

MOUND CITY COUNCIL MINUTES
July 12, 2016

The City Council of the City of Mound, Hennepin County, Minnesota, met in regular session on Tuesday, July 12, 2016, at 7:00 p.m. in the council chambers of the Centennial Building.

Members present: Mayor Mark Wegscheid, Council Members Heidi Gesch, Kelli Gillispie, Ray Salazar, and Jennifer Peterson

Members absent: None

Others present: City Manager and Public Works Director Eric Hoversten, Community Development Director Sarah Smith, Director of Finance and Administrative Services Catherine Pausche, City Attorney Melissa Manderschied, Consultant Planner Rita Trapp, Field Officer Stewart Simon, Nicole Brodzik, Michael Kukas, Mike Fozo, Tim Litfin, David Mendelsohn, Fran Winters, Dan Gallus, Pam Robinett, Alex Teplitski, Vadim Trifel, Max Teplitski, Fannie Fuks, Chris Carlson, Roger Fink, Pat Brickley, Zeus Vital, Nicole Harrill, Laura Olson, Nate Olson, and Kate Olson

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 Council Member or citizen so requests, in which event it will be removed from the Consent Agenda and considered in normal sequence.

1. Open meeting

Mayor Wegscheid called the meeting to order at 7:00 p.m.

2. Pledge of Allegiance

3. Approve agenda

Hoversten noted additional pages 1600A Council Briefing and additional pages for Agenda Item 8 pages 1825 A and B.

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

4. Consent agenda

Salazar asked for item J to be pulled for discussion.

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 \$356,559.70

B. Approve minutes: June 28, 2016 regular meeting

C. Approve Special Meeting Workshop on Tuesday, July 26, 2016 at 6:00 pm
Topics: Nuisance code, Offenses and Misc. Provisions Code, Zoning Code, and Administrative Citations

- D. RESOLUTION NO. 16-81: RESOLUTION APPROVING THE MAJOR SUBDIVISION - PRELIMINARY PLAT OF INDIAN KNOLL MANOR, PLANNING CASE NO. 16015, PID NO. 13-117-24-32-0030, PID NO. 13-117-24-32-0040
- E. RESOLUTION NO. 16-82: RESOLUTION GRANTING APPROVAL OF CONDITIONAL USE PERMITS, EXPANSION PERMITS AND VARIANCES FOR INDIAN KNOLL MANOR, PLANNING CASE NO. 16-16, PLANNING CASE NO. 16-18, PLANNING CASE NO. 16-17, PID NO. 13-117-24-32-0030, PID NO. 13-117-24-32-0040
- F. RESOLUTION NO. 16-83: RESOLUTION APPOINTING ELECTION JUDGES AS RECOMMENDED FOR THE PRIMARY AND GENERAL ELECTION, AUGUST 9, 2016 AND NOVEMBER 8, 2016
- G. RESOLUTION NO. 16-84: RESOLUTION APPROVING PUBLIC GATHERING PERMIT AND MUSICAL CONCEDED PERMIT FOR RIVER VALLEY CHURCH PICNIC TO BE HELD ON SUNDAY, AUGUST 21, 2016 AT SURFSIDE PARK AND BEACH
- H. RESOLUTION NO. 16-85: RESOLUTION APPROVING VARIANCE FOR 1633 FINCH LANE, PLANNING CASE NO. 16-21
- I. RESOLUTION NO. 16-86: RESOLUTION APPROVING EXPANSION PERMIT AND VARIANCE FOR 1952 SHOREWOOD LANE, PLANNING CASE NO. 16-22 AND 16-23
- J. Removed.
- K. Approve Pay Request No. 6 from Midwest Asphalt Corporation in the amount of \$66,842.38 for work completed on the 2014 Street and utility City Project No. PW-14-01
- L. Approve Pay Request No. 10 from Geislinger & Sons, Inc. in the amount of \$217,084.54 for work completed on the 2015 Street, Utility & Retaining Wall Improvement Project - Tuxedo Boulevard & Grandview Boulevard - City Project No. PW-15-01, PW-15-02, PW-15-03
- M. Approve Pay Request No. 1 and Final from Precision Seal Coating Inc. in the amount of \$8,604.25 for work completed on the 2016 Crack Seal Project - City Project No. PW-16-07

4J. (Removed). Approve resolution approving sign variation/modification for Grace Family Center at 2443 Commerce Boulevard.

