

MOUND CITY COUNCIL MINUTES
March 26, 2013

The City Council of the City of Mound, Hennepin County, Minnesota, met in regular session on Tuesday, March 26, 2013, at 7:00 p.m. in the council chambers of city hall.

Members present: Mayor Mark Hanus; Council members Kelli Gillispie and Ray Salazar
Members absent: Councilmembers Mark Wegscheid and Heidi Gesch.

Others present: City Manager Kandis Hanson, City Attorney Melissa Manderschied, CDD Sarah Smith, Rita Trapp, Darren Kahmeyer, Scott Spangers, Robert Goodfellow, 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 Gillispie to approve the agenda. All voted in favor. Motion carried.

4. Consent agenda

Salazar requested the removal of item 4B as he wishes to abstain from the vote for that item.

MOTION by Salazar, seconded by Gillispie to approve the consent agenda as amended. Upon role call vote, all voted in favor. Motion carried.

- A. Approve payment of claims in the amount of \$291,394.80.
- B. (removed)
- C. Approve Public Gathering Permit for for WeCAN for "Wheels for Meals" bike marathon, benefiting Meals on Wheels Program: May18, 2013.
- D. **RESOLUTION NO. 13-33: RESOLUTION APPROVING AN EXTENSION OF THE ASSESSMENT AGREEMENT (A090393) WITH HENNEPIN COUNTY**
- E. **RESOLUTION NO. 13-34: RESOLUTION APPROVING EXPANSION PERMIT AND VARIANCE FOR 5346 PIPER ROAD**
- F. Approve DCC Commission Appointment – Derrick Hentz

4B. Approve minutes of March 12, 2013 regular meeting

Salazar indicated that he requested that this be removed from the consent agenda because he was absent from the meeting.

MOTION by Gillispie, seconded by Hanus to approve the minutes of the March 12, 2013 regular meeting. The following voted in favor: Hanus and Gillispie. The following voted against: None. Salazar abstained from voting. Motion carried.

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

6. Expansion permit and 15 foot setback variance at 1571 Finch Lane. Applicant: Darren Kahmeyer.

Rita Trapp, HGKI Planner, stated applicant would like to change garage from front load to side load and raise the roof of garage and existing home to allow for a second floor living area. Planning Commission Recommendation was to approve expansion permit and deny setback variance. Current garage 10 foot setback is already non-conforming.

Applicant prepared a revised survey and revised plan to address concerns of Planning Commission. Applicant proposed to shorten the garage from 34 feet to 28 feet, making front yard setback 6.1 feet from the originally proposed 5.2 feet. Hardcover is not an issue.

Mayor asked if expansion permit required action and Trapp indicated yes. Mayor asked if the actions are separate resolutions, and Trapp indicated yes. No resolutions were provided at this time. Planning Commission Council Rep Wegscheid sent his comments in advance due to his absence, but he was not aware of the revisions. Mayor said setbacks are mainly for snow-plow issues, character of the neighborhood and site lines. Since this is the last house in a cul-de-sac, those issues are less important. Mayor stated the revised plan shows good faith effort to mitigate concerns of Planning Commission. Salazar asked if so much concession was necessary, referring to the 13 inch reduction in setback variance. Hanson stated salt, sand and snow is thrown at houses and complaints are received regularly.

MOTION by Salazar, seconded by Gillispie, to direct staff to prepare a resolution approving the expansion permit consistent with the discussion. All voted in favor. Motion carried.

Mayor asked for discussion on the setback variance before a motion. Mayor asked why the Planning Commission felt they needed to limit request when hardcover more than adequate. Trapp explained Planning Commission struggled with whether the variance had been minimized especially due to the size and the interior staircase located in the garage addition.

MOTION by Gillispie, seconded by Salazar, to direct staff to prepare a resolution approving the setback variance based on the revised plan presented at the meeting. All voted in favor. Motion carried.

7. Kandis Hanson, City Manager, requesting action on Ordinances Amending Chapter 78 of the Mound City Code as it Relates to Waterways.

Two amendments to the City Code were discussed and approved by the Docks and Commons Commission at the March 21, 2013, DCC meeting. Hanson said with the second addition of the subdivision, references to Villas of Lost Lake were changed to just Lost Lake. Mayor requested the change in wording from “assigned” to “offered.” Hanus clarified the priority list was written as is to distinguish between residents of the development and the “pool” of slips available to others. Mayor questioned whether references to “Lost Lake Resident” was sufficient to distinguish the residents of the townhomes in question. Attorney Manderschied stated the definition was created with that in mind. Discussion ensued and it was determined it was sufficient.

- A. MOTION by Hanus, seconded by Gillispie, to approve the following ordinance as amended. All voted in favor. Motion carried.

ORDINANCE 02-2013: ORDINANCE AMENDING CHAPTER 78 OF THE MOUND CITY CODE AS IT RELATES TO WATERWAYS (Sec 78-122)

Hanson stated the next proposal is to allow a one-time exemption for the non-abutters who miss the application deadline and add a late fee of \$100 to sufficiently deter the practice. Hanus requested a strong message be sent to anyone who is late that this is a one-time deal. Hanson requested people not delay in submitting their application and don't take a chance.

- B. MOTION by Hanus, seconded by Gillispie, to approve the following ordinance. All voted in favor. Motion carried.

ORDINANCE 03-2013: ORDINANCE AMENDING CHAPTER 78 OF THE MOUND CITY CODE AS IT RELATES TO WATERWAYS (Sec 78-101)

8. Kandis Hanson, City Manager, requesting action on Resolution Amending Resolution No. 12-107 Adopting Fee Schedule.

Mayor Hanus stated that the increase in Lost Lake Slip fees was primarily due to help with the debt service on the bonds issued to pay for the Lost Lake improvements.

Scott Spangers, 2540 Lakewood Lane, received notice of invitation to get on the wait list and increase of slip rate to \$1,600, and now asking \$1,950. He stated it seemed extreme. He asked if thought was given if the slips would rent at that rate. Mayor Hanus stated market rates were considered and referred to the information in the packet. Hanus stated these rates are well below market rates. Hanus stated one of the benefits was that this gets Lost Lake slip holders into the dock program. Spangers referenced City of Tonka Bay slips and the Mayor clarified our regular program is far below market, but the Lost Lake slips are different and there are different maintenance requirements and debt related directly to these slips. The residents of the development receive a lower rate to assist in the marketing and attractiveness of the townhomes. Hanus stated that Staff is investigating the possibility of paying for the docks on the utility bill.

Edward Andrews, 3301 Warner Lane, stated there are other amenities at the marinas that justify the higher cost. Lost Lake slips have not been allowed to utilize garbage cans and some theft has occurred. Mayor Hanus emphasized that the fees are not being raised simply to stay with market but because of the debt and maintenance needs of Lost Lake.

Hanson requested the attorney to modify the language and change the “and” to “or” in the applicable lines.

MOTION by Hanus, seconded by Salazar, to approve the following resolution as amended with the stated corrections. All voted in favor. Motion carried.

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

9. Information/Miscellaneous

- A. Comments/reports from Councilmembers/City Manager
- B. Minutes: DCC Meeting DRAFT: 3/21/13
- C. Reports: Finance Department – February 2013
- D. Correspondence:

10. Adjourn

MOTION by Salazar, seconded by Gillispie to adjourn at 8:17 p.m. All voted in favor. Motion carried.

Mayor Mark Hanus

Attest: Catherine Pausche, Clerk