

MOUND CITY COUNCIL MINUTES
July 25, 2017

The City Council of the City of Mound, Hennepin County, Minnesota, met in regular session on Tuesday, July 25, 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 Officer Stewart Simon, City Engineer Brian Simmons, Fire Chief Greg Pederson, City Attorney Troy Gilchrist, Joe Bruns, Leonard Princivalli, Roger Schmitz, Jackie Piepkorn, Chantelle Jordahl, Jane Johnson, Michelle Dean, Debra Kullberg, Susan Aretz, Cindy Palm, Mike Palm, Thomas Stokes, Ben Pagel, Bruce Stillman, Dan Saatzer, Lloyd Doering, William Kraft, and Tim and Verg Zimmerman

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

City Manager Eric Hoversten said that the Council briefing page of the agenda mentioned the National Night Out date as August 2. This date is actually August 1.

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

4. Consent agenda

Mayor Wegscheid pulled item 4G from the consent agenda for further discussion.

MOTION by Salazar, seconded by Gillispie, 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 \$588,604.43

B. Approve Minutes: 07-11-17 Regular Meeting

C. RESOLUTION NO. 17-104: RESOLUTION APPROVING STATE OF MINNESOTA JOINT POWERS AGREEMENTS WITH THE CITY OF MOUND ON BEHALF OF ITS CITY ATTORNEY AND POLICE DEPARTMENT

- D. Approve Pay Request No. 3 from Park Construction in the amount of \$144,851.49 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
- E. Approve Pay Request No. 3 from Pember Companies in the amount of \$163,390.06 for the 2016 Lift Station Improvement Project, City Project No. PW-16-05
- F. Approve Pay Request No. 3 from Widmer Construction in the amount of \$20,645.35 for the Island Park Watermain Loop Improvement Project, City Project No. PW-15-10
- G. Pulled for discussion**
- H. RESOLUTION NO. 17-105: RESOLUTION APPROVING A MINOR SUBDIVISION FOR 6251 WESTEDGE BOULEVARD, PID NO. 23-117-24-23-0008, PLANNING COMMISSION CASE NO. 17-18**
- I. RESOLUTION NO. 17-106: RESOLUTION APPROVING AMENDED AND RESTATED PUBLIC GATHERING PERMIT AND OUTDOOR MUSICAL CONCERT PERMIT FOR 2017 DOG DAYS SPECIAL EVENT WITH A REDUCED FEE DUE TO PUBLIC PURPOSE OF GATHERING**
- J. Set Special Meeting Workshop - Budget and Long Term Financial Plan, Tuesday, October 17, 2017 6:30 pm
- 4G. (Pulled) Approve Resolution approving Minor Subdivision and Variances for 1567 and 1571 Bluebird Lane

Mayor Mark Wegscheid pulled Item 4G for further clarification and discussion. Wegscheid asked to revisit this resolution so that Council has a chance to get a better understanding of the resolution and requested Community Development Director Sarah Smith to provide.

Smith presented the minor subdivision and minor subdivision with variance which was reviewed and recommended for approval at recent Planning Commission meeting. Smith said the applicants are Keith & Debbie Kullberg, who are the owners of properties at 1567 and 1571 Bluebird.

Smith showed the drawing of the original subdivision that came in. She said the Kullberg's application proposes to create two lots, with one being a lakeshore lot which is zoned as R1A. Smith reviewed the requirements for that zoning district.

According to Smith, the Planning report noted that there is an existing setback that is non-conforming. Smith said the proposal for the lot split would require a 6,000 sq ft minimum for each of the two lots. Smith says there was quite a bit of discussion of the lot split creating a "flag" lot at the June Planning Commission meeting. Smith added that the City Code does not prevent a "flag" lot and while both lots meet code, it may, moving forward, create a bit of confusion with the "flag" lot. Smith noted that the Planning Commission discussed having the applicant come back with a reconfiguration of where the "flag" portion of the plan would be cut off as the new plan showed the flag section now with the lakeshore lot. Smith said this change prompted the need for a lot-size variance as the non-lakeshore lot is now approximately 4200 sq ft. Smith said the Kullberg's also asked for Lot of Record

considerations, which would allow for hardcover to be 40% and one side-setback to be 6 ft, which is normal and customary, if you are working along original lot lines.