Salazar asked for the resolution to be changed to Option A from Option B because it is a business and if the other option was used it would be confusing for some and not be seen from southbound traffic.

Wegscheid agreed and said he is concerned with placement due to safety.

Peterson said Staff reports said Option B was best for safety.

Wegscheid asked if she had visited the site.

Gesch asked if sign would be perpendicular to the road and Wegscheid said yes.

Wegscheid said the County was fine either way since it is out of the right of way.

Peterson said the Planning Commission discussed putting it on the building if Option A was used. Smith said Option C was in right of way and not approved by County. Smith said Planning Commission was open to A or B and that they went with Staff's recommendation of B.

Manderschied said if the option in the resolution is changed, some other parts of the resolution will need to be changed and recommended adding "at location option A" in the first whereas and the now, therefore be it resolved paragraphs on page 1708.

MOTION by Salazar, seconded by Wegscheid, to approve the following resolution as amended. The following voted in favor: Wegscheid, Salazar, Gillispie, Gesch. The following voted against: Peterson. The following abstained: none. Motion carried.

RESOLUTION NO. 16-87: RESOLUTION APPROVING SIGN VARIATION/MODIFICATION FOR 2443 COMMERCE BOULEVARD

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

Chris Carlson, 5950 West Branch, Minnetrista, said he is concerned about the increased density at Indian Knoll Manor and noted that the parking study did not evaluate before 6:45 am nor after 6:40 pm and he is concerned about overnight parking on the street. Carlson also showed one of the sketch plans that he said felt was misleading with regard to the green space and the fact Balsam Road was not shown.

6. Visit and presentation by Tim Litfin regarding 2016 Tour de Tonka annual special event

Tim Litfin thanked the Staff and the community for their support and showed a Power Point presentation of last year's event. Litfin said the 48 and 57 mile rides will come through Mound on August 6th and noted that it is a great way to showcase the communities. Litfin said the ICA Foodshelf will be the primary benefactor and that safety is always emphasized, which takes a lot of coordination with multiple agencies, including Orono Police. Litfin encouraged viewers to check out tourdetonka.org to sign-up to ride or to volunteer.

7. Planning Commission Recommendations

Dutch Lake Preserve
1861 Commerce Boulevard
Applicant: Trident Development LLC

Public Hearings

Review of Major Subdivision-Preliminary Plat (PC Case No. 16-11), and
Conditional Use Permit (PC Case No. 16-12) Applications

Consideration:

Variance (PC Case No. 16-13) Applications

Smith introduced the applications and project and said two public hearings are needed and both were noticed and published, including (1) the major subdivision of the preliminary plat of a main

parcel and outlot and (2) a conditional use permit (CUP) for a Shoreland Planned Development Area (PDA) due to its proximity to Dutch Lake.

Smith said the project is 72 units of senior assisted living, 20 of which will be for memory care, and that six variances have been requested for: (1) building height, (2) side yard setbacks, (3) number of efficiency units, (4) minimum floor area for efficiency and 1 bedroom units, (5) required parking spaces and (6) shoreland tiering. Smith noted the property was rezoned to R3 Multi-family earlier this year and the deadline for action was July 15th but the additional 60 day extension was executed due to the size of the project.

Rita Trapp, City Planning Consultant, went through the technical aspects of the project. Trapp showed pictures of site layout and limitations due to wetlands and terrain as well as an elevation of the proposed 3 story structure. Trapp said side yard setbacks are required to be the same as building height (39.5 feet) but noted the applicant is requesting variances of 3.1 feet on the north side and 8.2 feet on the south side. The maximum allowable height is 35 feet, so a variance is requested to allow for higher ceilings in order to give it more of a residential feel from the exterior.

Trapp noted the applicant requested to exceed the maximum number of efficiency units allowed by 6 and noted that efficiency units make sense for memory care units as smaller units allow for larger group common spaces to encourage socialization. Trapp said Code requires 2.5 parking spaces per unit with one indoor but noted that the Code does not address senior care services which do not require as many as regular multi-family housing.

Trapp said a fence is required per Code, but since there is a school to the south and there is a grade change, it does not appear that a fence would be needed or useful. Trapp noted shoreland tiering requirements attempt to push density as far off the lake as possible. Trapp showed four tiers with a variance requested to have more units in Tier 3 which Trapp said made sense since the units are spread vertically and Tier 4 has wetlands that would limit the area that could be developed.

