

MOUND CITY COUNCIL MINUTES
August 23, 2011

The City Council of the City of Mound, Hennepin County, Minnesota, met in regular session on Tuesday, August 23, 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, Public Works Superintendent Jim Fackler, Public Works Supervisor Ray Hanson, Liquor Store Manager John Colotti, Police Chief Jim Kurtz, Fire Chief Greg Pederson, Finance Director Catherine Pausche, Ken Perbix, Sgt. Kenny Beck, Officer Michael Fournier, Christy Beck, Shale Nyberg, Jay Mittelstead, Steve Bethel, Brenda Bethel, Cheryl Johnson, Donna Smith, Helen Hanus, Angie Mader, Paul & Mary Ann Zeik, Michelle Hilmine, Charles Murray, Brenda Madar, Jason, Geri & Jameson Kolles, and many members of the Mound Fire Rescue and Fire Department

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

Hanus requested the addition of Item 5J, Temporary On-sale Liquor License for Northwest Tonka Lions.

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

4. Life Saving Award – recognizing civilians, police and fire staff who performed CPR and revived a six-year old near drowning victim on July 3, 2011.

Police Chief Jim Kurtz reviewed the incident that took place on July 3rd, when six-year old Jameson Kolles nearly drowned in Lake Minnetonka. He was not breathing, did not have a pulse, was revived at the scene and transported to Childrens' Hospital in critical condition. He spent several days in the intensive care unit and now has made a full recovery. Chief Kurtz publicly recognized the following people for their heroic efforts; Charles Murray, Brenda Madar, Brenda Bethel, Patty Ring, Brent Larson, Sgt. Ken Beck, Officer Mike Fournier and the Mound Fire Rescue. Mayor Hanus expressed his sincere thanks and best wishes to the Kolles family.

5. Consent agenda

Hanus requested the removal of Item 4C for discussion.

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

- A. Approve minutes of August 9, 2011 meeting
- B. Approve payment of claims in the amount of \$381,498.90
- C. (removed)
- D. **RESOLUTION NO. 11-56: RESOLUTION RETURNING EXCLUSIVE REGULATORY AUTHORITY UNDER MINNEHAHA CREEK WATERSHED DISTRICT RULES B, C, D AND N TO THE MINNEHAHA CREEK WATERSHED DISTRICT**
- E. Approve Pay Request No. 2 from Egan Co. in the amount of \$50,228.67 for the County Road 110 and Mound Bay Park Lighting Project
- F. Approve Pay Request No. 1 and Final from Precision Seal Coating, Inc. in the amount of \$14,364.00 for the 2011 Crack Repair Improvement Project, City Project PW-11-06
- G. **RESOLUTION NO. 11-57: RESOLUTION AWARDED CONTRACT FOR THE 2011 CIPP SANITARY SEWER REHABILITATION PROJECT**
- H. **RESOLUTION NO. 11-58: RESOLUTION APPROVING EXPANSION PERMIT FOR PROPERTY AT 2872 HIGHLAND BOULEVARD (PC Case No. 11-08)**
- I. Approval of Amendment to Seasonal Approvals for 2011 Mound Farmers' Market & More
- J. Approve Temporary On-Sale Liquor License as applied for by the Northwest Tonka Lions for the after-golf event at the Gillespie Center on September 19, 2011.

5C. MCWD Proposed Raingarden Construction in Langdon Neighborhood

Hanus stated he doesn't feel that there was enough information provided to express support for the Minnehaha Creek Watershed District proposed raingarden construction proposed for the Langdon Lake neighborhood. As a result of this, he offered amendments to the proposed resolution.

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

RESOLUTION NO. 11-59: RESOLUTION REGARDING THE MINNEHAHA CREEK WATERSHED DISTRICTI PROPOSED RAINGARDEN CONSTRUCTION IN THE LANGDON LAKE NEIGHBORHOOD

6. Comments and suggestions from citizens present on any item not on the agenda. None were offered.

7. Consideration of Agreement for Provision of Community Services and Recreational Facilities with the Gillespie Center

Osmek reported that the proposed agreement has been approved by Spring Park and will be presented to Minnetrista for consideration. It has basically the same financial commitment as the previous agreement. John Dean stated that the changes in this agreement from the last are basically business terms and not legal, so he offered suggestion for revision.

MOTION by Osmek, seconded by Salazar to approve the Agreement for Provision of Community Services and Recreational Facilities with the Gillespie Center, as presented. All voted in favor. Motion carried.

Osmek stated that if Minnetrista does not approve the agreement, it may come back to the Council with revisions.

