

**MOUND CITY COUNCIL MINUTES**  
**October 9, 2018**

The City Council of the City of Mound, Hennepin County, Minnesota, met in regular session on Tuesday, October 9, 2018 at 7:00 p.m. in the council chambers of the Centennial Building.

Members present: Mayor Mark Wegscheid; Council Members Jeff Bergquist, Kelli Gillispie and Ray Salazar.

Members absent: Council Member Jennifer Peterson

Others present: City Manager Eric Hoversten, Fin Dir/Clerk/Treasurer Catherine Pausche, City Engineer Brian Simmons, Administrative Assistant Rebecca Kress, Jeremy Scheuble, Dan Gallus, Durand Eddings, Joseph Venglass, Michael Michalk, Justine Michalk, Desere Seward, Greg Fenzl, Kathryn Phleger, Dan Boll, Sarah Myers, and Lucas Jochin.

*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 made by Salazar, seconded by Bergquist, to approve the agenda. All voted in favor. Motion carried.

**4. Consent agenda**

Gillispie asked to remove Item 4A for clarification.

MOTION made by Salazar, seconded by Bergquist, to approve the consent agenda less Item 4A. Upon roll call vote, all voted in favor. Motion carried.

A. (PULLED FOR CLARIFICATION)

**B. RESOLUTION NO. 18-108: RESOLUTION APPOINTING ELECTION JUDGES AS RECOMMENDED FOR THE NOVEMBER 6, 2018 GENERAL ELECTION**

**C. RESOLUTION NO. 18-109: RESOLUTION APPROVING EXPANSION PERMIT FOR PROPERTY AT 2072 SHOREWOOD LANE (PLANNING COMMISSION CASE NO. 18-14)**

D. Approve project-related pay items, \$65,430 to Minger Construction for repaving portions of the Central Business District (CBD) parking lot between Our Lady of the Lake and Dakota Trail, portions thereof to be specially assessed to property owners per Amendment One to 2010 Shared Parking Agreement

**E. RESOLUTION NO. 18-110: RESOLUTION PROVIDING FOR THE SALE OF \$8,205,000 GENERAL OBLIGATION REFUNDING BONDS, SERIES 2018A**

F. Approve Pay Request #3 in the amount of \$142,976.92 to Minger Construction for the 2018 Lift Station and Wilshire Sewer Re-alignment Projects, PW-18-03/05

**4A. (Pulled) Approve payment of claims in the amount of \$512,615.58**

Gillispie asked if there was any payment line item for the Harbor District survey work. Pausche stated it would be under Bolton and Menk. Gillispie said she didn't see anything as of yet but wondered if it would be forthcoming. Hoversten stated that he had just worked through two invoices earlier in the day and that those claims would be provided in the next claims package.

MOTION made by Salazar, seconded by Gillispie, to approve Item 4A to approve payment of claims in the amount of \$512,615.58. All voted in favor. Motion carried.

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

None

**6. Action to approve minutes: 09-25-18 Regular Meeting**

MOTION made by Bergquist, seconded by Wegscheid, to approve the 09-25-18 regular meeting minutes. All voted in favor. Motion carried.

**7. Action to cancel regularly scheduled City Council Meeting for December 25, 2018 due to the Christmas Holiday**

MOTION by Salazar, seconded by Gillispie, to cancel regularly scheduled City Council Meeting for December 25, 2018. All voted in favor. Motion carried.

**8. Public Hearing**

Brian Simmons, City Engineer with Bolton and Menk, presented information about the 2017 Street Improvement Projects and how the assessments were calculated. Simmons stated that MN State Statue 429 sets guidelines and rules to levy special assessments and that notices were mailed to homeowners and published in the Laker Newspaper accordingly. In addition, preliminary assessment hearings were completed in November of 2016 and cost estimates were presented at that time. Simons stated that final costs are in and the actual assessment amounts have been calculated. Simmons said residential assessments in Mound are based on Equivalent Residential Units (ERUs). Any assessments can be paid in part or in full at City Hall by November 15, 2018 at which time assessments are certified to the County Auditor to be included on the property taxes at 5% interest for 15 years beginning in 2019.