Smith said one side of the lot is encumbered by utilities, making it unbuildable and meeting the 10 ft setback requirement, which would be for a traditional non lot of record. Smith said the Planning Commission review felt the smaller lot size was appropriate as it keeps historical platting close to the road. Smith said the recommendation from the Planning Commission is to allow the lot sizes of 4228 sq ft and approve the six foot side setback on the non-easement side with the hardcover of up to 40%.

Mayor Wegscheid reconfirmed that the original plan was made with the idea of meeting the square footage requirements. Smith says that the variance was recommended by staff because the buildable area of the smaller parcel would not include the "flag" area. Mayor Wegscheid asked if the practical difficulty was discussed by the Planning Commission. Smith said that it was.

Mayor Wegscheid was interested in this as he said this type of thing has come up often and that there are guidelines of practical difficulty. Wegscheid suggested that the Council take a snapshot of this in their minds and check to see where the Council is going. The Mayor thought this could be a topic for a future workshop. Mayor says that sometimes there is a need to stop and look at how things are done to determine if the Council is happy with the approach. Wegscheid would like to know if this is something the Council would like to review at a future workshop.

Salazar said he would want to know if the City is going to keep shoehorning homes in and thinks this is a good topic of discussion. Salazar said he visited the site last night and this morning and couldn't tell what was going on. After speaking with Smith, Salazar now sees that the new proposal makes sense. Salazar asked Smith if she could assure the Council that an 840 sq ft house (minimum allowable house size) could be built on this lot. Smith said this could be done.

Mayor Wegscheid mentioned again that he thinks this is a good time to revisit how the City considers plans and variances.

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

RESOLUTION NO. 17-107: RESOLUTION APPROVING A MINOR SUBDIVISION AND VARIANCES FOR 1567 AND 1571 BLUEBIRD LANE, PID NO. 12-117-24-43-0060 AND PID NO. 12-117-24-43-0049

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

None offered

6. Roger Schmitz from CenterPoint Energy presenting the 2017 Community Partnership Grant Award to Mound Fire Department and Emergency Management Services

Roger Schmitz from CenterPoint Energy, explained that the grant program offers CenterPoint the opportunity to partner with the cities they serve by helping those cities leverage local funds and provide matching funds to purchase safety equipment. This grant will enable the City to purchase an AED device and traffic control equipment.

7. Public Hearing

Brian Simmons, consulting City Engineer from Bolton & Menk, presented the feasibility report for the 2018 Street, Utility and Retaining Wall Improvement Project and requested action on the resolution ordering improvement and preparation of plans.

Simmons presented the feasibility report for the street improvement project. Simmons showed a picture of the completed Tuxedo Blvd. project with the wear course on it. Simmons also showed pictures of Westedge. Simmons reminded all that the discussion regarding Westedge is being held now because the City is partnering with Met Council to complete the project.

Simmons said that this project will include improving the forcemain that conveys flows from Mound to Blue Lake in Shakopee, which runs along Westedge. Simmons added that this project is a 2-yr large scale effort with the city's portion being completed in 2018 and the Met Council finishing up the total project in 2019.

Simmons said that Mound is using Statute 429/Assessments to fund a portion of the project, so the City must follow 429 procedures which includes this public hearing. Simmons then presented the Met Council's maps which provided the scope of this project. Simmons added that the Met Council held two open house gatherings last week to provide information and answer questions. Simmons and Mayor Wegscheid reiterated to all that the number for people to call regarding project questions would be 952-222-3912.

Simmons showed the map of the detour area. Simmons noted that the detour from the north into downtown Mound will be to take Commerce and then west onto Lynwood and the detour for people traveling from the south into downtown Mound will need to detour to the west into St. Bonifacius and then south to Highway 7.

Simmons presented the project schedule for the RFP and bids and construction which begins in April of 2018. Simmons says this public hearing is the beginning of the process for the assessment discussion.

