

**MOUND CITY COUNCIL MINUTES**  
**June 25, 2019**

The City Council of the City of Mound, Hennepin County, Minnesota, met in regular session on Tuesday, June 25, 2019 at 7:00 p.m. in the council chambers of the Centennial Building.

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

Members absent: None

Others present: City Manager Eric Hoversten, Director of Finance & Admin Services Catherine Pausche, Community Development Director Sarah Smith, Jackie Strait, Casey Cambridge, Jack Evans, Julie Evans, Ralph Kempf, Lucas Leddy, Charles Mark, Daniel Link, Jim Larson, Linda Muller

*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, with any amendments**

Salazar asked for an item to be added: update on Swenson Park tennis court improvements.

MOTION made by Salazar, seconded by Bergquist, to approve the agenda as amended. All voted in favor. Motion carried.

**4. Consent agenda**

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

- A. Approve payment of claims \$569,991.01
- B. Approve minutes from 06-11-19 regular meeting
- C. **RESOLUTION NO. 19-41: RESOLUTION TO APPROVE A PUBLIC LANDS PERMIT FOR BOARDWALK IN UNDEVELOPED EXCELSIOR ROAD TO PROVIDE DOCK ACCESS FOR 4731 CARLOW ROAD**
- D. **RESOLUTION NO. 19-42: RESOLUTION APPROVING VARIANCE FOR 4363-4407 WILSHIRE BOULEVARD PLANNING CASE NO. 19-04**

**4.1 (Added) Mayor Salazar asked for an update on the rebuilding of Swenson Park tennis court**

Salazar said the claims on 1197 & 1199 contain invoices related to the Swenson Park tennis court improvement projects. Hoversten said the engineers have done the site and soil evaluation and are putting together the quote package. Hoversten said quote results are

expected for either the July 9 or July 25 council packet. Salazar said that timing suggests it won't be done this summer. Hoversten said there were delays in the Met Council work in the area as the city has not been satisfied with their restoration work. Hoversten said the substantial improvements were completed last year, but the final finishing improvements have not met the city's satisfaction and the city does not want to confuse their performance with the improvements to the tennis court. Salazar asked about the parking lot because it feels wavy like a sink hole. Hoversten agreed that the pavement around the storm water treatment has settled and they are looking at needed corrections, noting those issues do not correlate to the Met Council, but rather are the city's responsibility. Hoversten said engineering was slowed due to a backlog with a geotechnical engineering consultant who was needed to evaluate the soils.

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

Daniel Link, 4900 Edgewater Drive, said his goal is to be an elected official someday. Link said Metro Lakes Marina is in his neighborhood and since 2017 he has been coming to the city to express concern about their using residential property across from the marina as part of the parking and storage for the marina business. Link said he is concerned that nothing has been done to deal with it. Link said he is concerned that he gets bounced around when calling the city and wants to know if it has been brought to the attention of the council. Smith said she can comment on the last 30 – 45 days and said staff is in the process of evaluating the situation, doing site inspections and researching the zoning and CUP. Smith said they are looking at the best way to compel compliance and due diligence is necessary to determine the right course of action. Smith said it could go to either the council or city attorney. Smith said there were no units on the property during an inspection today, but it is more likely the use happens on the weekend. Smith noted any storage would be subject to what is allowed by code for any residential property and the owner will be given the opportunity to come into compliance once notified. Link said he has all the documentation, including emails and videos, that the city has been given and he wants an explanation of why it has taken so long. Link said commercial vs. residential zoning codes should be strictly enforced because of the impact on property values. Bergquist asked when the last time the property has sold and Smith said it has changed hands a few times but not in the last few years. Smith noted multiple staff members are involved in exterior site storage and zoning enforcement.

**6. Planning Commission Recommendation: Public Hearing – Consideration/action on vacation application for portion of unimproved Windsor Road Right-of-Way (ROW) adjacent to 3233 Tuxedo Boulevard. Applicants: Jack and Julie Evans**

Smith said a vacation application has been submitted by Jack and Julie Evans, owners of 3233 Tuxedo Blvd. Smith said the request is to vacate the north 15 feet of undeveloped Windsor Road right-of-way. Smith said state statute regulates vacation action, including the need for publication, notice and public hearing, all of which were satisfied.

Smith said the Evans asked for a vacation in order to make improvements to the existing home, noting the set-back will remain at 10 feet, regardless of what lot line is used.

Smith said that during the Planning Commission meeting, neighbors expressed concerns about tree loss, noise, increased traffic and change in terrain. Smith said a previous application was submitted in 1992-3 to vacate the full 30 feet and was denied. Smith said the discussion at the time said there was no apparent public benefit to vacating and cited the possibility that the road may still be needed. Smith said a minority of Planning Commissioners and Council expressed support of vacation at the time to alleviate traffic concerns. Smith said the Evans are only asking for vacation of the rear lots 16 & 17 because Public Works recommended keeping the front area for easements and public service improvements. Smith noted staff recommends

approval of the vacation and noted the land does not extend to water, therefore not invoking the watershed rules. Smith said the majority of inquiries received were to clarify the request and potential impacts.

