

**MOUND CITY COUNCIL MINUTES**  
**November 8, 2011**

The City Council of the City of Mound, Hennepin County, Minnesota, met in regular session on Tuesday, November 8, 2011, at 8:00 p.m. in the council chambers of city hall.

Members present: Mayor Mark Hanus; Councilmembers Kelli Gillispie, Ray Salazar, and David Osmek.

Members absent: Councilmember Heidi Gesch

Others present: City Manager Kandis Hanson, City Clerk Bonnie Ritter, Community Development Director Sarah Smith, Public Works Director Carlton Moore, City Engineer Dan Faulkner, Wanda Martens, Mike Wallis, Liz Wallis, Ken Perbix, Tim Hartman, Riley Williams, Mitchell Spangers, Colleen Coley, Benny Haug, LeRoy Kemrath, Lloyd Beniek, Ann Jepson, Jonathan Goodrich, Robbie Flatten, Tom Casey, Brandon Falness, Rachel Dorn, Chris Wiita, J.M. Schnoenwetter, Ron Engel, Tim Herbst, Brian Nelson, Scott Becham, Ron Bergquist, Randy Johnson, Riley & Erik Schatz, Jeff Anderson, Kristi Ferris, Dan Ferris, Andy Anderson, Tyler Obberdeck, Eric Schmidt, Brian Solheid, Alex Erickson, Robert Feriancek, Julia Lindberg, Sheryl Kvendru, Kathy Krom, Alex Aspelin, Vern Brandenburg, Whitney Jobe, Lauren Korden, C.J. Solberg, Tessa Hrkal, Russ Nettle, Gina nettle, Mikayla Giersawsen, Christina Larson, Don Larson, Tim Olson, Chris Lappi, Trenton Sime, Carter Jones, Lane Bryan, Arie Bogaard, Morgan Reinhart, Cody Landon, Chris Emply, Blaise Ardolf, Kevin Boran, Valory Schoenecker, Taylor Praus, James Woods, Amy Sundell, Margaret Hutchinson, Bailey Shell, Miranda Berg, Christian Dussaut, Douglas Anderson, Denise Bade, John Hunt, Ryan Frederickson, Mac Schmidt, Pam Burby,

*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 8:00 p.m.

**2. Pledge of Allegiance**

Mayor Hanus acknowledged the students present and Arie Bogaard came forward to represent the students from Mr. Kuehl's Advanced American Government class. Hanus thanked them for attending.

**3. Approve agenda**

Hanson requested the addition of Item 4F, temporary sign permit for Festival of the Trees. MOTION by Osmek, seconded by Salazar to approve the agendas amended. All voted in favor. Motion carried.

**4. Consent agenda**

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

A. Approve minutes of October 25, 2011 regular meeting and October 29, 2011 special meeting.

- B. Approve payment of claims in the amount of \$136,874.26.
- C. Approve Pay Request No. 5 from GMH Asphalt in the amount of \$470,223.00 for work completed on the 2011 Street, Utility and Retaining Wall Improvement Project (PW11-01, 11-02)
- D. Approve Pay Request No. 7 from Kuechle Underground, Inc. in the amount of \$25,368.50 for work completed on the 2010 Lift Station Improvement Project (PW-10-02)
- E. Approve Pay Request No. 1 from Minger Construction in the amount of \$75,950.11 for work completed on the 2011 Lift Station Improvement Project (PW-11-03)
- F. Approve temporary sign permit for Festival of the Trees at the Gillespie Center.

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

None were offered.

**6. Public Hearing**

Improvement Hearing for the 2012 Street, Utility and Retaining Wall Improvement Project  
City Engineer Dan Faulkner reviewed the feasibility study and proposed assessment for the 2012 Street, Utility and Retaining Wall Improvement Project.

Mayor Hanus opened the public hearing at 8:25 p.m.

Liz Wallis, 4977 Brunswick, asked if the path at the north end of Cambridge was going to be improved and Kandis Hanson stated that it will be looked into and the legal status investigated.

Bob Feriancek, 4792 Carrick Rd, asked if the storm sewer on his driveway can be moved with the project.

Doug Anderson, 4912 Leslie Rd, stated this is the second street project he's been involved in and if this one is handled like the last one, he'll be pleased. He asked about realigning his driveway and Hanus stated that he needs to communicate this to the engineers before the project begins.

Osmek stated that if anyone is looking at replacing their driveway, now would be a good time to get a good bid from the contractor that the City uses and do it at the same time the project is being done.

