

MOUND CITY COUNCIL MINUTES
May 27, 2014

The City Council of the City of Mound, Hennepin County, Minnesota, met in regular session on Tuesday, May 27, 2014, at 7:00 p.m. in the council chambers of the Centennial Building.

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

Others present: City Manager Kandis Hanson, Fin Dir/Clerk/Treasurer Catherine Pausche, Community Development Director Sarah Smith, Attorney Melissa Manderschied, Jay Green, Steve McDonald, Loren Pellet, Art King, Barb King

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

4. Consent agenda

Hanus requested the removal of item 4C #2 per Staff request and to pull items 4F and 4G.

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 \$272,312.54.
- B. Approve minutes of the May 13, 2104 regular meeting.
- C. Approve permits for Tour de Tonka with a pit stop at Wolner Field on Saturday, August 2, 2014 with fees paid.
 - 1. Public Gathering Permit
 - 2. (removed)
- D. Approve Public Gathering permit for Fishers' of Men Bass Tournament at Centerview Beach on Saturday, August 23, 2014 with fees paid.
- E. Approve pay request by Advanced Wall Structures, Inc. for emergency retaining wall replacement at 5097 Three Points Boulevard in the amount of \$33,210.00.
- F. (removed)

G. (removed)

4C. Approve permits for Tour de Tonka with a pit stop at Wolner Field on Saturday, August 2, 2014 with fees paid. (2.) Live Music Permit

This item was removed per Staff's request.

4F. Resolution No. 14-36 Approving front setback variance for 6260 Birch Lane

Hanus said he requested this item to be pulled to question why Staff and/or the Planning Commission did not request design changes to minimize set-back variances since the goal is to get structures conforming. Hanus also stated he was worried about setting a precedent and he felt that there was a way to position the home so as to not create a variance. Hanus noted that the findings did indicate that the requested setbacks were similar to other homes in the area.

Sarah Smith noted that due to the unique shape of the lot and the desire to not increase hard cover, Staff concluded that this is a reasonable request.

Loren Pellett, applicant, who resides at 5660 Sunnybrook Circle, talked about design challenges.

Smith stated the area is zoned R1. Hanus asked if data was available as to the number of homes in the area that are non-conforming and whether R1 was the right zone. Smith stated that has not been evaluated. Heidi Gesch stated that the proposed design seems to work for the neighborhood and that she feels that is a contributing factor, not just what it is that the applicant wants.

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

RESOLUTION NO. 14-36: RESOLUTION APPROVING FRONT SETBACK VARIANCE FOR 6260 BIRCH LANE – PLANNING CASE NO. 14-04 PID #14-117-24-32-0040

4G. Approve resolutions for 2201 Centerview Lane

Hanus said he requested removal of this item to question the wording of the resolutions and the reference to the variance approval. Smith stated they are connected and codependent. Hanus recommended striking the reference. Hanus also asked for clarification on how the 71 foot depth on parcel A was measured. Smith said that per the Code, the lot depth is the mean horizontal distance between the front and rear property line. Smith stated Lot A is the largest of the three lots but is the lot that requires the variance. Hanus stated one of the primary requirements of practical difficulties for the applicant requires the situation not be created by the land owner and it appears there is the choice to subdivide into two lots, not three, to avoid the difficulty. Hanus asked Smith how many new lots have been created in recent history. Smith stated the applicant is demonstrating conforming structures and lot size. It is only the lot depth that requires the variance.

Discussion ensued and Hanus concluded that the fact that the owner determined the subdivision lot lines does not negate the applicability of practical difficulty. Smith agreed because otherwise you would never be able to grant a variance.

Art King, 2964 Falcon Point Road, is the applicant and stated that he and the surveyor did debate the options but determined the lot lines could have been drawn to achieve the 80 foot requirement making it perpendicular to Noble Lane and therefore conforming but that it would

result in a smaller lot. King said they tried to keep the lot lines similar to other parcels in the area.

Hanus asked what the timing on this was and Smith said the subdivision is due in 120 days and 60 days for the variance. The applicant stated he would like to begin constructing the garage in June.

Hanus poled the Council and Gesch stated she agreed that the language needs to be added and that it should wait.

