

MOUND CITY COUNCIL MINUTES
August 8, 2017

The City Council of the City of Mound, Hennepin County, Minnesota, met in regular session on Tuesday, August 8, 2017, at 7:00 p.m. in the Council Chambers of the Centennial Building.

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

Members absent: Council Member Jeff Bergquist

Others present: City Manager and Director of Public Works Eric Hoversten, Community Development Director Sarah Smith, Administrative Assistant Mary Mackres, Nicole Brodzik, Adam Roal, and Troy Koopman

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

City Manager Eric Hoversten requested addition of page 2220a to Item 4J, which is updated survey information for expansion permit showing actual proposed garage dimensions which are wider but still conforming to all setback requirements relative to the garage.

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

4. Consent agenda

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

A. Approve payment of claims in the amount of \$667,317.17

B. Approve Minutes: 7/25/17 Regular Meeting

C. Approve a 1-4 Day Temporary On-Sale Liquor License for Northwest Tonka Lions September 30, 2017 Westonka School District Lacrosse Fundraiser event at the Gillespie Center

D. RESOLUTION NO. 17-109: RESOLUTION TO FORMALLY ACCEPT A CENTERPOINT ENERGY COMMUNITY PARTNERSHIP GRANT IN THE AMOUNT OF \$2,500 TO PARTIALLY FUND AUTOMATIC EXTERNAL DEFIBRILLATORS, REPLACEMENT ADULT AND PEDIATRIC DEFIBRILLATION ELECTRODE PADS, AND TRAFFIC SAFETY EQUIPMENT

- E. Approve Pay Request No. 4 from Park Construction in the amount of \$260,233.31 for the 2017 Street, Utility and Retaining Wall Improvement Project; City Project Nos. PW-17-01, PW-17-02, PW-17-03, PW-17-04
- F. Approve Pay Request No. 8 from Ryan Contracting in the amount of \$194,771.65 for the 2016 Street, Utility and Retaining Wall Improvement Project; City Project Nos. PW-16-01, PW-16-02, PW-16-03, PW-16-04
- G. Approve the following project related pay requests:
 - 1. Norling Lake Minnetonka Landscapes, Inc. totaling \$5,786.50 for the 2016 Street Improvement Project, Bartlett Blvd., City Project No. PW-16-01
 - 2. Braun Intertec, totaling \$5,557.54 for the 2017 Street Improvement Project, Wilshire Blvd., and Tuxedo Blvd., City Project Nos. PW-17-02, PW-17-03
- H. RESOLUTION NO. 17-110: RESOLUTION ACCEPTING BID FOR THE CARLSON PARK DRAINAGE IMPROVEMENTS PROJECT (PW-16-09)**
- I. RESOLUTION NO. 17-111: RESOLUTION APPROVING PUBLIC GATHERING PERMIT, SEASONAL AND PORTABLE SIGN PERMIT AND 1-4 DAY TEMPORARY ON-SALE LIQUOR LICENSE FOR 2017 OUR LADY OF THE LAKE CATHOLIC CHURCH INCREDIBLE FESTIVAL ON SEPTEMBER 22-24, 2017, WITH WAIVED MUSICAL CONCERT FEE**
- J. RESOLUTION NO. 17-112: RESOLUTION APPROVING EXPANSION PERMIT FOR 5459 BARTLETT BOULEVARD, PLANNING CASE NO. 17-19**

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

None offered

6. Public Hearing

Review and consideration of proposed amendment to Mound City Code Section 129-196 (b) related to the swimming pool regulations to allow use of an automatic pool cover as an alternate to a fence

Applicant: Troy Koopman, 1732 Canary Lane

Sarah Smith presented request by resident, Troy Koopman, to consider an amendment to the City's zoning ordinance regarding the swimming pool ordinance. Current regulations require a fence of no less than 5 ft and no more than 6 ft. Current application is a request to change the zoning ordinance, allowing the use of an automatic pool cover in lieu of a fence enclosure. Included in the information tonight is the background material that was prepared previously and the research that has been done. Smith noted this is a policy decision.

Smith said the Planning Commission reviewed this back in 2014 and recommended amending the zoning ordinance, but a split vote of the Council opted not to undertake the amendment at that time. Smith said the resident requested reconsideration and has offered language that is similar to ordinances other communities have adopted.

Smith said the City review is similar to what was done in 2014 and noted the standards for pool covers have not changed. Smith noted that neither the Fire Chief nor the Building Official had any concerns with the proposal. The Building Official sees this as a reasonable

alternative to a fence. The Planning Commission reviewed and recommended approval as did Staff. At the Planning Commission meeting, an industry representative from Performance Pools commented on the industry standards.

