

MOUND CITY COUNCIL MINUTES
March 24, 2015

The City Council of the City of Mound, Hennepin County, Minnesota, met in regular session on Tuesday, March 24, 2015, at 7:00 p.m. in the council chambers of the Centennial Building.

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

Members absent: None.

Others present: City Manager Kandis Hanson, City Attorney Melissa Manderschied, Public Works Superintendent Ray Hanson, Director of Finance/Treasurer/Clerk Catherine Pausche, Community Development Director Sarah Smith, Jeanne Brustad, Rachel Hintzman, Katie Morford, Laura Mattioli, Justin Rock, Sandra Rock, Jay Rock, Kathryn Leach, Alan Leach, Brian Nelson, Kevin Ehlinger, Cory Muller, Lucas Henriksen, Carolyn Brooks, Max Avalon, Matt Van Nelson, Jordan Korczak, Mark Hanus, Jacob Stewart

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

Gillispie requested item 4F be pulled for discussion.

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

4. Consent agenda

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

A. Approve payment of claims in the amount of \$216,710.74

B. Approve minutes: March 10, 2015 regular meeting

C. Approve Payment of Invoice from Haugo Geo Technical Services, LLC, in the amount of \$18,970, for the Proposed Island Watermain Loop Project, City Project No. PW-15-10

D. Approve Special Meeting for Emergency Response Training: Apr 28, 6:00pm (Council Chambers)

E. RESOLUTION NO. 15-19: RESOLUTION APPROVING PUBLIC GATHERING PERMIT FOR 2015 WHEELS 4 MEALS SPECIAL EVENT AND APPROVING A REDUCED FEE DUE TO PUBLIC PURPOSE OF THE GATHERING

F. Pulled

4F. Adopt Resolution Approving Public Lands Permit for tree planting in the Harbor District

Gillispie stated she asked for this item to be pulled because she wanted to confirm the number of trees and clarification of whose responsibility it is to remove the trees.

Smith stated a cooperative agreement is being developed and will make the Rotary responsible for removal.

Gillispie requested number 4 be added to the resolution on page 543 stating that the responsibility for removal and/or transplanting, if required, will be that of the applicant.

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

RESOLUTION NO. 15-20: RESOLUTION APPROVING PUBLIC LANDS PERMIT FOR TREE PLANTING IN THE HARBOR DISTRICT

5. Comments and suggestions from citizens present on any item not on the agenda.
None.

6. Visit by Jeanne Brustad, representing The Gillespie Center

Jeanne Brustad, 3309 Casco Circle, Orono, highlighted the benefits of senior centers and thanked the City of Mound for their support. Brustad highlighted special events including day trips, community involvement, and activities at the center. A survey of participants was conducted and new activities are being added as a result. Brustad also highlighted fundraising efforts.

Brustad said contributing cities have been invited to a special meeting on April 30th to take an in-depth look at the finances and the strategic plan. Mayor Wegscheid thanked Brustad for the great service the Gillespie Center provides. Hanson highlighted that it is much more than a senior center as it serves all ages.

7. Sarah Smith, Community Development Director, requesting discussion on MCES L-39 station land conveyance and next steps

Smith summarized the proposal and stated that Chris Remis from the Met Council is in attendance. Met Council has worked with City Staff over the past several months on the location of a new lift station that would be on a city owned parcel located on the northwest corner of Bradford Lane and Wilshire Boulevard. The parcel was conveyed to the City years ago either through tax forfeit or state conveyance. Staff believes the City has the ability to grant an easement or convey the land.

Smith said title work is necessary and that the Met Council has to decide whether to pursue acquisition or easement. Since the parcel has wetland characteristics, permits will need to be obtained from other agencies. Smith stated a meeting has already taken place with the DNR and Hennepin County and that the timeline assumes fall construction. Smith stated that Staff feels these improvements are very important. In cooperation with MCES, a neighborhood meeting will be held at the Gillispie Center on Thursday, April 9th at 7:00 pm. Smith recommended any fees incurred be paid for by MCES since it is their project. Smith said Staff is requesting the City Council authorize further research and any applications that are necessary related to the City land.

MOTION by Salazar, seconded by Gesch, to direct staff to proceed with the research and do the title work. All voted in favor. Motion carried.

MOTION by Salazar, seconded by Peterson, authorizing any applications related to the project be submitted. All voted in favor. Motion carried.

Hanson invited Chris Remis to come forward and introduce himself and the project. Chris Remis said the Met Council is willing to pay for the preliminary work. Remis said notices are being sent to neighbors in the Wilshire and Bradford Lane neighborhood informing them of the project and a meeting to be held at the Gillespie Center. Hanson said the meeting will also be published in the Laker and all are welcome. Hanson said the open house will be held on April 9th beginning at 7pm.

8. **Planning Commission Recommendation(s):**

- A. Consideration of the Mission Woods Applications from Kent Friedrichsen to plat three properties and construct public improvements in the vicinity of Meadow Lane and Fairfield Road

Smith summarized what took place at the March 10th council meeting and what actions will be necessary by the Council in relation to the preliminary plat. Smith clarified the public hearing was only for the preliminary plat portion. Smith summarized concerns received in letters from 4 neighboring property owners, including the amount of tree clearing, proposed lot sizes and questions on how the tax forfeit parcels were sold by Hennepin County.