Simmons noted the assessments are calculated using the ERU methodology meaning each residential parcel pays the same regardless of the linear feet. The unit price of materials within the contract are used to determine what a standard 28 foot wide street would cost, and of that number 1/3 is paid by City and 2/3 of the cost becomes the proposed assessment cost. Each residential parcel can only be assessed one ERU, so in the case of a corner lot, they get ½ and ERU for one project and ½ ERU for the other. Simmons went on to say that the Council acted previously to cap the assessments at \$6,600 per ERU, but that if any extra work was done to benefit an individual's property that is also added on to the assessment. Simmons said commercial properties are calculated based on a combination method that combines the front linear footage and the total lot area to determine their share of the project costs. Simmons stated that if a resident disagreed with an assessment amount, according to MN State Statute, a

owner must formally object in writing either prior to this hearing or at the hearing itself. Simmons stated that final costs for all three phases of the project which are PW-17-01, PW-17-02, and PW-17-03 all exceeded the cap that was previously set, so the assessment is \$6,600 per ERU. Simmons said for PW-17-01 Lynwood Blvd/Fairview Lane, the City covered \$323.83 of each ERU, for PW-17-02 Wilshire Blvd/Maywood Road/Hiddenvale LN, the City covered \$6,228.74 of each ERU, and for PW-17-03 Tuxedo Blvd, the City covered \$161.76 of each ERU.

Mayor Wegscheid opened the Public Hearing for the Lynwood Blvd/Fairview Lane project at 7:18 p.m.

Greg Fenzl, resident at 2212 Fairview Lane, asked for clarification of the differences between the City portions and residential portions of the Lynwood/Fairview assessments. Fenzl asked if Fairview was built to above standards. Simmons confirmed that Fairview was built to withstand heavier truck traffic. Fenzl asked who pays for the above standard costs. Simmons stated that the City covers any additional costs and they are not included in the ERU assessments. Hoversten added that those additional costs are taken out of the calculations before completing the individual ERU calculations passed on to residents/business owners. Fenzl added that it is good to hear that the City is paying for a heavier duty road on behalf of a business that may incur heavier truck traffic. Fenzl asked another question in regard to how the commercial assessments are calculated and specifically the Public Works building and was told that City parcels and common spaces are counted in the calculation as if they are assessed. Simmons noted commercial assessments are far higher than the residential assessments.

Mayor Wegscheid closed the Public Hearing at 7:25 p.m.

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

**C. RESOLUTION NO. 18-111: RESOLUTION ADOPTING ASSESSMENT FOR 2017 STREET, UTILITY, AND RETAINING WALL IMPROVEMENT PROJECT - LYNWOOD BLVD/FAIRVIEW PW-17-01, LEVY #19990**

Mayor Wegscheid opened the Public Hearing at 7:26 p.m for the Wilshire Blvd/Maywood Rd/Hiddenvale LA project. There were no comments from the public offered. Mayor Wegscheid closed the Public Hearing at 7:27 p.m.

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

**B. RESOLUTION NO. 18-112: RESOLUTION ADOPTING ASSESSMENT FOR 2017 STREET, UTILITY, AND RETAINING WALL IMPROVEMENT PROJECT - WILSHIRE BLVD/MAYWOOD RD/HIDDENVALE LA PW-17-02, LEVY #19991**

Mayor Wegscheid opened the Public Hearing for PW-17-03 Tuxedo Blvd Phase III at 7:28 p.m. There were no comments from the public offered. Mayor Wegscheid closed the Public Hearing at 7:29p.m.

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

**A. RESOLUTION NO. 18-113: RESOLUTION ADOPTING ASSESSMENT FOR 2017 STREET, UTILITY, AND RETAINING WALL IMPROVEMENT PROJECT - TUXEDO BOULEVARD PHASE III PW-17-03, LEVY #19992**

Catherine Pausche, Finance Director, presented information in regard to the delinquent utility bills, miscellaneous, and hazardous building abatement assessments and said per Statute, notices have been sent out to affected owners, and renters, if applicable. Pausche said the utility billing assessments are in line with past years and that close to half is typically paid off by November 15<sup>th</sup> when they will be certified to property taxes for 2019.

Mayor Wegscheid opened the Public Hearing at 7:31 p.m. There were no comments from the public offered. Mayor Wegscheid closed the Public Hearing at 7:31 p.m.

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

**D. RESOLUTION NO. 18-114: RESOLUTION ADOPTING ASSESSMENT FOR DELINQUENT MUNICIPAL UTILITY BILLS AND CERTIFYING TO THE COUNTY AUDITOR AT 5% INTEREST - LEVY #19993**

Mayor Wegscheid opened the Public Hearing at 7:32 p.m. There were no comments from the public offered. Mayor Wegscheid closed the Public Hearing at 7:32 p.m.

