

MOUND CITY COUNCIL MINUTES
November 22, 2016

The City Council of the City of Mound, Hennepin County, Minnesota, met in regular session on Tuesday, November 22, 2016, at 7:00 p.m. in the council chambers of the Centennial Building.

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

Members absent: None

Others present: City Manager/Public Works Director Eric Hoversten, Fin Dir/Clerk/Treasurer Catherine Pausche, Community Development Director Sarah Smith, Scott Bazewicz, Scott Bohler, Gary Vogel, Don Goodwin, Scott Gates, Kelvin Retterath, Robert Vose

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

2. Pledge of Allegiance

3. Approve agenda

City Manager Eric Hoversten stated additional pages for Item 4L include 2969 A - E and for Item 6 additional pages 3036 A - C which is a letter from Mediacom regarding consideration of a issuing a franchise for Frontier.

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

4. Consent agenda

Hoversten requested the removal of item 4L as additional information has been submitted from a neighbor.

MOTION by Salazar, seconded by Peterson, 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 \$330,011.21.
- B. Approve minutes: October 25, 2016 regular meeting
- C. **RESOLUTION NO. 16-156: RESOLUTION AUTHORIZING CONTRACT WITH FRONTIER COMMUNICATIONS FOR PHONE AND INTERNET SERVICES AND PURCHASE OF PHONE SYSTEM**
- D. Approve Policy FIN 009 - Liquor Store Donations Policy

- E. Approve Policy FIN 010 - Official Website Policy
- F. Approve Policy FIN 011 - Utility Billing for Non-Homestead Properties Policy
- G. **ORDINANCE 14-2016: ORDINANCE AMENDING CHAPTER 30 OF THE MOUND CITY CODE AS IT RELATES TO FIRE PREVENTION AND PROTECTION**
- H. **RESOLUTION NO. 16-157: RESOLUTION AUTHORIZING PUBLICATION OF ORDINANCE 14-2016 BY TITLE AND SUMMARY**
- I. **ORDINANCE NO. 15-2016: ORDINANCE AMENDING CHAPTER 18 OF THE MOUND CITY CODE AS IT RELATES TO CEMETERIES**
- J. **RESOLUTION NO. 16-158: RESOLUTION AUTHORIZING PUBLICATION OF ORDINANCE 15-2016 BY TITLE AND SUMMARY**
- K. **RESOLUTION NO. 16-159: RESOLUTION APPROVING EXPANSION PERMIT AND PUBLIC LANDS PERMIT FOR 4941 ISLAND VIEW DRIVE**
- L. Removed.

4L. (Removed) Approve resolution approving variance for 1920 Lakeside Lane

Sarah Smith, Community Development Director, stated that additional information was received so Staff requested that the item be pulled for discussion. Smith said an addition is proposed to replace existing structures on the side and front of the property. Smith said the side setback variance would change from 1.6 to 1.4 feet and the front of structure would move closer to the front property line to 3.6 feet. Planning Commission recommended approval by majority, with one commissioner voting against. Staff recommended approval of the variance. Smith said years ago a fence permit was approved for the property at 1909 Lakeside Lane and included a site plan that showed a fence to be located approximately one foot inside the property line. Smith said there is no as built for the fence after it was installed. The 2016 survey provided with the variance application shows the current fence encroaching on the 1920 Lakeside Lane property.

Beatrice Amidon, neighbor at 1909 Lakeside Lane, could not be present but submitted written comments about the variance including concerns that the existing garage encroaches on her property; also obstructed views and traffic impacts.

Mayor Wegscheid asked if the new information alters Staff's recommendation for approval and Smith indicated it did not.

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

RESOLUTION NO. 16-160: RESOLUTION APPROVING VARIANCE FOR 1920 LAKESIDE LANE

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

Gary Vogel, 4313 Wilshire Blvd, said he wants to express concern about the traffic signal on

County Road 15/Shoreline Drive and Interlaken Blvd by the BP gas station. Vogel said he called Jim Creek at Hennepin County and they agreed to do a study but said ultimately the cities would have to agree to any improvements. Vogel said the intersection is technically in Spring Park, but it services mostly Mound residents on the island.

Vogel said that City Manager Hoversten crafted an email to Spring Park and Hennepin County to further the conversation. Hoversten noted that when the bridge by Cooks Bay is closed for repairs, Mr. Vogel is concerned about the corresponding impact on traffic at this intersection.

Hoversten said the current traffic light would have to be upgraded to provide a flashing yellow left turn. Hoversten said the traffic counts and accident history does not warrant County funding per their standards.

Salazar asked what is wrong with the existing turn signal. Vogel said even when no cars are coming eastbound, cars are not allowed to turn left and a long back-up is created.

