

**MOUND CITY COUNCIL MINUTES**  
**November 12, 2013**

The City Council of the City of Mound, Hennepin County, Minnesota, met in regular session on Tuesday, November 12, 2013, 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, Finance Dir/Clerk/Treasurer Catherine Pausche, Community Development Director Sarah Smith, Public Works Director Carlton Moore, Engineer Dan Faulkner, Attorney Melissa Manderschied, Joseph T. Jezierski, Pauline Jezierski, Ken Friedrichsen, Matt VanNelson, Heather Knutson, Marilyn Cornman, Bob Engelhart, Matt Cantin, Beppy Goodfellow, Mary Brenny, Nick Pickert, Jeff Kreuziger, Jo Pritchard, Grant Johnson, Gloria Williams, Kurt Schendel, Vincent Reis, Joan Korczak, Tegan Castellano, Kevin Castellano, Jameson M. Smieja, Vincent Reese, and Fred Barke.

*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**

Three typos were noted: Item 4C. should read "GMH", not "GHM," Item 4D should read "\$211,395.37," not "\$211,395.38," and item 7 should read "1728 Finch Lane," not "1748 Finch Lane."

MOTION by Salazar, seconded by Gesch to approve the agenda, as amended. 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 \$440,424.87.
- B. Approve minutes of the October 22, 2013 regular meeting.
- C. Approve Pay Request No. 6 from GMH Asphalt Corporation in the amount of \$382,391.21 for the 2013 Street, Utility, and Retaining Wall Improvement Project, City Project No. PW-13-01, PW-13-02, PW-13-05.

- D. Approve Pay Request No. 2 from Minger Construction, Inc. in the amount of \$211,395.37 for the 2013 Lift Station Improvement Project, City Project No. PW-13-03.
- E. **RESOLUTION NO. 13-100: RESOLUTION APPROVING VARIANCE AND EXPANSION PERMIT FOR 4431 LAMBERTON ROAD PID #19-117-23-34-0045.**
- F. **RESOLUTION NO. 13-101: RESOLUTION APPROVING LANDSCAPING SECURITY REDUCTION REQUEST FROM WOODLYN, LLC.**

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

None were offered.

6. **Public Hearings**

A. **Sarah Smith, Community Development Director, requesting action on Resolution Vacating Streets Within Minnesota Summer Baptist Assembly Original Plat.**

Sarah Smith, Community Development Director, summarized the information in the packet and provided background. Smith stated the required notices were given and that the Planning Commission recommended approval subject to conditions. The current owner, Kent Friedrichsen, is contemplating a future subdivision of three possible lots in the area. Street vacations are a statutory action, not a variance, and the Council can grant a vacation if it is a benefit to the public. Smith stated it should be noted a super majority vote of the council is required because a qualified petition signed by the majority of land owners in the area was not obtained.

Mayor Hanus noted that the subdivision configuration and any variances required would come up at the time of subdivision and is not part of this discussion.

Mayor Hanus open the public hearing at 7:15pm.

Vincent Reese, 5853 Fairfield Road, asked who pays for the street redevelopment. Mayor Hanus and Smith stated it would be up to the developer to improve the street. Smith stated new lots, post 1994, would be maxed at 30% hardcover.

Upon receiving no further comments, Mayor Hanus closed the public hearing at 7:17pm.

MOTION by Hanus, seconded by Gesch, to approve the following amended resolution. All voted in favor. Motion carried.

**RESOLUTION NO. 13-102: RESOLUTION APPROVING VACATION OF PORTIONS OF HULLETT AVENUE PLANNING COMMISSION CASE NO. 13-28**

B. **Dan Faulkner, representing Bolton & Menk Engineering, requesting action on Resolution Ordering Improvement and Preparation of Plans for 2014 Street, Utility, and Retaining Wall Improvement Project – Three Points Boulevard.**

Dan Faulkner, City Engineer, presented a Power Point presentation summarizing the feasibility report and public hearing requirements, as required by state statute. Faulkner summarized the main recommendations of the report for improving 1.1 miles of Three Points Boulevard to Municipal State Aid Standards as described in the feasibility report included in the packet.

Mayor Hanus confirmed that the street does not currently meet state aid standards. Hanus confirmed all curb and gutter will be replaced, but where it currently exists, the abutting properties will not be assessed. Hanus asked what it will cost for curb and gutter for the area that will be assessed. Faulkner stated \$10 - \$15 per lineal foot. Gillespie questioned whether a corner property would be assessed a full or half assessment. Faulkner stated that if it was identified as having paid in a previous project then it will only receive half an assessment. Hanus pointed out the estimated assessment is less than recent projects. Salazar asked for the reasoning behind the Seahorse Condominium assessment to be explained again. Faulkner stated he took the square footage of the area divided by 10,000 to come up with the equivalent residential units, similar to what was done in 2009 for Indian Knoll Manor.

