

MOUND CITY COUNCIL MINUTES
September 27, 2011

The City Council of the City of Mound, Hennepin County, Minnesota, met in regular session on Tuesday, September 27, 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, Amanda Schwarze, James Reid, McKae Bailey, Evan Bailey, Tim lee, Jalyn Macy, Eric Boser, Arie Bogaard, John Schulz, Terry Starr

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

Mayor Hanus asked one of the students present to come up to the podium and introduce themselves and identify what class they were representing. Arie Bogaard introduced himself and stated that the students present were members of Mr. Kuehl's Advanced American Government class. Hanus thanked them for attending.

3. Approve agenda

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

4. Consent agenda

Osmek requested the removal of Item 4B, Payment of Claims

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

A. Approve minutes of the September 13, 2011 regular meeting and September 13, 2011 special meeting

B. (removed)

C. **RESOLUTION NO. 11-68: RESOLUTION APPROVING PUBLIC LANDS PERMIT FOR PROPERTY AT 4601 WILSHIRE BOULEVARD**

4B. Approve Payment of Claims

Osmek stated he requested that this item be removed from the consent agenda because he has a bill included and he needs to abstain from the vote.

MOTION by Salazar, seconded by Gesch to approve the claims in the amount of \$1,620,009.73. Upon roll call vote, the following voted in favor: Gillispie, Salazar, Hanus and Gesch. The following voted against: None. Osmek abstained. Motion carried.

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

None were offered.

6. Public Hearings

A. Assessment hearing for delinquent sewer and water bills

Mayor Hanus opened the public hearing at 7:05 p.m.

John Schulz, owner of duplex at 3156 & 3170 Westedge Boulevard (PID #23-117-24-34-0059) appeared before the council in protest of the proposed assessment of \$1,222.66. He stated that he has two issues: (1) that he sold the property on contract for deed but got it back last September. This notice of hearing is the first notice he received on a late utility bill. He stated he wasn't duly notified so that he could take care of this; (2) On the water bill history, on usage of 63,000 gallons for one quarter – there was a lift station project in front of his property and the seeding didn't take place so it was replaced with sod and his renter, Mr. Starr, was watering the sod and that resulted in excessive usage and he wants an adjustment. He also requested more time to pay the bill.

Osmek stated that he did some investigating into this matter and read parts of an email received from the Public Works Director explaining the situation. Discussion followed with discrepancies between Schulz story and the city staff explanation, resulting in the desire to continue this discussion after more facts could be obtained.

Tim Lee, 821 Dutchman's Way, Watertown, appeared before the Council representing Klein Bank, owner of three parcels on the proposed assessment roll (13-117-24-41-0047, 13-117-24-44-0071, and 13-117-24-44-0077) He stated that Klein Bank took over these properties on May 30, 2011, and feels that the collection of the delinquent bills should go to the previous owner who enjoyed the benefit of this charge. Osmek stated that the Kline Bank has other methods to collect these charges from the previous owner, but the City's only mechanism to assure collection is through this assessment process.

Mayor Hanus closed the public hearing for all property PID's except PID #23-117-24-34-0059.

MOTION by Salazar, seconded by Gesch to continue the public hearing for PID 23-117-24-34-0059 until their next meeting, October 11, 2011, at 7:00 p.m. All voted in favor. Motion carried.

MOTION by Osmek, seconded by Gesch to adopt the following resolution. All voted in favor. Motion carried. It was noted that PID #23-117-24-34-0059 is not included in this resolution.

RESOLUTION NO. 11-69: RESOLUTION ADOPTING ASSESSMENT FOR DELINQUENT SEWER AND WATER BILLS AND CERTIFYING TO THE COUNTY AUDITOR AT 6% INTEREST

B. Assessment hearing for miscellaneous assessments

Osmek reviewed the letter received from Dan Schropfer, owner of 5031 Wren Road, PID #13-117-24-13-0053. The letter opposes the assessment on this empty lot, stating he did not receive a warning this time (he received a warning on a previous incident and complied with mowing himself). He also stated he feels he's being discriminated against unfairly because there are other empty lots in the city that don't get this type of treatment and are left un-mowed forever.