Trapp said applicant was asked to add walkways in parking lot for safety reasons. Trapp said most of the comments received during Planning Commission had to do with landscaping and views from the lake. Trapp noted most of the area by lake will remain undisturbed with the exception of storm water improvements. Trapp said the Planning Commission recommended approval.

Gesch asked to confirm that Tier 1 is 270 feet wide and that there are no real plans to change vegetation. Trapp said yes with the exception of minimal storm water improvements and that the majority of activity takes place in Tier 3.

Wegscheid asked about existing storm water management on the property. Hoversten said there are some existing wetlands. Wegscheid asked if both neighboring lots were higher and Hoversten said yes.

Mayor Wegscheid opened the public hearing at 7:44 pm.

Roger Fink of Trident Development thanked the Staff for providing the background information on the project. Fink said the project will be named Harrison Bay Senior Living. Fink said he will be shedding light on the requested variances, show material samples, and provide more

information on the vegetative screen in response to concerns raised at the Planning Commission.

Fink said that of the 72 units, only 48 will be smaller, and noted that it is quite common with assisted living developments. Fink said many City Codes minimum sizes typically were written with traditional multi-family in mind. Fink said the common areas of assisted living developments are much larger than typical multi-family, including dining areas, fitness areas, lounges, etc.

Fink said he believes there are 78 parking spaces proposed and that based on experience, he feels only 26 would be needed for residents, 25 for employees on the largest shift, and 10 for visitors, making the total proposed more than adequate.

Fink concurred with Trapp's comments on the ceiling height variance to increase quality and marketability. Fink showed the new elevation which showed new colors, stone wainscoting, and architectural features. Fink showed samples of some of the building materials and emphasized the maintenance-free, high quality features of the products. Fink said the residents will also enjoy an outdoor area that will be nicely landscaped facing east.

Fink addressed the concerns of views from Dutch Lake. Fink said he would be surprised if there is really any noticeable change because of the density and maturity of the trees. Fink said he expects the results to be similar to the middle school as both buildings have similar set-backs. Fink said he thinks water quality of run-off will be improved and the MCWD has asked to discuss options. Fink showed a video of the property to demonstrate the density of trees on the rear of the sight. Fink said Trident respectfully requests approval of the variances and project.

Gillispie asked if demand of memory care units were to decline, would there be options to expand the units. Fink said it was not designed with flexibility in mind, but noted the wood frame construction is more flexible than concrete and steel.

Mayor Wegscheid asked if anyone in the audience wanted to speak and no one stepped forward.

Mayor closes the public hearing at 8:10 pm

Requested Actions:

- i.i. Approve Resolution to approve Major Subdivision-Preliminary Plat of Dutch Lake Preserve

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

RESOLUTION NO. 16-88: RESOLUTION APPROVING MAJOR SUBDIVISION - PRELIMINARY PLAT OF DUTCH LAKE PRESERVE, PLANNING CASE NO. 16-11, PID NO. 14-117-24-14-0001, PID NO. 14-117-24-14-0003, PID NO. 14-117-24-14-0004

- ii.ii. Approve resolution to approve Conditional Use Permits and Variances for Dutch Lake Preserve

Manderschied requested two minor amendments to the resolution including: (1) 3d. to read “this conditional use permit and variances are approved, and (2) removal of item 3g since it is duplicative of 3e.

MOTION by Salazar, seconded by Gesch, to approve the resolution as amended. All voted in favor. Motion carried.

RESOLUTION NO. 16-89: RESOLUTION APPROVING CONDITIONAL USE PERMITS AND VARIANCES FOR DUTCH LAKE PRESERVE, PLANNING CASE NO. 16-12 AND 16-17, PID NO. 14-117-24-14-0001, PID NO. 14-117-24-14-0003, PID NO. 14-117-24-14-0004

8. Public Hearing to consider revocation of Amended and Restated conditional Use Permit No. 02-68 for the Property Located at 4831 Shoreline Drive

Gillispie recused herself due to a potential conflict of interest.

Mayor Wegscheid opened the public hearing at 8:13 pm.

Max Teplitski, owner, said he reviewed previous meetings and said he disagrees with the opinions from the field observations and said much has been done to improve the property. Teplitski said he has cooperated with many of the requests for which the original CUP was silent. Teplitski said they have been open since 2009 and he recognizes this property is in the gateway of the City. Teplitski said semi-trucks and trailers were removed in 2014 and noted additional clean-up has taken place.

