

MOUND CITY COUNCIL MINUTES
August 12, 2014

The City Council of the City of Mound, Hennepin County, Minnesota, met in regular session on Tuesday, August 12, 2014, at 8:00 p.m. in the council chambers of the Centennial Building.

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

Members absent: None

Others present: City Manager Kandis Hanson, Community Development Director Sarah Smith, Attorney Melissa Manderschied, Amy Stark, Andy Weigman, Brett McNally, Kelvin Retterath, Kade Retterath, Mike Werth.

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 8:02 p.m.

2. Pledge of Allegiance

3. Approve agenda

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

4. Consent agenda

Mayor Hanus requested the removal of item 4J for discussion.

Salazar requested the removal of item 4K-3 and 4K4 for discussion.

Gillispie requested the removal of items 4G and 4H for discussion.

MOTION by Salazar, seconded by Wegscheid, 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 \$663,615.06.
- B. Approve minutes of the July 2, 2014 special meeting and the July 22, 2014 regular meeting.
- C. Approve Public Gathering Permit with reduced fee paid for wake surfing competition event to be held on Friday, August 22, 2014 and Saturday, August 23, 2014 with an alternate rain date of Sunday, August 24, 2014.
- D. Approve Public Gathering Permit with fee paid for Running of the Bays half marathon and 5K run to be held on Saturday, September 6, 2014.
- E. Approve Tent/Membrane Structure, Temporary On-Sale Liquor, and Temporary Sign permits for Our Lady of the Lake Catholic Church for the "Incredible Festival" to be held September 5-7, 2014 with fees paid.

F. RESOLUTION NO. 14-60: RESOLUTION APPROVING WAIVER OF PLATTING AT 5116 WATERBURY ROAD, PLANNING CASE NO. 14-12, PID NO. 25-117-24-12-0207

G. Removed.

H. Removed.

I. Approve pay request No. 1 from Widmer Construction in the amount of \$190,041.84 for the Bartlett Boulevard Watermain Improvements Project, City Project No. PW-14-08.

J. Removed.

- K. 1. **ORDINANCE NO. 07-2014: AN ORDINANCE AMENDING CHAPTER 2 OF THE MOUND CITY CODE AS IT RELATES TO ADMINISTRATION**
- 2. **RESOLUTION NO. 14-61: RESOLUTION FOR PUBLICATION BY TITLE AND SUMMARY – CHAPTER 2**
- 3. **Removed.**
- 4. **Removed.**

4G. Approve pay request No. 3 and final from Minger Construction, Inc. in the amount of \$17,718.49 for the 2013 Lift Station Improvement Project, City Project No. PW-13-03.

Gillispie asked for a clarification between the total bid amount, the current contract amount and the amount that was authorized and voted on by the City Council. Hanson requested that she get back as she does not recall the exact amounts.

MOTION by Hanus, seconded by Salazar, to table item 4G until the Finance Director can obtain the answers. All voted in favor. Motion carried.

4H. Approve pay request No. 1 from Penn Contracting, Inc. in the amount of \$176,340.86 for the 2014 Lift Station Improvement Project, City Project No. PW-14-03.

Gillispie said she has the same question as 4H.

MOTION by Hanus, seconded by Salazar, to table item 4H until Finance Director can obtain the answers. All voted in favor. Motion carried.

4J. Set special meeting workshop for the purpose of discussing draft 2015 Budget – October 21, 2014 at 6:30 p.m.

Hanus expressed concern about seeing less budget information prior to the preliminary budget approval, which is the number used to calculate the property tax estimates mailed in November.

Hanus asked for a Council workshop or a budget committee meeting prior to the preliminary budget and levy approval. Salazar requested it be the Council as a whole.

MOTION by Hanus, seconded by Gesch, to set a special meeting workshop on the 2015 budget on Wednesday, September 3, 2014 at 6:30 pm. All voted in favor. Motion carried.

MOTION by Hanus, seconded by Salazar, to set a special meeting workshop on the 2015 budget on Tuesday, October 21, 2014 at 6:30 pm. All voted in favor. Motion carried.

4K - 3. ORDINANCE NO. XX-2014: AN ORDINANCE AMENDING CHAPTER 10 OF THE MOUND CITY CODE AS IT RELATES TO AMUSEMENTS.

Salazar questioned to what extent private parties have to pull a permit for live music and also questioned the allowable hours. Discussion ensued about the intent and whether the issue is covered in the nuisance/noise ordinance. Hanson stated there needs to be a mechanism in place to allow for weddings and other exceptions while giving the police department something to enforce.

Mandershied stated the language was crafted to give the City Council discretion to set the conditions on live music after 10 pm. Hanson said she has received numerous complaints about live music at events such as the Blast and this is an attempt to put language back in the code and to give the City Council authority to extend hours. Salazar stated the current language is too general and it has to address commercial versus residential. Wegscheid asked staff to consider adding to the existing language regarding noise. Hanson requested the item be tabled to allow Staff more time to craft the appropriate language.

MOTION by Hanus, seconded by Wegscheid, to table item 4K-3 & 4 to give time for Staff to review the discussion, language in the current code, and return with a revised version. All voted in favor. Motion carried.

4K - 4. RESOLUTION NO. 14-XX: RESOLUTION FOR PUBLICATION BY TITLE AND SUMMARY – CHAPTER 10.

Tabled per motion in 4K-3.

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

None were offered.

6. Planning Commission Recommendation for variance at 5024 Tuxedo Boulevard, Planning Case No. 14-08, PID no. 24-117-24-43-0035 by Performance Pools and Spas for homeowner Brett McNally.