Smith said a public hearing is needed and was noticed in the Laker. Smith noted there was a recent rule change August 1 which requires notification of an ordinance amendment a minimum of 10 days prior by electronic means. As the City was already underway with their review, the electronic notification was sent on August 1 via CodeRED and the website when the rule went into effect.

Mayor Wegscheid opens the public hearing at 7:08 p.m.

Troy Koopman, 1732 Canary, said he is going to get a cover anyway and noted that a lot of the communities around Mound have implemented this policy. Koopman said that those communities that have changed to allow the pool covers in lieu of fences have not gone back to the previous way. Koopman said a cover is safer than a fence.

Gillispie asked about the weight limit on covers. Koopman said that 485 pounds is the industry standard. Koopman doesn't know what the longevity would be, but noted this cover can be locked.

Mayor Wegscheid closes the public hearing at 7:11 p.m.

Mayor Wegscheid said that he relies on the recommendations of the Building Inspector, Fire Chief, Staff, and the Planning Commission review. Wegscheid says that there are just as many variables with a pool cover as there are with a fence. A pool cover can be locked in the owner's absence. Wegscheid thinks it is acceptable and comments that this is not new technology and doesn't put Mound on the cutting edge, sticking it's neck out on something that's never been done before.

Salazar commented that Mound is a lake community, with no fence around the lake. Anyone can walk into the lake at any time. Salazar says he is familiar with these covers, which could hold a baby elephant and not rip or tear. Salazar likes the pool covers. Covers keep a pool clean and safe as well as providing insular properties. Salazar has no problem with the cover.

Peterson commented that the Planning Commission had no concerns. Gillispie says that everything has been pretty much covered in the discussion and feels this is a reasonable request.

Requested Actions

- A. Approve Ordinance No. 05-2017 amending Mound City Code Chapter 129 (*Zoning Ordinance*) as it relates to the swimming pool requirements

MOTION by Salazar, seconded by Peterson, to approve ordinance. All voted in favor. Motion carried.

ORDINANCE NO. 05-2017: ORDINANCE AMENDING CHAPTER 129 OF THE MOUND CITY CODE AS IT RELATES TO ZONING

- B. Approve Resolution to allow for publication of Ordinance No. 05-2017 by title and summary (*requires 4/5s vote of City Council to approve*)

MOTION by Salazar, seconded by Gillispie, to approve resolution. All voted in favor. Motion carried.

RESOLUTION NO. 17-113: RESOLUTION AUTHORIZING PUBLICATION OF ORDINANCE 05-2017 BY TITLE AND SUMMARY

- 7. **Action on a 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 9, 2017.**

Mayor Mark Wegscheid recused himself and acting mayor Kelli Gillispie took over the meeting.

Sarah Smith, presented applications submitted by Mark Wegscheid for the Running of the Bays race noting this is an annual event which has taken place for several years. Smith said two actions are requested by the Council, approval of a public gathering permit and a musical concert permit. Smith said applications came in and were routed for review, all involved agencies have been contacted by the applicant who also provided route information. Smith said Staff recommends approval of both permits.

MOTION by Salazar, seconded by Peterson, to approve the following resolution. Salazar, Peterson, and Gillispie voted in favor. No one voted against. Motion carried.

RESOLUTION NO. 17-114: RESOLUTION APPROVING PUBLIC GATHERING PERMIT AND MUSICAL CONCERT PERMIT FOR 2017 RUNNING OF THE BAYS HALF MARATHON AND 5K RUN BEING HELD ON SATURDAY, SEPTEMBER 9, 2017

Mayor Wegscheid rejoined the Council at the dais.

8. Information/Miscellaneous

- A. Comments/reports from Council Members

Hoversten reminded all of the following events:

Aug. 12 - Dog Days Westonka which takes place in the Harbor District. This is a great activity for dogs and dog lovers. Hoversten says there will be a lot of media coverage involved, bringing a spotlight on the community.

Sept. 9 - Running of The Bays

Sept. 16 - Mound residents can participate in a tree sale supported by grant dollars from the Minnehaha Creek Watershed District, Cargill, and the Tree Trust. Residents can purchase two 6-8 foot trees with a 5 gallon root ball for \$30 each, with an actual value of approximately \$100. Order via link on Mound's City website through September 10th and pick up Saturday, Sept. 16 at the Public Works garage. This is a great deal for residents.

- B. Reports:
- C. Minutes:
- D. Correspondence:

9. **Adjourn**

MOTION by Gillispie, seconded by Salazar, to adjourn at 7:21 p.m. All voted in favor.
Motion carried.

Mayor Mark Wegscheid

Attest: Catherine Pausche, Clerk