

**MOUND CITY COUNCIL MINUTES**  
**July 11, 2017**

The City Council of the City of Mound, Hennepin County, Minnesota, met in regular session on Tuesday, July 11, 2017, at 7:00 p.m. in the Council Chambers of the Centennial Building.

Members present: Mayor Mark Wegscheid, Council Members Ray Salazar, Jeff Bergquist, Kelli Gillispie, and Jennifer Peterson

Members absent: none

Others present: City Manager and Director of Public Works Eric Hoversten, Community Development Director Sarah Smith, Administrative Assistant Mary Mackres, Field Service Officer Stewart Simon, Tim Litfin, Dan Faulkner, Arlee Mueller, Roger Fink, Karen King, Brooks Chandler, and Brian Simmons

*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 requested to add Item 4L, pages 1933 A-E, to the consent agenda for a public gathering permit application for DH Custom / Excelsior Brewery Open fishing tournament at Al and Alma's, also using Chester Park, on July 22, 2017

MOTION by Salazar, seconded by Bergquist, to approve the agenda as amended. 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 \$398,352.73

B. Approve Minutes: 06-27-17 Regular Meeting

**C. RESOLUTION NO. 17-94: RESOLUTION APPROVING AMENDMENT TO CONSENT AND WAIVER AGREEMENT FOR PROPERTY AT 6077 ASPEN LANE**

**D. RESOLUTION NO. 17-95: RESOLUTION APPROVING MUSICAL CONCERT PERMIT FOR SPECIAL EVENT AT MOUNT OLIVE CHURCH ON JULY 30, 2017 AND WAIVING FEE DUE TO PUBLIC BENEFIT**

**E. RESOLUTION NO. 17-96: RESOLUTION APPROVING PLANNED DEVELOPMENT AREA AGREEMENT FOR DUTCH LAKE PRESERVE**

- F. Approve Pay Request No. 2 from Park Construction in the amount of \$203,206.74 for the 2017 Street, Utility and Retaining Wall Improvement Project; City Project Nos. PW-17-01, PW-17-02, PW-17-03, PW-17-04
  - G. **RESOLUTION NO. 17-97: RESOLUTION APPROVING CHANGE ORDER NO. 3, 2016 LIFT STATION IMPROVEMENTS - CITY PROJECT NO. PW-16-05**
  - H. **RESOLUTION NO. 17-98: RESOLUTION APPROVING CHANGE ORDER NO. 4, 2016 STREET, UTILITY & RETAINING WALL IMPROVEMENTS - BARTLETT BOULEVARD, TUXEDO BOULEVARD PHASE II AND MAYWOOD ROAD/CYPRESS LANE, CITY PROJECT NOS. PW-16-01, PW-16-02, PW-16-03**
  - I. **RESOLUTION NO. 17-99: RESOLUTION APPROVING CHANGE ORDER NO. 1, 2017 STREET, UTILITY & RETAINING WALL IMPROVEMENTS - CITY PROJECT NO. PW-17-01**
  - J. **Approve the following project related pay requests:**
    - 1. **Norling Lake Minnetonka Landscapes, Inc. totaling \$2,383.50 for the 2016 Street Improvement Project, Tuxedo Blvd, City Project No. PW-16-02**
    - 2. **Gaylen Thostenson, totaling \$502.00 for the 2016 Street Improvement Project, Bartlett Blvd, City Project No. PW-16-01**
    - 3. **Xcel Energy totaling \$1,830.00 for the 2017 Street Improvement Project, Lynwood Blvd, City Project No. PW-17-01**
  - K. **RESOLUTION NO. 17-100: RESOLUTION APPROVING PUBLIC GATHERING PERMIT AND OUTDOOR MUSICAL CONCERT PERMIT FOR 2017 DOG DAYS SPECIAL EVENT WITH A REDUCED FEE DUE TO PUBLIC PURPOSE OF GATHERING**
  - L. **(added) RESOLUTION NO. 17-102: RESOLUTION APPROVING PUBLIC GATHERING PERMIT FOR DH CUSTOM/EXCELSIOR BREWERY FISHING TOURNAMENT BEING HELD ON JULY 22, 2017 AT CHESTER PARK AND AL AND ALMA'S CHARTER BOATS DOCK PARCEL**
5. Comments and suggestions from citizens present on any item not on the agenda.  
None offered
6. Visit and presentation by Tim Litfin regarding 2017 Tour de Tonka annual special event  
Tim Litfin, representing Tour de Tonka, greeted the Council and reminded them that the ride is coming through Mound in less than four weeks, on Saturday, August 5th. Litfin shared a highlight video from last year's event. Litfin says Mound had 33 riders last year, ranking the City 23rd on the list for the number of participants. Peterson asked which were the top five cities for the number of participants. Litfin said that the order is Minnetonka, Minneapolis, Chanhassen, Excelsior, and Wayzata. Litfin says it is a ride, not a race. This ride raises money for the ICA Food Shelf.
7. Action on a resolution expressing appreciation to City Engineer Dan Faulkner