Mayor Hanus opened the public hearing at 7:41 pm.

Nick Pickert, 4956 Three Points Boulevard, asked what the potential variance (above and below) the assessment estimate would be. Hanus stated in all previous projects they never came in over estimate but he can't promise anything. Pickert questioned why Seahorse doesn't have as much linear foot per unit as a single family residence, but also stated they all have a vehicle, bathroom, and kitchen and he feels each individual is getting the same use. Hanus says he also struggles with it but if they were treated the same as a single family residence they would be responsible for almost ½ of the total project. Pickert asked council to consider other allocation options. Faulkner stated the proposed formula results in Seahorse paying about 1/3 of the project instead of ½ which he feels is more justifiable. Hanus discussed the challenges with the alternatives. Potential inequities exist when it comes to justifying increase in property value on a condo versus a single family residence. Pickert asked if a public record of all the assessments of the side streets was available. Hanus clarified he was referring to the estimated assessment and not the actual. Pickert asked for a concrete aprons cost estimate. Dan Faulkner stated it has been approximately \$5 – \$6 per square foot, or around \$300 for a 20 foot wide driveway.

Jameson Smieja, 1700 Baywood Shores Drive, asked what the life expectancy is of the portion of the sewer that is not being replaced. Faulkner stated the lining method has been very effective and that it restores the pipes to a like-new condition without having to dig them up. Smieja asked Faulkner to elaborate on MSA funding. Faulkner stated that up to 20% of city streets can be designated as Municipal State Aid (MSA) streets. MSA is a way to help fund street improvements as long as the city rebuilds them to MSA standards. The standards require the streets to be thicker so they last longer and wider to allow for parking. Hanus stated each city has an account with the state that can be used to fund street improvements but only for the portion that is above and beyond the city standards.

Marilyn Cornman, 5197 Three Points Boulevard, asked how long residents will have to pay off the assessment. Hanus stated an assessment hearing will take place two years from now and if it is not paid off by November of that year, it goes on taxes for up to 15 years subject to interest which has typically been 5%. Cornman asked how much disruption of existing yards would take place. Moore stated yards are only disturbed if the sidewalk or curb stop are replaced. Moore stated whatever is disrupted will be replaced in-kind. Hanus said the City is responsible for watering for 30 days and then residents take over.

Fred Barke, 1674 Gull Lane, stated that in 1981 the street was moved over to create a sidewalk and wanted to ensure the street will stay as is. Moore confirmed that it will. Barke asked why corners only pay ½. Hanson stated because they pay ½ an assessment on each of the street projects they abut. Barke asked how the traffic will be rerouted. Moore stated contractors will

have to do work under traffic where alternates are not possible. Bypasses will be set up to ensure water is provided to houses with minimal disruption. Barke asked where the project starts. Moore said that is up to contractor. Hanus stated the contractor kept his street open during their project and it was only 18 feet wide.

Mary Brenny, 4909 Three Points Boulevard., stated she is at the low end of the street and was wondering if the streets will be re-graded during the project and whether the storm drains will remain. Hanus referred to figure 5 which shows the catch basins. Faulkner stated the plan is to replace what is there and that there is no plan to add any at this time. Grade is only adjusted a matter of inches not feet.

Nick Pickert, 4956 Three Points Boulevard, stated a fire hydrant is planned for right in the middle of his driveway. Faulkner stated drawings are conceptual and will be adjusted for obstacles.

Fred Barke, 1674 Gull Lane, stated that a tree was removed with the 1981 project and a fire hydrant was installed and it sunk right away. Hanus requested staff to address warranty issues. Faulkner stated that is why the project is not completed until the following summer to allow for settling. In addition, there is a two year warranty period after the final ware course. Hanson assured him it would be corrected the next time around and Hanus asked him to confirm the location. Barke stated it is on the north corner of Gull Lane and Three Points Boulevard across from the baseball diamond.

Marilyn Cornman, 5197 Three Points Boulevard, (corner of Avocet Lane and Three Points Boulevard) said there are many low spots and wondered if the city would be willing to put in water gardens if someone adopted them. Hanson stated the only other water gardens were created in commercial gardens. Hanus did not think any area does not have a curb. Hanson stated curbs are the standard. Marilyn asked if storm sewer would be built differently and Moore stated high velocity grates could be used and they will look into it. Hanson encouraged residents to let the engineers, Carlton or Dan, know of special circumstances like this so it can be factored into the design.

Jeff Kreuziger, 4942 Three Points Boulevard, asked if curb was included in the assessment. Faulkner stated no, it would be replaced at his expense since it is currently asphalt. Hanson stated it would be in addition to the proposed assessment. Kreuziger stated it would put his assessment over \$6,000 and he has a concern whether or not his property value would go up that much. Hanus pointed out that is the estimated assessment for people without curb replacement last year.

