

**MOUND CITY COUNCIL MINUTES**  
**September 23, 2014**

The City Council of the City of Mound, Hennepin County, Minnesota, met in regular session on Tuesday, September 23, 2014, at 7:00 p.m. in the council chambers of the Centennial Building.

Members present: Mayor Mark Hanus; Council members Mark Wegscheid, Kelli Gillispie and Ray Salazar

Members absent: Council member Heidi Gesch

Others present: City Manager Kandis Hanson, Fin Dir/Clerk/Treasurer Catherine Pausche, Attorney Melissa Manderschied, Carlton Moore, Ray Hanson, Mary Berglund, Jameson Smieja, Philip Asao, Phil Velsor

*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**

Hanson requested removal of item #6 from agenda.

Gillispie requested a workshop be added to discuss the opening of the Public Works Director position and to discuss the requirements and potential financial impacts. Mayor Hanus stated the Council is in charge of hiring the City Manager only and questioned whether this is in the legal authority of the Council. Hanus said the Council has authority over the budget. Hanson stated the pay classification for the position will guide financial impact. Wegscheid said it would be interesting to hear how the role affects engineering costs. Hanus said a budget workshop is already scheduled. Gillispie said she is trying to be proactive prior to the hiring. Hanus said as a Type B City, it is the City Manager's job to hire and set the requirements of the position. Gillispie stated that her concern is the potential financial impacts and wants the opportunity to evaluate cost savings. Salazar asked if the objective is to determine if the job is needed or rather to determine what the qualifications should be.

MOTION by Gillispie, seconded by Wegscheid, to add the item to the agenda to discuss adding a workshop to discuss the Public Works Director position and the financial implications. The following voted in favor: Gillispie, Wegscheid. The following voted against: Salazar, Hanus. The following abstained: none. Motion failed.

MOTION by Salazar, seconded by Wegscheid, to approve the agenda less item number 6. All voted in favor. Motion carried.

**4. Consent agenda**

MOTION by Salazar, seconded by Wegscheid, 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 \$212,340.87.
- B. Approve minutes of the September 9, 2014 regular meeting.
- C. Approve Pay Request No. 2 from Widmer Construction, in the amount of \$351,590.51, for the Bartlett Boulevard Watermain Improvements Project, City Project No. PW-14-08.
- D. Approve Payment of Invoice from Crius Corp, in the amount of \$5,000, for Pike Road Sealing, City Project No. PW-14-07.
- E. Adopt Resolution Awarding Contract to Schneider Excavating & Grading, Inc, for the 2014 Drainage Improvement Project in the amount of \$90,415.00, City Project No. PW-14-04.
- F. Adopt Resolution Ordering Preparation of Report to determine the feasibility and estimated cost of watermain replacement on Bartlett Boulevard from Commerce Boulevard to the Lost Lake outlet bridge, City Project No. PW-15-09.
- G. Approve One Day Liquor License for Our Lady of the Lake Catholic 2015 Church for their annual Spaghetti Dinner fundraiser on Thursday, October 30, 2014, with fee paid.
- H. Approve Resolution Appointing Absentee Ballot Board.

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

Phil Velsor, 3232 Gladstone, asked if and when item 6 will be brought back to the Council. City Manager Hanson said it won't be if the issues are taken care of, but if they are not, it will come back to the October 14, 2014 Council meeting.

**6. Removed.**

**7. Discussion on No-Parking Policy of the City.**

Moore summarized a resolution that was approved in 2001 that references a no parking map which has been updated from time to time. Moore stated as signs are going up, people are expressing some concerns. Moore suggested allowing staff time to evaluate the requests and propose exceptions to the default plan/current map. Staff would like to make recommendations as well to avoid requiring neighborhoods to obtain a petition.

Hanus cautioned against stirring up neighborhood disputes about what side the signs are on and to work toward consistency. Wegscheid asked about the public safety aspects and Moore said they do coordinate the map with police and fire. Moore stated emergency vehicles have a minimum clearance/street width required.

Mayor Hanus invited people in the audience to come forward.