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

**E. RESOLUTION NO. 18-115: RESOLUTION ADOPTING ASSESSMENT FOR MISCELLANEOUS EXPENSES AND CERTIFYING TO THE COUNTY AUDITOR AT 5% INTEREST - LEVY #19994**

Mayor Wegscheid opened the Public Hearing at 7:33 p.m. There were no comments from the public offered. Mayor Wegscheid closed the Public Hearing at 7:33 p.m.

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

**F. RESOLUTION NO. 18-116: RESOLUTION ADOPTING ASSESSMENT FOR HAZARDOUS BUILDING ABATEMENT AND CERTIFYING TO THE COUNTY AUDITOR AT 8% INTEREST - LEVY #19996**

**9. Joe Venglass requesting discussion on storm water management issues on Bartlett Boulevard**

Brian Simmons, City Engineer, presented some background information about the storm water management issues on Bartlett Boulevard. Simmons stated that he has been in discussion with Mr. Venglass about some of the storm sewer work that was done in front of his home at 4225 Bartlett Blvd, noting some driveway grades installed were erroneous and that fixes were proposed to alleviate some of these issues. Simmons said these fixes were presented to the Council previously and that the apron and driveway concrete work has been completed.

Simmons stated that at Mr. Venglass' request, the recommendation to install a graded swale to allow excess storm water above and beyond what it was designed for (which was a 3.7 inch per hour rain event) was not completed. Mayor Wegscheid asked if that is currently the only recommendation not completed and Simmons said yes.

Joseph Venglass, resident of 4225 Bartlett Blvd, confirmed that some things have been completed. Venglass asked if bi-directional drains would be installed in the street near his home. Simmons stated that Council did not direct Staff to move forward with that action. Venglass presented information from before and after the work was done to show differences in the water runoff. Venglass stated that the fixes seemed to work to keep the water in the street and off his apron. Venglass went on to say that he thinks the apron is not a fix-all and that the bi-directional drains should be installed to help with drainage. Venglass said that back in November of 2016, a temporary easement/swale was put in on his property which he anticipated would have been fixed the following Spring but said it was not. The temporary easement ended on June 30, 2017 but Venglass said he gave the City the rest of the summer to complete the project. Venglass stated that in October 2017 Simmons gave him a drawing that showed that the City was not going to use the full area of the easement but Venglass said the City is now exceeding the limits of the easement. Venglass clarified that his side of the easement was exceeded and that the other side of the easement was not fully used. Simmons stated that the City requested approval from Venglass to work outside the easement area in order to make it a less abrupt transition into the swale and noted that because of the location of the sewer pipe and how shallow the pipe is located, the City can't grade directly over the pipe as that would cause the pipe to be day lighted. Mayor Wegscheid confirmed that the low point of the swale was moved over in consideration of the steep grade present in order to more naturally match the topography of the land. Wegscheid asked Venglass if he is asking the City to stay within the permitted easement. Venglass confirmed that is the case. Wegscheid then asked what Venglass' desire is to complete this process. Venglass said that he wants the work to stay on the inside of the easement.

Gillispie asked what would happen if the City leaves it as it is and does nothing? Simmons stated that if left as is there is a high potential that during a heavy storm Mr. Venglass could experience water into his property. Gillispie then asked Venglass if he does not want the swale is he willing to take a risk of having a water event that may affect his property. Venglass said a swale can be installed within the easement. Wegscheid said that it is the City's obligation to install the swale and if the property owner wants it to stay within the easement that is what should be done.

Ray Chamberlin, resident of 4913 Bartlett Blvd, stated that he is a neighbor of Mr. Venglass. Chamberlin pointed out that the drain was moved when the work was done and he thinks another drain should be added to help with moving water underground during an event as he thinks this could help Mr. Venglass' water issues. Simmons stated that the system as a whole is designed for these large storm events already and the placement of the catch basins are highly thought out and designed to a specific standard. Simmons did acknowledge that some storm events will exceed the designed amount and in those moments the system will be exceeded as a whole. When the system is exceeded below ground the water will inevitably seek an above ground outlet which in this case will be the low spot between Bartlett and Lake Minnetonka which is unfortunately Mr. Venglass' property. Wegscheid stated that his understanding of that statement is that when the system has exceeded its volume it has exceeded its volume bottom line. Wegscheid added that if the swale is not done, potentially any large water event could cause damage to Mr. Venglass' property.

