

MOUND CITY COUNCIL MINUTES
March 28, 2017

The City Council of the City of Mound, Hennepin County, Minnesota, met in regular session on Tuesday, March 28, 2017, at 7:00 p.m. in the Council Chambers of the Centennial Building.

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

Members absent: Council Members Jennifer Peterson and Jeff Bergquist

Others present: City Manager and Director of Public Works Eric Hoversten, Director of Community Development Sarah Smith, Administrative Assistant Mary Mackres, City Attorney Troy Gilchrist, Building Inspector Scott Qualle, Field Officer Stewart Simon, Tim Litfin, Jason Biddle, and Terence Sincheff

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 Council Member or citizen so requests, in which event it will be removed from the Consent Agenda and considered in normal sequence.

1. Open meeting

Mayor Wegscheid called the meeting to order at 7:00 p.m.

2. Pledge of Allegiance

3. Approve agenda

Hoversten introduced replacement pages 944-951.

MOTION by Salazar, seconded by Gillispie, to approve the agenda with replacement pages. All voted in favor. Motion carried.

4. Consent agenda

MOTION by Salazar, seconded by Gillispie, to approve the consent agenda.

Upon roll call vote, all voted in favor. Motion carried.

A. Approve payment of claims in the amount of \$304,412.05

B. Approve minutes: 3/14/17 regular meeting

C. Approve Pay Request No. 6 from Ryan Contracting in the amount of \$80,480.91 for the 2016 Street, Utility and Retaining Wall Improvement Project; City Project Nos. PW-16-01, PW-16-02, PW-16-03, PW-16-04

D. Approve Pay Request No. 1 from Widmer Construction in the amount of \$117,299.83 for the Island Park Watermain Loop project, City Project No. PW-15-10

E. Approve Pay Request No. 2 from Pember Companies, Inc. in the amount of \$855.00 for the 2016 Lift Station Improvement Project, City Project No. PW-16-05

- F. **RESOLUTION NO. 17-42: RESOLUTION APPROVING CHANGE ORDER NO. 3, 2016 STREET, UTILITY & RETAINING WALL IMPROVEMENTS - CITY PROJECT NOS. PW-16-01, PW-16-02, PW-16-03**
 - G. **RESOLUTION NO. 17-43: RESOLUTION TO APPROVE A PUBLIC LANDS PERMIT FOR PROPERTIES AT 4941 AND 4937 ISLAND VIEW DRIVE**
 - H. **RESOLUTION NO. 17-44: RESOLUTION APPROVING PUBLIC GATHERING PERMIT AND MUSICAL CONCERT PERMIT FOR 2017 TOUR DE TONKA AND REDUCED FEE DUE TO PUBLIC PURPOSE OF THE GATHERING**
 - I. **RESOLUTION NO. 17-45: RESOLUTION APPROVING A VARIANCE, EXPANSION PERMIT AND PUBLIC LANDS PERMIT FOR 4908 THREE POINTS BOULEVARD**
 - J. **RESOLUTION NO. 17-46: RESOLUTION TO APPROVE WAIVER OF PLATTING FOR 1833 SHOREWOOD LANE**
 - K. **RESOLUTION NO. 17-47: RESOLUTION CALLING FOR A PUBLIC HEARING BY THE CITY COUNCIL ON THE PROPOSED ADOPTION OF A MODIFICATION TO THE REDEVELOPMENT PLAN FOR THE MOUND HARBOR PROJECT AREA AND THE PROPOSED ESTABLISHMENT OF HARRISON BAY SENIOR HOUSING TAX INCREMENT FINANCING DISTRICT THEREIN AND THE ADOPTION OF A TAX INCREMENT FINANCING PLAN THEREFOR**
5. **Comments and suggestions from citizens present on any item not on the agenda.**
None offered.
6. **Consideration of resolution to approve consent and waiver agreement for the abatement of hazardous conditions at 6077 Aspen Road**

Smith introduced item 6 of the agenda. Staff worked together with the City Attorney and the Building Official to develop the proposed consent and waiver for the Council's consideration.

Simon stated that the conditions of the property at 6077 Aspen Road were brought to the City's attention in Nov. 2016. The Building Official observed hazardous conditions to the building at that time. In Jan. 2017, the Building Official had executed an administrative search warrant and inspected the interior and exterior grounds where he found significant damage to the roof and a failure of the ceiling structure. Simon reported that there was accumulated rubbish inside the house as well. The property owner, who was on site at the time of inspection, was notified by the Building Official of the findings and was informed that the building was hazardous under state statutes.