Simmons says that the City will be putting the existing street back in the same foot print and not changing any width while the watermain will be replaced along the entire Westedge corridor. Simmons added that the sanitary sewer and storm sewer improvements will also take place in this project. He stated that one item identified in the Comprehensive Plan in this area was a trail link which is being proposed as an 8-ft bituminous trail with a 4-ft boulevard separating it from the back of curb. Simmons noted the trail would enter the nature preserve and follow the route of Met Council's forcemains. Simmons added that the trail is not part of the assessment.

Simmons showed the preliminary assessment area map. Simmons stated that the project cost is \$2.683 million total with the City's portion of the project being \$1.784 million. Simmons stated the recommendations in the feasibility study are to improve Westedge Blvd. at a total street cost of just over \$1 million; reconstruct the deficient utilities at a number just under \$1 million; and, construct the trail along Westedge Blvd. at a cost of \$143,000. Simmons stated the proposal is to assess a portion of those street improvement costs in accordance with the City's policy with the assessable portion being \$222,000. Simmons reviewed the formula for getting to the estimated Equivalent Residential Unit (URU) of

\$5,895 which he said is less than the Council's cap of \$6,600 per ERU. There are 24 full and 17 half ERUs figured into the formula for each assessment.

Mayor Wegscheid opened the public hearing at 7:30 p.m.

Bruce Stillman, 6200 Westedge, wanted to know what the improvement was. Stillman says the \$222,000 has to increase his property value by \$5,000 if he is getting assessed. Simmons commented that there will be a brand new street in front of Stillman's house. Stillman objects to the street improvement. Stillman says he wants it to go on notice that he objects to this assessment. Mayor Wegscheid says this new street improves the community and traffic flow by Stillman's house and is a better way to describe the intent of the words regarding increasing property value, noting residents can walk through project specifics with project representatives in the fall of 2019 prior to the final assessment.

Mayor Wegscheid recapped the history of the street improvements in Mound. A decision was made about 15 years ago on how to pay for the street improvements and whether to assess or have a blanket tax increase. Either way, he said, if Mound wants new streets, everyone would have to pay as a member of the community. The Council has had discussions on how to fund future projects and will continue this discussion on how to improve the process for paying for large street projects.

Stillman said he thought the street is already paid for by Met Council. Mayor Wegscheid said that the costs are shared by the Met Council and the City. Hoversten said that the Met Council is obligated to fix the portion of the street that is impacted by construction. Hoversten says that by partnering with the Met Council and making the street improvements while the Met Council already has the street dug up will have cost savings to the City which are significant. Hoversten said that if these improvements were done later on our own, the costs to the City would be greater than they would be when costs are shared with the Met Council.

Verge Zimmerman, 2668 Westedge, wanted to know where the retaining wall location would be. Zimmerman recalls retaining walls used in landslide areas along County Road 44 but wants to know where the new ones would be. Simmons stated that there are no retaining walls in this project. Hoversten says this is just the title of the project, "street improvement, utility and retaining wall project" and this is just what the title has always been in the previous projects. Hoversten added that in this particular project, there are no retaining walls to be improved or repaired. Zimmerman asked if everything that will be torn out will be replaced. Hoversten says that anything not on the right-of-way that is torn out will be put back and the intent is to put back everything possible.

Mike Palm, 2695 Westedge, asked if "trail" means a sidewalk is being put in? Simmons says that the trail will be 8-ft wide and blacktop and a 4-ft wide boulevard of sod between trail and street. Hoversten says that as a community connector trail, the City is not attributing any specific benefit to the property owners where the trail is in front of and takes it out of the assessment conversation by not calling it a sidewalk.

Bruce Stillman questioned an 8-ft wide trail right at street. Stillman thinks a boulevard there wouldn't make sense. Simmons says that after the detailed design is drawn up, engineers will speak with neighbors and get their input. Simmons says that the 4-ft boulevard may be reduced if there is a restricted right-of-way situation. Simmons says that part of the reason to put a trail in is that MNDOT prefers this and the separation from the street is to protect the

trail users. Mayor Wegscheid informed Stillman that there will be more meetings in the future regarding the trail.

