

**MOUND CITY COUNCIL MINUTES**  
**October 14, 2014**

The City Council of the City of Mound, Hennepin County, Minnesota, met in regular session on Tuesday, October 14, 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, Fin Dir/Clerk/Treasurer Catherine Pausche, Community Development Director Sarah Smith, Public Works Director Carlton Moore, City of Mound Fire Chief Greg Pederson.

Public present: Vince Forystek, Paul Wagener, Dwight Walgamuth, Ellen Hanson, Eric Larson, Joseph Koch, Candice Lack, Maurice Gunderson, Mary Davis, Tom Davis, Judy Ihli, Kelly Mumm, Mark Anderson, Doug Zwach, Robert Hutchins, Jeff Speer, Ron Zinter, Cathy Bergman, Andrew Cottingham, Melissa Hentz, Derrick Hentz, Curt Cain, Louise Cain, Gary Blix, Todd Schallberg, Kurt Kane, Louise Kane, Tyler McCall, Chelsea McCall, Chris McNult

*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**

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

**4. Consent agenda**

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

A. Approve payment of claims in the amount of \$481,379.78.

B. Approve minutes of the Sept. 23, 2014 regular meeting.

**C. RESOLUTION NO. 14-76: RESOLUTION APPROVING 2014 CENTRAL BUSINESS DISTRICT (CBD) PARKING MAINTENANCE ASSESSMENT ROLL TO BE CERTIFIED TO THE COUNTY AUDITOR AT 5% INTEREST – LEVY # 18839**

D. Approve One Day Liquor License for Our Lady of the Lake Catholic Church for their annual Holiday Boutique Luncheon fundraiser on Saturday, November 8, 2014, with fee paid

- E. Approve Pay Request No. 3 from Penn Contracting, Inc., in the amount of \$31,158.81, for the 2014 Lift Station Improvement Project, City Project No. PW-14-03
- F. Approve Pay Request No. 2 from GMH Asphalt Corporation in the amount of \$341,070.81, for the 2014 Street, Utility and Retaining Wall Improvements – East Three Points Boulevard, City Project No. PW-14-01
- G. Approve Pay Request No. 3 from Widmer Construction in the amount of \$30,999.04, for the Bartlett Boulevard Watermain Improvements Project, City Project No. PW-14-08
- H. Set Special Meeting Workshop for the purpose of receiving a Sewer System Update: December 11, 2014, 6:30 PM
- I. **RESOLUTION NO. 14-77: RESOLUTION APPROVING EXTRA WORK ORDER NO. 1, 2014 STREET, UTILITY AND RETAINING WALL IMPROVEMENT PROJECT – EAST THREE POINTS BOULEVARD**

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

None were offered.

**6. Public Hearings**

Mayor Hanus opened the public hearing at 7:10 for items 6A and 6B.

Eric Larson, 2725 Tyrone Lane, stated he is the owner and has received a delinquent bill from over a year ago and is no longer to get in contact with the tenant. Pausche stated the system was converted in May of 2013 and there were some issues with landlord information not carrying over. Pausche stated the City is still dealing with issues due to change of ownership or change of tenants since implementation, but landlords are ultimately responsible for the bill. The Mayor asked what the owners are asking of the Council. The Larsons stated they don't want to pay the bill because they no longer have any recourse and the billing system failed. Hanus stated if the owner does not pay the remaining households have to pay. Hanson stated arguably it is based on consumption and the bill needs to be paid.

Candace Lack, 5954 Gumwood Road, stated her letter says she is a former occupant but she has lived there the entire time. She has not been billed since the new system. She has made multiple contacts to OPUS to try to get billed and she has logged her attempts. Hanus stated the information Lack has shared with the Council is not acceptable and he directed Staff to follow-up accordingly. Hanus asked Lack if she preferred to be billed or assessed. Lack said she would rather be billed.

Robert Hutchins, 3054 Brighton Commons, stated he is a landlord in other communities and those cities require the bill remain in the landlords name. Hutchins wanted to know if the other residents would be stuck paying the delinquent bills of others in Mound. Hanus stated every property is assessed individually and it does not get spread to the other users. Gillispie asked what cities require the bill to be in the landlord's name and Hutchins replied Hopkins, Minneapolis and Eden Prairie.

