

**MOUND CITY COUNCIL MINUTES  
DECEMBER 13, 2011**

The City Council of the City of Mound, Hennepin County, Minnesota, met in regular session on Tuesday, December 13, 2011, at 7:00 p.m. in the council chambers of city hall.

Members present: Mayor Mark Hanus; Councilmembers Kelli Gillispie, Ray Salazar, Heidi Gesch, and David Osmek.

Others present: City Attorney John Dean, City Manager Kandis Hanson, City Clerk Bonnie Ritter, Community Development Director Sarah Smith, Public Works Director Carlton Moore, City Engineer Dan Faulkner, Finance Director Catherine Pausche, Public Works Superintendent Jim Fackler, City Planner Rita Trapp, William Moore, Kayla Schultz, Gary Lano, Karly Curtis, Dean Sulander, Laura Sulander

*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 7:00 p.m.

**2. Pledge of Allegiance**

**3. Approve agenda**

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

**4. Consent agenda**

Hanus requested the removal of 4H for discussion, and Gillispie requested the removal of 4K for discussion.

MOTION by Osmek, seconded by Gesch to approve the consent agenda as amended. Upon roll call vote, all voted in favor. Motion carried.

- A. Approve minutes of November 22, 2011 regular meeting
- B. Approve payment of claims in the amount of \$337,816.33
- C. Approve Pay Request No. 6 from GMH Asphalt Corp. in the amount of \$181,214.11 for the 2011 Street, Utility and Retaining Wall Improvement Project, City Project PW-11-01, PW-11-02
- D. Approve Pay Request No. 2 from Minger Construction in the amount of \$51,942.83 for the 2011 Lift Station Improvement Project, City Project PW-03
- E. Approve payment of invoices from Widmer Construction in the amount of \$20,642.55 for emergency forcemain repair from Lift Station P1 (Island View Drive)
- F. Approve Final Pay Voucher No. 3 from Egan Company in the amount of \$4,033.77 for the Street Lighting Project on Co. Rd. 110 (Bartlett Blvd.) and in Mound Bay Park
- G. **RESOLUTION NO. 11-79: RESOLUTION APPROVING EXPANSION PERMIT FOR 6407 BAY RIDGE ROAD**
- H. (removed)
- I. Approve temporary on-sale liquor license for the Northwest Tonka Lions for the Lions' Chili Cook-off at the Gillespie Center on January 14, 2012, with waiver of fee as requested.

**J. RESOLUTION NO. 11-80: RESOLUTION TO APPROVE AMENDMENTS TO THE ADMINISTRATIVE code**

K. (removed)

**L. RESOLUTION NO. 11-81: RESOLUTION APPROVING CONTRIBUTIONS**

**4H. Variance for 3070 Highland Boulevard**

Hanus stated that he has concern over the magnitude of the affects if this variance were granted. Sarah Smith reviewed the request to construct a conforming addition to connect the existing detached accessory garage to the existing house. Discussion followed regarding possible ways to make this conforming without a variance, as well as if the garage is actually side loading, or front loading. Concern was also expressed that approving this variance would set precedence.

MOTION by Salazar, seconded by Gillispie to adopt the resolution approving the variance. The following voted in favor: Salazar and Gillispie. The following voted against: Hanus, Gesch, and Osmek. Motion failed.

MOTION by Hanus, seconded by Osmek to direct staff to prepare a resolution of denial based on materials presented in this discussion, to be brought back at the next Council meeting for consideration. The following voted in favor: Hanus, Gesch, and Osmek. The following voted against: Gillispie and Salazar. Motion carried.

**4K. Consideration of Ordinance Amending Chapter 6 of the Mound City Code as it Relates to Alcoholic Beverages**

Gillispie expressed that she is not in favor of the seat requirement of 50, and that wine and 3.2 malt beverages should have lower seating requirements.

MOTION by Osmek, seconded by Gesch to pass the following ordinance. The following voted in favor: Salazar, Hanus, Gesch and Osmek. The following voted against: Gillispie. Motion carried.

**ORDINANCE NO. 05-2011: AN ORDINANCE AMENDING CHAPTER 6 OF THE MOUND CITY CODE AS IT RELATES TO ALCOHOLIC BEVERAGES**

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

None were offered.

**6. Island View Drive to Windsor Road Watermain Loop**

City Engineer Dan Faulkner of Bolton & Menk, presented the engineers report on the subject project. It was noted that this project will be paid from the utility fund and Pausche confirmed that it is covered with the 2012 rates.

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

**RESOLUTION NO. 11-82: RESOLUTION RECEIVING REPORT AND AUTHORIZING PREPARATION OF PLANS AND SPECIFICATIONS AND AUTHORIZE THE SOLICITATION OF QUOTES FOR THE ISLAND VIEW DRIVE TO WINDSOR ROAD WATERMAIN LOOP PROJECT**

**7. Langdon Lane Cul-de-sac Improvement Project**

Carlton Moore informed the Council that the 2004 Street Project included Langdon Lane, but at that time the developer/owner of two of the lots in the cul-de-sac requested that the cul-de-sac not be improved until after the lots were developed. Thus the 2004 Street Project did not include the cul-de-sac, but two driveways instead. The developer has since lost the properties, so the cul-de-sac was not completed.

Faulkner reviewed the engineers report for improving this cul-de-sac along with the storm sewer. It was the consensus of the Council to add this to the 2012 Street Project and assess accordingly.

