

MEDINA CITY COUNCIL MEETING MINUTES OF MARCH 20, 2012

The City Council of Medina, Minnesota met in regular session on March 20, 2012 at 7:01 p.m. in the City Hall Chambers. Mayor Crosby presided.

I. ROLL CALL

Members present: Crosby, Pederson, Martinson, Siitari, and Weir.

Members absent: None.

Also present: City Attorney Ron Batty, City Engineer Tom Kellogg, Planner Dusty Finke, Public Works Superintendent Steve Scherer, City Administrator Scott Johnson, Chief of Police Ed Belland (arrived at 8:10 p.m.), and Recording Secretary Amanda Staple.

II. PLEDGE OF ALLEGIANCE

III. ADDITIONS TO THE AGENDA

The agenda was accepted as presented.

IV. APPROVAL OF MINUTES

A. Approval of the March 6, 2012 Regular City Council Meeting Minutes

It was noted on page four, line 22, it should state, "...regarding the overall similarity in the single family housing, including the townhome product." On page five, line 20, it should state, "...larger setbacks around the perimeter of the..." On page seven, line six, it should state, "shifted its ~~position on dynamic signs to further support~~ focus to be more supportive of businesses." On page seven, line 20, it should state, "...~~commenting that and questioned if~~ the light is supposed to brightest at noon..." On page seven, line 22, it should state, "...section of the dynamic sign..." On page seven, line 39, it should state, "...has a dynamic sign..." On page eight, line 36, it should state, "Martinson ~~again suggested~~ asked if anyone else supported fifteen seconds." On page eight, line 12, it should state, "...allow a second sign, unless a gas station is on a corner lot." On page eight, line 16, it should state, "...research the issue of off premise tenant signs." On page eight, line 20, it should state, "...present options for off premise tenant signs."

*Moved by Pederson, seconded by Martinson, to approve the March 6, 2012 regular City Council meeting minutes as amended. **Motion passed unanimously.***

V. CONSENT AGENDA

A. Accept 2012 Road Material Bids

B. Approve Tennis Court Rental Agreement with Carrie Agre

C. Approve Joint Powers Agreement for Loretto Creek Sediment and Nutrient Removal Project between Cities of Medina and Loretto

D. Approve State of Minnesota Board of Water and Soil Resources Competitive Grants Program Park District

E. Approve Stormwater Maintenance Agreement between the City of Medina and the Three Rivers Park District

- F. Authorize Letter to Hennepin County in Response to Proposed Dispatch Fees
- G. ~~Ordinance No. 523 Amending Section 200.03 of the Code of Ordinances Regarding Special Meetings for Council Procedures~~
- H. Ordinance No. 524 Establishing Fees for City Clean Up Day
- I. Resolution No. 19 To Publish Ordinance for Clean-up Day Fees by Title and Summary
- J. ~~Resolution No. 20 Accepting Resignation of Associate Planner Dale Cooney~~

Moved by Weir, seconded by Pederson, to approve the consent agenda. Motion passed unanimously.

- G. Ordinance No. 523 Amending Section 200.03 of the Code of Ordinances Regarding Special Meetings for Council Procedures

Weir believed that the old language is better than the new language.

Batty stated that although he agrees with Weir, the new language is mirrored to match State statute.

Moved by Weir, seconded by Pederson, to approve Ordinance No. 523 Amending Section 200.03 of the Code of Ordinances Regarding Special Meetings for Council Procedures. Motion passed unanimously.

- J. Resolution No. 20 Accepting Resignation of Associate Planner Dale Cooney

Weir commended Cooney for the amount of work and continuity that he provided to the City in the past year, and through the transition in City Administrators. She questioned if the City would be looking for a new summer intern.

Johnson stated that staff would not be looking for a summer intern but would be interested in a person to assist with the upcoming elections.

Moved by Weir, seconded by Pederson, to approve Resolution No. 20 Accepting the Resignation of Associate Planner Dale Cooney. Motion passed unanimously.

Crosby commented that Cooney was a jack of all trades and believed that the City should look for a person with a similar skill set to assist the City. He asked that the item be brought back on a future agenda.

