

MOUND CITY COUNCIL MINUTES
August 13, 2013

The City Council of the City of Mound, Hennepin County, Minnesota, met in regular session on Tuesday, August 13, 2013, at 7:00 p.m. in the council chambers of City Hall.

Members present: Mayor Mark Hanus; Council Members Heidi Gesch, Kelli Gillispie and Ray Salazar

Members absent: Council Member Mark Wegscheid

Others present: City Manager Kandis Hanson, Fin Dir/Clerk/Treasurer Catherine Pausche, Bill Tyler, Theresa Malloy, Stephanie Bolles, Lindy Crawford, Nicolas Cox, Ginny Gulbrandson, Greg Herzog, Patricia Eddington, Tom Gerold, and Gurt Gerold

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 7:02 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

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 \$285,175.62.
- B. Approve minutes of the July 23, 2013 regular meeting.
- C. Approve Right of Entry agreement with Verizon Wireless for Chateau Water Tower Facility.
- D. Approve Pay Request No. 3 from GMH Asphalt Corporation in the amount of \$853,042.66 for work completed on the 2013 Street, Utility, Lift Station, and Retaining Wall Project, City Project No. PW-13-01, PW-13-02, and PW-13-05.
- E. **RESOLUTION NO.13-81: RESOLUTION APPROVING A LEASE AGREEMENT WITH HENNEPIN COUNTY FOR ELECTION EQUIPMENT.**
- F. Approve Labor Agreement between the City of Mound and Minnesota Teamsters Public and Law Enforcement Employee's Union, Local No. 320 (Maintenance Persons), for 2013-2014 – Public Works Union.

- G. Approve Liquor Licenses for Dakota Trail, Inc. (dba Dakota Junction) conditioned on Orono Police Department background check approval.
 - 1. 3.2 Malt Beverage On-Sale
 - 2. On-Sale Wine
 - 3. Sunday On-Sale

- H. Approve Public Gathering Permit for New Morning Church for use of Veteran's Park for church service on Sunday, August 25, 2013 or rain date of Sunday, September 1, 2013, with fee paid.

- I. Approve permits for Our Lady of the Lake Catholic Church for the Incredible Festival, September 6-8, 2013, with fees paid.
 - 1. Public Dance/Live Music
 - 2. Temporary On-Sale Liquor
 - 3. Temporary Sign

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

Bill Tyler of Spring Park and current President of the Westonka Community and Commerce (WCC), requested a waiver of permit fees on planned events in Mound. Tyler recapped past and future events and stated WCC had not been required to pay permit fees until this year.

Mayor asked what events would be in other cities. Mayor said the problem is that the cost falls on the tax payers of Mound but the events may benefit businesses from other cities.

Mr. Tyler said the other cities are contributing. WCC asked the cities to provide a place to hold board meetings or hold events. To be an eligible member, you have to live or work in one of these charter cities. One business was grandfathered in for St. Boni. Membership meetings have been rotated.

Kelli Gillispie asked if she should recuse herself and where should she speak from. The Mayor requested she step down and speak from the podium due to the conflict of interest. Kelli Gillispie recused herself because she is the Vice President of Westonka Community and Commerce.

Gesch asked what years the fees were waived. Tyler said since CGM inception (2009) through winter of 2012-2013. The first fee was for Dog Days that will take place this weekend.

Salazar asked what financial contributions have been made by other cities. Gillispie stated Minnetrista provided an officer for the Moon Light Trail Night. A dog pick-up bag dispenser was donated that was worth \$500. Some donations were made to WeCAN and other Mound charities. Gillispie stated the name change has helped to open doors and has been a benefit and she asked that not be a consideration. They want to keep member fees affordable. Tyler said the \$300 fee could be as much as 30% of the budget for the event.

The Mayor asked if the City knew the costs to the City. Hanson stated CDD Smith costed the Scare Crow Stomp from 2012, excluding police support, that amounted to \$468.86. Hanson stated there are real costs to the City. Gillispie acknowledged there are real costs but would like someone to work with them. Gillispie stated there did not appear to be any consistency. Hanson said each event is evaluated individually and it depends on the intensity of the use and

significance of the event. Gillispie said there was no warning. Hanson stated she forecasted it in a 2012 letter to Tyler.

Hanus said that even with the \$300 the City is still contributing above and beyond. Hanson referred to what other cities charge and Tyler said if that applied, then the events would not take place. Hanson said perhaps a middle ground could be found, but some policies may need to be revisited, like membership fees. The City has worked hard to cut costs and try to find alternative revenue sources. The Mayor agreed that the City is as lean as it can get and needs to focus on critical City services. The City will be challenged to contribute financial and in-kind into the future. The Mayor said he would like to see other cities contributing. Hanson said she hopes the other cities might be willing to subsidize if they can't donate the human resources.