MOTION by Hanus, seconded by Gesch, to table the following resolution to the next meeting and directing Staff to delete item number one on page 1069 of the packet and add another Whereas statement noting that the lot lines could have been drawn to achieve the 80 foot requirement making it perpendicular to Noble Lane and therefore conforming but that it would result in a smaller lot. All voted in favor. Motion carried.

1. RESOLUTION NO. 14-XX: RESOLUTION APPROVING MINOR SUBDIVISION AT 2201 CENTERVIEW LANE – PLANNING CASE NO. 14-06

MOTION by Hanus, seconded by Gesch, to table the following resolution to the next meeting and directing Staff to delete item number one on page 1073. All voted in favor. Motion carried.

2. RESOLUTION NO. 14-XX: RESOLUTION APPROVING VARIANCES AT 2201 CENTERVIEW LANE – PLANNING CASE NO. 14-06

Manderschied stated for the record that she recommended the cross references to the approvals because they were on the consent agenda and that she recommended separate resolutions because one deals with the subdivision regulations and one the zoning regulations.

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

None were offered.

6. Steve McDonald, representing Abdo, Eick & Meyer, LLP, presenting the 2013 Comprehensive Annual Financial Report and Management Letter and requesting action receiving the same.

Steve McDonald walked through the highlights of the management letter. McDonald stated they are required to give an opinion and they have given an unmodified or unqualified opinion and that no findings related to internal control. McDonald congratulated the City on receiving the Certificate of Excellence in Financial Reporting again for the 2012 audit.

McDonald referenced areas where estimates are used and said there were no findings as well as no concerns about management decisions. McDonald walked through the fund highlights.

MOTION by Salazar, seconded by Wegscheid, to receive the 2013 City Annual Financial Report. All voted in favor. Motion carried.

7. Jay Green, Mound representative to the LMCD, requesting action on Right-of Entry for Surfside ramp access to allow watercraft inspectors to perform inspections for the 2014 boating season providing the following:

- A. Summary of inspection data from 2013.

B. AIS prevention literature.

Green highlighted the statistics from the 2013 inspection season. Green summarized the number of contaminated boats and which ones were treated versus turned away and said that in 2014 there will be a site the boat owners will be sent to for decontamination which will hopefully encourage compliance.

Wegscheid asked how many launches there are in Lake Minnetonka and Green said there are nine (9) where inspections occur and at least another dozen or more. Hanus stated there are many private launches and fire lanes and that he would guess more like 60 to 80 total. Green said the watershed is trying to put together a map and agreed that there are numerous fire lanes.

Green said the outbound inspection is targeting plants that may have zebra mussels on them and violations can include a \$500 fine. Gillispie asked about the permit to trailer a contaminated boat. Green said a permit is issued for free in order to authorize the owner to take the boat to be decontaminated.

Green distributed the handout materials that will be used to create an information pamphlet that will be made available anywhere the DNR boating laws booklet is available.

MOTION by Hanus, seconded by Salazar, to direct Staff to enter into a Right of Entry Agreement with the Lake Minnetonka Conservation District to allow watercraft inspections at the Surfside ramp in 2014. All voted in favor. Motion carried.

8. Catherine Pausche, Finance Director/Clerk/Treasurer, with an update on costs to move City Hall and upgrade the Centennial Building for rentals.

Pausche reviewed the chart summarizing the costs incurred in 2013 to move City Hall from the Centennial Building to the former police space, the cost to ready the lower level police precinct, the cost to ready the Centennial Building for renters, and general maintenance costs that were incurred. Pausche summarized the payback calculation as a result of savings from the contract for police services with the City of Orono and rent revenues received.

Discussion ensued to clarify how the categories were determined and to revisit prior discussions and estimates on what was presented to the City Council regarding the cost to move City Hall. Gillispie stated that she was in favor of the police contract and the move of City Hall but has questions about the process and how things were handled and whether Staff should have sought additional approvals from the City Council.

Mayor Hanus recessed the meeting at 9:02 pm in order to change the recording media.

Mayor Hanus resumed the meeting at 9:07 pm.

Hanus asked Staff to summarize how the estimates were developed. Hanson stated Staff, primarily Carlton Moore, worked with a local architect to determine needs and source quotes but that the project scope continued to evolve after the initial discussions with the City Council.

