides that info. Larson confirmed this is complaints based and neighbors would need to call in to complain. Larson reiterated she is not comfortable voting on this as she thinks this is going to be a hot topic and it would have to be looked at very closely, so she thinks it should go to the Planning Commission first. Larson noted she received several calls, many negative, regarding chickens.

Mayor Salazar asked for the City Manager's input. Hoversten referred to the Staff report that noted we are trying to bring a higher standard to the aesthetics of the community and cautioned adding activities to the mix while there are still many broad and liberal standards in other areas. Hoversten anticipated if chickens were allowed, there would need to be very narrow restrictions based on setbacks, location of coop and lot size. Hoversten agreed the majority would be compliant and approach it with caution and care, but the City needs to be prepared for managing the exceptions. Hoversten said Staff recommended not allowing chickens because it does not seem to be a good fit based on the density and other non-standard activities that are allowed that take up space and consume the view shed. Hoversten said he does not think anything has materially changed since the last discussion that should change our opinion, except perhaps the outbreak of the Avian Flu and our current situation. Hoversten agreed there are means and methods to eliminate the risk or likelihood but recognizes there are people who won't follow the guidelines and noted that the presence of small prey predators is on the rise. Hoversten said Staff continues to recommend keeping the current language, but if directed otherwise, emphasized this would not be easily undone so he cautioned against making any short-term decisions based on the current situation.

Velsor addressed Larson's concern about voting and noted this is not a vote, but rather a direction to Staff to prepare language for consideration by the Planning Commission. Salazar invited any citizens to comment.

Phyllis Stoiaken, 4948 Bartlett Blvd, asked why the City constantly objects to backyard chickens. Salazar said in the 1960s Mound moved from an agricultural/resort community to a full-time community and the population and density grew significantly. Salazar noted Minnetrista allows chickens but is 2/3rd agricultural and Orono only allows them on 2+ acre lots. Salazar said if chickens were permitted, the next question would be to allow alpacas, which were requested in 2013, and possibly goats. The decision was to only allow domestic pets, like cats and dogs.

Stoiaken said it has been 60 years and only chickens are on the agenda and Minneapolis has even smaller lot sizes and they allow them and chickens will create a hometown feel. Stoiaken said she wishes the City will reconsider and recognize many things have changed.

Lauren Eggert, 2196 Fairview Lane, said she lived in Orono previously and kept chickens for 4 ½ years and she asked her neighbors beforehand. Eggert said putting aesthetics above quality of life is wrong. Eggert said Minneapolis required 75% of neighbors have to sign off on keeping of chickens and noted often noise is cited, but dogs bark louder. Eggert said the coops are fully enclosed and will not attract prey. Eggert noted dogs require a lot more land. Eggert said regulation and a permitting process would prevent civil disobedience. Eggert said she does not think debating whether Mound is an agricultural community is the debate, noting she does not want to be Orono and Minneapolis, LA and New York City allow chickens.

Denise Knights, 6116 Evergreen Road, said she has lived here since 1996 and she has always wanted to raise chickens. Knights said she has dogs and cats and she is baffled that cities don't want chickens and prevent families from having fresh produce. Knights does not agree with the slippery slope argument and that there are ways to regulate the other animals. Knights say dogs are louder and she is a strong advocate and is prepare to organize to make it an option. Knights said permit fees can raise money for the city.

MOTION by Velsor, seconded by Pugh, to direct Staff to start taking a look at regulations/requirements to allow background chickens in Mound. Roll call vote In Favor: Velsor, Pugh Opposed: None Abstain: Larson, Bergquist, Salazar. Motion carried. Hoversten said this will be worked into the Planning Commission work plan noting the Comprehensive Plan zoning changes will delay any immediate progress.

Salazar thanked the participants for their contributions and the discussion.

9. Information/Miscellaneous

A. Comments/reports from Council members/City Manager:

Hoversten apologized for the interruptions when the City connection dropped and noted we ultimately had to use the cell phone. Hoversten noted meetings will continue to be held in this environment via Zoom, but the meetings will continue to be held as scheduled, and he encouraged any constituents to contact City Hall if they have any issues they would like addressed or if they would like to participate in the meeting.

Salazar noted the dramatic changes in a few short weeks because of COVID-19 and expressed his gratitude to the citizens, staff, crews and Council Members for doing their best to try to control the COVID-19 virus and following the social distancing and shelter in place orders noting the curve has been flattened and there are many reasons for hope.

Larson applauded the efforts of the Mound Fire Department and supporting area fire departments on battling the fire at Lakewinds Condos over the weekend. Salazar agreed and also thanked the efforts of the engineers with making infrastructure improvements to improve water pressure and expressed sympathy for those affected.

B. Reports: Liquor Store – March 2020
Fire Department – February 2020
Orono Police Department – Mound Activity March 2020

C. Minutes: POSC 13 Feb 2020

Planning Commission – Feb 4 2020 Regular Meeting
Planning Commission – Feb 18 2020 Special with City Council

- D. Correspondence: Island Park Hall Restoration Update
Mediacom Announcement on Coronavirus
Xcel Energy Seasonal Essential Work Update

10. Adjourn

MOTION by Bergquist, seconded by Velsor, to adjourn at 8:26 p.m. Roll call vote In Favor: Larson, Velsor, Bergquist, Pugh, Salazar Opposed: None Abstain: None. Motion carried.

Mayor Raymond J. Salazar

Attest: Catherine Pausche, Clerk