

MOUND CITY COUNCIL MINUTES
January 28, 2020

The City Council of the City of Mound, Hennepin County, Minnesota, met in regular session on Tuesday, January 28, 2020 at 7:00 p.m. in the council chambers of the Centennial Building.

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, Field Officer Andy Drilling, Consultant Planner Rita Trapp, Building Official Scott Qualle, Trever Martinez, Maureen Michaelski, Erik Peterson, Samuel Johnson, Morgaine Johnson, Jeff Stedman, Merrick Morgan

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 7:00 p.m.

2. Pledge of Allegiance

3. Approve agenda

Hoversten noted additional pages for Item 12, pages 244.1 – 244.15.

MOTION by Larson, seconded by Velsor, to approve the agenda as amended. All voted in favor. Motion carried.

4. Consent agenda

MOTION by Bergquist, seconded by Pugh, to approve the consent agenda. Upon roll call vote, all voted in favor. Motion carried.

- A. Approve payment of claims in the amount of \$354,137.55.
- B. Approve minutes: 1-14-20 regular meeting.
- C. **RESOLUTION NO. 20-13: RESOLUTION EXPRESSING SUPPORT FOR CDBG FUNDING OF SENIOR COMMUNITY SERVICES**
- D. Approve Fourth Amendment to Employment Agreement
- E. Approve rescheduling of February 25, 2020 regular council meeting to Wednesday, February 26, 2020 at 7:00 pm due to precinct caucuses

- F. **RESOLUTION NO. 20-14: RESOLUTION APPOINTING ELECTIO JUDGES AS RECOMMEDED FOR THE PRESIDENTIAL NOMINATION PRIMARY ELECTION ON MARCH 3, 2020**
- G. **RESOLUTION NO. 20-15: RESOLUTION APPROVING PUBLIC GATHERING PERMIT AND MUSICAL CONCERT PERMITS FOR RIVER VALLEY CHURCH PICNIC TO BE HELD ON JUNE 14, 2020 AT SURFSIDE PARK AND BEACH**
- H. Approve 1-4 Day Temporary Liquor License for the Northwest Tonka Lions Gillespie Center Pasta Dinner Fundraiser on Saturday, Feb. 29th
- I. Approve rescheduling 01-28-20 special meeting workshop to Tuesday, March 10, 2020 immediately following regular Council meeting for Respectful Workplace Behavior Training

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

None were offered.

6. Planning Commission Recommendation

Public Hearing - consideration/action on ordinance amending Chapter 129 to prohibit exterior storage on undeveloped lots and new regulations regarding ice shelters

Smith said she will provide the overview of proposed changes to Chapter 129 and Field Officer Andy Drilling will present the other items. Smith said the first action is to address exterior storage on undeveloped lots and ice shelter storage and noted this is a topic that has been discussed previously in conjunction with broader conversations on exterior storage and that this is considered somewhat of a baby step to tightening requirements. Smith said zoning amendments require a public hearing and that existing code is 1 storage unit per 3,000 square feet, and the recommendation of the Planning Commission is to eliminate any storage units on undeveloped lots unless they are adjacent to a developed lot that is tax combined to create one PID. Smith said the ice shelter structures seem to be increasing in use and this is an attempt to address them specifically. Velsor asked if the vacant lot can be across the street and Smith said she did not think so for the PIDs to be combined.

Mayor Salazar opened the public hearing at 7:09 pm and upon receiving no comment, closed the public hearing.

Requested Action:

Approve Ordinance No. 01-2020 Amending Chapter 129 (Zoning) of the Mound City Code Regarding Exterior Storage on Undeveloped Lots and Ice Shelters

MOTION by Larson, seconded by Pugh, to adopt the following ordinance. All voted in favor. Motion carried.

ORDINANCE NO. 01-2020: AN ORDINANCE AMENDING CHAPTER 129 (ZONING) OF THE MOUND CITY CODE REGARDING EXTERIOR STORAGE ON UNDEVELOPED LOTS AND ICE SHELTERS

7. Consideration/action on ordinance amending Chapter 42 of the Mound City Code regarding public nuisances affecting peace and safety

Field Officer Andy Drilling said Staff is looking to strengthen the definition of the word ‘junk’ and to link it to the definition in the zoning code and nuisance language.