Osmek stated that the ordinance in effect provides for expedient remedy of repeat offenders and it is the owner's responsibility to maintain his property.

Mayor Hanus opened the public hearing at 7:38 and upon receiving no comment, closed the hearing.

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

RESOLUTION NO. 11-70: RESOLUTION ADOPTING ASSESSMENTS FOR PROPERTY IMPROVEMENTS AND CERTIFYING TO THE COUNTY AUDITOR AT 6% INTEREST

7. Discussion/action on Minnehaha Creek Watershed (MCWD) management of Aquatic Invasive Species (AIS)

Mayor Hanus offered a substitute resolution for the one in the original packet, explaining that this resolution, in summary, states that the MCWD should not be further empowered with more authority over AIS without specific legislation granting such authority, legislated authority to a state authority or a coalition operated on a statewide basis, and study and experimental AIS regulatory authority be experimented on an area no smaller than three watersheds in size in order to establish efforts best suited to an eventual statewide program.

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

RESOLUTION NO. 11-71: RESOLUTION RECOMMENDING THE MINNEHAHA CREEK WATERSHED DISTRICT (MCWD) NOT BE GRANTED AUTHORITY TO MANAGE THE AQUATIC INVASIVE SPECIES (AIS) EFFORTS IN THE REGION

8. Information/Miscellaneous

A. Comments/reports from Councilmembers/City Manager

Osmek presented a handout, stating that he wants to make the record straight so there are no questions regarding the allegations made by Greg Skinner in the 9/24/11 Laker. The handout materials consisted of a memo from John Dean to Kandis Hanson, dated April 29, 2010, regarding the legality of the acceptance of gifts from Skinner's retirement party. John Dean stated that he was asked about the topic and prepared this memo and sent it to Hanson. He never actually discussed the topic of gifts with Skinner or gave him advice, just wrote the memo that cites the state statute regulations. City Staff, the City Council and the City Attorney all indicated that they did not have any knowledge of a retirement gift received by Skinner, as alleged in the 9/24/11 Laker. None of the four members of the Council had been made aware of this memo prior to Greg Skinner's resignation of 6/30/10, and only received a copy of this memo within the last 24 hours.

Also entered into the record were emails from City manager Kandis Hanson and City Attorney John Dean, confirming they had no knowledge of this gift issue described by Greg Skinner in the Laker, only that they were both aware of the 4/28/10 memo.

Osmek then stated that the answer as to who wrote Skinner's resignation letter, which was that City Clerk Bonnie Ritter typed it on staff time and using city resources, but did not compose the letter. It was composed by Skinner. An email from Ritter to Osmek was included in the handout package and entered into the record.

Osmek also stated that he doesn't know where Skinner's allegations of a connection between the Gillespie Contract and a proposed police merger come from because he (Skinner) has never been in any meetings on the proposed merger. Osmek asked both Councilmember Gesch and Mayor Hanus if, at these public meetings, any discussion of this nature had taken place. Both Hanus and Gesch confirmed that no such discussion had ever occurred. Hanus stated that trying to align the Gillespie Contract with merging police services with Minnetrista is bazaar. Hanus also stated that when Skinner resigned he had one story, and now he has a totally different one. A copy of Greg Skinner's 6/30/10 resignation letter was also included in the handout, which was originally received into the Council records at the 7/13/10 Council meeting.

Osmek asked John Dean if there is any gift that couldn't be refunded or returned. Dean answered that there is not an instance he could think of where this real or perceived conflict could not be resolved in this manner. The donor of the gift would not be resolved if returned, but the recipient would. The recipient has the option to return or accept a gift. Osmek stated that the 4/28/10 Dean memo gives clear definitions and that no member of the Council knows what the gift was, from whom it came, or that it even violated state statute.

Osmek stated he just wanted this incident and the clarification of allegations made a part of the record.

- B. Reprints: Annual Take-Home Vehicle Report
- C. Minutes: Planning Commission of August 16, 2011
- D. Correspondence: Mediacom letter dated September 7, 2011
MCWD letter dated September 8, 2011

9. Adjourn

MOTION by Osmek, seconded by Gesch to adjourn at 8:00 p.m. All voted in favor. Motion carried.

Mayor Mark Hanus

Attest: Bonnie Ritter, City Clerk