

MOUND CITY COUNCIL MINUTES
June 10, 2014

The City Council of the City of Mound, Hennepin County, Minnesota, met in regular session on Tuesday, June 10, 2014, at 7:00 p.m. in the council chambers of the Centennial Building.

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

Members absent: None

Others present: City Manager Kandis Hanson, Attorney Melissa Manderschied, Community Development Director Sarah Smith, Public Works Director Carlton Moore, Greg Nybeck, Dan Faulkner, Amy Ferrar, Jennifer Mundt, John McKinley, Bill Priebe, Kaitlin Jameson, Sheri Lee, Scott Thoma, Mike Wood, Michelle Wood, James Dolan, Mick Murphy, Joe Bohmert, Joe Marston, Don Homann, Tom Casey, Judd Luesse, Chris Laurie, Scott Kivisto, Derek Ervin, Lenore Doering, Jackie Davis, Wayne Davis, Joe Bruns, Art King, Barb King, Marnie Barnhart, Stuart Alexander, Diane Alexander, Karen Babler, John Babler, John Hubler, John Turnacliff

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 consent item 4H be added to cancel the June 17 Special Meeting Workshop.

MOTION by Salazar, seconded by Gesch, to approve the agenda as amended. 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 \$225,784.80.
- B. Approve minutes of the May 27, 2014 regular meeting.
- C. **RESOLUTION NO. 14-37: RESOLUTION AWARDED CONTRACT FOR THE 2014 CRACK REPAIR PROJECT TO PRECISION SEALCOATING, INC. IN THE AMOUNT OF \$6,625.00. CITY PROJECT NO PW-14-06**
- D. **RESOLUTION NO. 14-38: RESOLUTION AWARDED CONTRACT FOR THE 2014 STREET, UTILITY, AND RETAINING WALL IMPROVEMENT PROJECT – EAST THREE POINTS BOULEVARD TO GMH ASPHALT, INC. IN THE AMOUNT OF \$1,479,671.33. CITY PROJECT NOS. PW-14-01, PW-14-02, PW-14-08**

- E. 1. **RESOLUTION NO. 14-39: RESOLUTION APPROVING MINOR SUBDIVISION AT 2201 CENTERVIEW LANE – PID #13-117-24-31-0040 – PLANNING CASE NO. 14-05**
2. **RESOLUTION NO. 14-40: RESOLUTION APPROVING VARIANCES AT 2201 CENTERVIEW LANE – PID #13-117-24-31-0040 – PLANNING CASE NO. 14-06**
- F. **RESOLUTION NO. 14-41: RESOLUTION AUTHORIZING THE PURCHASE OF FIREFIGHTER PERSONAL PROTECTIVE EQUIPMENT “TURNOUT” GEAR FOR FIREFIGHTER SAFETY**
- G. Approve liquor license renewals for 2014-2015 with receipt of all required forms, fees, and certificates of insurance:
- On-Sale Liquor** – Al & Alma’s Supper Club Corp., Willette Companies, Inc. (dba Carbone’s Pizzeria Bar & Grill); **On-Sale Wine** – Dakota Trail Inc. (dba Dakota Junction); **Sunday On-Sale Liquor** – Al & Alma’s Supper Club Corp., Willette Companies, Inc. (dba Carbone’s Pizzeria Bar & Grill), American Legion Post 398; **Sunday On-Sale Wine** – Dakota Trail Inc. (dba Dakota Junction); **3.2 On-Sale** – Dakota Trail Inc. (dba Dakota Junction); **Sunday 2:00 a.m. Closing** – Willette Companies, Inc. (dba Carbone’s Pizzeria Bar & Grill); **Club On-Sale Liquor** – American Legion Post 398; **Off-Sale 3.2 Malt Beverages** – Northern Tier Retail, LLC (dba SuperAmerica #4194)
- H. (added) Cancel Special Meeting Workshop scheduled for June 17, 2014 at 6:30 pm. The meeting will take place as an HRA meeting.

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

6. Kandis Hanson, City Manager, with an update on the sewer by-pass event May 31, 2014 to present.

Mayor indicated that City Manager will go through the sewer bypass event that took place on June 1st. Hanus stated the purpose of the discussion is to explain what happened, how the City reacted, and the current status.

Hanson stated that representatives from the Minnesota Pollution Control Agency (MPCA) are present. Hanson stated she will give an overview of ecological information and that a public forum will take place.