Finke commented that Cooney had been with the City for almost two years.

VI. PRESENTATIONS

- A. Resolution No. 21 Recognizing Linda Lane for Five Years of Service to the City of Medina

Crosby read the Resolution recognizing Linda Lane for five years of service to the City of Medina.

Scherer provided input on the great job performance of Lane over the past five years and commended her for her hard work and contributions to the department.

Finke also recognized Lane for her contribution to his department as well and thanked her for her assistance.

*Moved by Weir, seconded by Pederson, to approve Resolution No. 21 Recognizing Linda Lane for Five Years of Service to the City of Medina. **Motion passed unanimously.***

VII. COMMENTS

A. Comments from Citizens on Items not on the Agenda

There were none.

B. Park Commission

There was no update.

C. Planning Commission

Planning Commissioner Anderson provided an update of the meeting, which took place the previous week. He advised that the two Ordinance amendments discussed at that meeting would be reviewed by the Council at the meeting tonight, the first regarding planned unit developments and the second regarding temporary sales events.

There was a brief discussion regarding the Lennar at Brockton plan that has been reviewed by both the Council and Planning Commission, and will go back to the Planning Commission for further review.

Finke stated that an email was received by Michael Bitterman, regarding his comments made during the Council review of the Lennar item at the previous meeting, which he would like submitted into the record.

VIII. NEW BUSINESS

A. Adoption of a Five-Year Capital Improvement Plan and Recharacterization of Bonds – Public Hearing

Johnson reported that the Council called for a public hearing at the February 21st meeting, to take place tonight in order to recharacterize the use of bonds. He stated that the bonds currently in possession of the City had been designated as water bonds but explained that through this process those funds will be recharacterized and could then be used for the city hall improvements and public works facility.

Crosby explained that the current water capacity has been found to be sufficient and explained that the need for a new water tower will not occur for another five to ten years.

Crosby opened the public hearing at 7:34 p.m.

No comments were made.

*Moved by Weir, seconded by Siitari, to close the public hearing at 7:34 p.m. **Motion passed unanimously.***

1. **Resolution No. 22 Adopting a Capital Improvement Plan and Providing Preliminary Approval for the Recharacterization of Unspent Proceeds of Certain Obligation Bonds of the City**

Moved by Weir, seconded by Pederson, to approve Resolution No. 22 Adopting a Capital Improvement Plan and Providing Preliminary Approval for the Recharacterization of Unspent Proceeds of Certain Obligation Bonds of the City.

Further discussion: Batty explained that a reverse referendum could be completed in the next 30 days to prevent the recharacterization of the bonds. He confirmed that the City will not be obtaining additional bonds through this process and explained that the process will simply expand the possible uses for the funds.

Motion passed unanimously.

B. **Ordinance Amending Section 827 of the Code of Ordinances Regarding Planned Unit Development**

Crosby stated that it appeared that these amendments are technical and will simply bring an old Ordinance into current compliance and standards.

Finke confirmed that most of the changes are technical in nature and referenced a portion of the Ordinance in which he updated the purpose statement to include objectives of importance. He advised that there are two planned unit developments currently in the City process and explained how these changes could affect those projects.

Batty explained that this Ordinance was developed in 1994 and has not been updated since that time. He believed that the proposed changes would help to bring the Ordinance up to date.

Finke confirmed that the proposed Ordinance will be similar to that of other Metro communities. He stated that the purpose of the Ordinance is to allow flexibility in the zoning Ordinances to better match the Comprehensive Plan, but advised that there are limitations to that flexibility. He referenced the language referencing density limitations and staging and asked for Council input.

Weir questioned if that language should simply be removed, as the final density for the development would need to be reached at the end of all stages.

Finke suggested that alternate language be used to simply state that the City has control over the density limitations but does not specify a number.

Batty stated that he would leave the requirement but would remove the number requirement.

Finke confirmed that staff would revise the language, as discussed, and noted that the item would come back before the Council for approval on a future Consent Agenda.