Kurt & Louise Kane, 4808 Wilshire Boulevard, stated they are the owners and their tenant is delinquent and they are trying to figure out what the options are. Pausche stated it has to

be paid in full by November 14, 2014, otherwise it will be assessed to taxes. Partial payments are also acceptable. Salazar stated they may want to pay and bill their tenant back.

Gary Blix, 3025 Brighton Boulevard, stated he was alarmed by the number of delinquent bills in the Laker and wonders why the water is not shut off to avoid such large delinquencies. Hanus stated it is a balancing act and because we have this method of recovering the fees it is better than being obtrusive. Hanson stated it is a sanitation issue to shut off the water and that can create a hazardous situation. Hanson said this method ensures no one else has to pay and each owner is responsible. Hanus reiterated it goes against the property taxes of each parcel and that is why the PID is listed.

Tyler and Chelsea McCall, 3065 Brighton Boulevard, asked how far back the delinquencies go and Hanson said it should be just one year. McCall stated he has never been delinquent and Pausche looked at the notice and stated that is was for the former owner.

Arlene Olson, 4939 Glen Ellyn Road, stated she is delinquent and wanted to know more about the benefits of the outside meter. Hanson stated it measures the use on the outside and that usage is not charged for the variable sewer charge, but the benefits depend on how much water is used outside. Olson asked if the water price is higher if you don't have the outside meter and Pausche said it does not affect the water rates. Pausche stated a minimum quarterly water bill is approximately \$175.

Vince Forystek, 3131 Inverness, stated that as a landlord he puts additional charges on the lease to cover for utility bills and maintenance and he pays the bill directly. Forystek says anyone who suspects high usage should look at flapper valves and monitor the meter when water is not being used as a leaky toilet can amount to a lot of usage. Hanus clarified sewer and water fund fees and General Fund revenues/taxes are separate and one does not affect the other. Gesch stated the other fees, like street lights, have been lowered and not changed in years. Forystek stated other cities just stick to water and sewer.

Mayor Hanus closed the public hearing at 7:50 pm.

Hanus asked for the PID number for 5954 Gumwood so it could be removed from the assessment list. Pausche stated it is 14-117-24-42-0032 and the amount is \$205.24.

MOTION by Salazar, seconded by Wegscheid, to adopt the following resolution excluding PID 14-117-24-42-0032 \$205.24 on page 2116. All voted in favor. Motion carried.

**A. RESOLUTION NO. 14-78: RESOLUTION ADOPTING ASSESSMENT FOR DELINQUENT MUNICIPAL UTILITY BILLS AND CERTIFYING TO THE COUNTY AUDITOR AT 5% INTEREST LEVY # 18837**

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

**B. RESOLUTION NO. 14-79: RESOLUTION ADOPTING ASSESSMENT FOR MISCELLANEOUS EXPENSES AND CERTIFYING TO THE COUNTY AUDITOR AT 5% INTEREST LEVY # 18838**

Dan Faulkner explained the process for State Statute Chapter 429 financing. Faulkner stated the City Council set the hearing and a notice was published and sent to affected property owners. In September of 2012, the Council authorized the Feasibility Report which was then received in October of 2012. The public improvement hearing was held on November 13, 2012, at which time the Council authorized the project and the bid was awarded in April of 2013 to GMH. Substantial completion occurred by the fall of 2013 with the final ware course laid in June and July of 2014. The final costs were then tallied and the assessment amounts determined.

Faulkner stated this was a total residential project (no commercial) and therefore assessed based on a per unit basis.

Gillispie asked if the cost savings were from construction or soft costs. Faulkner stated the bid was very favorable and the 30% estimated soft costs were closer to 22% of the final cost.

Mayor Hanus opened the public hearing at 8:04 pm.

Chris McNult, 2935 Devon Lane, said the costs were low because their retaining wall was reused. McNult stated there is a hole in the yard that she reported 3 times to the City and her daughter twisted her ankle. McNult wants the hole filled with dirt and a commitment of when it will be done. Carlton Moore stated it would be looked at before the end of week.

Faulkner stated Staff is available in the conference room that residents can address specific issues with and if that does not resolve it, residents are welcome to come before the Council.