Larson said she still thinks the language is vague. Drilling said the vehicles may or may not be licensed, but it also addresses furniture and construction material. Larson said people’s interpretation may differ and asked what if they have a tarp over the junk. Drilling said it would depend on the condition of the items, but noted the City can’t write code for ‘taste.’ Larson said as a complaint-based city, enforcement would depend on neighbor complaining. Drilling agreed and said they try not to be heavy handed but rather work with the property owner. Larson noted two calls in the fall regarding leaves being blown in the street. Drilling said that is covered under the next item.

Requested Action:

Approve Ordinance No. 02-2020 Amending Chapter 42 (Nuisances) of the Mound City Code Regarding Public Nuisances Affecting Peace and Safety

MOTION by Bergquist, seconded by Velsor, to adopt the following ordinance. The following voted in favor: Salazar, Bergquist, Velsor, Pugh. The following voted against: Larson. The following abstained: None. Motion carried.

ORDINANCE NO. 02-2020: AN ORDINANCE AMENDING CHAPTER 42 (NUISANCES) OF THE MOUND CITY CODE REGARDING PUBLIC NUISANCES AFFECTING PEACE AND SAFETY

8. Consideration/action on ordinance amending City Code Chapter 46 of the Mound City Code related to detached trailer parking, disorderly property and littering

Drilling said this will fall under the jurisdiction of the complaints-based system and it is just considered another tool if the owner is not cooperating. Drilling said if the neighbors are OK with it, it won’t be an issue, but there are instances where people who don’t have storage space are storing their detached trailer on the street all summer. Salazar asked how many are like that and Drilling said about four. Hoversten clarified there were four complaints but more detached trailers on the streets. Bergquist suggested looking at permitting for contractors that might be needed. Larson noted we are a recreational city and maybe something happened that they need to store it there. Velsor said then they will have an explanation to provide to the nuisance enforcement officer and the neighbors. Drilling said this needs to be addressed as we try to tighten up storage on private property as it may spillover. Velsor said he had issues with an attached trailer that was on a tight corner to begin with so he doesn’t have a problem with restricting detached and requiring users to arrange for storage during the boating season. Salazar asked if they were moving it around. Drilling noted one that was parking it 3 blocks away from their property. Hoversten said this is not directed at reasonable people but rather the abusers. Larson clarified vehicle parking is allowed between 2am and 6pm and asked if it could stay there for a week. Drilling said over 24 hours, the police would attempt to contact owner to move it and proceed from there.

Drilling said Staff met with the Orono Police Department regarding disorderly properties which get a high volume of public safety calls and they are looking for tools to be able to cite the property owner to address the issues and reduce call volume. Drilling noted the city attorney helped to write the ordinance. Velsor asked if the property owner or renter would be responsible and Drilling said the property owner. Larson asked how many times is considered too many, and Drilling said it depends on the nature of the calls.

Lastly, Drilling said the third part is to address the blowing and pushing of leaves and other debris into the street and this is again another tool for the police and public works to be able to abate and charge the expense back to the property owner. Drilling said the property owner would be given notice and the opportunity to resolve the matter before abatement.

Requested Actions:

- i. Approve Ordinance No. 03-2020 Amending Chapter 46 of the Mound City Code Regarding Detached Trailer Parking, Disorderly Property and Littering*

MOTION by Pugh, seconded by Velsor, to adopt the following ordinance. All voted in favor. Motion carried.

ORDINANCE NO. 03-2020: AN ORDINANCE AMENDING CHAPTER 46 OF THE MOUND CITY CODE REGARDING DETACHED TRAILER PARKING, DISORDERLY PROPERTY, AND LITTERING

- i. Approve Resolution No. 20-16 Resolution Authorizing Publication of Ordinance By Title and Summary, as it Relates to Detached Trailer Parking, Disorderly Property and Littering (requires 4/5th's vote of the City Council)*

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

RESOLUTION NO. 20-16: RESOLUTION AUTHORIZING PUBLICATION OF AN ORDINANCE BY TITLE AND SUMMARY, AS IT RELATES TO DETACHED TRAILER PARKING, DISORDERLY PROPERTY AND LITTERING

- 9. Review/discussion of concept/sketch plan for proposed redevelopment of Commerce Place shopping center at 2200-2238 Commerce Boulevard
Planning Case No. 20-01
Applicant/owner: Schafer Richardson