Hanson summarized the events and current status by reading from a prepared statement. Hanson explained that Hennepin County regulates the beaches and that the beach closures were not related to the sewer bypass event, but rather the recurring issue of goose feces and farm run-off during periods of heavy rain. Hanson summarized infrastructure improvements including lift station improvement projects and stated that the City is evaluating alternative notification systems in an effort to improve communication during emergency events.

Steve Lee, Emergency Response Manager for the MPCA, Kaitlin Jameson, and Bill Priebe were present from the MPCA. Mr. Lee said the City did what they were required to do by contacting the State Duty Officer who agreed it was better to bypass the sewer than to cause back-ups in basements. MPCA received reports of 19 cities that had to bypass or release. MPCA states that the City is taking steps to test the sites where the bypass occurred. The Mayor

commended and thanked the MPCA and the City Staff. Hanus clarified the discharged wastewater was filtered to avoid any solids from being released. Hanson read a blog posting titled "Sewage Stinks" from Dick Osgood, former Executive Director of the Lake Minnetonka Association that addressed the bypass event from a biological standpoint. Hanson stated the statement put the contamination in context with other events and made her feel better about the decision to bypass. Hanus invited members of the audience forward to speak and/or ask questions.

Amy Ferrar, 4638 Manchester Road, asked about Met Council's infrastructure and capacity. Hanus stated the City will be meeting with the Met Council in the future. Ferrar asked the MPCA if there are other pollutants in the lake besides E. coli and what agency is responsible to test for them. Steve Lee from the MPCA said the primary test is for the bacteria. Hanus said he believed oxygen and pH levels are also monitored. Ferrar asked how the City can prevent this from happening again. The Mayor reiterated the sump pump inspections and infrastructure improvements that the City has done.

Jennifer Mundt, Met Council Representative for Mound and other lake area cities, said she hoped we can all move past blame and agree that we have to move forward. Mundt said the Met Council's regional system did not fail and that the back-up pumps kicked in. Mundt said the solution is to address inflow and infiltration and that there are homes with sump pumps and foundations that are illegally draining into the sanitary sewer system. Mundt said it was talked about increasing capacity if Mound's population increased, which it has not. Mundt stated she spoke with Senator Osmeck about working together as a region to address the problem.

Steve Holman, 5320 Bartlett Boulevard, asked about communication, especially for those who do not have computer access. Holman asked about plans if additional rain comes. The Mayor stated the Council and Staff have not recalled a similar event and that this was a very rare, unique event. Hanson stated the City would consider similar action, if needed. Hanson stated that a past survey indicated 25 percent of Mound residents do not have a computer and that she has been told many people don't read the City Newsletter. Hanson suggested residents consider adopting a neighbor without a PC to help with communication. Hanson indicated that the school district uses a telephone system which can include home and cell phones. The Mayor commented that knocking on doors in an emergency situation is time consuming and phones seem like a better option. Holman suggested flyers may help.

Scott Thoma, 4679 Wilshire Boulevard, stated this is not an act of God but an I&I issue. Thoma stated City leadership can do a better job and that he would like answers from Mound and the Met Council. Thoma wants to know who is going to take ownership for what happens and provide help/advocate for the residents. The Mayor stated systems are built for larger than normal capacity, but the question is to what level it should be built.

Danene Provencher, 2591 Commerce Boulevard, asked about the hazard of using Lake Langdon water to water garden and plants. James Dolan stated that the DNR rates Lake Langdon as an "F" and therefore would not be suitable for use on food source gardens. Provencher asked why other Lake Minnetonka cities were not affected. Hanson said police reports show that overflowing sewers were reported elsewhere.

John Babler, 2235 Langdon Lane, stated that this is the 4th back-up in his home and the problem has to be solved. Babler stated he appreciated the City Manager's prior help.

Marnie Barnhart, 2223 Langdon Lane, said she has concerns that we do not have a communication program in place, especially since 9/11 and that this is the second back-up for her.

John Hubler, 5448 Breezy Road, stated that there are a lot of upset people but he agrees with what was done. Hubler stated that the sump pump program from years ago was a proactive program and another program should be initiated to create a “sealed-type” system. Hubler asked how much money the City sends MCES every month. Moore stated that it is about \$88,000 / month and Hubler suggested escrowing it to encourage a response by MCES. Hubler suggested the auto dialer system could be set up to call affected residents. Hubler asked if the City’s insurance ever paid a back-up claim and Hanson indicated that she is aware of some claims that were not paid. Hubler asked about whether the vacuum truck could be used to pump on agriculture land which can be done with a permit. Hubler suggested residents install a backflow preventer, although it is not guaranteed to work. Hubler encouraged everyone to use a proactive approach.

