

**MOUND CITY COUNCIL MINUTES**  
**September 25, 2018**

The City Council of the City of Mound, Hennepin County, Minnesota, met in regular session on Tuesday, September 25, 2018 at 7:00 p.m. in the council chambers of the Centennial Building.

Members present: Mayor Mark Wegscheid; Council Members Jeff Bergquist and Jennifer Peterson

Members absent: Council Members Kelli Gillispie and Ray Salazar

Others present: City Manager Eric Hoversten, Fin Dir/Clerk/Treasurer Catherine Pausche, Community Development Director Sarah Smith, City Engineer Brian Simmons, Joe Bruns, Eric Schmidt, Scott Seter, Marie Jorland, Danelle, Bonilla, Jack Evens, Erik Trooien, Jim Dustrude, John Beise, Colin Charlson, Bob Christians, Jon Ciatti, Chris Fischer, Bill Brady, Sean Royer, Eric Avenson, Scott Gates, Susan Johnson, and Karen Johnson.

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

**2. Pledge of Allegiance**

**3. Approve agenda**

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

**4. Consent agenda**

MOTION by Bergquist, seconded by Peterson, to approve the consent agenda. Upon roll call vote, all voted in favor. Motion carried.

- A. Approve payment of claims in the amount of \$295,756.81.
- B. Approve minutes: 9-11-18 Concurrent CC HRA Meeting  
9-11-18 Regular Meeting
- C. Approve Pay Request 4 (and Final) in the amount of \$10,873.76 to Widmer Construction for Island Park Watermain Loop PW-15-10
- D. Approve Pay Request 5 in the amount of \$43,155.93 to Widmer Construction for 2017 Lift Station and Force Main Improvements PW-17-05
- E. Approve miscellaneous project-related payments for 2016, 2017, 2018 Street, Utility and Retaining Wall Improvement Projects:
  - 1. \$13650.00 to Northland Excavating for the 2016 Street, Utility, and Retaining Wall Improvement Project, Bartlett Blvd, PW 16-01

2. \$637.68 to Zachary Cordie for landscape repairs for the 2017 Street, Utility, and Retaining Wall Improvement Project, Wilshire Blvd PW-17-02
3. \$8266.97 to Braun Intertec for testing services for the 2017 Street, Utility and Retaining Wall Improvement Projects, 17-01, 02, 03
4. \$467.50 to Braun Intertec for testing services for the 2018 Street and Utility Improvement Project, PW18-01

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

Scott Gates 4379 Wilshire Blvd, said he is here to speak about the vote on the Harbor District development, saying at the 8-15-18 meeting the action was to put it back to the Development Committee until all issues were resolved to the Development Committee's satisfaction and Gates suggested 9 days was not sufficient as the Mayor indicated that it would come back before the end of the year.

Mayor Wegscheid said in his opinion the issues were resolved, including the Development Committee giving information/verbiage to Staff to create the amended document and the document was released. Gates said at the meeting to approve, Council Member Gillispie did not vote in favor. Wegscheid said Gillispie changed her mind after the language was agreed to, and that it was her right to do so. Gates asked when did the Development Committee meet, and Wegscheid said there were many calls. Gates asked if Staff is on the Development committee and Mayor Wegscheid said no, that the Development Committee consists of Council Member Gillispie and himself.

Gates said that the 9-11-18 meeting was not adequately noticed as it was not on the calendar on the website. Wegscheid agreed that improvements could be made and that although the letter of the law was met for notification, a review should be conducted on ways to expand reach. Pausche noted that at the time the top of the homepage of the website had a large section devoted to this issue including an announcement of "Next Meeting" and links to the agenda packets and tapes of previous meetings. Pausche apologized that the calendars were not updated accordingly, but noted she received calls on the subject prior to the meeting and that members of the public were present at the concurrent meeting on September 11<sup>th</sup>.

Gates said it would have been helpful if all of the changes were discussed in detail at the September 11th meeting as the actual changes made seemed minor. Pausche suggested Gates review all of the packet materials in addition to watching the tape of the meetings and reading the summary minutes. Gates asked what is the rush as this is a huge decision for the community with many people opposed. Wegscheid asked why 9 days is perceived as a rush and what is the right amount of days. Gates said he is basing it on past history and experience and the fact there is still a lot of opposition.

Mayor Wegscheid thanked Gates for sharing his opinion and observations.