Gillispie asked specifically what the signage estimate was based on and why it differed so drastically. Gillispie stated that better estimates need to be prepared in future situations. Salazar asked to clarify the landscaping costs and Pausche stated it was for materials and the labor was done in-house.

Discussion ensued on what the thresholds should be that would trigger bringing it back to the Council. Gesch suggested that be determined on a project by project basis and that we learn from this situation. Hanus summarized by saying that the City Council will make the determination of what information will be brought back and at what frequency in future projects. Salazar added the scope of work and cost range should be determined up front. Hanson requested the hand-out and supporting transaction details, that were provided earlier today, be considered the official move summary.

9. Mark Wegscheid, Council Member, on the process of providing packets to Council Members.

Wegscheid requested to continue a discussion that began at the April 15th special meeting as to when the council packets should be distributed. Wegscheid stated he would like more time with the information in order to be better prepared and informed. Hanson stated the objective is to have them distributed by the end of the day on Thursday. Discussion ensued about the window of time to review and get questions answered. Salazar asked about the possibility of shortening some of the agendas and postponing some of them to a future meeting. Hanus said he has asked Staff to reduce or eliminate the need for last minute handouts because the public and press tend not to get the information and he feels that issuing the packet any sooner would increase the need for handouts and changes. Hanus said items can typically be tabled if the Council does not feel prepared to make a decision. Hanson noted there are less Staff members involved in preparing the packet but that she prefers Thursdays as opposed to Fridays as well. Gesch asked if a draft agenda could be distributed to allow Council Members to prepare accordingly if the packet could not get out on Thursday.

Smith noted deadlines related to planning cases and the challenge to manage both the Planning Commission and Council packet deadlines while continuing to move cases forward. Pausche stated Staff will log any issues related to meeting the Thursday deadline.

MOTION by Wegscheid, seconded by Gesch, to direct Staff to issue packets by the end of the day on Thursday through the end of October and then bring the issue back to the Council to reevaluate. The following voted in favor: Wegscheid, Gesch, Gillispie, and Salazar. The following voted against: Hanus. The following abstained: none. Motion carried.

10. Kandis Hanson, City Manager, on the City's involvement in ribbon cuttings and ground breakings.

Hanson stated that as a follow-up to her performance evaluation discussion, she wanted to bring back this issue in a regular meeting because it is a matter of policy. Gillispie stated she supports the idea of supporting businesses and the Mayor and City Manager being present at ribbon cuttings, but that the City should not get overly involved or do the planning. Discussion ensued including on what other cities do. Gesch stated caution should be used anytime City funds are used and that a distinction should be made between a groundbreaking and a grand opening. Hanson said she considers a grand opening completely the owner's responsibility but ribbon cuttings require heavy lifting and materials that the City has. Hanson said ground breakings are typically done by the developer. Hanus said ground breakings are a way to let the public know what is happening. Gesch asked that Staff determine the cost for Public Works for a typical event the next time one occurs and that the City should limit its involvement, particularly in the planning of the event.

11. Kandis Hanson, City Manager, requesting discussion and any action on remembrance for former Representative Steve Smith.

Hanson stated she received suggestions that the City find a way to honor the contributions of Representative Steve Smith. Salazar asked that both the title of State Representative and Mound Mayor be included. Hanson recommended a gold plaque be placed on an existing bench on the Greenway.

MOTION by Salazar, seconded by Hanus, to direct Staff to prepare a placard recognizing Steve Smith as former Mound City Councilman, Mound Mayor, and Minnesota State Representative and to find a prominent place to display it in the City. All voted in favor. Motion carried.

12. Information/Miscellaneous

- A. Comments/reports from Council members/City Manager:
- B. Minutes:
- C. Reports: Bolton & Menk Engineering: December 2013 YTD
March 2014 YTD
Finance Department 2014 YTD
- D. Correspondence: Letter from Metropolitan Council – population estimate: May 15, 2014
2014 Westonka DARE Open

11. Adjourn

MOTION by Gesch, seconded by Wegscheid, to adjourn at 10:30 p.m. All voted in favor. Motion carried.



Attest: Catherine Pausche, Clerk



Mayor Mark Hanus