Eric Hoversten recognized Dan Faulkner for his years of service and support to the City of Mound as the City Engineer from Bolton & Menk. Hoversten said the robustness of the infrastructure program came from Dan's leadership combined with working diligently behind the scenes with City Staff. Hoversten says Dan's work has been remarkable which included his work with the City's finance team to develop the financing structure behind \$50 million worth of construction which ensured the City could afford to do all of the work from a total streets perspective. Hoversten said the work Faulkner did on behalf of the City was for all of the road work in Mound from 2007 to 2018. Hoversten says City Staff will miss Dan, who is retiring to spend time with family.

Hoversten says the City Staff prepared a resolution recognizing Faulkner for his years of service.

Mayor Wegscheid added his comments saying he appreciates that Faulkner always was able to help the Council understand what was going on with the projects.

Dan Faulkner thanked all for the kind words. Faulkner says his job has been rewarding and challenging and he feels that Mound is his second home. Faulkner said it has been an honor and a privilege working for the City. Faulkner says that Mound is a great community and that the Council has done a great job in supporting the Staff.

MOTION by Salazar, seconded by Peterson approving resolution. All voted in favor. Motion carried.

**RESOLUTION NO. 17-101: RESOLUTION EXPRESSING APPRECIATION TO CITY ENGINEER DAN FAULKNER**

Hoversten let all know that there is a letter from the Vice President of Bolton & Menk in the Council packet, realigning the staff assignments to the City of Mound. Brian Simmons, currently the Assistant City Engineer, will now take over the duties of Lead Consultant, City Engineer for the City of Mound.

**8. Field Officer Stewart Simon and Community Development Director Sarah Smith requesting action on a resolution ordering the abatement of conditions creating a hazardous property existing at 4837 Bedford Road**

Stewart Simon addressed the Council regarding a hazardous abatement order. Simon stated the conditions of the home came to the attention of the City from a request and complaint to the Orono Police Dept (OPD) regarding the property and for the OPD to do a welfare check in 2015. Simon said the OPD couldn't safely get into the building due to front entry conditions of the house.

Simon added the City building inspection service, MNspect, inspected the property and noted several violations of the state building code and international property maintenance code. Simon proceeded to show pictures of the poor condition of the property which included the corner of the roof has separated from the structure allowing for water intrusion. Simon noted the property owners were notified of the inspection in July 2015 and there was no response from the property owner to that notice. Simon said the City sent a second letter to the property owners in August 2015 and again there was no response to that letter.

Simon said that in November 2016, the OPD was called to the property in which OPD officers reported that the conditions had gotten worse in the house and based on their concerns, suggested that the house should be condemned.

Simon stated that due to the condition of the property and the previous unsuccessful attempts to reach the homeowner, the building official secured an administrative search warrant to gain access to the home's interior. Simon said this inspection found the exterior conditions to be poor coupled with interior issues as well. Simon said the inspection noted probable water intrusion, unsafe light fixtures in the basement with many other issues including unsanitary conditions inside the house.

Simon stated a letter was sent to the homeowner in February 2017, by MNspect, advising them of the conditions found during the inspection with the property owner given until April 1 to abate the hazardous conditions. Simon said the City followed up with a second letter to the homeowner in March 2017 advising the property owner of the unsafe conditions noted in the inspection report. Simon said the City did not receive a response from the property owner. Simon sent another letter to the homeowner on June 12 which advised the property owners' options to bring the home into compliance by July 3 and to contact Staff to discuss their plans for bringing the home into compliance. Simon stated the City did not receive a response from the property owner.

Simon stated, in June, MNspect declared the home hazardous and when the official went to put a "do not occupy" order on the house he found that the house was occupied. Simon said the occupant of the home was listed as an owner on the property, but the property has since been transferred to the occupant's daughter. Simon shared several pictures of the home conditions and added the building official did not post the sign due to the occupant being in the house.