Smith gave background on the case, including the request to amend the City Code to waive the fence requirement for pools if there is a pool cover that meets ATSM standards. That request was not approved by the City Council.

The applicant is now requesting a variance to the swimming pool fencing requirements contained in Section 129-196 (b)(1)(c). The City's deadline for action is August 21, 2014, unless an extension is approved for another 60 days. With that in mind, two draft resolutions were included in the packet, one for approval of the variance and one for denial.

Discussion ensued about where the current fence is relative to the garage, house, and retaining walls facing the lakeshore.

Brett McNally, 5024 Tuxedo Blvd, agreed to install gates at the steps by the retaining wall if that would help get the variance approved. McNally stated he is in the pool business and has gotten codes changed in about 25 cities in the past 5 years.

Salazar noted that 1605 Bluebird received a fencing requirement variance with similar front and side fencing and no fence facing the lakeshore in a totally flat yard. Salazar recommended keeping the code language but allowing the variance. Hanus requested Staff work with the resident to revise the variance resolution to include a requirement for gates that meet the height requirement of pool fences.

MOTION by Hanus, seconded by Salazar, to table item 6 until later in the meeting.

7. Kandis Hanson, City Manager, requesting action on resolution establishing a Budget Advisory Committee and providing for the assignment of City Council Members.

Hanson stated Staff does want City Council input when the budget is crafted. Senator Osmek was designated as the Budget Liaison until he left and Mayor Hanus acted as liaison in 2014. Hanson recommends formalizing a committee of two Council Members and two Staff and treat as similar committees which are appointed annually.

Hanus stated he would like to be on the committee and did not want to appoint the other member without soliciting input. Wegscheid, Salazar and Gillispie all stated they would like to be on the Budget Advisory Committee as well.

Salazar agreed the Mayor should be on the committee as he is most experienced. Salazar poled the Council and all agreed that the Mayor should serve on the committee. Hanson stated that the fact that three of the four remaining wish to be on it as well, Gesch will ultimately determine who the second member is.

Gesch stated she believes Gillispie should be the second appointee to level the playing field for the two mayoral candidates.

MOTION by Gesch, seconded by Wegscheid, to adopt the following resolution with the names of Mayor Hanus and Kelli Gillispie inserted in item II. All voted in favor. Motion carried.

RESOLUTION NO. 14-63: RESOLUTION ESTABLISHING A BUDGET ADVISORY COMMITTEE AND PROVIDING FOR THE ASSIGNMENT OF CITY COUNCIL MEMBERS.

8. Kandis Hanson, City Manager, requesting dialog on commission appointments.

Hanson stated that each year it is becoming harder to fill commission vacancies, particularly with the Parks and Open Space Commission (POSC). Hanson invited the Council to offer Staff advice and/or brainstorm how to invite and keep commission members.

Gesch stated the POSC does not meet often and when it does, sometimes there is not a real agenda or a quorum present. Gesch stated current POSC members are trying to decide what the commission wants to focus on. The challenge is to create their own projects as they do not get any money from the City. Gesch stated she would like to continue the conversation with the POSC before deciding the future of the POSC. Gesch did wonder if the commission should take on a different form other than an advisory committee. Hanus questioned if the POSC could serve other roles as well or be combined with the Planning Commission, but recognized two very different type of people typically serve on these commissions.

Hanson stated Staff needs the Council's help in recruiting candidates as paid advertising does not seem to work. Hanus suggested the POSC put out flyers to invite the public to an informal open gathering at a neighborhood park and invite neighbors to give input. Gesch said that might work after the commission sorts out their purpose. Hanson encouraged Council Members to constantly be thinking of possible candidates for all commissions as personal invitation seem to work better.

6. (Previously tabled and brought back to the meeting)Planning Commission Recommendation for variance at 5024 Tuxedo Boulevard, Planning Case No. 14-08, PID no. 24-117-24-43-0035 by Performance Pools and Spas for homeowner Brett McNally.

Manderschied stated the recommended modifications to the resolution include adding one finding in the last “Whereas” and four additional conditions in the “Now Therefore” section after number 7. Manderschied read the language aloud:

Finding #5: The property has a series of massive stone walls between the lake and pool that effectively create a series of nature barriers and provide the protective equivalent of a fence.

And additional conditions to include:

8. A gate shall be installed at the northeast corner where the garage meets the existing aluminum fence.
9. A gate shall be installed across the granite staircase at the point where the natural stone wall adjacent to the pool meets the granite staircase.
10. All fences and gates shall meet the provisions of the city code with regard to height, location, and design.
11. If the existing natural stone wall adjacent to the pool is not five feet in height for at least five feet on both side of the gate, the applicant shall modify the existing natural stone wall to be at least five feet in height.

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

RESOLUTION NO. 14-62: RESOLUTION APPROVING VARIANCE FOR 5024 TUXEDO BOULEVARD, PLANNING CASE NO. 14-08, PID NO. 24-117-24-43-0035

9. Information/Miscellaneous

- A. Comments/reports from Council members/City Manager: None were offered.
- B. Minutes:
- C. Reports: Finance Department – June YTD
Fire Commission Meeting – July 30, 2014
Update on progress with MCES – July 25, 2014
- D. Correspondence:

10. Adjourn

MOTION by Salazar, seconded by Gesch, to adjourn at 9:53 p.m. All voted in favor. Motion carried.

Mayor Mark Hanus

Attest: Catherine Pausche, Clerk