Hoversten says that part of the reason for the curb, boulevard, trail configuration is from a stormwater management perspective as well which helps deal with the stormwater management. Simmons reiterated that the trail construction is being funded by the City and is not part of the assessment portion.

Troy Gilchrist, City Attorney, said that from an assessment procedural perspective, two hearings are required. Gilchrist said this portion tonight is the improvement option where the project dollars are discussed and the assessment hearing is the second hearing where the proposed assessment numbers are presented. Gilchrist added that it is prior to or at that second hearing where residents' objections can be voiced.

Hoversten says that based on the project timeline, that assessment hearing would be in the Fall of 2019 with payment in full due by 11/15/19. Hoversten said if the assessment is not paid at that time, the remainder of the amount would be certified to the County on 11/30/19 and is payable beginning in the tax year 2020. He added a 5% interest rate is typically proposed to carry the assessment amount over a 15-year period.

Joe Bruns, 2630 Setter, wants to know how one property constitutes a half assessment and another property constitutes a whole assessment. Hoversten explained that some houses have more than one street in front of them; some have two, some even have three. Hoversten added that depending on what type of street you border, the street projects can be two separate ones or the same neighborhood project which could all add up to one whole ERU.

Bruns says he looked up the IRS rules of deductibility of assessment and the rules state that if it's maintenance or repair, assessment is deductible. Gilchrist put forth a cautionary note letting everyone know it is up to each person to decide how to compute their taxes and the City cannot provide any advise.

Cindy Palm, 2695 Westedge, received communication about new homes on Saunders and that those builders would pay for some of the assessment that they received on Westedge. Hoversten looked into the escrow of builders of the North Saunders development and there is no evidence of those builders putting money aside to help pay for road improvements on Westedge. Hoversten also believes this would be inconsistent from a taxation perspective as this development is in Minnetrista.

Dan Saatzer, 2625 Westedge, said he watched the street crumble when the North Saunders Lake project went through 10 years ago. He said his current concern is this bike trail that starts at busiest intersection of town(Commerce and CR44) and questioned the wisdom of that. He believes that this intersection is dangerous and needs a stop sign. Hoversten stated that the configuration and alignment to the trail network that the community desires is found in the City's Comprehensive Plan and shows a number of areas where connections across the community are desired. Hoversten explained that the Comprehensive Plan was developed in 2007, and this is the plan that the City has been working off of for the past eight years. Hoversten added that the City is currently updating and renewing the Comp Plan based on community input at the time it is created and if the City doesn't put in the trail in now it won't likely be done later. Hoversten noted that if the City isn't following the Comprehensive Plan and suggestions in it, there is no point in having a Comp Plan.

Hoversten also noted, if the City does not follow the comp plan, what would then guide the City and Council in making decisions about variances and other growth plans in the City?

Saatzer asks that the Council look at this from Saatzer's personal perspective. Saatzer says he will lose his front yard and he doesn't like it.

Council Member Peterson asked if the trail in the Comprehensive Plan is still under review or is it definite. Peterson wants to know if the City has done a traffic study. Wegscheid says that the desire for a trail was established prior to the current Comprehensive Plan that is under revision.

Hoversten says there is always a balance to be struck between the broad desires of the community and the services expected from the City and at times there is a disproportionate impact on some of the property owners on where and how those services are delivered. Hoversten stated that is a challenge where there are no easy answers on the philosophical side though on the traffic safety side, there are good engineering practices that will be built in to the specific design of the project to address things like motor vehicle and pedestrian/bicycle interactions at the intersections. Hoversten stated these probably won't include stop lights or a 4 way, but noted that this is a logical point for that pedestrian/bicycle network to exist.

Peterson is concerned that this neighborhood may not be the right place for the trail. Hoversten says this year's Comp Plan input shows desire for bike and walking areas across the community and due to cost savings this would be the time to put in a trail. Simmons said there are three scenarios for the trail construction in the feasibility study. Constructing the trail now in conjunction with this street project would be the lowest cost to the City.