Smith said a simple majority of the council is required to approve the vacation. Velsor asked when the street is vacated, does it become the property of the abutting owner, and if so, is it sold. Smith said statute does not provide for a sale of right of way, but rather it splits it in the middle and the legal descriptions are updated accordingly. Velsor said he lives nearby, and said there is a path that has been used that school kids can go through when there are not enough kids to justify two stops for the school bus. Velsor wants to make sure that path access does not go away. Smith said it was discussed at the Planning Commission and she believes it is on the southside of the right-of-way.

Mayor Salazar opened the public hearing at 7:40 pm.

Jack Evans, 3233 Tuxedo Blvd, said he and his wife Julie are the applicants. Evans said similar concerns were brought up at the Planning Commission meeting and he would like to address them. Evans said regarding the public path, the bus routes have changed over the last 2 years and are making two stops at Warner and Tuxedo. Evans said they no longer go through the right of way, but Evans said he did snow blow a path and put chips in and would do so if foot traffic is still needed. Pugh said she did a site visit and the path was the main concern brought up to her by neighbors. Evans said there is still a ten-foot setback to property line, even if a fence was put up.

Salazar asked what are the proposed improvements. Evans said he wants to add a screened-in porch on the deck within the 14 foot setback. Evans said he would like to make landscape improvements as well. Salazar asked if he is okay with pedestrian traffic. Smith said the vacation process does allow the city to retain an easement over the vacated area for pedestrian purposes. Evans agreed with the suggestion. Salazar said page 1283 line item #1 will be modified to expand the easement for pedestrian traffic and use.

Evans thanked the Council for the opportunity and asked if there were any other questions. Evans wanted to reply to a neighbor's concerns about tree buffer, erosion and potential impacts. Evans said there are four large mature trees on the north half, but the south half has the majority of the trees. Evans said a large part of the buffer is near Tuxedo and will not be vacated. Evans said another neighbor questioned the setback of the shed and indicated that it was only moved temporarily and it will be relocated. Lastly, a neighbor expressed concern for snow removal and storage, and Evans said he is cognizant of not interfering with the city's snow removal process.

Mayor Salazar closed the public hearing at 8:00 pm.

Bergquist asked where the amendment should go. Smith said the Council could give direction to staff to craft language and bring it back on consent, or modify #1 or add a new #5 A public easement shall be maintained over the area to be vacated.

Motion by Pugh, seconded by Velsor, to approve the following resolution with amendment to Condition #1 for the addition of a public use easement. The following voted in favor: Salazar, Velsor, Bergquist, Pugh. The following voted against: Larson. The following abstained: none. Motion carried.

**RESOLUTION NO. 19-43: RESOLUTION TO APPROVE VACATION OF PORTION OF UNDEVELOPED WINDSOR ROAD**

Larson said she voted against because of the proximity to Tuxedo Blvd, she felt the option to keep it open should be maintained as all roads in the area open to Tuxedo. Velsor said he lives in the area and does not feel that is a concern. Larson said it is not a back alley and Tuxedo is a major road. Velsor said less access points are actually better even if you need to maneuver a little more.

**7. Catherine Pausche, Director of Finance and Administrative Services, requesting action on a resolution authorizing contract with Z Systems for purchase of Council Chambers high definition video recording equipment**

Pausche said this item was on a previous agenda but was removed in order for staff to get another quote. Pausche said she worked with Jim Lundberg from the Lake Minnetonka Communications Commission (LMCC) who records each City Council meeting and plays it on its public access channels on Mediacom cable and makes it available for streaming on the web.

Pausche said the existing equipment is from the 1990's, is long past its useful life and is beginning to fail. Pausche said due to the high cost, staff is recommending a limited upgrade of the cameras and recording equipment only as the audio and presentation equipment are newer and replacement can be planned for at a later date.

Pausche said three quotes were obtained and Z Systems provided the lowest overall cost, including a 1-year warranty and free shipping, therefore staff recommends approval of the Z Systems quote for \$28,852.21.

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

**RESOLUTION NO. 19-44: RESOLUTION AUTHORIZING CONTRACT WITH Z SYSTEMS FOR PURCHASE OF COUNCIL CHAMBERS HIGH DEFINITION VIDEO RECORDING EQUIPMENT**

**8. Information/Miscellaneous**

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

Hoversten highlighted the following dates:

City Hall will be closed on Thursday and Friday, July 4<sup>th</sup> & 5<sup>th</sup>, noting 7/9/19 packet will be issued by July 3<sup>rd</sup>

Spirit of the Lakes Festival – pre-event Thursday July 18<sup>th</sup> and normal activities 19<sup>th</sup> & 20<sup>th</sup>

Mayor Salazar wished the council, staff and residents a happy 4<sup>th</sup>.

B. Reports: Fire Department – May 2019

C. Minutes:

D. Correspondence:

**9. Adjourn**

MOTION made by Velsor, seconded by Bergquist, to adjourn at 8:14 p.m. All voted in favor. Motion carried.

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Mayor Raymond J. Salazar

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Attest: Catherine Pausche, Clerk