Jim Dustrude, 2001 Arbor Lane, said he hasn't followed issue too close but has followed the newspaper and Next Door. Dustrude said he thought the City should be happy there is support for preserving the downtown lake access. Dustrude said for 15 years nothing happened and thinks it could take more than 2 years to decide, noting the former City Manager said her job is not to solicit business but review when ideas are presented. Dustrude said analysis on Next Door showed the cost to keep the land seemed minor. Dustrude said one of his favorite concepts would be for Mound, with all the lakes, to take on the name Interlaken and then build a high rise to take advantage of the views which might spur more development. Dustrude said he does not know how much the City has done to look at other options.

Mayor Wegscheid says he understands not everyone is fully engaged all the time, but vetting developers and putting the opportunity out there has occurred many times over the 6 years he has been involved. Wegscheid said there have been a lot of ideas that no one was willing to fund in the end. Wegscheid said he thinks that since people have not been thoroughly engaged the entire time, they tend to feel it has been rushed. Wegscheid says he feels confident that a sufficient number of developers have been talked to and that this approach has been vetted, including the idea Dustrude mentioned. Peterson said she does not feel a multi-family high rise is supported based on community feedback.

Dustrude asked since it was such a radical departure from the original master plan, shouldn't that require a public process. Wegscheid noted there has been considerable opportunity for feedback and that is what the Comprehensive Plan update is about, which included a fall open house and on-line surveys. Hoversten said the original concept plan was very vertical, very dense mixed use, and that in the years that development did not happen, the community has become accustomed to the space for community events and public enjoyment. The original plan would have used the entire space, whereas this plan is a less intense version that turns the vertical mixed use to horizontal mixed use that allows for open spaces and the continued public enjoyment and access to the lakeshore. Hoversten noted the city will continue to own the lakeshore, Andrew Sisters Trail and slip complexes. Sarah Smith summarized the Comp Plan review process and noted that there was always a residential component for the area and that the changing forces affecting commercial and retail were also taken into consideration. Wegscheid reiterated there has been a lot of effort put into vetting ideas, soliciting feedback and noted that regardless of what is proposed, there will always be some opposition to it.

Eric Schmitt, 2541 Wexford Lane, said he has been a resident for 15 years but that this is only the second meeting he has attended. Schmitt said he hasn't followed it completely, but asked if the September 11<sup>th</sup> agenda has been posted. Pausche said it was at the time, but has been updated with this agenda, and that she will put it back on the website. Schmitt asked what the agenda for the meeting was and Pausche referred to the meeting minutes in the packet that shows the actions taken. Schmitt said people were focused on the HRA portion of the website and Pausche said as a concurrent meeting of the City Council and HRA, it was on the Council page. Schmitt said the people on Next Door feel the notifications were insufficient as some just mark the HRA. Pausche stated once again that she was over-relying on the homepage notification and will look at ways to make it easier to find the packets and meeting notifications.

Schmitt said he likes that the 14 transient slips will remain transient and asked where the 20 overnight slips are located between the two slip complexes. Schmitt asked if the overhang rule still applies and Pausche said yes and that the 10 slips will be 24 feet and the townhomes have been told so in the agreement. Schmitt said on behalf of his children, he wanted to confirm Dog Days will still be held in the Harbor District and was told yes. Schmitt encouraged the City to treat the internet like the official notification board in City Hall. Wegscheid noted that there was an error on the August 28 meeting notification, and although the City Attorney said the meeting could proceed, the Council opted to postpone the meeting until September 11, and that efforts will continue to improve notifications. Schmitt asked what the future actions will be on this development. Hoversten said it will be similar to a private development and that the City will work with the developer to replat the land, including those areas the city will retain, and then proceed with the land use approval process that includes the developer agreement that addresses the public utilities. Hoversten said he expects all of this to be ready for consideration by the Planning Commission and City Council early in 2019. Smith summarized the notification requirements for Public Hearings, which will be held by both the Planning Commission and City

Council. Pausche noted the HRA should not need to take any further actions, so the activity will take place at City Council and Planning Commission meetings.

Joe Bruns, 2630 Setter Circle, asked if there has been a traffic study in the event Auditor Road closes and whether the light could be sped up. Brian Simmons, Bolton & Menk Consulting City Engineer, said in terms of traffic flow, Auditor's Road is treated as a redundancy, and the short cut traffic volume was already built into the Shoreline Drive intersection.