Trapp, consultant planner, noted the concept plan is an optional exercise and that this is an update to the previous concept plan presented in 2019 and the applicant has made adjustments to try to address the concerns noted at that time. Trapp reviewed existing zoning and noted the project overview was provided in the packet, including 24 1-bedrooms, 18 2-bedrooms with the remainder studios for a total of 103 units. Trapp suggested the unit sizes suggest this development will not impact the school district. Trapp noted the project requires a replat and vacation of Fern Lane, noting all impacted parcels are owned by the applicant. Trapp said there is a total of 269 parking stalls, 253 multi-family

and 35 commercial, noting the variance has been reduced and as a destination district a traffic and parking study will be required. Trapp said the 50 feet or less at midpoint requirement has been met now that it is 3 stories and that additional images/views have been included in the packet. Trapp said the main feedback was comments from Hennepin County regarding access and those discussions will continue. Trapp said the Planning Commission asked about outdoor storage restrictions and Trapp said the applicant can limit that and the city can also make limits, noting other comments were standard. Trapp said applications will include a Planned Unit Development (PUD), Conditional Use Permit (CUP), major subdivision, preliminary plat and vacation of Fern Lane and that tonight is to give feedback on the concept. Trapp said another neighborhood meeting will be held in February to provide the neighborhood another chance to give feedback as well.

Larson noted she has attended the neighborhood meetings and Planning Commission meetings and said the developer knows she is not happy about this project.

Trevor Martinez, Shafer Richardson, said he appreciates the opportunity to address the council and is here for any questions. Bergquist said he appreciated the height and parking were adjusted and that they are holding multiple neighborhood meetings. Salazar asked for Martinez to explain 'market rate' for the benefit of the audience here and at home. Martinez said market rate rent is considered in the range of \$1200 -\$2000 per month with no subsidy, noting Section 8 vouchers would not be eligible for this level of monthly rent payments. Martinez said Steven Scott Management will manage the property and they do not allow exterior storage on the balconies. Martinez said there will be interior storage options for recreational equipment. Salazar asked what the official name will be and Martinez said it will be decided during the design phase and marketing plan development.

Larson said she has been conducting an investigation and it would take a lot of time to explain. Salazar said this is the time to air any questions or concerns vs. the 11th hour, so he encouraged Larson to ask them. Larson said her questions were addressed but she just has concerns. Larson asked Trapp about the Livable Communities presentation that aired on television that she appeared on and Trapp said that was many years ago. Larson said she is concerned about CR15 ins and outs around that corner and the associated danger and that she is not going to let go of the traffic issue. Larson said 20 years ago all the area communities had a conversation with the federal government about HWY 12 and they did not listen and now it is named the corridor of death. Larson said she is concerned that the same thing will happen here and she said the road should not have been realigned. Larson said the post office, trail and transit center complicated things. Salazar said all the concerns are valid, but they have to do with many factors besides this project and noted residential is going to have less traffic than when it was thriving commercial and that it will bring more people who will support our existing businesses. Pugh said her concern is that there are only three ways to get out of this neighborhood complicated by the shopping center across the street. Pugh said it is not pedestrian friendly and some of the egresses need to be closed and traffic needs to slow down. Pugh said she avoids rush hours between 7am and 9am and she feels the city, developer, county and possibly Mound Marketplace should be involved in creating a solution. Larson said issues will be compounded if Auditor's Road is blocked off. Salazar reiterated these are all valid points and that it is a privilege to be able to drive and there is a responsibility to drive safely and the rules need to be enforced. Salazar said he and the City Manager are working with Hennepin County on the trail crossing. Hoversten agreed the concerns are

valid and they are problems that need to be solved regardless of the project. Hoversten said concentrating the conflicts and putting more layers of control over them will be more productive but it will cost money and require the County's assistance. Larson said she started a business in Mound from ground zero and it is still operating to this day. Larson said we are allowing investors to come into the city and implode it with high density residential in our commercial areas. Larson said Pugh asked about whether the library could be moved to this area. Pugh said it is her dream to have it built in the Harbor District. Larson said she regrets the commercial area was not more lucrative and that Shafer Richardson did not divide the property up to make way for more professional services instead of giving up on it.

Martinez said Shafer Richardson is sympathetic to that idea, noting 10 years ago they proposed residential and it was rejected and they spent the next five years looking at ways to make the commercial economically viable and it just wasn't possible, so they returned to residential.

