

MOUND CITY COUNCIL MINUTES
November 12, 2014

The City Council of the City of Mound, Hennepin County, Minnesota, met in regular session in a rescheduled meeting due to the Veteran's Day Holiday on Wednesday, November 12, 2014, at 7:00 p.m. in the council chambers of the Centennial Building.

Members present: Mayor Mark Hanus; Council members Mark Wegscheid, Ray Salazar, and Heidi Gesch

Members absent: Kelli Gillispie

Others present: City Manager Kandis Hanson; Director of Public Works Carlton Moore; Administrative Assistant Mary Mackres; City Engineer Dan Faulkner; Janet Christopherson, Ed Schmidt, Timothy Babb, Jackie Piepkorn, Anna Streich, Rick Williams, Tom Donahue, E. Vandam, Peter J. McGovern, Jennifer Fritzler, Janet Zinher, Joe Marston, Fiona Golden, Matt Bouts

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

Mayor Hanus acknowledged Veteran's Day and thanked his fellow veterans for their service. Hanus encouraged everyone to view Red Skelton's skit on the Pledge of Allegiance and played it for the audience.

3. Approve agenda

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

4. Consent agenda

Mayor Hanus stated that item H, for clarification purposes, should read "adopt resolution approving a public gathering permit with reduced fee due to public purpose of gathering."

Salazar asked for item K to be pulled for discussion.

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

- A. Approve payment of claims in the amount of \$128,406.85.
- B. Approve minutes of the October 14, 2014 regular meeting and October 21, 2014 special budget meeting workshop.

- C. Approve pay request No. 3 from GMH Asphalt Corporation in the amount of \$468,881.55 for the 2014 Street, Utility and Retaining Wall Improvements – East Three Points Boulevard, City Project No. PW-14-01
- D. Approve payment of invoice from Advanced Wall Structures, Inc., for Emergency Retaining Wall Replacement at 3025 Island View Drive, in the amount of \$121,350.00
- E. Approve pay request No. 4 from Widmer Construction in the amount of \$24,151.88 for the Bartlett Boulevard Watermain Improvements, City Project No. PW-14-08
- F. **RESOLUTION NO. 14-94: RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND ORDERING ADVERTISEMENT FOR BIDS FOR THE 2014/2015 SANITARY SEWER REHABILITATION PROJECT (PW-14-05, PW-15-06)**
- G. **RESOLUTION NO. 14-95: RESOLUTION ACCEPTING BID FOR THE 2014 STREET, UTILITY AND RETAINING WALL IMPROVEMENTS – WEST THREE POINTS BOULEVARD UTILITY IMPROVEMENTS PROJECT (PW14-01, PW14-02)**
- H. Approve Public Gathering Permit from Westonka Community and Commerce for the 31st Annual Mound Tree Lighting: Thursday, November 20, 2014, 6:00 p.m. to 8:00 p.m., with reduced fee paid
- I. Approve One-Day Liquor License for Our Lady of the Lake Catholic Church for annual Pig Roast fundraiser on: Sunday, December 14, 2014, with fee paid
- J. **RESOLUTION NO. 14-96: RESOLUTION TO AUTHORIZE CITY MANAGER TO ENTER INTO A CONTRACT WITH MN SERVICES, INC. FOR JANITORIAL SERVICES**
- K. Pulled.

4K. Approve Resolution to Canvass Returns and Declare the Results fo the Municipal Election of November 4, 2014.

Salazar stated that he requested this item be pulled in order to allow Council Member Wegscheid and absent Council Member Gillispie to make the motion.

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

RESOLUTION NO. 14-97: RESOLUTION TO CANVASS RETURNS AND DECLARE THE RESULTS OF THE MUNICIPAL ELECTION OF NOVEMBER 4, 2014

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

Jackie Piepkorn, 4820 Canterbury Road, said she is here on behalf of herself and neighbors to resolve the issue of low water pressure at Devon & Canterbury. Water pressure was tested for various homes at 18 pounds, 22 pounds, and 23 pounds and the low pressure is causing appliances to malfunction. Piepkorn said two appliances can't be run at the same time.

Anna Streich, 3120 Devon Lane, stated city employees said water pressure would be better once the roads were improved and noted the water was orange and horrible during construction.

Piepkorn stated about 10 homes have low water pressure, which are the ones at the top of hill close to the water tower. Hanus asked Public Works Director Carlton Moore about the issue. Moore acknowledged low pressure in the area and that the plan is to take the tower off-line eventually, but it has to be managed in the meantime to allow enough pressure for fire services. More stated it may take a couple of years to resolve.