1. **Resolution Authorizing Publication of Ordinance by Title and Summary**

C. Ordinance No. 525 Amending Sections 832, 838, and 842 of the Code of Ordinances Regarding Temporary Sales Events

Crosby stated that it appeared the only change is to extend the time period for temporary sales events from 50 to 60 days.

Finke stated that this change was driven by previous Council direction and noted that staff believed this change should occur prior to tent season beginning.

Weir stated that some neighboring communities, such as Plymouth, use a 90 day time period. She questioned if the Council would like to move forward with this proposed time period or whether the time period should be extended to 90 days for farm produce and nursery sales.

Finke listed the types of sales, which occur under this Ordinance, such as fireworks and yard decorations.

Crosby explained that a shorter regulation would allow for some control so that the City is not overrun by vagabond sales merchants.

Weir stated that she would be in favor of the 60 day time period, but commented that farm produce and nurseries may need to be categorized differently in the future.

Moved by Weir, seconded by Siitari, to approve Ordinance No. 525 Amending Sections 832, 838, and 842 of the Code of Ordinances Regarding Temporary Sales Events.

Motion passed unanimously.

1. Resolution No. 23 Authorizing Publication of Ordinance by Title and Summary

*Moved by Weir, seconded by Martinson, to approve Resolution No. 23 Authorizing Publication of Ordinance by Title and Summary. **Motion passed unanimously.***

VII. COMMENTS (Continued)

A. Comments from Citizens on Items not on the Agenda (Continued)

Crosby referenced a written submission from Michael Bitterman, 4175 Brockton Lane South, and read those concerns aloud. He confirmed that the written statement will be entered as part of the record.

IX. CITY ADMINISTRATOR REPORT

Johnson advised that a special meeting would need to be noticed for the Business Forum.

Moved by Weir, seconded by Pederson, to schedule a special meeting at 7:30 a.m. on March 27, 2012, at the Hamel community building to accommodate the Business Forum.

Motion passed unanimously.

Johnson provided brief updates on ongoing and upcoming projects and meetings within the City.

*Moved by Weir, seconded by Siitari, to schedule a special meeting at 5:30 p.m. on April 4, 2012. **Motion passed unanimously.***

X. MAYOR & CITY COUNCIL REPORTS

Crosby asked for an update regarding the brush pile.

Scherer advised that signs will be posted and the area will be fenced in an attempt to slow things down. He commented that there has been high traffic due to the amount of evergreens, which were taken down by the last big snow.

Crosby stated that he received a notice of a public stakeholders meeting from the Elm Creek Watershed.

Johnson stated that he and Weir would be attending that meeting.

Weir stated that this process is open to the public but noted that often the only attendees are from member cities. She noted that the meeting time had been changed from 2:30 p.m. to 5:30 p.m. in an attempt to provide opportunity for more people to attend. She also noted that the cabin at City Hall will hold an open house on Clean-Up Day.

Pederson stated that the Hamel Lions will host their annual Easter Egg Hunt at noon on April 7th.

XI. APPROVAL TO PAY THE BILLS

*Moved by Weir, seconded by Siitari, to approve the bills, EFT 001557E-001579E for \$35,177.54 and order check numbers 038061-038118 for \$154,174.51, and payroll EFT 504123-504151 for \$40,538.34 and payroll check number 020355 for \$2,557.37. **Motion passed unanimously.***

XII. CLOSED SESSION: DISCUSS PROPERTY ACQUISITION

The meeting was adjourned to closed session at 8:24 p.m. to discuss the acquisition of property.

The meeting reconvened to regular session at 8:30 p.m. The City Council discussed the counter proposal from Clam Corporation and directed staff to respond to the proposal.

XIII. CLOSED SESSION: 6 MONTH PERFORMANCE REVIEW

The meeting was adjourned to closed session at 8:40 p.m. to discuss the six month performance review of City Administrator Scott Johnson.

The meeting reconvened to regular session at 9:11 p.m.

XIV. ADJOURN

*Moved by Weir, seconded by Siitari, to adjourn the meeting at 9:12 p.m. **Motion passed unanimously.***

T.M. Crosby, Jr., Mayor

Attest:

Scott Johnson, City Administrator