Simon said the Council resolution to order the abatement of the hazardous conditions of the property authorizes the City Attorney to serve the court order to the property owner, the occupant, and the lien holder, giving 20 days to bring the property into compliance with the code, or demolish the building. Simon added, if property owner fails to act within that 20-day period, the City can seek summary judgment relief, in which case the City would handle the abatement and assess the property payable in one installment.

Simon said that MNspect's estimate of the cost to repair the house is greater than the value of the home and therefore it should be razed.

Salazar asked about the occupant. Simon said that the occupant is elderly with health concerns. Salazar was concerned for the welfare of the occupant if they are forced out of the house. Simon said that the City has never had anything like this before and the City would need to be sensitive to the occupant. Simon commented that the house is not a healthy place for anyone to live and the City would help the occupant find another housing solution. Simon also noted that the occupant has family in the Twin Cities.

Hoversten thought it would be helpful to put things in a different perspective. He stated the City has to take the next step in the process or stop the process altogether. Hoversten added the next step is not a letter from the City's Field Officer to the homeowner, but a letter from the 4th District Court of the State of MN that may generate dialogue back and forth with the homeowner. Hoversten said the City would rather enter into a consent and waiver agreement with the homeowner rather than an abatement order by the City and if the City is

unsuccessful in getting a consent and waiver agreement, there are some fairly aggressive next steps. Hoversten said if the City does not get a response in 20 days, City Staff would come back to Council to get permission to get a court order for right of entry. Hoversten said this process will include the City, along with the OPD, to engage with Hennepin County Social Services which has a portfolio of options for homeowners to provide resolution to the human piece of this challenge and a potential homeless problem.

Mayor Wegscheid remarked that the City has been talking about maintaining properties, but then you get to this phase of it, Hoversten points out a valid concern. Wegscheid stated that sometimes these unseen hazards are endangering those around you and then the City is forced to make difficult decisions. Simon said that the occupant purchased the house in 1985 and in 2011 the house was transferred to the daughter.

Salazar is concerned with the human aspect. Salazar says he is ok if the safety net of Hennepin County Social Services is in place. Simon said this is the option of last choice for the City. Peterson asked if two-years was a long time for this to go on. Wegscheid said that Staff and Council are in the process of identifying these issues sooner and it probably wouldn't last this long if a similar situation happened in the future.

Hoversten commented that if at any time Staff gets a response from the homeowner the City can discuss a consent and waiver agreement instead of an order abatement. Hoversten stated that without a consent and waiver agreement this is the next step in the process or the City could just stop the process. Hoversten added the City cannot allow this situation to continue and do nothing. Hoversten added the City has a responsibility to become more diligent in working through these timelines.

Simon said that the ultimate goal is having a safe home for the occupant, as well as emergency responders.

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

**RESOLUTION NO. 17-103: RESOLUTION ORDERING THE ABATEMENT OF CONDITIONS CREATING A HAZARDOUS BUILDING EXISTING AT 4837 BEDFORD ROAD, IN THE CITY OF MOUND, MINNESOTA 55364**

**9. Information/Miscellaneous**

A. Comments/reports from Council Members

Hoversten stated that the City typically has rolled out a special Surfside Ale right before the Spirit of the Lakes Festival but this year the brewer of Surfside Ale has chosen not to can or bottle that beer and it will only be available in keg form at the usual outlets offered in previous years. Hoversten said there will be a sampling preview of the Surfside Ale with the City special reserve bourbon from J. Carver on Friday, July 14th from 4-6pm at Harbor Wine & Spirits

Upcoming Events:

Guns and Hoses Softball Game, 7/19 Mound Fire Dept vs Orono/Minnetrissa Police

Spirit of the Lakes, 7/21 & 22

Tour de Tonka on 8/05

Dog Days on 8/12  
Running of the Bays, 9/09

- B. Reports:
- C. Minutes:
- D. Correspondence: Letter from Kreg Schmidt, Bolton & Menk, Inc., regarding the retirement of City Engineer, Dan Faulkner

**10. Adjourn**

MOTION by Bergquist, seconded by Gillispie, to adjourn at 7:44 p.m. All voted in favor.  
Motion carried.

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Mayor Mark Wegscheid

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Attest: Catherine Pausche, Clerk