Don Larson, 4619 Carlow Rd., asked about the payment plan and interest for the assessment. Hanus explained the procedure to him. Larson also voiced concern over the low pump station at the end of Carlow and Hanus told him that it may be part of this project, as indicated by the City Engineer, or a separate project done next summer.

Wanda Martens, 4961 Bedford Rd, asked if the sewer would be upgraded and Carlton Moore informed her that the utilities are televised to determine where repair is needed, and if it is warranted. Martens asked what to do if she needs sewer work done that is her responsibility and Moore suggested that she get the contractor's contact information from the City and have it done before the utility work in the street is done.

Robbie Flatten, 2854 Cambridge Lane, stated that the feasibility report did not show their retaining wall as being included in this project. They are at the corner of Bedford and Cambridge and the wooden retaining wall there is starting to rot. Faulkner stated that before the project is started all of the walls will be evaluated and just because it doesn't show on the feasibility report does not mean that it will not be repaired if needed. Flatten also asked if utilities are not improved now and are done at a later time, who pays for them. Hanus stated that the utility

repairs are not assessed, but are paid from the utility funds. Only the street portion of the project is assessed.

Andy Anderson, 3001 Brighton Blvd., stated that there is no curb and gutter on Manchester and how that will be handled. Moore stated that they are aware of the drainage problem in that area and it will be addressed. Osmek stated that if curb and gutter is added where there was none before, it will be assessed on a lineal foot basis. If any of the lineal footage falls on City property the city is responsible for that portion.

Tom Sims, 2957 Cambridge Lane, stated that his son lives at the residence, and asked if everything presented is set in stone. He stated that there is nothing wrong with the small portion of Cambridge running north from Manchester. He also put a \$30,000 retaining wall in and expressed concern over this also. Moore stated that the wall would not be disturbed. Sims stated his goal is to not have Cambridge Lane touched there. There is nothing wrong with the asphalt, and that small part of Cambridge only serves two homes, his and the other that is only occupied in the summer. Hanus stated that this will be looked at to assure that we're not fixing something that's not broken, and that vacation of that portion of the street may be an option. Sims indicated he would not be in favor of vacating the street and being responsible for its upkeep. Sims also stated that in the winter the City plows push snow onto the house roof on the southeast corner of Leslie and Cambridge. This is due to the steep hill and lack of room to dump it, but doesn't feel it should be dumped on the house. Hanus stated that if this is happening, it's wrong and instructed Moore to look into it.

Tyler Oberdeck, 2717 Clare Lane, asked how long the block will be torn up and how long it will take to get the project done. Moore stated that when the utilities are being repaired in front of a residence, there will not be access to the house for a few hours. At the end of each day residents will have access. When there will not be access is when curb and gutter is done, and they have to park on the street for about seven days. Residents will receive written notification as to the schedule, along with contact information for the project inspectors, etc. There is also a connection on the City's website to the engineer's weekly update.

Dan Ferris, 4974 Brunswick, asked if there are plans to put in curb and gutter on Cambridge. Moore stated that Cambridge does not have curb and gutter now and the plan is to put it in but it is not designed yet. Faulkner stated that it is not certain that curb and gutter will be installed because there is concern over the narrow width of that street. Ferris asked when they will know for sure and if residents will have input. Moore stated that they will know when the plans are done and told Ferris to contact him.

Kathy Engel, 4775 Kildare Rd, asked if it is possible to put a street light at her corner. Hanus informed her of the process for this request and that staff will evaluate and make a recommendation to the Council. Kandis Hanson stated that she needs to get a petition with the affected neighbors' signatures so that they know what the majority prefers. Osmek stated that the petition need only include those that are actually affected by the proposed light. Engel asked for clarification of the definition of a unit, because she has two lots included in her parcel. It was determined that she has one parcel, thus one unit. She also expressed concern that the retaining wall in her area should be lengthened and is bowing, and Moore took note of her concerns.

Ann Jepson, 2545 Black Lake Lane, stated that she has two PIDs, and asked if she is looking at twice the estimated assessment. Moore stated that only one is included in this project.

Russ Nettle, 4658 Kildare, stated that he has only lived there for a few years, but asked why his street is being improved, because there are two people on the public road and the rest is private. It's a recent development and new homes that were built in the last 5-10 years, and his part of the road is in perfect condition, and has curb and gutter. One of the reasons they moved there is that it was a new development and they wouldn't have to deal with assessments for new streets, etc. Hanus stated that he will have staff look at this and assess its condition.

