

MOUND CITY COUNCIL MINUTES
September 24, 2013

The City Council of the City of Mound, Hennepin County, Minnesota, met in regular session on Tuesday, September 24, 2013, at 7:00 p.m. in the council chambers of City Hall.

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, Dan Faulkner, Allen Peterson, Sue Claire, Randy Johnson, Katherine Dressel, Bob Hanson, Hassan Afshar, Scott Hayes, Kayla Clement, Nancy Clement, Theresa Malloy, Robert Feriancek, Ana Colianni, Alleen Butterfield, Virginia Gardstrom, and Terry Maly

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 Gesch to approve the agenda. All voted in favor. Motion carried.

4. Consent agenda

Carlton Moore requested Item 4C be removed per the request from the contractor.

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

- A. Approve payment of claims in the amount of \$340,381.21
- B. Approve minutes of the: September 10, 2013 regular meeting.
September 16, 2013 special meeting workshop - Market Study
- C. Removed.
- D. Approve Amendment No. 2 to Site Lease Agreement with Nextel West Corporation at 2355 Chateau Lane.
- E. **ORDINANCE NO. 09-2013: AN ORDINANCE AMENDING CITY CODE CHAPTER 119 TO THE MOUND CITY CODE AS IT RELATES TO SIGNS.**

- F. Approve Three Rivers Park District Winter Trail Activities Permit for Snowmobile Crossing at Cottonwood Lane.

4C. Approve Pay Request No. 2 submitted by Allied Blacktop Company in the amount of \$5,500.00 for work completed on the 2013 Seal Coat Project, City Project No. PW-13-08.

Carlton Moore requested Item 4C be removed per the request from the contractor until amounts can be verified.

MOTION by Salazar, seconded by Gesch, to table item 4C until the October 8, 2013 council meeting. All voted in favor. Motion carried.

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

None were offered.

6. Carlton Moore, Public Works Director, requesting action on a Resolution Adopting an Assessment for the 2012 Street, Utility, Lift Station, and Retaining Wall Improvement Project – North Island Area – Levy No. 18639.

Carlton Moore stated that Dan Faulkner, City Engineer, will make the presentation, but that he wanted to clarify that due to an error in the calculation and the need for a second mailing, the public hearing should be opened, comments taken, and continued to the October 8, 2013 meeting.

Dan Faulkner, City Engineer from Bolton and Menk, stated proper notices were mailed per Chapter 429 requirements. The public hearing to order the project was held November 8, 2011. The project was bid and awarded to GMH Asphalt in 2012. The final layer was applied in 2013 and the final assessment cost was determined. Per the assessment policy, residential properties are assessed on a per unit basis. Partial units are assigned when properties abut more than one road. The assessment per unit was based on 2/3rds of the total street costs and the amount came to \$5,349 per unit. In addition, if there was no apron or concrete curb, those costs were assessed at \$4.80 per lineal foot and \$11.55 per lineal foot, respectively. Residents have until November 15th to pay in order to avoid interest.

Mayor Hanus opened the public hearing at 7:12 p.m.

Robert Hanson, owner of 4753 & 4755 Kildare, a duplex, questions the \$5,349 for the street improvements as it does not appear the street has been improved. Mark Hanus clarified the timing of the project and improvements.

Kandis Hanson stated Ray Hanson is available in the adjacent conference room to take questions on project issues and the hearing is only about the assessment amounts.

Katherine Dressel, owner of a duplex on Denbeigh, stated her tenants can't afford any increase in rent. She may have to sell as she does not want to take a loss. She asked if there was any consideration or assistance for low rent housing. Mark Hanus reiterated the process and stated the actual assessment was less than the original estimate.

Dressel questioned why she pays more in taxes and utilities in Mound compared to her home in Minnetonka. Hanus stated Minnetonka is a newer city than Mound. The developers funded that

infrastructure. Mound has to pay for the replacement of essentially a new city underground. Hanson said that is why the City offers to spread it over 15 years at the proposed 5%.

Scott Hayes, 2701 Shannon Lane, researched Minnesota assessment laws that stated the government has to prove the property value has been increased by the assessment amount and he does not feel that is the case. Moore stated that because the city picks up a large portion of the project, the Hennepin County Assessor has no question that the value has been created.

Bob Feriancek, 4792 Carrick Road, asked why there were two letters. Hanus stated certain properties were excluded from the project but were initially included in the first assessment calculation so the second letter replaces the first.

Mayor Hanus continued the public hearing at 7:29 pm.

MOTION by Salazar, seconded by Wegscheid, to continue the public hearing until October 8, 2013 council meeting. All voted in favor. Motion carried.

7. Sarah Smith, Community Development Director, requesting action on a Resolution Approving Vacation of Certain Easements at 4991 Sparrow Road – Planning Commission Case No. 13-22. Applicant: Tim Dunn on behalf of Infinity Custom Homes, LLC Planning Commission Recommendation: Approval with conditions.

Sarah Smith, Community Development Director, stated the easements that were created when the subdivision was approved were reviewed and stated that the legal description was not specific as what the easement in favor of the City was for, therefore giving the City unspecified rights that did not conform to the typical easement. Because the easement was in favor of the City, the required notification was performed to provide for a vacation of the easement. No issues were cited by the private utilities and/or DNR. The Planning Commission recommends approval subject to conditions as stated in the packet. A new easement will be executed reflecting the original intent.

Hanus asked for clarification of email on page 2084. Smith stated it was to show that the vacation did not have any bearing on Frontier's utilities.

Mayor Hanus opened the public hearing at 7:38pm. Upon receiving no comment, Hanus closed the public hearing at 7:39pm.

MOTION by Salazar, seconded by Gesch, to adopt the following resolution. Hanus clarified that this easement will not be released until the new easement is in place. All voted in favor. Motion carried.

RESOLUTION NO. 13-90: RESOLUTION APPROVING VACATION OF CERTAIN EASEMENTS AT 4991 SPARROW ROAD – PLANNING COMMISSION CASE NO. 13-22

8. Kandis Hanson, City Manager, requesting action on an Ordinance Amending Chapter 14 of the Mound City Code as it Relates To Feeding Wildlife.

Kandis Hanson stated this is in response to a request from a resident who was concerned about a neighbor hand-feeding wild animals and the associated nuisance. Hanson stated other cities

had language that was easily adopted for our purpose. Hanus stated he is concerned that if it is adopted as written, it would not allow humming bird feeders that use nectar.

Hanus suggested adding the following language to Section 14.48. Exceptions. (d) *Mixtures*. Bird seed mixtures and humming bird nectars are specifically exempted provided they are placed in accordance with provisions in this ordinance in order to discourage use by animals other than small birds.

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

ORDINANCE NO. 10-2013: ORDINANCE AMENDING CHAPTER 14 OF THE MOUND CITY CODE AS IT RELATES TO FEEDING WILDLIFE

Hanson stated she will mail an approved version to the concerned resident and the Chief of Police of the Orono Police Department.

9. Information/Miscellaneous

A. Comments/reports from Council members/City Manager

City Manager Hanson stated the Harbor Wine and Spirits Wine Sale starts Thursday, October 3rd and runs for 3 weekends. The sale includes 15% off wines by the bottle and 20% off wines by the case.

B. Minutes:

C. Reports: Harbor Wine & Spirits – September YTD
Fire Commission Meeting – September 18, 2013
Police Commission Meeting – September 19, 2013

D. Correspondence:

10. Adjourn

MOTION by Gesch, seconded by Wegscheid to adjourn at 7:45 p.m. All voted in favor. Motion carried.


Attest: Catherine Pausche, Clerk



Mayor Mark Hanus