

MOUND CITY COUNCIL MINUTES
July 22, 2014

The City Council of the City of Mound, Hennepin County, Minnesota, met in regular session on Tuesday, July 22, 2014, at 7:00 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, Fin Dir/Clerk/Treasurer Catherine Pausche, Community Development Director Sarah Smith, Attorney Melissa Manderschied, Lisa Sanderson, Scott Thoma, Laura Cogswell, Jody Smith, Stacie Kvilvang, Derek Ervin, Kimm Ervin.

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

4. Consent agenda

Manderschied requested to change item 4G to 4H and add new item 4G and to pull both for discussion.

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

MOTION by Hanus, seconded by Gesch, to approve consent agenda items 4A – 4F. Upon roll call vote all voted in favor. Motion carried.

- A. Approve payment of claims in the amount of \$357,932.56.
- B. Approve minutes of the July 8, 2014 regular meeting.
- C. Approve Public Gathering permit for Full Throttle Bass Fishing Tournament at Centerview Beach, with Surfside as an alternate, with fees paid for August 9, 2014.
- D. **RESOLUTION NO.14-53: RESOLUTION APPROVING VARIANCE FOR 1784 JONES LANE**

- E. Approve Pay Request No. 9 from GMH Asphalt, Inc. in the amount of \$160,661.60 for work completed on the 2013 Street, Utility, and Retaining Wall Improvement Project, City Project No. PW-13-01.
- F. **RESOLUTION NO. 14-54: RESOLUTION AWARDED CONTRACT TO ALLIED BLACKTOP FOR THE 2014 SEAL COAT IMPROVEMENT PROJECT IN THE AMOUNT OF \$84,320.00 – CITY PROJECT NO. PW-14-07**
- G. **Pulled/changed to item 4H.**

4G. (Added) RESOLUTION NO. 14-55: RESOLUTION DECLARING AN EMERGENCY.

Manderschied explained that the Council needs to pass a resolution declaring an emergency for the 3025 Island View Drive Retaining Wall project in order to allow for immediate remediation and suspend the uniform contracting law sealed competitive bid requirement. Manderschied added that the resolution also includes the appointment of the Fire Chief to be the director of the emergency management organization.

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

RESOLUTION NO. 14-55: RESOLUTION DECLARING AN EMERGENCY

4H. (Pulled) RESOLUTION NO. 14-56: RESOLUTION AWARDED CONTRACT TO ADVANCED WALL STRUCTURES, INC. IN THE AMOUNT OF \$123,760.00 FOR THE 3025 ISLAND VIEW DRIVE EMERGENCY RETAINING WALL REPLACEMENT PROJECT

Manderschied stated that the item had to be acted on after the resolution declaring an emergency was passed.

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

RESOLUTION NO. 14-56: RESOLUTION AWARDED CONTRACT TO ADVANCED WALL STRUCTURES, INC. IN THE AMOUNT OF \$123,760.00 FOR THE 3025 ISLAND VIEW DRIVE EMERGENCY RETAINING WALL REPLACEMENT PROJECT

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

Lisa Sanderson, Anderson Race Management, said she is the coordinator of the Running of the Bays 5K and half marathon that will take place in Mound on Saturday, September 6, 2014 and will benefit local charities. Sanderson encouraged people to register on-line at andersonraces.com.

Scott Thoma, 4679 Wilshire Boulevard, asked what the City is going to do for residents who had sewer back-ups in June. Thoma stated the City of Edina's citizens were denied by the City's insurance and so the City Council authorized the City to reimburse up to \$15,000 per household. Thoma questioned why retaining walls get fixed but homeowners are not helped. Mayor said the League's investigation focused on the City system to determine liability and not individual damage in homes. Thoma stated former Public Works Superintendent Greg Skinner said there have been on-going discussions on private services and I&I and Thoma asked what

has been done. Hanus stated efforts have been made on sewer lines but it is difficult to force private property owners to comply.

Scott Thoma requested a copy of the taping of the line in front of his home.

6. Public Hearing

A. Action on an Ordinance amending Chapter 129 of the City Code related to swimming pool regulations contained in Sec. 129-196(b).