Larson asked about the rents since there are so many vacancies already and she said she is not a Millennial but wonders who would pay \$2200 in downtown Mound with no view when she can go to Lakewinds for less than \$1000 a month that includes an indoor pool and parking, etc. Martinez said a variety of reasons create demand, including that there are no new higher-end rentals in Mound targeting higher earners. Velsor asked if he was a new college grad and couldn't buy a property because of student loans where could he rent, noting the closest is The Mist, but that it is not in Mound. Martinez said they would not propose a plan that is not economically viable and that renters will include both Millennials 25 – 40 and some 55+ who want to downsize for lower maintenance and more time to enjoy the recreation in the area. Martinez said guidelines are housing should be 30% of income which would suggest renters would have income in the \$48K - \$75K range.

Bergquist said it is a great project and there will be growing pains but these are county roads. Pugh said we can't stand by and Bergquist said no one is standing by. Pugh thanked Shafer Richardson for broadening the mailing area for the next neighborhood meeting.

Hoversten said this is the opportunity to give the developer 'homework' on any concerns that you see in the concept plan. Pugh said at the Planning Commission it was brought up that the city should initiate a conversation with Wells Fargo and what they might be willing to do to help with the project. Hoversten said the Wells Fargo District Manager and Community Relations folks indicated they do not see any need for change unless the City is willing to build to suit and fund the improvements, so if no leverage is offered, the City and developer don't really have any leverage.

Samuel Johnson, 2200 Belmont Lane, said they partially about the property/proposed parking lot and he is concerned about having a parking lot bordering their yard and he is curious about screening requirements. Smith said they are not at that level of the detail but it is customary to provide a higher level of screening between lower and higher-density uses. Johnson asked if the lot is currently zoned residential. Trapp said it is zoned R3 – multi-family residential which is consistent noting the entire area will be rezoned. Johnson said traffic has been talked about a lot and his stretch is the most dangerous because of the hill and parking is allowed on one side of the street. Johnson said traffic will

go that way to get on CR 15 and the city may consider not allowing parking on the street as it is difficult to pass.

Morgaine Johnson, 2200 Belmont Lane, asked because of the increase in people so close to residential neighborhoods, will there be additional security in the area since people can already cut through and now there will be more people in the area. Hoversten said the closure of the break in the existing building will also help reduce the tendency to cut through.

Merrick Garland, 4842 Dale Road, said he is owner of 3soteric and that Anytime Fitness will be moving next to his business and that will be a great benefit. Garland said he thinks more activity in Stonegate Plaza will slow traffic along the curve but he agrees the County needs to do more.

10. Consideration/action on resolution approving 2040 Mound Comprehensive Plan

(Complete Final Version of 2040 Comprehensive Plan available at www.cityofmound.com)

Trapp gave a brief overview and stated the Comprehensive Plan guides development through 2040 and that it was a product of public and agency input and review and that the last year was the Met Council evaluation process to ensure it meets requirements of state statute and regional planning objectives for parks and open spaces and regional growth. Trapp noted it is essentially the same plan as presented in fall of 2018 for overall land use with just some technical changes. Trapp said Met Council approved the plan for adoption and once the council adopts it, changes to the zoning code and work plans will be developed. Trapp said ‘mixed-use’ vs. commercial or residential is emphasized to provide flexibility in the main corridors.

Requested Action:

Approve Resolution No. 20-17 Resolution Authorizing Adoption of the City of Mound 2040 Comprehensive Plan as Required by Minnesota State Law (Metropolitan Planning Act) – (requires 4/5th's vote of the City Council)

MOTION by Pugh, seconded by Bergquist, to adopt the following resolution. The following voted in favor: Salazar, Velsor, Pugh, Bergquist. The following voted against: Larson. The following abstained: None. Motion carried.

RESOLUTION NO. 20-17: A RESOLUTION AUTHORIZING ADOPTION OF THE CITY OF MOUND 2040 COMPREHENSIVE PLAN AS REQUIRED BY MINNESOTA STATE LAW (METROPOLITAN LAND PLANNING ACT)

11. Building Official Recommendation

Consideration/action on resolution to authorize proceeding with hazardous building action at 4801 Tuxedo Boulevard

Scott Qualle, consulting building official from MNSPECT, said on 2-1-18 there was a footings inspection and the property has since been in foreclosure, noting there has been little progress with the current owner who has no concrete plans to address the hazardous excavation and sediment erosion control issues. Qualle said he recommends moving forward with the hazardous building action to start the process with city attorney to allow the city to demolish it as it is not cost justified to repair, although that is technically an option for the owner.