Gesch asked if the Tree Lighting was around before CGM. Hanson stated it was run by Mound businesses and CGM was asked to take it over. Gesch asked what if WCC was not willing to run it and the Mayor thought it would end. Gesch said it would be detrimental to have these events go away and she sees the community benefit. Gesch asked for a stepped-up fee schedule so the WCC can adapt and plan. Gesch asked if the City could pick what events to support in-kind and waive fees. Tyler says WCC is treated like a business and the events are told they must break even. Hanson recommended the fees for Dog Days and Scarecrow Stomp be \$150 each with the understanding that the WCC Board will develop a plan to increase revenues to eventually increase the fees paid to the City. Salazar asked if there was a response to Hanson's letter from 2012. Salazar wanted it clear this is a one-time deal and that they should expect these fees to increase. Three Rivers permit fee went up to \$250 for the use for Moon Light Trail Night.

MOTION by Gesch, seconded by Salazar, to approve the public gathering permit fee for \$150 each for Dog Days Westonka and Scarecrow Stomp. The following voted in favor: Hanus, Gesch and Salazar. The following voted against: None. Motion carried.

Council Member Kelli Gillispie took her seat once again as the discussion was over.

6. Intern Lindy Crawford presented summary of 2013 Administrative Internship.

Summer Intern Lindy Crawford gave background on her education and employment and did a Power Point presentation on what she did during her internship with the Mound Fire Department. Crawford also attended the City Manager's Conference and spent a week in the Planning Department with Community Development Director Sarah Smith. Crawford also attended many local festivals and enjoyed the area amenities and she thanked the City for the opportunity.

7. Carlton Moore, Public Works Director, with 2013 Street, Utility, and Retaining Wall Project recommendation on property owners' request for retaining wall repair on Dorchester Road and Stratford Lane.

Public Works Director Carlton Moore referred to page 1921 of the packet. The color photo shows that 4567 Dorchester has the largest portion of the wall in question. It has been requested the total replacement of the wall versus just a repair as the contract calls for. Meetings took place with the contractor, City Staff, and residents. Based on those discussions, Staff is recommending repair at a cost of \$6,000 as compared to the total replacement of \$34,716. Moore mentioned residents are here to appeal to the Council.

Mayor Hanus clarified staff's recommendation has not changed. He asked how many people were on the petition. Hanus asked of the three properties, are any open to repair. Moore stated

4567 Manchester agreed to repair because they don't want to cut out so much of the yard and lose the screening. Moore stated repair was part of the original project. Gesch asked if this flagstone wall has been repaired before and how does the condition differ. Moore stated it was the same contractor and they do not feel it is the worst. Salazar asked if it had been repaired previously. Moore stated not since he has been here. Most of the material will be reused and supplemented. Moore stated the trees behind the wall may eventually push it out again, but it is difficult to determine when. Gillispie asked how the other repaired walls were holding up. Moore stated well. The oldest ones are in the Three Points area. Gesch asked about the method of repair and whether it is a mortared wall. Moore stated partially mortared on the top tiers.

Mayor Hanus asked to hear from the audience. Nicolas Cox, 4570 Dorchester, was the person to originally bring forward the issue. He stated the wall leans and the bushes are overgrown which causes cars to run the stop signs. Cox stated something will have to be done with the stop signs. He stated the walls have no drainage and no drain tiles which will eventually result in pushing the wall out. The plows push the blocks out and it often takes days for it to be recognized. Cox questioned whether the current contractor is the same that would do replacement. Moore stated no.

Hanus asked for clarification. Moore stated replacement is \$34,413 vs. repair at \$6,000.

Ginny Gulbrandson, 4555 Dorchester, 18 year resident voting for replacement. She stated some winters are really bad and the City has been slow to respond to knocked out blocks. With no drainage or drain tiles, she questions whether the footings will be adequate. She thinks the City is taking on risk versus spending the money and buying 25 years of low maintenance.

Hanus asked if the wall has ever been repaired. Moore stated repairs include removal of loose stones, and mortaring. Hanus asked about leaning and Moore stated they will try to address that as best they can. Gesch asked for an assurance. Hanus stated this is similar to others that have been repaired in the past. Hanus stated the policy was changed to only replace those walls at the end of the useful life. He stated even the new walls can fail. Ginny said but the risk is lower with a new wall and Hanus agreed. Gillispie asked the age of the wall and asked for the estimated useful life. Moore said the material will never wear out, it is the construction. Moore stated the wall was built in 1978. Ginny asked what guarantee will be given. Hanus said if it was declared a hazard which is usually determined by Staff then the City will readdress.

Gurt Gerold, 4600 Manchester, stated everyone parks adjacent to the wall, including guests, and it is not safe for bikers and pedestrians. Gerold stated the City has often picked up the corner with a Bob Cat and a worker pushes loose bricks in. Hanus stated the bushes should not be hanging over and the City can address that and properly trim them. Moore stated plans are in place to trim that area.