8. Police Chief Jim Kurtz requesting action on Dangerous Dog Certificate

Chief Kurtz stated that a "Boxer" type dog belong to Sarah Saarela of 3136 Inverness Lane brutally attacked and mauled a small dog attached to a running leash on October 5, 2010, resulting in the issuance of a 'Potentially Dangerous Dog' notice issued by the Police Department. On June 25, 2011,

the same dog left the owners property and attacked a small dog as her owner walked it down Tuxedo Blvd. The victim dog had three visible bite marks on its left leg that required treatment from a veterinarian's office. After this incident a "Dangerous Dog" for an unprovoked attack by a "Potentially Dangerous Dog" notice was issued to Ms. Saarela. Because Hennepin County no longer issues Dangerous Dog Permits, local communities are responsible for enforcing Minnesota Statute 347.52 - Dangerous Dogs: Requirements. Statute requires the dog owner to follow a number of conditions including obtaining a surety bond of at least \$300,000, post warning signs, follow safety practices, and obtain a Certificate of Registration for a Dangerous Dog, with a corresponding fee not to exceed \$500. As this fee is not in the city's licensing fee schedule, Kurtz directed Ms. Saarela to appear in front of the Council for a fee determination. It was noted that Ms. Saarela was not present at the meeting.

Kurtz noted that Ms. Saarela has fulfilled the requirements of obtaining a bond, posting warning signs and following safety practices. He is before the Council now to determine the fee for the Certificate of Registration. The City has already incurred approximately \$338 in expenses, not including the Chief's time.

MOTION by Osmek, seconded by Hanus to set the Certificate of Registration for a Dangerous Dog fee for Ms. Saarela's dog at \$500, and direct staff to prepare an ordinance to address this type of situation, and also to have staff mail notice to all property owners within a three block radius of Ms. Saarela's residence, informing them of this Dangerous Dog situation. All voted in favor. Motion carried.

Councilmember Gesch arrived at this point in the meeting, 7:35 p.m.

9. Action to Proclaim that the 2012 Spirit of the Lakes Festival is the Official Celebration of the City of Mound's Centennial

John Beise and other members of the Spirit of the Lakes Festival, Inc. Board of Directors appeared before the Council to request adoption of a resolution that would designate the 2012 festival as the official celebration of the City's centennial. It was agreed that Hanus will serve as the representative from the City and be included when the festival committee discusses centennial activities.

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

RESOLUTION NO. 11-60: RESOLUTION PROCLAIMING THAT THE 2012 SPIRIT OF THE LAKES FESTIVAL IS THE OFFICIAL CELEBRATION OF THE CITY OF MOUND'S CENTENNIAL

10. 2011 budget proposed changes and request for guidance on how to proceed with any amendments

Catherine Pausche reviewed the immediate need in the Public Works where two of the plow trucks are not expected to pass the DOT inspections this fall. Ray Hanson presented the request, illustrating the deteriorated condition of the present vehicles. The request is for a dump truck to replace the 1983 truck for an estimated cost of \$170,000, plus a replacement for the 2004 truck for an estimated cost of \$73,000. These costs are from the State Bid List.

Osmek stated that it is possible to purchase these trucks because of the work done cutting expenses in 2011, and can be done without bonding. Pausche stated that even after the purchase of the two trucks, the general fund still shows \$50,000 favorable for 2011.

It was also noted that the Liquor Store fund is not expected to meet budget because of the drainage issue costs of over \$60,000. This will result in a forecast change in net assets of \$63,624 versus a budget of \$102,094.

MOTION by Osmek, seconded by Salazar to approve capital expenditures in the 2011 budget as proposed for two truck replacements, at estimated costs of \$170,000 and \$73,000, and to direct the Finance Director to make the necessary transfers. All voted in favor. Motion carried.

Osmek, as budget liaison, summarized three different scenarios for the 2012 general fund balance projections. These will be discussed in more detail at a future budget workshop.

11. 2012 Preliminary Budget and Levy Discussion and Approval

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

RESOLUTION NO. 11-61: RESOLUTION TO APPROVE THE 2012 PRELIMINARY GENERAL FUND BUDGET IN THE AMOUNT OF \$5,341,596; SETTING THE PRELIMINARY LEVY AT \$5,407,473; AND APPROVING THE PRELIMINARY OVERAL BUDGET FOR 2012

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

RESOLUTION NO. 11-62: RESOLUTION APPROVING A LEVY NOT TO EXCEED \$220,823 FOR THE PURPOSE OF DEFRAYING THE COST OF OPERATION, PURSUANT TO THE PROVISIONS OF MSA 49, OF THE HOUSING AND RECELVEOPMENT AUTHORITY IN AND FOR THE CITY OF MOUND FOR THE YEAR 2012

3. Mayor Hanus made the following public announcement:

This is a public announcement that the final budget and levy discussions and final levy decisions will take place at the December 13, 2011 regular City Council meeting beginning at 7:00 p.m. in the council chambers of city hall. Public comments will be taken at this meeting. Comments or questions on the 2012 budget and levy can be directed in advance to the Finance Director at (952) 472-0633. Staff is directed to publish notice of this meeting and submit information to the County Auditor as required by law.

12. Information/Miscellaneous

- A. Comments/reports from Councilmembers/City Manager
- B. Reports: Finance – July 2011
- C. Minutes: None
- D. Correspondence: Mediacom letter regarding transform to all-digital

13. Adjourn

MOTION by Osmek, seconded by Gesch to adjourn at 8:55 p.m. All voted in favor. Motion carried.

Mayor Mark Hanus

Attest: Bonnie Ritter, City Clerk