Heather Knutson, 1685 Gull Lane, was curious about retaining walls because she was assessed for her retaining walls. Hanson stated that is not our policy to assess retaining walls and it would not have been part of her assessment. The city pays for that portion of the project.

Mayor Hanus closed the hearing at 8:22 p.m.

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

**RESOLUTION NO. 13-103: RESOLUTION ORDERING IMPROVEMENT AND PREPARATION OF PLANS FOR 2014 STREET, UTILITY, AND RETAINING WALL IMPROVEMENT PROJECT – THREE POINTS BOULEVARD**

**7. Sarah Smith, Community Development Director, requesting action on Resolution Approving Variance for Property at 1728 Finch Lane.**

Smith stated the applicant is Grant Johnson of Suncrest Builders, who applied on behalf of owner Jeffery Jesberg. Smith stated variances are typically included on the Consent Agenda, but because this involved a sanitary sewer line Staff decided to put it on the regular agenda. Smith summarized the request using diagrams and information included in the packet. Smith noted this property was subject to the Dreamwood Settlement Agreement but that has no bearing on this variance.

Current 15 foot public easement in favor of the City and the proposal is to build over the easement. The easement is preferred but options are to sleeve the existing line so problems can be addressed without having to disrupt the structure, or reroute the line, but bends are not optimal. Abutting property provided the quit claim deed. Nothing in the easement states that the owner could not construct over it. City will be able to maintain the sewer. Input from adjacent property owner included concerns about the effect on trees because of construction. Smith noted any costs would be borne by builder/property owner. Staff and Planning Commission supports application as it is improving conditions and the existing set-backs.

Smith stated the 60 day extension would need to be executed by December 3, 2013. Mayor Hanus stated he does not recall a similar instance in his tenure. Moore stated the steel casing pipe would allow for repair and, if necessary, the pipe can be pulled out, repaired, and put back in. Hanus asked what if pipe corroded with age and was damaged in subsequent construction. Moore said it would be lower than 6 – 8 feet, which would be lower than the footings.

Grant Johnson, 6347 Bayridge Road, owner of Suncrest Builders, said he understands footings need to be well above the pipe. He stated there is precedent in other cities both in a commercial and residential setting. Moore stated he has done this when crossing state highways in other cities. Hanson said in Kasson the railroad encased utilities under the railroad crossings.

Hanus asked if dimensions of lining could be recorded in easement so that any proposed changes in the future would consider this lining and the needed access points. Melissa Manderschied answered yes; a resolution or agreement could be recorded. Salazar asked if there was any precedent in Mound. Hanus stated not to his recollection. Smith said the only thing that may even be close is landscaping on commons with water main underneath. Agreements authorize that if City has to access the lines we will only replace with grass. Salazar asked if there are any other alternatives. Moore stated a breezeway to the garage was discussed. Salazar asked what would most likely be built over the line. Grant Johnson said likely a mudroom or a room connecting the garage and house. Mayor said we are only dealing with a variance at this meeting.

Salazar wanted to confirm there is precedent in other cities and that Staff will find out the standard requirements. Moore stated full engineering drawings will be required which is part of the building permit process. Wegscheid stated he was involved in a similar project where it ran the length of a three-story building.

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

**RESOLUTION NO. 13-104: RESOLUTION APPROVING VARIANCES FOR 1728 FINCH LANE. PID #13-117-24-13-0018**

**8. Information/Miscellaneous**

A. Comments/reports from Council members/City Manager

Hanson stated Gillespie Festival of Trees will be held this weekend, November 15<sup>th</sup> – 18<sup>th</sup>, with each day having a different theme to target different age groups. Thursday, November 21<sup>st</sup> is the Annual Tree Lighting at the Greenway in Mound as well as Beaujolais Nouveau Day at Harbor Wine and Spirits. The Dakota Junction restaurant ribbon cutting will be held on November 23<sup>rd</sup> from 2:00pm – 4:00pm.

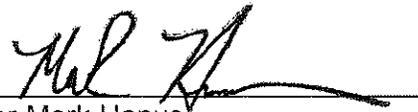
B. Minutes: Planning Commission – Oct 1 & 15, 2013  
C. Reports: Centennial Building Dedication – Oct. 7, 2013  
Harbor Wine & Spirits – Oct & YTD  
Hennepin County Property Tax Comparison

D. Correspondence:

**10. Adjourn**

MOTION by Salazar, seconded by Gesch to adjourn at 8:57 p.m. All voted in favor. Motion carried.

  
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Attest: Catherine Pausche, Clerk

  
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Mayor Mark Hanus