John Smyth, 4046 Wilshire Blvd, asked if the 20 docks could be taken back and kept as transient in order to provide more access to downtown. Smyth thought the RFQ should have been focused on the 2005 vision. Wegscheid said developers have been talked to since 2005. Smyth asked again about the docks and Wegscheid and Peterson said the docks needed to be included.

John Ciati, 6064 Ridgewood Road, said he moved here 3 years ago and feels the dock program is a major asset that gives lower income people lake access. Ciati said he is not in favor of the townhome development and that by looking at the City streets and infrastructure, it appears the City can afford to keep this amenity. He appreciates that all the land and docks were not taken away and that looking long-term from a demographic perspective, he thinks more younger people will look to Mound because it is still close to the cities. Ciati said he recognizes retail has changed.

Marie Jorlan, 2313 Norwood Lane, questioned the value of the townhomes and whether Mound could attract people willing to pay that much money. Jorlan said a large house on Norwood Lane is being built for \$350K but it was noted it is not on the lake. Pausche said recent sales in the Villas on Lost Lake development included two vertical units by the pool for \$455K each and that the wider, single level living units, sold between \$625K and \$680K in the last two years. Pausche said lake access along with all of the amenities in downtown and the trail, will spur demand.

Jorlan said lots of people do not have the internet and asked how the city can do a better job getting the word out. Hoversten said Public Hearings will be posted in the Laker and all notices are posted in City Hall. Hoversten said letters are sent US Mail to affected property owners within a certain distance of the project.

Mayor Wegscheid noted that the limit of 3 minutes per speaker was not enforced because it is important for the Council to hear the feedback. Wegscheid noted Council Members live here, too, and want what is best for the community. Wegscheid encouraged people to continue to ask questions and seek answers.

**6. John Beise on behalf of Westonka Community and Commerce requesting approval a Public Lands Permit to install a 16-ft spruce tree in the center of Veteran's Plaza east of the Parking Deck to become a live, community holiday tree and action on a resolution accepting Westonka Community and Commerce donation to Parks for 2018**

John Beise, 3124 Tuxedo Boulevard, noted many members of the Westonka Community and Commerce (WCC) are present tonight to show support of this initiative. Beise noted the annual tree lighting ceremony has taken place for the last 35 years and the WCC thought the new location at Veteran's Plaza lends itself to a beautiful permanent tree, sourced from Concept Landscaping's tree farm. Wegscheid agreed the new location seemed to work better right by

the trail. Beise agreed and said just a few issues remain to be worked out. Hoversten noted this year's tree lighting will be held on November 17<sup>th</sup> and care will be taken to protect the transplanted tree. Bergquist asked how tall it will grow and Beise said it will start out at 16 feet and that Blue Spruce can get up to 25 feet. Hoversten added height can be managed through pruning. Mayor Wegscheid thanked WCC for all the wonderful things the organization does for the community.

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

**RESOLUTION NO. 18-103: RESOLUTION ACCEPTING WESTONKA COMMUNITY AND COMMERCE DONATION TO PARKS FOR 2018**

**7. Sarah Smith, Community Development Director, requesting consideration/action on resolution approving variance for property at 4321 Wilshire Boulevard**

**(Planning Commission Case No. 18-09)**

**Applicant: Eric Trooien**

Smith noted that at the last meeting Staff was directed to prepare a resolution of approval of the variance and bring it back to the next meeting. Smith noted that all of the variance materials were not re-included as they were included in the last packet. Smith noted variances are subject to the 60-day rule and action needs to be taken or a one-time 60 day extension may be requested, which Staff intends to do either way. Peterson asked if neighbors have given feedback and Smith noted the applicant surveyed his neighbors and provided that feedback as part of the application materials.

Mayor Wegscheid said variances are based on practical difficulties and decision makers need to question why the code language is written the way it is. Wegscheid said the reason for the 4 foot front fence was to prevent a walled off community feel and he feels this would start a pattern of 6 foot fences in the area and that would impact the reason the ordinance was created. Based on that, Wegscheid said he would not support the variance.

Peterson said she drove by a few times and noted the fence would be right up on the county road. Eric Trooien 4321 Wilshire Blvd, said there was a string between the utility poles demarking the county's boundary for the fence but that it will actually create more room in the right of way once the overgrown shrubs are removed. Trooien noted staff said there have been very few requests for front fence variances so that may be an indication that this situation is unique.