Vince Forystek, 3131 Inverness Lane, handed out a packet showing 6 of 9 properties to be assessed have homes, and 3 are vacant land. Forystek does not feel vacant parcels should be assessed and that two of the lots do not abutt a road nor do they have sewer and water connections at least 200 feet away. Forystek argues the two lots are not developable due to size and the lots did not gain value from the street improvements. Hanus said many variances have been granted for less than 10,000 square foot lots as long as the plan is reasonable. Wegscheid said the benefit is the Paisley improvements whether you build on the lots or not. Gillispie asked about the unimproved road at end of Paisley Road and Hanson said it is a platted unimproved road and the City has responded to developers requests to improve unimproved roadways in the past. Hanus said owners should combine lots in advance to avoid multiple unit assessments. Moore said the City cannot assess a lot twice.

Ron and Cathy Zinter, 3013 Devon Lane, stated he has 40 feet abutting Devon but has to access the road through the neighbor's driveway and he questions the value and the amount of the assessment. Hanus said some cities assess by lineal foot but Mound opted for a unit charge regardless of lot size because houses get the same use out of the street. The Council at the time that set the policy thought it was more fair to tie it to use and see the benefit as equal. Zinter said City would not let him extend the slope of the apron to give him access because of the grade and that his neighbor's apron abutts his property, which poses a problem with the 24 foot limit. Hanus encouraged people to talk to staff to address unique situations to determine options and encouraged Zinter to talk to his neighbor about a driveway access agreement since it sounds like a legal easement was not established.

Joe Koch, 4639 Bedford Road, stated he would have no problem paying if the work was quality. Koch stated the City agreed to tear out a shallow apron and then put it back in too steep and that the grass and sod was poor quality. Koch stated his side of street was lowered and the

apron and driveway were made too high. Koch stated his lot is low and now water draining onto his property.

Mayor recessed the meeting at 9:00pm to change recording medium. Mayor resumed meeting at 9:04 pm.

Joe Koch, 4639 Bedford Road, continued. Mayor Hanus asked Staff to address standards for aprons. Dan Faulkner stated the original apron was put in according to plan and resident wanted it steeper. Staff tried to work with Koch but then Koch was not happy with the second outcome. Faulkner will look into the lawn quality and that a minor crown was built on the road because the south side was higher. Koch asked for it to be blended and workers left the gap open for 2.5 weeks while trying to decide what to do and then put in an entire new driveway that is too flat. Kandis Hanson asked when would be convenient to meet on site. Hanus said to go ahead with assessment but that follow-up will be taken to address any errors.

Andrew Cottingham, 4732 Richmond Road, said his road was improved during 2006 project and he should have been assessed then, but not now, as they stopped right at his property line during the 2013 project. Hanus asked Staff if this would have affected the recommendation on the assessment. Moore stated the private development agreement in 2006 required the developer to build the road and he improved in front of Cunningham's house as well due to the damage caused by the construction. Hanus stated since Cunningham did not contribute to the road improvements in 2006, it is appropriate for him to contribute now as he benefits from both improvements. Gesch asked if somebody absorbed the cost in 2006, why should we charge him now? Pausche stated we are just allocating a portion of the actual 2013 road improvements and not specifically the road in front of his home. Hanus said the projects are completely independent and the City is only collecting once for each project.

Todd Schallberg, 4746 Richmond Road, was very unhappy with quality of work and Bolton and Menk. Schallberg said Matt from Bolton and Menk was not properly equipped and the planning was poor. Schallberg stated he brought up concerns with contractor a year and a half ago. Moore said it was a bigger issue and still being worked on. Schallberg works for a city also and thinks Matt was thrown under the bus. Hanus said the contractor is hired by the City and the City does try to evaluate their ability to deliver. Schallberg thought smaller projects should be done or more engineers or inspectors assigned. Gillispie asked how many street projects has GMH done and Faulkner thought 5 – 6 (2007-2009, 2011-2013, and 2014). Gillispie said it seems complaints more prominent in this project versus other years. Hanus said the challenge is to figure out if this is normal or not.

Mayor Hanus closed the public hearing at 9:53pm.

Pausche noted that a new version of the resolution was passed out before the meeting that included all of the PIDS.

MOTION by Salazar, seconded by Wegscheid, to adopt the following resolution as amended. All voted in favor. Motion carried.