Michael Wood, 2270 Langdon Lane, stated he and his neighbor had backflow preventers, but both had back-ups. Wood asked what can be done in the short term and acknowledged the vac truck could not keep up. Wood said back-ups are not a one-time thing and something should be done.

John Turnacliff, 2560 Avon Drive, asked what residents would do if communication had taken place. Hanus said some said they would remove property. Turnacliff asked that if this happened again, would it be in the same locations. Moore indicated that was likely. Turnacliff asked for a sense of urgency to address these issues as severe weather events seem more common.

Wayne Davis, 2248 Langdon Lane, indicated that upgrades have taken place and urged the Council to focus on problem areas like Langdon. Hanson stated she met with Met Council in December and discussed the Langdon neighborhood because the homes feed directly into the Met Council line.

Joe Bruns, 2630 Setter Circle, suggested heavy fines for sump pumps and that the communication system be two-way. Several individuals said they called 911 but did not receive a call back or response.

Brian Hanson, 4697 Wilshire Boulevard, asked if other communities with vacuum trucks were called to assist. Hanson stated that sewer water is still coming in and that it took 3-4 days for someone from the City to get back to him. Kandis Hanson stated that it is the property owner’s responsibility to do the clean up. Moore indicated that they were contacted by the LMCIT and that the line will be televised tomorrow to try to determine why water is still coming in.

James Dolan, 2280 Cottonwood Lane, commended the City for its action during the rain event. Dolan indicated that he collects rain data and that his home is near 3 utilities, including the Mound gravity line, the Minnetrista forcemain and the Met Council line. Dolan shared the rain data and said that severe weather is becoming the norm and needs to be addressed. Dolan said he observed water coming out of the MCES manhole, a very low volume of water coming out of Mound’s gravity line, and that there was water gushing out of the Minnetrista forcemain. Dolan recommended a high water alarm and that older floor drains should have a check valve installed.

John McKinley, 5948 Hillcrest Road, questioned the statement that this has never happened before because he spoke with former Public Works employees Gino Hoff and Greg Skinner who said waste material was previously trucked. Hanson clarified that it has been trucked, but not discharged into the lake sites before.

Tom Casey, 2854 Cambridge Lane, stated that the goal should be to not further denigrate Lake Langdon. Casey requested an open work session to create a solution on a timely basis and that there be a written agreement by the City and Met Council to work together to find a workable solution. Hanus reiterated that Mound will be meeting with the Met Council but location and date has yet to be determined.

Hanus recessed the meeting at 9:00 p.m. to change the recording media.

Chris Laurie, 4773 Richmond Road, asked about the MCES lift station and questioned their response. Laurie asked how many people were affected. Hanson said the report she has shows 34 houses were affected.

Moore showed a graphic which depicted the locations where the backups occurred. Mayor commented that, with the exception of Langdon, the rest are pretty spread out. Moore stated insurance records of the events will be analyzed to look for issues. Casey asked if the areas with back-ups were the low areas and Moore said not in all cases.

Lenore Doering, 3118 Donald Drive, talked about being on one of the highest points on Donald Drive and that everything in her basement was destroyed.

Chris Laurie, 4773 Richmond Road, indicated they are on the lower part of a hill and they tend to get the rain as they are on the bottom and it seems there is a back-up still.

Tom Casey asked how the storm water pollution prevention plan (SWPPP) relates. Moore stated that the SWPPP is separate and is about dumping contaminants like motor oil into the storm sewer.

Marnie Barnhart, 2223 Langdon Lane, encouraged the Council to show compassion as it would go a long way. Hanus stated of course he is sorry and that it was unfortunate all the way around and he truly hopes it does not happen again.

Judd Luesse, 2144 Southview Lane, said he has not heard anyone say that our system has adequate capacity and questions whether remodeling and new homes should be allowed. Moore stated that the capacity has a "safety factor" built in for increased growth and a standard amount of I&I. Moore stated huge systems come at huge costs. Luesse suggested the system should be fixed to add reserve capacity. Moore stated the focus should be to reduce/minimize I&I. Luesse said the emergency overflow pond should be reactivated by the Met Council and asked why Mound doesn't have authority over all lift stations in the City.