Discussion ensued about other properties in the area and whether there would be a desire for more fences. Trooien said the county cleared brush along the road and now there is actually fishing all along the Black Lake shoreline. Trooien also said the Planning Commission debated a fence barrier vs shrub and one Planning Commission noted a fence could do more to improve property value.

Bergquist said he was for it and still is and just encourages Trooien to build it strong enough to withstand plows and maintain aesthetic. Trooien noted the Planning Commission also made a motion to review the code instead but Trooien said he would not pursue that if the variance is granted.

MOTION by Bergquist, seconded by Peterson, to adopt the following resolution. The following voted in favor: Bergquist, Peterson. The following voted against: Wegscheid. The following abstained: none. Motion carried.

**RESOLUTION NO. 18-104: RESOLUTION APPROVING VARIANCE FOR PROPERTY AT 4321 WILSHIRE BOULEVARD**

**8. City Engineer Brian Simmons of Bolton and Menk presenting discussion and action to approve the following resolutions for engineering studies to support 2019 Capital Improvement Program projects:**

Brian Simmons, consulting engineer, reviewed the city map showing previous Capital Improvement Plan projects. Simmons said the watermain study will determine what improvements need to be made/pipes to be replaced. Hoversten said Hennepin County will resurface the road after the improvements are made. Simmons said remaining lift stations will be replaced one per year for 10 years and the one originally slated for 2019 was swapped for Island View Drive's Avalon Park because it is in worse shape. Lastly, Simmons said meetings have taken place between the school district, county and city to discuss pedestrian safety and the parties agreed requesting funds for a study is desirable. Peterson asked if there is a cap on the study for the city portion, and Simmons said MNDOT actually does the study and funds it 100%. Simmons said once the recommendations are made, discussions would be held on any cost share arrangements.

- A. Resolution ordering preparation of feasibility report for the 2019 Commerce Boulevard Watermain Improvement Project (Grandview Blvd to Three Points Blvd)

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

**RESOLUTION NO. 18-105: RESOLUTION ORDERING PREPARTION OF FEASIBILITY REPORT FOR THE 2019 COMMERCE BOULEVARD WATERMAIN IMPROVEMENT PROJECT (GRANDVIEW BOULEVARD TO THREE POINTS BOULEVARD)**

- B. Resolution ordering preparation of report on lift station improvement project for 2019 (Lift station replacement and gravity sewer re-alignment at Avalon Park (Station J-1))

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

**RESOLUTION NO. 18-106: RESOLUTION ORDERING PREPARTION OF REPORT ON LIFT STATION IMROVEMENT PROJECT FOR 2019 (LIFT STATION REPLACEMENT AND GRAVITY SEWER RE-ALIGNMENT AT AVALON PARK (STATION J-1))**

- C. Resolution ordering preparation of application for funding to study safety solutions for Commerce Boulevard and Grandview Middle School for 2019 (Safe Routes to School grant application supporting Grandview/CSAH 110)

pedestrian crossing and student-route improvements)

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

**RESOLUTION NO. 18-107: RESOLUTION ORDERING PREPARATION OF APPLICATION FOR FUNDING TO STUDY SAFETY SOLUTIONS FOR COMMERCE BOULEVARD AND GRANDVIEW MIDDLE SCHOOL FOR 2019 (SAFE ROUTES TO SCHOOL GRANT APPLICATION SUPPORTING GRANDVIEW/CSAH 110 PEDESTRIAN CROSSING AND STUDENT-ROUTE IMPROVEMENTS)**

**9. Information/Miscellaneous**

A. Comments/reports from Council members/City Manager:

City Manager announced the following dates:

October 9<sup>th</sup> Street assessment hearings

October 16<sup>th</sup> Budget special meeting workshop

October 28<sup>th</sup> (Sunday) Harrison Bay Senior Living Open House

November 5 City Hall winter hours resume

November 6 General Election

B. Reports: Finance Department – August 2018 YTD  
Fire Department – August 2018

C. Minutes:

D. Correspondence:

**10. Adjourn**

MOTION by Bergquist, seconded by Peterson, to adjourn at 8:47 p.m. All voted in favor. Motion carried.

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Mayor Mark Wegscheid

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Attest: Catherine Pausche, Clerk