Joe Bruns thinks there is a huge safety concern with the trail crossing the street at Setter Circle and Westedge. Bruns has seen accidents there. Bruns says that once a 4-way stop is there, it can't be taken out.

Mayor Wegscheid says there is still time to look at this. Wegscheid asked Simmons to make sure there are not undue safety risks to this intersection.

Stillman says the trail will take 12 ft away from property owners.

Lloyd Doering, 2710 Westedge, said he lives on the corner of Evergreen and Westedge and asked about the stakes that are 15 ft in his yard. Hoversten said that marks the Right-of-Way (ROW) and says this may be the first time homeowners see their actual property lines. Doering asked if the road will basically stay the same. Hoversten said that temporary pipes will be put on the east side of road in the ROW. Doering wanted to know if they will be bulldozing his yard. Hoversten says there will be some impact but everything will be restored. Hoversten says that throughout the project, the Met Council and the City will be in contact with the residents. Doering expressed his opposition to the trail construction.

Saatzer asked if everything within the stakes will be torn up and should he salvage his plantings now. Simmons said that if the trees have value to the homeowner, they should be moved. Gillispie asked if things will be put back. Simmons says that photos have already been taken of properties of what is currently existing. Hoversten said that if anything is salvaged and removed by the homeowner this fall, it would not be the responsibility of the contractor to make sure it survives.

Sue Aretz, 6228 Westwood Circle, said she has an irrigation system. Hoversten mentioned she does not need to do anything with it until project reps come to talk about this in the spring.

Margie Saatzer, 2625 Westedge, said she understands that the trail is going in place because the community says they want it but she stated this is a ridiculous and dangerous place to put a trail. Saatzer asked where this trail will connect and why put it on Westedge. Wegscheid said safety factors and concerns will need to be addressed and that the whole trail issue will need to be evaluated before it goes forward.

Mayor Wegscheid closes the public hearing at 8:27 p.m.

- A. Action on Resolution Ordering Improvement and Preparation of Plans for the 2018 Street, Utility and Retaining Wall Improvement Project, City Project No. PW-18-01

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

RESOLUTION NO. 17-108: RESOLUTION ORDERING IMPROVEMENT AND PREPARATION OF PLANS FOR 2018 STREET, UTILITY AND RETAINING WALL IMPROVEMENT PROJECT - WESTEDGE BOULEVARD, CITY PROJECT NO. PW-18-01

8. Information/Miscellaneous

- A. Comments/reports from Council Members

City Manager Eric Hoversten reminded all of the following:

National Night Out is Aug. 1, noting Council Members would like to do a ride-along with the Orono Police Department or Mound Fire should contact Vicki Weber or Stewart Simon. Hoversten said if neighborhoods are having a party, public safety and emergency management reps can participate.

Tour de Tonka is Aug. 5. There was a possible conflict with construction plans on Lynwood; however, there will be no demo on Lynwood until after the event.

Spirit of the Lakes was a great success. Hoversten thanked all those involved in helping to make this event possible.

There is a conflict with the regularly scheduled Planning Commission meeting on Aug. 1 due to National Night Out. This meeting will be canceled and rescheduled to Aug. 15.

Mayor Wegscheid shared that he was recently on a plane talking to a City Manager from another state and this person said that Minnesota is the most active state in National Night Out participation with the City of Minneapolis having the largest turnout for all neighborhoods in the Country. Wegscheid echoed Hoversten's comments about the success of Spirit of the Lakes and wanted to give accolades to the people that plan the festival. Wegscheid wanted everyone to know that the Spirit of the Lakes board works long and hard hours to ensure the success of the festival.

- B. Reports: Liquor Store - June 2017
Mound Fire Department - June 2017
Finance Department - May 2017
June 2017
- C. Minutes: Planning Commission - June 6, 2017
- D. Correspondence: Hennepin County Commissioner Jan Callison re:
Solid Waste Management Master Plan
MN DOR - Notification of Local Tax Ending 9/30/17

9. Adjourn

MOTION by Gillispie, seconded by Bergquist, to adjourn at 8:32 p.m. All voted in favor.
Motion carried.

Mayor Mark Wegscheid

Attest: Catherine Pausche, Clerk