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

**RESOLUTION NO. 11-83: RESOLUTION RECEIVING FEASIBILITY REPORT AND CALLING FOR HEARING ON THE 2012 LANGDON LANE CUL-DE-SAC IMPROVEMENT PROJECT**

**8. Planning Commission Recommendation**

Review/discussion of zoning study related to definition and secondhand good stores, including related actions.

Sarah Smith explained that in the interest of protecting the health, safety and welfare of the community, City Staff has been exploring the development of regulations to license secondhand goods dealers. The need for such a license was prompted by the opening of a store on Shoreline Blvd that, as part of its operations, purchases and resells secondhand goods that are purchased over the counter. It was discovered that the City Code doesn't specifically address secondhand good stores, which prompted this recommendation.

A. Action on ordinance regulating secondhand goods dealers.

City Planner Rita Trapp reviewed the background, details of the proposed licensing, clarification of the zoning code definition of retail, as well as the Planning Commission recommendation and staff's recommendation.

Hanus asked why the Planning Commission minutes and general comments relative to their motion don't match and Trapp stated that the discussion of the Planning Commission centered around the zoning and because the City Council regulates the actual licensing, they didn't really discuss the licensing ordinance, just the zoning.

Changes that were suggested to the proposed ordinance included having the actual licensing administered by the City Clerk rather than the Council, and eliminating the dollar limit under the exemptions section. Also the bond requirement will be changed to require liability insurance similar to what is required for the tree trimmers' license.

MOTION by Osmek, seconded by Salazar to pass the following ordinance as amended. All voted in favor. Motion carried.

**ORDINANCE NO. 06-2011: AN ORDINANCE AMENDING CHAPTER 38 OF THE MOUND CITY CODE AS IT RELATES TO LICENSES, PERMITS AND MISCELLANEOUS BUSINESS REGULATIONS**

MOTION by Osmek, seconded by Salazar to direct staff to proceed with a proposed amendment to the zoning ordinance to modify the current “retail” definition to reference secondhand shops. All voted in favor. Motion carried.

Trapp inquired as to whether staff should proceed with composing an ordinance regulating pawn shops and Hanus indicated that this should be addressed, but to put it lower on the priority list.

MOTION by Salazar, seconded by Gesch to direct staff to proceed with composing an ordinance to regulate pawn shops, to come back to the Council at a later date. All voted in favor. Motion carried.

B. Action establishing fee for secondhand good dealer license

MOTION by Hanus, seconded by Osmek to move this item on the agenda and discuss it at the same time as Item 10F is being discussed. All voted in favor. Motion carried.

**9. Amendment to No Parking Map**

Carlton Moore presented a resolution to amend the No Parking Map. This is a result of a resident request to have the No Parking signs removed on Idlewood between Hawthorne and Oaklawn Lane. Moore explained that staff is currently in the process of reviewing all of the parking restrictions, and will come back to the Council at a future date to ask that the map be revised to reflect recommended changes.

MOTION by Osmek, seconded by Gesch to adopt the following ordinance. All voted in favor. Motion carried.

**RESOLUTION NO. 11-84: RESOLUTION AMENDING THE CITY’S NO PARKING MAP THAT DESIGNATES CERTAIN STREETS WITHIN THE CITY AS NO PARKING ZONES**

**10. 2012 Final Budget and Levy**

Finance Director Catherine Pausche reviewed the 2012 proposed levy numbers.

A. Overview of 2012 budget

Pausche summarized the proposed budget

B. Comments and suggestions from citizens present on the 2012 proposed budget.

Mayor Hanus asked for any public comment and received none.

C. Action on resolution approving a Fund Balance Policy

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

**RESOLUTION NO. 11-85: RESOLUTION APPROVING FUND BALANCE POLICY**

D. Action on resolution approving levy for the HRA

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

**RESOLUTION NO. 11-86: RESOLUTION APPROVING A LEVY NOT TO EXCEED \$220,823 FOR THE PURPOSE OF DEFRAYING THE COST OF OPERATION, PURSUANT TO THE**

**PROVISIONS OF MSA 469 OF THE HOUSING AND REDEVELOPMENT AUTHORITY IN AND FOR THE CITY OF MOUND FOR THE YEAR 2012**

E. Action on resolution approving 2012 final budget and levy

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

**RESOLUTION NO. 11-87: RESOLUTION APPROVING 2012 FINAL GENERAL FUND BUDGET IN THE AMOUNT OF \$5,380,535; SETTING THE LEVY AT \$5,286,223; AND APPROVING THE FINAL OVERALL BUDGET FOR 2012**

F. Adopt resolution adopting fee schedule

The secondhand goods dealer license fee was discussed and it was decided to set a \$100 initial investigation fee, and a \$100 annual license fee.

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

**RESOLUTION NO. 11-88: RESOLUTION ADOPTING FEE SCHEDULE**

**11. Information/Miscellaneous**

- A. Comments/reports from Councilmembers/City Manager
- B. Reports: Harbor Wine & Spirits – Nov. 2011  
Finance Reports – Nov. 2011
- C. Minutes: None
- D. Correspondence: Gillespie Newsletter

**12. Adjourn**

MOTION by Osmek, seconded by Gesch to adjourn at 9:35 p.m. All voted in favor. Motion carried.

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Mayor Mark Hanus

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Attest: Bonnie Ritter, City Clerk