Tom Donahue, Donahue Mechanical, stated he is a master plumber and tested Piepkorn's water pressure at 18 pounds. Donahue said the State mandate is 60 lbs. Donahue suggested a booster pump costing approximately \$3,000 should be put in each household and the City should pay since the fees are so high.

Hanus stated that the high fees pay for bonds to fund the work being done and that you can't compare one city to another as there are a lot of factors involved. Hanus added that the City also can't expect people to pay for services they aren't getting. Hanus stated there needs to be a solution and asked Staff to look into it and report back to the residents.

6. Public Hearing

- A. Resolution ordering Improvement and Preparation of Plans for 2015 Street, Utility, and Retaining Wall Improvement Project – Grandview Boulevard

Dan Faulkner presented the findings of the Feasibility Study for the 2015 Street, Utility, and Retaining Wall Improvement Project – Grandview Boulevard. Faulkner stated that the option for sidewalks was added to the study as an option as suggested by the Mayor. Faulkner stated there may be some Safe Routes to Schools grant funding, but the odds are low.

The Mayor noted that nothing has been approved yet, and that the Council wants to hear from the residents on Grandview regarding the sidewalk to make sure this is what everyone wants.

Mayor Hanus opened the Public Hearing at 7:43 pm.

Rick Williams, 2121 Grandview Boulevard, stated for the record that he has not been asked whether he wants a side walk and is not interested in sidewalk. He also did not want stop signs either. Williams asked why residents have to pay for Grandview improvements since it is a state aid road? Other cities do not charge for upkeep of state aid roads. When County Road 15 was rerouted, large equipment and belly dumpers went on to Grandview.

The Mayor stated that when the road improvement project was initiated in 2003, the Council had to determine a way to pay for the improvements. An assessment policy was developed where the City pays for 1/3 of the project and residents pay for 2/3. Hanus said Grandview will not be built to state aid standards and that state aid only covers the amount above and beyond normal street standards. Hanus said the county's use of Grandview didn't cause the road to be fixed to any greater degree than the other streets in Mound. If Grandview residents did not contribute to the project, it would be borne by all residents and would not be fair as they were required to pay for their street improvements.

Faulkner clarified that the road is being constructed to state aid standards, but the City will not submit for state aid reimbursement. Faulkner noted that this portion will not be part of the assessable costs.

Janet Christopherson, 2118 Grandview, noted that there is a cul-de-sac called Grandview Court and their only access is through Grandview Boulevard. Christopherson asked why the properties weren't being assessed. Hanus said it needed to be looked into further.

Ed Schmidt, 2128 Grandview, suggested that the drainage be improved on the south side of Grandview. Faulkner stated that more drainage may be added. Schmidt was concerned that he would have to pay for an apron to his driveway at an additional cost. Hanson stated that if he already has an apron and in good condition, a new apron is not needed. Schmidt stated that Grandview is a raceway already and now more people will use the sidewalk, so he questions why Grandview residents should have to pay. He is not interested in a sidewalk.

Mayor stated that the proposed sidewalk will start and end from Lynwood to Commerce, but that can be changed. Hanus asked if the Hearing Notice mentioned the potential for a sidewalk and Staff said it did not.

Jennifer Fritzler, 5777 Grandview, stated she is not favor of a sidewalk and asked when the actual figures will be known or if the Council knows how reliable they are. Hanus said the final numbers are not known for two years, but that the estimates have always been at or higher than the actual assessment. Fritzler was concerned that the assessment would exceed the actual increase in property value. Mayor stated that if road is not repaired, it would eventually degrade to where it was not usable and property values would decrease.

Moore said in previous communications with the County Assessor, he said that because the City pays 1/3rd, there would be no issue with proving the benefit. Moore stated that if residents wanted to dispute assessments, they would need to get an attorney and file papers in district court, which is not an easy process.

Timothy Babb, 2084 Grandview, said he does not want a sidewalk and was not asked to sign a petition for a stop sign. Babb said people are not stopping at stop sign and that Orono Police has ticketed people on occasion, but it is not enforced much.

Matt Bouts, 5765 Grandview, said this is a rental property so he wants to confirm it is still just considered as one unit and Faulkner said it is. Bouts asked about water main repairs to fix the water problem. Moore informed residents that cast iron mains get corroded over time and that replacements will be a flexible ductile. Moore said projects should be complete by 2017. Hanson informed resident that service to houses remain old. Each resident has a personal responsibility to improve their own portion. Bouts said he thinks the stop sign has slowed traffic and he feels a little safer because of them. Bouts did note he was not asked to sign the petition.