Gesch said flashing yellows were added a few years ago at the high school and noted the flashing yellow also exists at the two Mound intersections. Salazar said four cities are impacted with Minnetrista and Shorewood who also have residents on the island. Vogel even suggested impacted residents may fund privately. Hoversten said he would continue the dialogue in light of the construction projects planned.

6. Public Hearing - Consider issuance of a franchise

Applicant: Frontier Communications

Bob Vose, Kennedy and Graven city attorney on cable matters, said Frontier is looking for a video franchise from a number of cities that they currently provide telephone service to. Vose said a letter was received from Mediacom, the current franchise holder. Vose noted the Frontier application and corresponding letter from the incumbent provider are essentially identical in each of the cities applications have been submitted. Vose said the two main issues raised by Mediacom are (1) in the event the Council elects to issue a franchise to Frontier there is an obligation to determine they are legally qualified and Mediacom questions whether the information provided in the application was sufficient to determine so, and (2) Level playing field law says if the City issues a competitive franchise, there has to be parity in the requirements. Vose said most cities who have received an application have moved forward based on the fact Frontier is already providing phone/network services, which demonstrates they are financially and technically qualified. Vose also noted that the Ordinance requires the franchisee to ultimately offer services to all properties in Mound and that the Ordinance requires a decision to issue a franchise within 30 days. Vose said if the Council feels they have enough information by the end of the hearing, the request is to direct staff to work with the attorney and Frontier to negotiate a franchise agreement.

Wegscheid asked Vose whether he feels the concerns noted by Mediacom are a reason to delay moving forward. Vose said the Frontier Rep will speak to the company's qualifications, but noted they are a Fortune 500 company, do not require outside capital to move forward with this proposal, and have a long history of managerial and technical expertise in the telecommunications industry.

Scott Bohler, Manager of Government and External Affairs for Frontier Communications, showed a Power Point presentation that covered Frontier's expertise and a summary of the proposed Vantage TV program. Bohler noted there is one main wired box and three wireless

connections that can be moved easily to offer flexibility. Bohler noted flexibility in watching multiple channels at once and previewing channels in a small box before having to change. Bohler gave examples of search options, video on demand, and setting user preferences. Bohler said because it is IP based, streaming channels like Netflix and Amazon are integrated and look like any other channel. Bohler said Frontier will attempt to move the current DISH customers to Vantage TV where Public, Educational, and Government (PEG) programming fees will apply.

Salazar asked what infrastructure improvements are going to be made to provide for this additional service. Bohler said investments will be made to increase capacity in the existing broadband services to accommodate this additional service and regular internet customers will experience better performance as well.

Salazar asked why is this being launched now and not five years ago. Bohler said some services have been acquired from Verizon and ATT in last five years that has provided access to content in a critical mass that positions Frontier to enter this market. Salazar asked if this will be like a light switch or gradual, and Bohler said he is unsure whether the entire city will get it all at once, but everyone will eventually have access.

Peterson asked about pricing for consumers. Scott said it will be designed to be competitive with cable but he did not have the data in front of him. Salazar asked whether speeds will be similar to cable and existing internet and Scott said increased speeds will be made available.

Mayor Wegscheid opened the public hearing at 7:42 pm and upon receiving no comment, closed the public hearing.

Wegscheid noted that the Council is just authorizing Staff to continue with legal counsel and Frontier to attempt to develop a franchise agreement.

MOTION by Salazar to follow the recommendation as stated in page 2972 of the packet authorizing Staff and legal counsel to enter into a negotiation to develop the proposed franchise terms with Frontier. Seconded by Gillispie. All voted in favor. Motion carried.

7. Action to approve minutes from the November 1, 2016 Special Meeting Workshop

MOTION by Salazar, seconded by Peterson, to approve minutes from November 1, 2016 Special Meeting Workshop. The following voted in favor: Salazar, Gillispie, Wegscheid, Peterson. The following voted against: none. The following abstained: Gesch. Motion carried.

8. Information/Miscellaneous

- A. Comments/reports from Council Members
- B. Reports: Finance Dept - September 2016
- C. Minutes: POSC - June 9, 2016
Planning Commission - October 4, 2016
- D. Correspondence:

Hoversten noted Dec. 13th is the last scheduled meeting with the Dec 27th meeting cancelled due to the Christmas holiday. Hoversten noted upcoming holiday closures of City Hall include December 23, 26, 30 and January 2 and 16.

9. Adjourn

MOTION by Peterson, seconded by Gillispie, to adjourn at 7:46 p.m. All voted in favor. Motion carried.

Mayor Mark Wegscheid

Attest: Catherine Pausche, Clerk