Hoversten said that once the problem is defined, work can be done to fix said problem, noting work has been done to alleviate the problem of water moving into the apron and the property which was the objective to keep a designed storm event inside the confines of the street, although not to a particular side of the street. Gillispie said that it seems that the discussion is going in circles and suggested revisiting the swale conversation. Venglass asked Hoversten if he remembers a conversation they had in September 2017 when the City was flushing hydrants. Hoversten said at that time he stated that putting water on the street with a hydrant shows how the water moves on the street but that does not model a storm event because the whole system is not inundated with water. Wegscheid said that the Council needs to give the engineering department some direction in regard to the swale. Venglass stated that he wants the work inside the easement. Hoversten said that the City would need to gain permission from Venglass to enter the property to make the changes necessary and amenable to the homeowners. Wegscheid asked to revisit what the previous direction from the Council had been. Hoversten stated that the Council gave Simmons direction to work with the property owner to construct a swale within the easement area. Simmons said that the construction of the permanent swale can be done within the permitted easement area and Simmons would need a right-of-entry document from the homeowner to bring equipment in to complete the project. City Attorney, Troy Gilchrist, suggested putting some time lines on this process so if entry is not granted by the homeowner in a specified period, then the City would be able to limit how long this process can continue to go on. Simmons stated that if permission is granted, the work can start in the next two to four weeks. Wegscheid and Hoversten confirmed that the time frame for permission should be put on the next Council agenda on October 23, 2018.

MOTION made by Wegscheid, seconded by Salazar, to direct Bolton and Menk to obtain permission from the homeowner at 4225 Bartlett Blvd to enter the property to complete swale construction by October 23, 2018 and if permission was not granted by then, the City would take appropriate action. All voted in favor. Motion carried.

**10. City Manager and Director of Public Works, Eric Hoversten, requesting discussion and direction to Staff regarding change in recommended scope for repairs to Swenson Park tennis courts**

Eric Hoversten, City Manager and Director of Public Works, presented information about Swenson Park and the recommended scope of repairs to the park. Hoversten stated that in May of 2017 some unbudgeted money was requested for some badly needed repairs to Swenson Park that would be done in concert with the restoration work being done by the Met Council, including replacement of the tennis courts. Hoversten said after repair work was completed at Three Points Park tennis courts, it was determined Swenson could be repaired as well instead of replaced. Hoversten stated that both courts appear to have a good base underneath that should not require any work, however the top part would need crack filling and re-finishing. At Three Points Park, the cracks in the court were filled with hot asphalt and then some tennis court repair products were used to level and seal the court, restoring it to playability. Hoversten is asking for direction to do the same repairs to Swenson Park that were done at Three Points Park and noted there are two options, the first being mill and overlay and the second being the crack repair and seal procedure similar to what was done at Three Points.

Hoversten asked for any questions from the Council.

Mayor Wegscheid asked about when the repairs to Three Points were done. Hoversten said they were completed earlier this summer around July. Wegscheid said he thinks the Three Points courts look horrible and the repairs were not what was envisioned. Wegscheid said that he is leaning towards sticking with the original plan to fully replace the Swenson Park courts.

Salazar said he hasn't had a chance to see Three Points but is appreciative of the feedback from Wegscheid. Gillispie saw some people playing tennis at Three Points last week but didn't really specifically look at the courts themselves. Gillispie asked what are the costs of the ongoing maintenance. Hoversten stated that Three Points repair cost was nearly \$4K but that he would need to research the cost and longevity of total replacement in order to compare. Hoversten stated that it would be expected to last much like a road would last. Hoversten stated that he does not recommend a full replacement as that would required disturbance of the soils below the court which could stir up unnecessary problems and costs as the structure of the pavement seems sound at this point and not in need of replacement. Wegscheid said that he does not want to see the same work done at Swenson Park as what was done at Three Points. Hoversten stated that full court replacement would be around \$160K and mill and overlay would be roughly ½ of the full replacement cost. Bergquist said he recommends full replacement, which is in line with the original direction from the Council. Gillispie stated that from a financial standpoint the full replacement seems more economical instead of having to spend money annually or bi-annually to maintain the court. Wegscheid respects Staff's desire to save money in recommending more economical options but states that a full replacement really is the best option in the long run. Gillispie asked if a comparison of options could be presented to the Council in the future.

**11. Information/Miscellaneous**

- A. Comments/reports from Council members/City Manager:  
City Manager announced the following dates:  
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 and noted absentee voting available now  
November 17 WCC Tree Lighting
- B. Reports: Liquor Store – September YTD  
Fire Department – September YTD
- C. Minutes: Planning Commission - September 4, 2018
- D. Correspondence:

**10. Adjourn**

MOTION made by Bergquist, seconded by Gillispie, to adjourn at 8:50 p.m. All voted in favor. Motion carried.

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Mayor Mark Wegscheid

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Attest: Catherine Pausche, Clerk