Smith gave a summary of additional information that has been obtained since the March 10th meeting. Smith stated that each lot is over the minimum of 6,000 square feet and is consistent with the Comprehensive Plan that calls for low density in the area. Smith said the review is being conducted as a major subdivision process, even though it is only 3 lots, because the proposed plan has road and infrastructure improvements that will be maintained by City of Mound. Smith noted that continuation of the public hearing does not require re-noticing.

Smith summarized the disposition of the tax forfeiture parcels and stated that in 2013 the City Council recommended 0079 be combined with 0086 and offered to adjacent property owners. Adjacent owners means a parcel that physically touches the parcel to be sold and can't be separated by a road or alley. Hennepin County said it is up to the City to recommend to sell but the county auditor ultimately determines how it will be offered and conveyed. Smith stated that as a courtesy the letter writers were noticed of the continuance of the public hearing. Smith said not all materials were republished for the packet and that some additional information was added.

1. **Public Hearing** to consider Major Subdivision - Preliminary Plat for proposed Mission Woods located in the vicinity of Meadow Lane and Fairfield Road (PC Case 14-15) - continued from March 10, 2015 meeting.

Mayor Wegscheid reopened the public hearing at 7:40pm. City Attorney requested that the letters received to date be added to the official record. Upon no further comment, Mayor Wegscheid closed the public hearing at 7:41pm.

2. **Consideration** of Subdivision Exemption, Zoning Variance, Subdivision Variance, and Final Plat of property located in the vicinity of Meadow Lane and Fairfield Road, PC Case 14-16 and 15-03

Requested Actions:

- a. MOTION by Gesch, second by Peterson, to approve the following resolution. All voted in favor. Motion carried.

RESOLUTION NO. 15-21: Resolution Approving the Subdivision Exemption of the Property Located at 5713 Fairfield Road Case No. 15-03 PID No. 23-117-24-42-0120

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

RESOLUTION NO. 15-22: Resolution Approving the Major Subdivision-Preliminary Plat for the Property Located in the Vicinity of Meadow Lane and Fairfield Road Case No. 14-15, 14-16 and 15-03 PID No. 23-117-24-42-0080, 23-117-24-42-0079 and 23-117-24-42-0120

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

RESOLUTION NO. 15-23: Resolution Approving a Zoning Variance for Lot Depth of Parcel 3 for the Property Located in the Vicinity of Meadow Lane and Fairfield Road Case No. 14-15, 14-16 and 15-03 PID No. 23-117-24-42-0080, 23-117-24-42-0079 and 23-117-24-42-0120

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

RESOLUTION NO. 15-24: Resolution Approving a Subdivision Variance for the Street Design Right-of-Way and Cul-de-sac Standards for the Property Located in the Vicinity of Meadow Lane and Fairfield Road Case No. 14-15, 14-16 and 15-03 PID No. 23-117-24-42-0080, 23-117-24-42-0079 and 23-117-24-42-0120

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

RESOLUTION NO. 15-25: Resolution Approving the Major Subdivision-Final Plat for the Property Located in the Vicinity of Meadow Lane and Fairfield Road Case No. 14-15, 14-16 and 15-03 PID No. 23-117-24-42-0080, 23-117-24-42-0079 and 23-117-24-42-0120

- B. **Public Hearing** to consider vacation application for unimproved portion of Galway Lane that abuts properties located at 4730 Galway Road and 2640 Shannon Lane (Case No. 14-28) Applicants: Justin Rock and Cory and Linda Muller

Smith gave an overview of the requested vacation application for an unimproved portion of Galway Lane. Smith stated MSS 412.851 outlines the procedures for consideration of a vacation application, including a public hearing, publication twice and notice to affected property owners located in the Seton plats and the non-abutting dock holders in the Excelsior Commons. Smith also sent a notice to the DNR as required due to the parcel leading to public water. Smith stated a DNR representative is in the audience. Smith said Staff recommends denial because the legal standard for vacation is not being met. The standard is that it must appear to be in the public interest to vacate. Smith stated staff believes the variance approvals and public lands permit that were granted in 2014 satisfactorily allows the applicant to develop their lot. Smith clarified that the application was for a vacation for the entire road and not a portion.

Mayor Wegscheid opened the Public Hearing at 8:02 p.m.

Rachel Hintzman, Area Supervisor for the DNR, said they look for three things: whether proposed vacation has public benefits, impact on access to public water, and impact on water and conservation. Hintzman stated the proximity to other access points does not negate the importance of preserving all access points. Hintzman stated that the DNR does not believe the proposed vacation is in public interest.

Justin Rock, 4730 Galway Road/applicant, said he was not aware of vacation option until after the initial variances were granted. Rock said the biggest concern is the access and suggested a perpetual easement would be sufficient. Rock said there are no utilities in the area. Rock suggested that the other access points are sufficient to access the commons. Rock said the vacation would eliminate the need for variances/public lands permit and would make the lot more conforming. Rock says there is a lot of additional work involved with a public lands permit and that grading will be needed due to the additional slope. Rock stated he is trying to find a compromise by offering a perpetual easement.