Liz Vandam, 5816 Grandview, came to the City asking how to manage the "speedway" that Grandview has turned into and that the stop sign has not changed anything. Vandam said she is in favor of a sidewalk and that her life is worth \$1,000. Vandam had asked about speed bumps, but was told they were not feasible. Vandam noted there are some types of speed bumps that could be pulled up in winter for plowing.

Fiona Golden, 5841 Grandview, is opposed to a sidewalk on her side of the street because her house is near the street, but would like one on the other side. Golden noted storm water fees

collected in Mound and that other cities are able to pay assessments through storm water fees. Mayor said that the street assessment is ONLY for the streets and that the utility bill pays for utility improvements, including storm water, sewer, etc. Hanus noted every city does things differently.

Ed Schmidt, 2128 Grandview, asked if the water safe to drink. Moore state the coloration is iron build-up and it is safe to drink. Moore stated the City water is tested 2-3 times per week to ensure safety.

Rick Williams, 2121 Grandview, asked who will maintain the sidewalks. Williams noted Navarre and Spring Park sidewalks are always plowed and Mound sidewalks are a mess. Williams asked why sidewalks aren't shoveled at the same time as the roads are plowed. Hanus stated that everything in the City is prioritized and that roads are always first. Hanus stated taxes would need to increase to hire more people to shovel immediately. Williams asked where the sidewalk is going to since it ends up on County Road 15 where there is no sidewalk.

Timothy Babb, 2084 Grandview, stated it is dangerous to walk on Lynwood. Babb stated a telephone pole exists on his property and would need to be relocated if there was a sidewalk. Babb asked if moving the pole would be assessed and Faulkner stated that the utility company takes responsibility and pays for the move since it is in the right of way.

Jennifer Fritzler, 5777 Grandview, stated that many houses along Grandview slant downwards and that it seems a retaining wall would need to be built for a sidewalk. Faulkner stated that this is probably true and Fritzler said she is still opposed to a sidewalk. Fritzler noted a lot of work was done on Bellaire Lane and that there is a sewer gas smell there. Moore stated that is Minnetrista's force main and the City is trying to get them to address the issues with the man hole. Moore stated it is a maintenance issue and not a one-time fix.

Mayor closed the public hearing at 8:30 pm.

Hanus stated he is surprised by the number of residents who are opposed to the sidewalk and that when it was discussed at a previous meeting, most were in favor. Hanus said the issue could be tabled and a letter sent to residents specifically talking about the sidewalk possibility. Salazar agreed that we should table and send out letter.

Gesch asked Faulkner if the \$1,000 estimate for sidewalk assessment is correct and Faulkner said that it is. Hanus asked about if easements were needed for sidewalks and Faulkner said that fire hydrants are probably the only thing that requires an easement and that the sidewalk would be in the right-of-way abutting the curb.

Wegscheid asked for a more detailed description of what would be done on each person's parcel, including tree removal, etc.

Hanus said the next meeting is by Thanksgiving so it should be brought back at the December 9th meeting to discuss.

MOTION by Salazar, seconded by Wegscheid, to reconsider the action of closing the public hearing. All voted in favor. Motion carried.

MOTION by Hanus, seconded by Salazar, to re-open public hearing that was just closed. All voted in favor. Motion carried.

MOTION by Hanus, seconded by Salazar, to continue public hearing at the December 9, 2014 regular meeting. All voted in favor. Motion carried.

Hanus clarified that anyone who has an opinion on the sidewalk issue does not need to attend the December 9th meeting, but just has to put something in writing with their signature and get it back to the City before the meeting. Hanson asked that Vandam provide a copy of the original stop sign petition. It was suggested that the letter include a tear-off piece to return to City Hall.

MOTION by Salazar, seconded by Wegscheid, to table the resolution on page 2459 until the December 9th meeting. All voted in favor. Motion carried.

7. Information/Miscellaneous

A. Comments/reports from Council members/City Manager

Hanus just wanted to clarify that he is still mayor until Wegscheid is sworn in on January 13th at the first council meeting of 2015.

Hanson will send a meeting announcement to anyone who submitted a claim to the city for sewer back-ups, that there will be a special meeting on the subject on December 11th at 6:30 pm. This will cover the sewer back-ups and what progress has been made and what the City of Mound and Met Council have agreed to resolve problems. Hanson encouraged everyone to sign up for the new notification system and that people present should provide an email address and/or cell phone number.

B. Minutes:

C. Reports:

D. Correspondence: Letter of resignation from Brian Berent

8. Adjourn

MOTION by Gesch, seconded by Wegscheid, to adjourn at 8:49 p.m. All voted in favor. Motion carried.

Mayor Mark Hanus

Attest: Catherine Pausche, Clerk