

**MOUND CITY COUNCIL MINUTES**  
**June 9, 2015**

The City Council of the City of Mound, Hennepin County, Minnesota, met in regular session on Tuesday, June 9, 2015, at 7:00 p.m. in the council chambers of the Centennial Building.

Members present: Mayor Mark Wegscheid, Council Members Heidi Gesch, Ray Salazar, Kelli Gillispie, and Jennifer Peterson

Members absent: None.

Others present: City Manager Kandis Hanson, Director of Finance/Clerk/Treasurer Catherine Pausche, City Attorney Melissa Manderscheid, Community Development Director Sarah Smith, Director of Public Works Eric Hoversten, Katie Morford, City Engineer, Bolton & Menk, Dan Faulkner, City Engineer, Bolton and Menk, , Building Official Scott Qualle, Kaite Morford, David Umbehoeker, Jackie Piepcorn, Brooks Chandler, Brenda Fromm

*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 Council Member 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** by Salazar, seconded by Gesch, to approve agenda.  
All voted in favor. Motion carried.

**4. Consent agenda**

Gillispie requested the removal of Item 4G.

**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 \$235,829.64

B. Approve minutes: May 26, 2015 regular meeting

**C. RESOLUTION NO. 15-59: RESOLUTION APPROVING PUBLIC LANDS PERMIT FOR 4730 GALWAY ROAD DREDGE PROJECT**

D. Approve pay request No. 2 from Geislinger & Sons, Inc., in the amount of \$198,597.97, for the 2014 Street, utility and Retaining Wall Improvements - West Three Points Boulevard utilities, City Project No. PW-14-01

E. Approve pay request No. 2 from Widmer Construction, LLC, in the amount of \$15,472.81, for work on the Bartlett boulevard Watermain Improvement Project, City Project No. PW-15-09

F. Approve payment of invoice by Braun Intertec in the amount of \$1,021.75, for construction testing services, City Project PW-14-01.

G. Removed.

H. Adopt Public Gathering Permit for 2015 Fishing for Life special event at Surfside Park and Beach: Friday, June 19, 2015

I. **RESOLUTION NO. 15-60: RESOLUTION APPROVING VARIANCE FOR 5079 BARTLETT BOULEVARD (PLANNING CASE NO. 15-01) - See replacement page**

J. **RESOLUTION NO. 15-61: RESOLUTION APPROVING PUBLIC GATHERING PERMIT FOR 2015 MUSIC IN THE PARK SPECIAL EVENTS AT SURFSIDE PARK AND BEACH AND WAIVING FEES DUE TO PUBLIC PURPOSE OF GATHERING.**

**4G. Action on resolution approving public gathering permit for 2015 Dog Days special event.**

Gillispie requested the item be removed from the consent agenda in order to abstain from voting due to her position as President of Westonka Community and Commerce.

**MOTION** by Salazar, seconded by Gesch, to approve the following resolution. The following voted in favor: Wegscheid, Gesch, Salazar and Peterson. The following voted against: None. The following abstained: Gillispie. Motion carried.

**RESOLUTION NO. 15-62: RESOLUTION APPROVING PUBLIC GATHERING PERMIT FOR 2015 DOG DAYS SPECIAL EVENT AND REDUCING THE FEE DUE TO PUBLIC PURPOSE OF GATHERING: AUG 22, 2015**

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

None

**6. Dan Faulkner, City Engineer of Bolton & Menk, presenting the 2014 Storm Water Pollution Prevention Program (SWPPP) Annual Report, and meeting the Public Meeting Requirement**

Faulkner handed out an informational pamphlet from the Minnesota Pollution Control Agency (MPCA) describing the municipal storm water program. Faulkner stated the SWPPP and this presentation is an annual requirement and the purpose is to review the City's storm water system and to reduce polluted flows to bodies of water like Lake Minnetonka.

Faulkner stated Mound is a MS4 (Municipal Separate Storm Sewer System) permitted city and is required to conduct this meeting and submit a report by the end of June. The objective of the SWPPP is to raise awareness of storm water processes and develop a plan to improve water quality. The requirements are to review what happened in the previous report and submit an update to the MPCA. Faulkner stated the City could do more outreach to the public on storm water practices and could partner with lake associations and MCWD on improving outreach. Another area to improve outreach is to develop a separate page devoted to storm water education and better links on the City website.

Faulkner reviewed the other requirements of the MS4 General Permit that the City has accomplished, including a City ordinance amendment, storm water improvements made during street projects, and the spring and fall street sweeps. Areas for improvement include monitoring at least 20% of the outfalls each year and to develop more formalized policy and procedures regarding City efforts at storm water management.

Mayor Wegscheid asked why we are doing this if our population is less than 10,000 and Faulkner said that population is only one factor and all lake cities are considered MS4.