Smith described a request to amend the fence requirement around a pool to allow the option to use a pool cover instead. Smith stated the ordinance allowing a pool cover option will require homeowners to maintain the American Standard Testing Materials (ASTM) standard. Smith stated staff recommends approval. Salazar stated he likes the idea.

Mayor Hanus opened the public hearing at 7:37pm and upon receiving no comment closed the public hearing.

Hanus stated he felt language in the ordinance addressed the liability, but Hanus wants safety addressed. Hanus has concerns about mechanical devices or deterioration of materials. The standards are for when it is installed, but Hanus feels it needs to be addressed 25 years later. Hanus said the requirement to close the cover if an adult is more than 25 feet from the pool is not enforceable and adds risk to the public. Hanus likes the permanency of the fence.

Salazar asked what about the dangers of the lake. Hanus said pools are discretionary whereas you can't do anything about the lake. Hanus said fences are more visible from the road and there are standards for maintenance. Hanus suggested adding language allowing the City access at anytime to inspect the cover and require maintenance if needed.

Salazar questioned aesthetics of a fence. Gillispie said there is language regarding maintenance in the proposed language. Hanus read his proposed language. Wegscheid said many of the same concerns were voiced in the Planning Commission but he said risks exist with the fence as well and he is in favor of the change. Gesch said she is not in favor at this time.

MOTION by Hanus, seconded by Gesch, to not adopt the following ordinance. The following voted in favor: Hanus, Salazar and Gesch. The following voted against: Wegscheid and Gillispie. The following abstained: none. Motion carried.

ORDINANCE NO. XX-2014: ORDINANCE AMENDING CHAPTER 129 OF THE CITY CODE AS IT RELATES TO SWIMMING POOL REGULATIONS CONTAINED IN SEC. 129-196(B)

7. Stacey Kvilvang representing Ehlers & Associates Financial Advisors requesting action on the following resolutions.

A. Resolution providing for the sale of \$5,005,000 General Obligation Bonds, Series 2014A

Kvilvang described the new projects that will be funded with the bond issue and the source of funds for repayment. Kvilvang provided a breakdown of what is included in the estimate, which includes construction costs, design, engineering, issuance costs and contingency. Gillispie asked to confirm that the difference between the bond amount and the bid amount is soft costs and Kvilvang replied yes.

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

RESOLUTION NO. 14-57: RESOLUTION PROVIDING FOR THE SALE OF \$5,005,000 GENERAL OBLIGATION BONDS, SERIES 2014A

B. Resolution providing for the sale of \$3,320,000 General Obligation Refunding Bonds, Series 2014 B

Kvilvang stated refunding will not extend term and it is creating approximately 8% savings per year.

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

RESOLUTION NO. 14-58: RESOLUTION PROVIDING FOR THE SALE OF \$3,320,000 GENERAL OBLIGATION REFUNDING BONDS, SERIES 2014B

8. Vern Brandenburg representing Westonka Historical Society (WHS) with a presentation.

Vandenberg, 4446 Wilshire Boulevard, read a summary of the WHS exhibits on display in the museum, programs, and recent events. Vandenberg stated additional events will be held this fall and residents should check the website for further details and membership information. Vandenberg requested the City consider increasing City support when it is able to do so. A You-Tube video of a WHS program on Big Island was played.

9. Laura Cogswell representing Westonka Dog Days with an appeal of the \$300 recommended fee including action on a Public Gathering permit.

Gillispie recused herself from the discussion as President of the Westonka Community and Commerce (WCC). Laura Cogswell, 2549 Emerald Drive, WCC member who handles Dog Days, requested the council reduce the Public Gathering Permit Fee from \$300 to \$150. Cogswell stated Jody Smith and Kurt Nelson, fellow WCC members, are also present.

Cogswell stated all proceeds will go to the WeCAN pet assistance fund. In the past, funds were used to pay for a dog bag stand on the Greenway. Cogswell said attendance is expected to be 500 – 600 and asked that the City waive the fee as they are a non-profit who gives back to the community. Cogswell said Public Works and Police do assist but there is no on-site person, just on-call, required all day and that Police Reserves donate time. This year's event is Saturday, August 16th. Gillispie said any extra proceeds are given back to the community versus other non-profits who are fundraising for their own organization.