Danene Provencher, 2591 Commerce Boulevard, asked for full transparency and indicated that the Met Council was going to do a Power Point presentation at this meeting but was not allowed.

Jennifer Mundt, speaking on behalf of the Met Council, expressed interest in working cooperatively with Mound and the MPCA in an open meeting forum in Mound.

7. Greg Nybeck, Executive Director of the Lake Minnetonka Conservation District, (LMCD) presenting the 2015 proposed budget for the LMCD.

Nybeck gave a Power Point presentation addressing the high water code provisions and current lake levels. Nybeck said the preliminary 2015 LMCD levy is essentially flat and the official amount is due to the cities by July 1st. Nybeck said the lake is too high and there is currently no harvesting being conducted. Rent decreased, a 2% increase in personnel expense and 3% merit increase was assumed in contingency, and additional funds were added for AIS prevention and capital equipment. Nybeck said the levy has been essentially flat since 2009. Hanus asked if personnel adjustments were tied to CPI and Nybeck indicated assumptions are based on a salary survey. Hanus suggested the slight increase be flattened and Nybeck suggested the City Manager send an email to that effect. Salazar asked about milfoil reduction programs and why the emphasis is not to eradicate it. Nybeck stated the U of M has been involved in studying AIS since the 1990's and the harvesting program has been cut back. Hanus poled the Council regarding the recommended levy increase and Wegscheid said he agreed it should be zero. Hanson said she will send Nybeck an email stating that.

8. Dan Faulkner, Bolton & Menk, requesting action on a resolution receiving a report and authorizing preparation of plans and specifications and ordering advertisement for bids for the 2014 Storm Drainage Improvement Project, City Project No. PW-14-04.

Faulkner gave an overview of the 2014 Mound Drainage Improvement Project. Faulkner listed each individual project and depicted aeriels/maps on the overhead. Faulkner said the estimated cost is \$108,060. Faulkner suggested eliminating the Tuxedo project until the street is reconstructed in 2015.

Gillespie asked about the high mobilization costs and Faulkner said it is the contractor getting the equipment to the site. Mayor asked about brush removal on Waterbury project and possible erosion. Hanus asked about the amount of dredging to be done and Faulkner said it is only a 1 to 2 feet. Mayor asked about possible grants and Faulkner said they have been trying but it is difficult to get grants for maintenance and the requirements can be a challenge. Mayor inquired about the cost and funding sources. Faulkner stated that he didn't anticipate more than the 30 percent for indirect costs and that quotes would be solicited since it is less than \$100K. Gillespie pointed out the resolution mentions bids. Salazar asked if there is a way to "line" them to avoid future growth and Faulkner said the issue is sediment. The Mayor said that may inhibit the filtration effect.

MOTION by Gesch, seconded by Wegscheid, to adopt the following resolution minus the Tuxedo Boulevard project. The Mayor offered a friendly amendment to replace the bid language with quote language which was accepted by Gesch and Wegscheid. All voted in favor. Motion carried.

RESOLUTION NO. 14-42: RESOLUTION RECEIVING A REPORT AND AUTHORIZING PREPARATION OF PLANS AND SPECIFICATIONS AND ORDERING ADVERTISEMENT FOR BIDS FOR THE 2014 STORM DRAINAGE IMPROVEMENT PROJECT, CITY PROJECT NO. PW 14-04

9. Dan Faulkner, Bolton & Menk, introducing the Public Meeting Requirement for the 2013 Storm Water Pollution Prevention Program (SWPPP) annual report.

Faulkner gave an overview of the program and the requirements including the public meeting. Mayor asked for public comment and received none. Faulkner said that no official action is required by the Council and that the report will be filed by Bolton & Menk.

9. Information/Miscellaneous

Mark Wegscheid highlighted the Planning Commission vacancy and Hanson thanked Mr. Wiechert for his service.

- A. Comments/reports from Council members/City Manager:
- B. Minutes:
- C. Reports: Harbor Wine & Spirits – May 2014
Orono Police Commission Meeting – June 4, 2014
- D. Correspondence: Resignation of Planning Commission Pete Wiechert

10. Adjourn

MOTION by Gesch, seconded by Wegscheid, to adjourn at 10:25 p.m. All voted in favor. Motion carried.



Attest: Catherine Pausche, Clerk



Mayor Mark Hanus