**C. RESOLUTION NO. 14-80: RESOLUTION ADOPTING ASSESSMENT FOR 2013 STREET, UTILITY, LIFT STATION, AND RETAINING WALL IMPROVEMENT PROJECT – SOUTHEAST ISLAND AREA – CITY PROJECT NO. 13-01- LEVY # 18835**

**7. Dan Faulkner, requesting action on the following resolutions.**

Faulkner stated the two 2015 street projects would be combined into one bid. Faulkner walked through the feasibility reports and key highlights of the projects and specifications and stated that the major consideration for the Grandview project is the assessment map because it is the first time a school is involved. Staff is recommending assessing the school as commercial. Faulkner noted Met Council considers schools commercial as well. Also, the Grandview Apartments were treated the same as Seahorse and Indian Knoll Manor, where the number of equivalent residential units was determined, or 125,000 square feet /10,000 per residential lot = 12.5 units. Since the property abutts two roads, one of which is not being improved, the total equivalent units are divided in half for a total of 6.25 units. Faulkner stated an eight-plex would be assessed for 8 units. Faulkner noted the proposed unit assessment is \$5,007 per unit and not what was presented on page 14. Faulkner said the reports will be updated.

Hanus asked about whether a sidewalk was considered on Grandview as many residents have come forward in the past. Hanus asked that it be bid as an alternate so the amount can be isolated. Hanson suggested putting a sidewalk on the west and north side to lead to Grandview School, but Faulkner said that could be an issue with some of the retaining walls. Hanus said it may be the east side that would be easier to work with.

- A. Resolution Receiving Feasibility Report and Calling for Hearing on the 2015 Street, Utility and Retaining Wall Improvement Projects – Grandview Boulevard

MOTION by Salazar, seconded by Wegscheid, to adopt the following resolution with the addition of the option to add a sidewalk on Grandview Boulevard. All voted in favor. Motion carried.

**RESOLUTION NO. 14-81: RESOLUTION RECEIVING FEASIBILITY REPORT AND CALLING FOR HEARING ON THE 2015 STREET, UTILITY, AND RETAINING WALL IMPROVEMENT PROJECT – GRANDVIEW BOULEVARD**

- B. Resolution Receiving Feasibility Report and Calling for Hearing on the 2015 Street, utility and Retaining Wall Improvement Projects – Tuxedo Boulevard

Faulkner highlighted the project and specifications. Hanus asked if Shorewood or Minnetrista use the water lines and Moore stated only in case of emergency. Faulkner stated Appendix B has the estimated assessments, which includes Al & Alma’s commercial assessment of \$24,500. Residential Unit assessments are estimated at \$6,632 as there are not a lot of properties along Tuxedo. Neither project would be state-aid.

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

**RESOLUTION NO. 14-82: RESOLUTION RECEIVING FEASIBILITY REPORT AND CALLING FOR HEARING ON THE 2015 STREET, UTILITY, AND RETAINING WALL IMPROVEMENT PROJECT – TUXEDO BOULEVARD**

**8. Planning Commission Recommendations:**

Smith summarized the proposed project to upgrade the existing patio, lessen the slope of the stairs, add a hill climber, all to allow them to age in their home, be able to access the lake and provide for the retention of the hill side. Smith noted a rear setback variance is required for an at-grade patio and the bluff zone work requires a variance as well. The upgrade of the in-ground pool triggers the fence requirement and Smith stated the home is fully enclosed by a fence on the road side and that the openness on the lake side is buffered by the steep incline of the hill. In addition, a retaining wall will be replaced with a 5-6 feet high wall, which requires a guard rail or barrier and a gate will be added, similar to a variance granted recently. Smith noted the Docks and Commons Commission and the Planning Commission both recommended approval. Smith noted that Jeff Spears, Contractor and Designer, is present on behalf of the applicant.

Hanus asked about hardcover calculations and whether it complies. Smith said existing property is over, which it was previously as well, but the commons portion is 37.1.

Hanus asked for clarification on the 45 degree bank by the pool. Smith said the series of walls will be a deterrent and the commons is classified as non-transversable. Discussion ensued. Positioning of gates and side lot access to pools was discussed and Smith said the pool area from front and side will be closed off. Jeff Spears, Contractor, stated the applicant does not really want a gate, but if one is required, it would be at the top the stairs. Hanus said it appeared someone could easily walk around the gate at that point. Salazar suggested putting the gate at the bottom of the stairs/end of the retaining wall as they can serve as fence. Salazar asked if pavers around pool and patio will be permeable. Spears said no, but Salazar said at least they are better than concrete.