**7. Scott Qualle, Building Official, requesting discussion/consideration/any necessary action regarding uncompleted building repairs at 3243 Warner Lane**

Qualle said the ordinance is written to ensure exterior work takes place on a timely basis. Qualle said staff has been working to get the property into compliance for over 18 months and said that neighbor complaints have increased and the commitments to complete the projects by the property owner have not been met. Qualle stated the owner is present.

Qualle said he observed the owner and a colleague on the roof of the building on Friday, June 5th, and that he stopped by before tonight's meeting and said the rood was substantially complete. Other items that needed to be addressed on the outside of the structure included the removal of decks, which has been done, and which the City can't compel the owner to replace. Qualle said the chimney of the structure prompted the code enforcement concerns as it had begun to fall away and has since been removed ending the concern for an urgent hazard.

David Umbehoeker, owner, 4895 County Road 19, Minnetrista, addressed the Council by saying he is not a professional carpenter and tries to work within his means and feels he is close to being done with the work. Mayor Wegscheid asked when he will be done. David said most painting was done but some trim work is left and stated he needed a couple of weeks more to finish. City Attorney Manderschied stated the last time they talked, the owner indicated his intent to live in the property and now it is for sale. Umbehoeker acknowledged the property is currently for sale. Salazar asked if the owner could comply by June 23<sup>rd</sup> and the owner said roof and trim will be complete by that date.

Sarah Smith emphasized the next City Council meeting is scheduled for June 23 and the City would need to know the work is completed by the end of the day on June 17 to put this information in the next City Council packet and on the meeting agenda.

Gillispie asked when the conversation between Manderschied and the property owner took place regarding when the work on the structure was to be completed. Manderschied stated it was the week before Memorial Day and the property owner hadn't spoken to her about selling the property and questioned Umbehoeker on why he is putting time and money into the building when it might be torn down if sold. Umbehoeker said he is doing it because the City is requiring him to improve the structure.

Mayor Wegscheid asked Qualle to return to the podium and walk the Council and property owner through the six options to address the building code issues at the property. Qualle explained the six options. Mayor Wegscheid said he felt the only viable option to solve this situation is to declare the property a public nuisance and abate the nuisance condition and assess abatement costs against the property. Qualle agreed and said the owner needs to complete the on the roof and the former chimney exterior before the end of the business day on June 17.

Umbehoeker said he wanted to side the chimney area with imitation stone but wanted to wait until the realtor contract expired. Qualle said all he needs to do to meet code requirements is to paint it with a weather resistant paint.

MOTION by Wegscheid, to authorize staff to draft a resolution to pursue the building code violations and abatement and cost recovery procedures in the event the building code issues are not resolved by the end of the day on June 17th. Gillispie seconded the motion. Salazar once again asked the owner if it was doable by the 17th and the owner said yes. All voted in favor. Motion carried.

Qualle gave an update on the Emerald Drive new construction situation and said the property was being readied for a home tour causing the street and work site to be very chaotic but that it was resolved by Friday, June 5th. Hanson asked Qualle to remind the builder to clean the street at their expense.

**8. Information/Miscellaneous**

A. Comments/reports from Council Members/City Manager

Mayor Wegscheid gave an update on the Lake Minnetonka Conservation District (LMCD) request to conduct Aquatic Invasive Species (AIS) inspections at Surfside Launch which was denied by the City Council. After the denial, discussions were held between Wegscheid, Gillispie, Gabe Jabbour and Jay Green from the LMCD around different approaches to responding to AIS in the lake. They all agreed that education about AIS is the greatest need rather than spot inspections of watercraft. The group contacted Westonka School District Superintendent Kevin Borg and agreed to work on creating a curriculum this summer to educate children in the Westonka school district throughout their education. Wegscheid said possible state funding may be available and the Mayor wanted to commend the LMCD for being flexible and thinking creatively on this issue.

Hanson highlighted a two upcoming special occasions, including the June 25<sup>th</sup> Harbor Wine and Spirits Surfside Ale tasting/launch, with festivities to follow at Dakota Junction.

Hanson stated the Spirit of the Lakes Festival is July 16 -18 this year and 81 more volunteers are needed to help out with the event. The emphasis on volunteering is to take shorter shifts lasting generally 2 to 3 hours. Hanson stated new events at the festival include a wake surf competition and brew fest tasting. Hanson noted this is the 10 year anniversary of festival.

- B. Minutes: Docks & Commons Commission (Draft): May 21, 2015
- C. Reports: Finance Department: Apr 2015 YTD  
Harbor Wine & Spirits: May 2015
- D. Correspondence:

**9. Adjourn**

**MOTION** by Gesch, seconded by Salazar, to adjourn at 7:40 p.m. All voted in favor. Motion carried.

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Mayor Mark Wegscheid

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Attest: Catherine Pausche, Clerk