Teplitski noted he did not get an opportunity to participate in the discussion on May 24, 2016 regarding the new CUP and that many of his requests were not addressed but rather more conditions were placed. Teplitski said he is working with local contractors to improve the property and is confused as to how and when his original requests will be addressed.

Teplitski showed multiple street view pictures from all angles and said he does not believe the lot is congested. Teplitski said only units for sale are on the front of the lot with units needing work done in the back. Teplitski showed pictures of a neighboring property that, in his opinion, is more congested and stagnant.

Vadim Trifel, Attorney for Main Street Auto, said he requests the hearing stay open to allow he and his client more time to prepare a response.

Alexandra Teplitski, mother of Max Teplitski, said she appreciates the time the Council has spent on this issue. Teplitski said her husband bought the property in 2009 and the original CUP was from 2002, which did not address his needs. Teplitski said the business creates jobs and brings people to Mound and that they want to make the City better. Teplitski admitted mistakes were made but said her husband did not know about the observations and no notice was given. Teplitski said small businesses are a 24/7 effort and the Council should want to support them and noted that her family depends on the income.

Alexander Teplitski, owner of Main Street Auto, said the situation is not about the CUP but the number of cars. Teplitski said it is one thing for it to be a maximum of 25 cars for night-

time, but it is different for daytime with an open lot, customers, etc. Teplitski questioned information provided by Staff and how inspections were handled. Teplitski said other organizations notify of inspections with penalties known up front. Teplitski said he felt Staff is discriminating against his family.

Vadim Trifel, Teplitski's attorney said the family is requesting identities of people who were performing the inspections and that their intent is to show revocation is not proper in this case. Trifel requested that the hearing be left open until July 26th.

Tim Olson and daughter Kate Olson, 4642 West Arm Road, said he has know Max Tiplitski for many years and said he refers people to him to buy cars. Olson said he is a contractor who has done business with them and they have plans to help beautify the corner. Olson said he has never had an issue with the appearance of the property. Olson said Teplitski does invite customers to return to the shop if something is wrong with the vehicle which may contribute to the overage in the number of cars.

MOTION by Salazar, seconded by Gesch, to continue the public hearing to the July 26, 2016 City Council meeting. The following voted in favor: Wegscheid, Salazar, Gesch, Peterson. The following voted against: none. The following abstained: none. Motion carried.

Gillispie returned to the Dais.

9. Approve Resolution approving Public Gathering Permit and Musical Concert Permit for Running of the Bays half marathon and 5K run to be held on Saturday, September 10, 2016

Mayor Wegscheid recused himself as an organizer of the race.

Smith walked through the application materials, including site plans and planned route. Smith noted there was a second permit for the musical concert.

Mark Wegscheid, 2465 Lost Lake Road, noted it is just amplified music and that it is a fundraising event for Our Lady of the Lake and WeCAN. Wegscheid said the goal is to continue to grow to raise more money for more area organizations.

MOTION by Salazar, seconded by Gillispie, to approve the following resolution. The following voted in favor: Gillispie, Gesch, Salazar, and Peterson. The following voted against: none. The following abstained: none. Motion carried.

RESOLUTION NO. 16-90: RESOLUTION APPROVING PUBLIC GATHERING PERMIT AND MUSICAL CONCERT PERMIT FOR RUNNING OF THE BAYS HALF MARATHON AND 5K RUN TO BE HELD ON SATURDAY, SEPTEMBER 10, 2016

Mayor Wegscheid returned to the Dais.

10. Information/Miscellaneous

A. Comments/reports from Council Members

Wegscheid noted Representative Cindy Pugh received a Legislator of Distinction Award from the League of Minnesota Cities. Wegscheid said 41 cities, including Mound, have signed a petition to question the role of the Met Council.

Hoversten noted the following meetings/special events:

- Spirit of the Lakes Festival to take place this weekend
- Night to Unite - August 2nd
- Tour de Tonka and Dog Days on Aug 6th
- Running of the Bays on September 10th
- Primary Election August 9th with regular meetings changed to August 10th

B. Reports: Finance Department - May 2016 YTD
Liquor Store - June 2016

C. Minutes: Planning Commission - June 7, 2016

D. Correspondence:

11. Adjourn

MOTION by Gesch, seconded by Salazar, to adjourn at 8:52 p.m. All voted in favor. Motion carried.

Mayor Mark Wegscheid

Attest: Catherine Pausche, Clerk