Gesch asked for the fee range of \$300 to \$600 per day be explained. Hanson explained Staff's rationale used in past years. Gesch stated she would like further definition of fees and what they are based on. Gesch asked for City sanctioned versus City sponsored to be defined. Hanson passed out the Webster Dictionary definitions of the two words.

Manderschied asked for the Council to differentiate between a fee, a fee waiver, and in-kind City expenditures. Hanus said this was discussed last year and the direction was to better define the fees. Hanus said he does not have a problem waiving half the fee again but put the WCC

on notice that the intent is to ultimately charge the entire fee. Hanus agreed the fees have to be clarified. Gesch wants to distinguish between events and the value to the public.

Kurt Nelson, Treasurer of WCC, stated he understands the City provides resources but the WCC is providing free events to the public and asked if the City thinks it benefits from this. Nelson questioned the cost if the City had to organize the events or hire a professional event organizer versus letting a non-profit to do it for free.

Hanus said it is difficult to just decide which ones benefit the City. A minimal fee deters most groups who may not have public value but the City has to treat groups equally.

MOTION by Salazar, seconded by Wegscheid, to approve the Public Gathering permit and to reduce the fee from \$300 to \$150 because it benefits the Mound community as a whole. Hanus offered a friendly amendment that the fee is also reduced because this is a widely accepted and attended community event and Gesch offered a friendly amendment that the fee is also reduced because any proceeds will go back into the community. Salazar and Wegscheid accepted the friendly amendment. All voted in favor. Motion carried.

10. Catherine Pausche, Director of Finance/Clerk/Treasurer, requesting action on a resolution to approve a memorandum of agreement between the City of Mound and Westonka Public Schools, ISD #277.

Pausche stated that even before the Community Service Officer position vacated, Staff was discussing no longer providing the crossing guard service on a regular basis. Staff feels the school district would be in a better position to manage the position as they operate on the school year calendar/hours and are better in tune to their needs. Pausche stated the Orono Police Department has agreed to provide the necessary training and work with the school district to manage any absences. Pausche stated the funding for the \$2,500 due in September, 2014 will come from funds available from the CSO vacancy and 2015 amounts will be part of the 2015 proposed budget.

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

RESOLUTION NO. 14-59: RESOLUTION TO APPROVE A MEMORANDUM OF AGREEMENT BETWEEN THE CITY OF MOUND AND WESTONKA PUBLIC SCHOOLS, ISD #277.

11. Catherine Pausche, Director of Finance/Clerk/Treasurer, requesting a discussion on official meeting records and minute taking.

Pausche stated Minnesota State Statute requires that official records be kept to provide a full and accurate accounting of the City business and Staff requests direction from the Council as to what level of detail they would like included in the minutes. Pausche stated condensed minutes help the minute taker to avoid adding interpretation or subjectivity to the summary. Pausche noted that the audio of every meeting is kept as well and can be combined with the meeting minutes to form a comprehensive accounting of the City business.

Hanus asked how easy it is for citizens to obtain more detail and would the recording be made available. Pausche said yes and at minimal cost or is available for free on the LMCC website.

Hanus and Gesch stated they are fine with shortening the minutes. Hanson said City Clerks are trained that minutes are not a transcript but a summary and that less is more. Manderschied

said there are public policy reasons to provide more than the minimum required by statute, including testimony. Hanus asked if everyone agreed that somewhere between the current approach and the minimum be used and all agreed.

12. Information/Miscellaneous

- A. Comments/reports from Council members/City Manager:
- B. Minutes:
- C. Reports: Bolton & Menk Engineering: 2014 YTD
Finance Department: May 2014 YTD
Harbor Wine & Spirits: May 2014
- D. Correspondence: Letter from Mediacom dated June 19, 2014
Lake Minnetonka Conservation District 2014 Budget
Letter from City Manager to City of Spring Park dated July 16, 2014

13. Adjourn

MOTION by Salazar, seconded by Wegscheid, to adjourn at 8:57 p.m. All voted in favor.
Motion carried.

Mayor Mark Hanus

Attest: Catherine Pausche, Clerk