On Feb. 24, 2017, the City sent the property owner a letter reiterating that the property was hazardous under state statutes and certain steps needed to be taken by the property owner, including repairing the roof and siding, removing the trash, etc. or enter into a voluntary abatement agreement with the City. If the property owner did neither of these two things, the Staff would have proposed the Council approve an order to abate the nuisance.

On March 15, 2017, the property owner contacted City staff to discuss the conditions of the property and indicated a willingness to discuss voluntary abatement action, which is what is now before the Council.

Simon explained the difference between voluntary abatement and an order to abate. Under the Mound City Code, the City does nuisance abatement. Simon says nuisance abatement is great for small things like lawn care, removing a derelict automobile, etc. When it comes to the whole property, interior and exterior, the state statute goes a little bit further. It is more advantageous for the City to use the state statute when there is a hazardous property involved. In a voluntary abatement, all of the owners and lien holders of record enter into a signed agreement with the City, authorizing the City to correct the conditions on the property that are considered hazardous. These costs are assessed back to the property as a special assessment. State statute lays out how the assessment is to be paid back with five equal annual payments with an 8% annual interest rate. Voluntary abatement is commonly referred to as a Consent and Waiver Agreement because the property owner consents for the City to do the repair work and to waive the right to a hearing disputing the assessment later down the road after the work has been completed.

Simon explained that an order to abate is where the Council would take formal action to request the courts to order abatement. Costs are then assessed back to the property owner with full payment due one year after abatement. In this case, the property owner has agreed to enter into a voluntary abatement action with the City. Simon says City staff had a favorable conversation with Mr. Sincheff, the property owner. Mr. Sincheff has given the City permission to come onto the property to make the necessary corrections to bring the property into compliance.

Simon said the City has set a budget of \$45,000 to make repairs, including roof repair, siding and trim repair and/or replacement, master bedroom ceiling repair, removing rubbish and derelict automobiles, repairing windows and exterior doors, and addressing any other code violation to bring building into compliance. Mr. Sincheff did sign the Consent and Waiver Agreement. Under clause 4d of the agreement, the assessment is to be deferred until one of three events occurs: 1) sale of property; 2) passing of owner; or, 3) 15 years from date of executed agreement.

Mayor Wegscheid asked who would oversee the project. Simon stated that a combination of both he and Scott Qualle, the Building Official, would oversee the project.

Council Member Gillispie asked if the cost estimate includes staff time and legal fees. Simon confirmed that the estimate of \$45,000 does include these things.

Hoversten says that the \$45,000 is a rough estimate. Invoices will be created after bids are received. Wegscheid commends Mr. Sincheff for working with the City to accomplish something good.

Simon brought to the Council's attention that in the resolution before them, Mr. Sincheff's first name was misspelled in the second "whereas." It should be corrected to read Terence.

Requested Actions

Approve Resolution approving consent and waiver agreement for the abatement of hazardous conditions at 6077 Aspen Road

MOTION by Salazar, seconded by Gillispie, to approve resolution. All voted in favor. Motion carried.

RESOLUTION NO. 17-48: RESOLUTION APPROVING CONSENT AND WAIVER AGREEMENT WITH RESPECT TO THE HAZARDOUS BUILDING LOCATED ON THE PROPERTY AT 6077 ASPEN ROAD

7. Information/Miscellaneous

A. Comments/reports from Council Members

Hoversten noted in the Council briefing that the HRA meetings going forward will be "as required." As packets are prepared, Council will be notified if there will be an HRA meeting that week.

Hoversten informed all that City Hall will resume summer hours starting on Monday, May 1, 2017. These hours are M-Th 7:30-5:00 and Fri 7:30-11:30.

B. Reports:

C. Minutes: Parks and Open Spaces Commission - 1/12/17 & 2/09/17
Docks and Commons Commission - 1/19/17

D. Correspondence: Minnesota DNR - March 8, 2017
Metropolitan Council Environment Services
LMCD - March 14, 2017

8. Adjourn

MOTION by Gillispie, seconded by Salazar, to adjourn at 7:15 p.m. All voted in favor. Motion carried.

Mayor Mark Wegscheid

Attest: Catherine Pausche, Clerk