Mark Hanus, 4446 Denbigh, said he raised the option of a vacation when he was the mayor because he felt it was the best option and still believes that. Hanus said the DNR input was not required per MSS statute in this instance. Hanus said based upon the City Code, this is a corner lot and is required to have frontage on an improved public street. Hanus said he is raising the issue because it is not clear cut and is very complicated. Hanus believes easement options are a possible solution and that it is far more desirable for the City to have fewer variances, frontage on a public street, and property back on the tax rolls. Hanus suggested it

could be done in such a way that there is no loss to public use in any way that they are currently using it.

Alan Leach, 2645 Shannon Lane, stated that he has lived directly across the street from Galway Lane for over 30 years and wanted to discuss whether the other access points are really options. Leach said the middle access point is too steep to transport gas and coolers that the Cavan access is marshy. Leach said most non-abutters use the Galway Lane access due to firmness and slope and that it will become a problem if City releases ownership to appease one or two property owners.

Mayor Wegscheid closed the public hearing at 8:21pm.

Mayor Wegscheid questioned what precedent would be set at all similar public access points around the lake if the vacation were approved.

Requested Action

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

RESOLUTION NO. 15-26: Resolution Denying a Street Vacation Application for Unimproved Portion of Galway Lane abutting the Properties at 4730 Galway Road and 2640 Shannon Lane (Case No. 14-28)

9. Catherine Pausche, Finance Director/Clerk/Treasurer, requesting action related to the Dock Program

A. Action on Dock Location Map Addendum for 2015

Pausche described the history of the spacing of docks in the Excelsior Commons and requested a change due to the curvature of the shoreline in order to reduce the overlap of the dock use area for site 08994.

MOTION by Salazar, seconded by Gillispie, to approve the Dock Location Map Addendum for 2015. All voted in favor. Motion carried.

B. Action on an ordinance amending Chapter 78 of the Mound City Code

Pausche requested that any due dates associated with the application process be changed from May to March 15th in order to make the process more efficient. In addition, Pausche requested that abutters who sell not be entitled to a refund and clarification of prohibited activities on city-owned docks and commons. Mayor Wegscheid questioned the times for no overnight parking. Discussion ensued and it was agreed to change the hours to 12:00 am - 5:00 am on weekdays and 1:00 am - 5:00 am on weekends for no overnight parking and a maximum of 8 hours at any one time. Gillispie noted that she and the Docks Commission struggled with the same issues.

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

ORDINANCE NO. 02-2015: AN ORDINANCE AMENDING CHAPTER 78 OF THE MOUND CITY CODE AS IT RELATES TO WATERWAYS

C. Action on a New Multiple Dock (Minor Change) Application for the LMCD

Mayor Wegscheid recused himself due to a potential conflict of interest. Pausche stated a request was made to install permanent pilings at the Lost Lake docks due to the shallow water and marshy bottom of the lake in this area. Pausche stated she is recommending approval due to the uniqueness of the area, including the uniformity of the dock sites and protection from ice heaving. Pausche stated the LMCD has approved the application in concept.

MOTION by Salazar, seconded by Gillispie, to approve the New Multiple Dock (Minor Change) Application for the LMCD. All voted in favor. Motion carried.

10. Catherine Pausche, Finance Director/Clerk/Treasurer, requesting action on a Resolution Authorizing Transfer of Funds.

Pausche emphasized the bottom line impact is zero, but that Staff has to get Council permission to transfer funds if it was not budgeted. The transfer was due to the difference between the estimate of the construction in progress and the actual expenditures by fund and to close out a construction fund balance to the debt service fund.

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

RESOLUTION NO. 15-27: RESOLUTION AUTHORIZING TRANSFER OF FUNDS

11. Kandis Hanson, City Manager, requesting action on Resolution Supporting a Name Change for the Hennepin County Public Library in Mound.

Hanson gave background on the events that led up to this proposal and stated that the head library director had reached out to her, so she assumes there is support at the county level.

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

RESOLUTION NO. 15-28: RESOLUTION SUPPORTING A NAME CHANGE FOR THE HENNEPIN COUNTY PUBLIC LIBRARY IN MOUND

12. Information/Miscellaneous

A. Comments/reports from Council Members/City Manager

Hanson stated she is the guest speaker at the Minnesota Wastewater Operators conference and has been asked to explain the decision making process that was used during the bypass event last summer.

B. Minutes: Docks & Commons Comm: March 19, 2015 DRAFT
Parks & Open Spaces Comm: March 18, 2015 DRAFT

- C. Reports: Finance: Dec 31, 2014 DRAFT Year-End Reports
Finance: Jan 31, 2015 Report
- D. Correspondence: Police Comm: March 11, 2015

13. Adjourn

MOTION by Gesch, seconded by Gillispie, to adjourn at 8:58 p.m. All voted in favor.
Motion carried.

Mayor Mark Wegscheid

Attest: Catherine Pausche, Clerk