Salazar asked about the timeline and Qualle said the attorney will file a document in court and that this action is an important progression to show city’s attempts to cooperate with the property owner. Salazar noted this is an unfortunate last resort and hopefully the owner will respond. Bergquist asked if footings would be classified as unbuildable. Velsor said it is an issue when they are exposed to frost. Qualle said they would have to reapply for permits and they would be asked to show they are still viable.

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

RESOLUTION NO. 20-18: RESOLUTION TO AUTHORIZE PROCEEDING WITH HAZARDOUS BUILDING ACTION FOR PROPERTY AT 4801 TUXEDO BOULEVARD

Qualle then offered a public safety message to the audience and said he was in court today about a non-licensed contractor for a roofing job where the owner bought the materials and paid the contractor \$4K in labor but the roof eventually leaked and caused \$5K in damages and the owner had to have someone else do the repairs. Qualle said the contractor was sanctioned, but there is no real recourse as the contractor moved to Wisconsin. The owner is now looking to criminally prosecute the misdemeanor offence of acting as contractor without being licensed but the contractor was a no-show. Qualle said the owner did all of this to protect the next guy so the lesson is to make sure you pull a permit so you have those protections to ensure they are licensed and complete the job right, noting cutting corners doesn’t always save money.

12. Catherine Pausche, Director of Finance and Administrative Services, requesting discussion and action on updated ADMIN POLICY XXX: Personnel Policy – Code of Conduct

Pausche said she and Council Member Larson have been working on this policy since the original version was proposed in August of 2019. Pausche noted the city has a series of policies addressing personnel matters, in addition to the Collective Bargaining Agreement for union employees and the Administrative Code for non-union, but this new Personnel Policy – Code of Conduct consolidates and updates many of them. Pausche said the staff has participated in training on respectful workplace behavior and this policy is meant to define expectations and also to formalize procedures if a complaint or concern is received, particularly in the area of harassment. Pausche said language has been added to include incidents involving harassment of non-employees, including residents, per Council Member Larson’s direction and that the City labor attorneys have reviewed the harassment policy section and Complaint form.

Pugh asked if there is a policy or procedure addressing how often the policy will be reviewed and updated. Pausche said typically the date is “TBD – to be determined” and noted that the League of Minnesota Cities is good at notifying its members of changes in regulations. Pausche noted any policy can be updated at any time and this will be a living document that will remain at the forefront. Bergquist asked how much time the attorney’s final review took and Pausche said less than \$500.

MOTION by Bergquist, seconded by Pugh, to approve the following policy. All voted in favor. Motion carried.

ADMIN POLICY 002: PERSONNEL POLICY – CODE OF CONDUCT

13. Council Member Sherrie Pugh with an update on the 2020 Census

Pugh said she attended a Hennepin County complete count meeting and noted how important it is that everyone is counted as Minnesota is at risk of losing a congressional seat. Pugh said an on-line map will be available that will show areas that were undercounted in previous years, noting that they are often in multi-family complexes, and that the library will be accommodating people to complete the census on-line. Pugh said babies born as of March 31st are to be counted which is very important to the school district. Pugh said there are outreach efforts and many organizations are participating in communicating the importance of the census.

Salazar said there will be enhanced communication efforts as this will be different as counting is going to be all on-line. Salazar said reps from the county will follow-up with those households that did respond and he encouraged everyone to participate and work with the county reps if asked.

14. Information/Miscellaneous

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

The City Manager highlighted the following dates:

Regular Council meeting on Tuesday 2/25 moved to 2/26 because of Precinct Caucus night
March 3 – Presidential Nominating Primary – polls open with absentee balloting now available
March 20-29 Mound Westonka Spring Break

Salazar said he participated in the Polar Plunge with the Fire Department team noting it was for a great cause and was great fun.

Salazar said on a sad note, former Mayor Pat Meisel passed away earlier today and noted she was mayor from 1999-2006. Salazar said thoughts and prayers are with her family.

- B. Reports: Finance Dept – December 2019 Draft
- C. Minutes: Docks & Commons Commission – Nov. 21, 2019
Parks and Open Spaces Commission – 14 Nov 2019
- D. Correspondence: Presidential Nomination Primary Election Information

15. Adjourn

MOTION by Velsor, seconded by Bergquist, to adjourn at 9:11 p.m. All voted in favor. Motion carried.

Mayor Raymond J. Salazar

Attest: Catherine Pausche, Clerk