Philip Asao, 5033 Avon Drive, asked how residents will know if they have to petition or not. Hanus encouraged residents to try to work with Staff first and if they are not happy with the result, they can petition. Asao said it was not clear whether or not the whole side of the street was no parking. Moore said Staff will remove the Avon Drive signs until the map is updated and the issue resolved.

Mary Berglund, 5049 Avon Drive, requested a clarification on whether the signs will be removed just around the park or further down the street. Moore told Berglund to call him if the sign by her home is not removed and he will evaluate.

**8. Kandis Hanson, requesting action on the following:**

A. An Ordinance Amending Chapter 10 of the Mound City Code as it Relates to Amusements

Hanson stated Staff revised the language per the Council's request, and that this is intended to add back language that was inadvertently omitted during the recodification in 2009. It is intended to allow for permitting of loud music at special events, both in residential and commercial areas.

Hanus said the new language was well done and he has no comments or concerns. Salazar asked why the nuisance ordinance after 10 p.m. is not sufficient. Hanus said this makes enforcement easier. Salazar said this, as written, is too restrictive and could apply to wind chimes. Salazar said it should apply to assemblies.

Manderschied stated Sec. 46-141 *Noise in Residential Areas* item (a) addresses gatherings and item (b) addresses noise and sound, both only between the hours of 10 p.m. and 7 a.m. She stated her attempt with the language being proposed was to address the concerns raised by the Council and make it effective 24 hours a day, thus broadening the language in Sec. 46-141. Hanson stated this would assist in minimizing impacts of private gatherings like weddings and give the City something to permit and enforce.

Discussion ensued. Wegscheid asked what prompted bringing this back and what is the frequency of complaints. Salazar stated there were six complaints for the Blast concert in May. Hanson said this would allow the Council to permit loud music after 10 p.m. Gillispie asked if noise levels could be included. Manderschied said the Council could specify the exact time the music had to end and sound levels are difficult to enforce, particularly with the water in the area. Hanus said he is trying to strike a balance between parties because he is told the existing code is hard to enforce and Mound is susceptible because of the smaller lots. Manderschied stated any violation of the code is a misdemeanor. Hanson stated her regret was not having the Police Chief write a memo or attend the meeting. Salazar asked if research was done to see what other cities do. Manderschied stated many cities have similar language as being proposed. Hanus asked Salazar was his suggestion to eliminate the language or modify it. Salazar stated he would like to see language from other cities.

MOTION by Wegscheid, seconded by Gillisipe, to table the following Ordinance to the next council meeting to allow time for further research by Salazar and Mandershied. All voted in favor. Motion carried.

**ORDINANCE NO. : AN ORDINANCE AMENDING CHAPTER 10 OF THE MOUND CITY CODE AS IT RELATES TO AMUSEMENTS.**

B. A Resolution Authorizing Publication of an Ordinance by Title and Summary, as it relates to Amusements

Tabled per item 8A.

**9. Information/Miscellaneous**

A. Comments/reports from Councilmembers/City Manager

Hanson stated Harbor Wine and Spirits is hosting an Octoberfest this Thursday, September 25<sup>th</sup>, and the Fall Wine Sale runs through October 14<sup>th</sup>.

Hanus commented on the MCES progress report included in item 9C and stated that in many cases Bolton and Menk is going to perform the task and asked who will be funding, who will own the product, and use the information. Hanus does not want to fund if Bolton & Menk will use for other clients and/or he wants MCES to share in the cost. The preference is for the City not to pay.

Hanus stated regarding the letter to Spring Park in item 9D, he is wondering if Mound could offer partial help and Orono offer partial help to get them through the challenge.

- B. Minutes:
- C. Reports: Progress on sewer updates by MCES
- D. Correspondence: Retirement notice by Carlton Moore, Public Works Dir  
Letter to City of Spring Park – July 16, 2014  
Letter from Mediacom – Aug 21, 2014

**10. Adjourn**

MOTION by Wegscheid, seconded by Gillispie, to adjourn at 8:14 p.m. All voted in favor. Motion carried.

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Mayor Mark Hanus

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Attest: Catherine Pausche, Clerk