Ron Bergquist, 2540 Wexford Lane, asked if his parcel was one unit, and was told that it was.

Tom Casey, 2854 Cambridge Lane, asked about the catch basins on the corner of Cambridge and Bedford and asked if there is a plan to take property to expand the retaining wall. Moore stated that he can't answer that until the plans are prepared. Casey asked about the expansion of Cambridge or Bedford because in 1980 he negotiated taking some of his property for the expansion of Bedford to its current width, and hates to lose more of his lot and would like to know this sooner than later. Moore stated that there is no plan at the present time to widen streets unless there are visibility issues at intersections. Casey asked if the intersection of Bedford and Cambridge is one of those visibility issues and Moore indicated not at this time, but if there were a change property owners will be contacted. Casey asked when the public can comment on design issues. Hanus stated that once the designs are done they come to the Council, and that would be the only opportunity before the bids go out, which would probably be March. Moore stated that if he has an interest in the plans he should call Faulkner. Casey also stated that Cambridge can't stand the additional width of concrete aprons, and also suggested putting the feasibility report online.

Chris Lappi, 4408 Denbigh Road, asked if the curb and gutter will be replaced and expressed concern about the conditions of the drains to the lake. Moore stated that they will be evaluated.

Kandis Hanson stated that the City has 97 street ends that drain into the lake and she has been in contact with the Minnehaha Creek Watershed District regarding grants available for evaluation of the drainage into the lake.

After receiving no further public comment, Mayor Hanus closed the public hearing at 9:17 p.m.

MOTION by Osmek, seconded by Salazar to adopt the following resolution with contingencies for the discussion points made this evening. All voted in favor. Motion carried.

**RESOLUTION NO. 11-77: RESOLUTION ORDERING IMPROVEMENT AND PREPARATION OF PLANS FOR 2012 STREET, UTILITY AND RETAINING WALL IMPROVEMENT PROJECT**

**7. Woodlyn Ridge Subdivision**

Sarah Smith stated that Woodlyn Ridge final plat and related development documents were approved in May, 2010, with subsequent amendments to extend those. According to the terms of the Development Agreement, the developer is to construct, at his sole expense, the public improvements and the developer items as described in the agreement. Tim Hartman, the developer, is now proposing to affiliate with JMS Custom Homes and create a new entity which will become the "new" Developer of the subdivision. The developer is now proposing that the City construct and pay for the improvements as a 429 Improvement Project to be financed through special assessments against the eleven lots in Woodlyn Ridge. Payment of the assessment would be backed by a developer payment bond.

Jeff Schoenwetter of JMS Custom Homes made a presentation to the Council that previewed a development in Savage, among others, where they used 429 assessments. He stated his purpose tonight is to finalize their request with the City to visit a 429 assessment project, and expressed what he believes are advantages to both the developer and the City, in using this method.

Salazar expressed that the City is not a bank and this financing is not a function of the City, so he would not be in support proceeding with this. Hanus also expressed concern that a buyer is slapped with a higher assessment than if on the City's street projects, and has other issues as well. Osmek agreed with not wanting to be a bank, but has more questions that have to be answered.

Schoenwetter stated that he is not looking for a decision tonight, but hopes he can come back with more data because what the Mayor just stated is not correct, the assessment would be a discount from the purchase of the lot. He offered the City a copy of the current development agreement, including assessment provisions that he has with the City of Savage.

MOTION by Osmek, seconded by Gillispie to direct staff to proceed with an analysis of the utilization of 429 in this instance, including liability and risk analysis, a rate restriction review as far as what rates we can charge over the market bond rate, all planning and costs incurred by the city (including legal) are assessable into the project, analysis of GO Bond impact, and historical review of Langdon Bay and other 429 projects we've done and if they're comparable. The following voted in favor: Gillispie, Hanus and Osmek. The following voted against: Salazar. Motion carried. Schoenwetter stated he will provide that data to staff immediately.

**8. Information/Miscellaneous**

- A. Comments/reports from Councilmembers/City Manager – Hanus asked that everyone take a moment on Friday, Veterans Day, to take time to reflect and thanked his fellow vets for their service and their sacrifice.
- B. Reports: Liquor Store for Sept. 2011  
Fire Commission Meeting – 11/2/11
- C. Minutes: Parks and Open Space – 10/13/11
- D. Correspondence: None

**9. Adjourn**

MOTION by Osmek, seconded by Hanus to adjourn at 10:00 p.m. All voted in favor. Motion carried.

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Mayor Mark Hanus

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Attest: Bonnie Ritter, City Clerk