Patricia Eddington, 4567 Dorchester. She has lived here for 20 years and moved there because of the privacy barrier. Once she found out they would have to excavate up to 4 feet behind the wall to replace it and the potential loss of additional trees in the future she would lose that privacy. She is concerned about the danger to compromised trees and that she could not replace these trees to a similar size. She would expect the City to replace removed damaged trees to restore her lot. She handed out photos for the Council to consider

Tom Gerold, 4600 Manchester Road, stated, in his opinion, you will not get the life out of just a repair due to the vertical cracks. Adding drainage behind it could fix that. His son is a Civil Engineer and stated it needed to be replaced.

Ginny Gulbrandson asked if the City would only do her portion of her wall since it is not connected to the others. She asked for addresses for walls that have been repaired. Moore stated to look in the Bradford area or in the Highlands and Three Points areas.

Greg Herzog, 2909 Stratford Lane, asked if residents can ask for shrubs to be trimmed at any time by the City. Moore stated yes. It is a service the City provides in the interest of public safety in the right of ways.

Nicolas Cox asked if the replacement contractor's recommendation was the same as the repair contractor. Moore stated that no recommendations were received from the replacement contractor on the reparability. Cox understands the privacy issue but the repair has to be done right, from the ground up. The Mayor said that the materials are not the concern, the labor is. Cox asked for copies of the quotes. Moore stated the bids are not detailed and only a cost per square foot is provided, not a breakdown between labor and materials.

Salazar stated concern about it being a band aid. Hanus stated he is concerned about changing policies and setting a precedent. He does not feel this is clearly a mistake and feels it has to be severe enough to change the approach. Gillispie asked if any of the repaired walls have had to be repaired or replaced. Moore stated no.

Cox asked the Council to consider this not as a policy change but as a neighborhood expressing a shared viewpoint. Hanus stated it is a gray area and the problem is that the resident primarily affected is not in support and the engineer is not recommending replacement. Hanus said if the curbs were being replaced, there is no question the walls would come down.

Gesch stated the line of sight has to be addressed and wants a guarantee the lean of the wall to be addressed.

Mayor Hanus recessed the meeting at 9:01 to change the recording. Reconvened at 9:07 and brought it back to the Council.

Salazar asked to clarify if the contractor has done numerous repairs around town and whether there have been any issues. Moore indicated repair vs. replacement is common and there have been no issues with repaired walls in the 10 years the street projects have taken place.

MOTION by Hanus, seconded by Gesch, to continue with the plan as it was funded and planned for. Gesch requested the motion be amended to direct staff to evaluate the growth in the area and initiate trimming where necessary. Gesch asked what the responsibilities of the property owner are. Moore stated the City does trees in the public right of way and that the majority in this case are in the right of way. Gesch asked what happens next year. Moore stated the City does the trimming to maintain the visibility of the stop sign, particularly with trees. Gesch was concerned with the rate brush would come back. Hanus stated it would be up to the neighborhood to request trimming. Hanson stated it could be treated as nuisance abatement, similar to long grass.

All voted in favor. Motion carried.

8. Catherine Pausche, Director of Finance and Administration, requesting action on a Resolution amending Resolution No. 12-107, Adopting a Fee Schedule.

Pausche stated that although the new Lost Lake Slip fees generated more revenue than in previous years, there are still 10 slips left. Pausche does not anticipate having that number remaining again in the future, but with the late ice out and poor weather early in the summer, as well as some delay in getting the slips marketed, she recommended reducing the slip fee after August 1st of each year.

Mayor Hanus asked how Pausche determined that this was the right amount and she stated that it is half the fee. Pausche does not recommend offering a month to month and the Mayor agreed. The Mayor requested that the Docks and Commons Commissioners be informed that the Council only took action on this because time did not allow for it to be brought to them in advance.

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

RESOLUTION NO. 13-82: RESOLUTION AMENDING RESOLUTION 12-107 ADOPTING FEE SCHEDULE

9. Information/Miscellaneous

A. Comments/reports from Councilmembers/City Manager

Hanson stated Dogs Days will be held Saturday, August 17th, from 9:00am to 2:00pm.

Hanus stated the Westonka Historical Society will be premiering a documentary about a southern Minnesota Civil War battalion from Wasioja. Hanson encouraged people to go to the Westonka Historical Society website for more information on upcoming events.

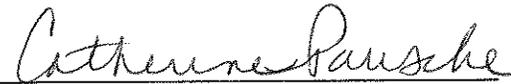
B. Minutes:

C. Reports: Harbor Wine & Spirits
Mound Fire Commission Agenda: July 24, 2013

D. Correspondence: Gillespie Gazette
CenterPoint Energy – August 5, 2013
Mediacom – August 6, 2013

10. Adjourn

MOTION by Salazar, seconded by Gesch to adjourn at 9:25p.m. All voted in favor. Motion carried.


Attest: Catherine Pausche, Clerk



Mayor Mark Hanus