Planning Case No. 14-21: Public Lands permit / Appeals Request / Variances  
Property: 4909 Island View Drive and Devon Commons  
Applicant: Mike and Martha Mason  
Requested Actions:

- A. Action on Resolution to approve a Public Lands Permit from Mike and Martha Mason for property at 4909 Island View Drive.

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

**RESOLUTION NO. 14-83: RESOLUTION TO APPROVE A PUBLIC LANDS PERMIT FROM MIKE AND MARTHA MASON FOR PROPERTY AT 4909 ISLAND VIEW DRIVE**

- B. Action on Resolution approving Board of Adjustment and Appeals request from Mike and Martha Mason at 4909 Island View Drive

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

**RESOLUTION NO. 14-84: RESOLUTION TO APPROVE BOARD OF ADJUSTMENT AND APPEALS REQUEST FROM MIKE AND MARTHA MASON AT 4909 ISLAND VIEW DRIVE**

C. Action on Resolution approving Variances at 4909 Island View Drive

MOTION by Salazar, seconded by Wegscheid, to adopt the following resolution Hanus recommended modifying age 2141 item 10 to remove reference to “top of the stairs.” Friendly amendment accepted. Seconded by Wegscheid. All voted in favor. Motion carried.

**RESOLUTION NO. 14-85: RESOLUTION APPROVING VARIANCES FOR 4909 ISLAND VIEW DRIVE PLANNING CASE NO. 14-21 PID NO. 25-117-24-11-0042**

**9. Heart Safe Community Initiative – A Cooperative Effort of Mound Fire Department and Life Support Innovations**

A. Program Highlights and Overview

Dr. Kevin Sipprell, Emergency Room Physician, Ms. Mary Walcker of Life Support Initiatives, and Fire Chief Greg Pederson presented the key components of the Heart Safe Community Initiative, including education and better access to defibrillators in public places. To qualify for the designation of a Heart Safe Community, citizens need to be trained in CPR and businesses need to buy AEDs and train their staff, so it will require community involvement. Dr. Sipprell stated Minnesota has one of the highest survival rates of cardiac arrest, and this is another step to improve upon those statistics.

Ms. Mary Walcker stated she is the CPR trainer and will be reaching out to area businesses and she is already scheduled to train Jubilee employees. Walcker stated Mound has to earn 450 “heartbeats” to qualify for the designation. Interested people can contact 612.735.8409 or [mary.walcker14@gmail.com](mailto:mary.walcker14@gmail.com) for more information. Gesch asked if previously certified people should report or do they have to be retrained to qualify. Walcker stated they should be trained as she did not know how to survey and prove proficiency .

B. PSA Heart Safety Community Video: 5-6 minutes

Chris Vogt of LMCC produced a video which was played for the Council highlighting the benefits of the Heart Safe Community program which will be available on the website and on public access television.

C. CPR Demonstration of Hands only CPR (time permitting) – Did not occur.

**10. Catherine Pausche, Director of Finance and Administration, requesting action on an Ordinance Amending Chapter 78 of the Mound City Code as it relates to Waterways**

Pausche reviewed proposed changes to the code language and suggested they were housekeeping in nature to update definitions, clarify enforcement issues to reflect current practice, and improve on efficiency by reducing the volume of mailings.

Hanus questioned the added language to the definition of Abutting Residence that requires a structure on the property. Pausche stated that is her understanding of past practice, but she is not concerned if it is adopted either way.

Hanus questioned changes to the dock map affecting the licenses. Pausche stated that it is only for sites that do not change and the dock map is only changed once a year prior to the enrollment period.

MOTION by Hanus, seconded by Gesch, to approve the following Ordinance removing all references to a structure being required to be issued a license on abutting properties. All voted in favor. Motion carried.

**ORDINANCE NO. 08-2014: ORDINANCE AMENDING CHAPTER 78 OF THE MOUND CITY CODE AS IT RELATES TO WATERWAYS**

11. **Information / Miscellaneous**

A. Comments/reports from Councilmembers/City Manager

B. Minutes: Docks and Commons – Draft minutes from Sept. 18, 2014

C. Reports: Finance Department – August 2014 YTD

D. Correspondence:

12. **Adjourn**

MOTION by Gesch, seconded by Wegscheid, to adjourn at 11:25 p.m. All voted in favor. Motion carried.

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Mayor Mark Hanus

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Attest: Catherine Pausche, Clerk