

MEDINA CITY COUNCIL MEETING MINUTES OF JULY 19, 2011

The City Council of Medina, Minnesota met in regular session on July 19, 2011 at 7:00 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, Interim City Administrator Doug Reeder, Chief of Police Ed Belland, and Recording Secretary Amanda Staple.

II. PLEDGE OF ALLEGIANCE

III. ADDITIONS TO THE AGENDA

Weir requested to add an item under Mayor and City Council Reports, Volunteer Clean-Up Efforts of Elm Creek.

*Moved by Weir, seconded by Pederson, to approve the agenda as amended. **Motion passed unanimously.***

IV. APPROVAL OF MINUTES

A. Approval of the June 21, 2011 Special City Council Meeting Minutes

*Moved by Pederson, seconded by Martinson, to approve the June 21, 2011 special City Council meeting minutes as presented. **Motion passed unanimously.***

B. Approval of the June 21, 2011 Regular City Council Meeting Minutes

It was noted on page two, line 41, it should state, "...at the mention of possible concrete bases and questioned if the decision to include concrete bases would be based on cost." On page three, line seven, it should state, "...as a walker she would appreciate a foot-wide marked shoulder..." On page three, line ten, it should state, "...confirmed that narrower striping had been done on another roadway and noted..."

*Moved by Pederson, seconded by Martinson, to approve the June 21, 2011 regular City Council meeting minutes as amended. **Motion passed unanimously.***

C. Approval of the June 29, 2011 Special City Council Meeting Minutes

*Moved by Weir, seconded by Siitari, to approve the June 29, 2011 special City Council meeting minutes as presented. **Motion passed unanimously.***

D. Approval of the July 5, 2011 Regular City Council Meeting Minutes

*Moved by Weir, seconded by Martinson, to approve the July 5, 2011 regular City Council meeting minutes as presented. **Motion passed unanimously.***

V. CONSENT AGENDA

- A. Accept \$750 Donation from the Loretto Lions Club
- B. Appoint Council Member Weir as Third Alternate on Pioneer-Sarah Watershed Commission
- C. ~~Resolution Certifying Delinquent Stormwater Charges for Services to Hennepin County Auditor for Collection in 2012~~
- D. Authorize Increase in Payment to Mill City Security for Community Building Alarm Monitoring
- E. Approve Curb Replacement and/or Removal Services Agreement
- F. Approve Garden Maintenance Services Agreement
- G. Approve Tree Trimming Services Agreement
- H. Approve Street Striping Services Agreement
- I. Approve Miscellaneous Striping Services Agreement
- J. Approve Water Storage Tank/Clarifier Services Agreement
- K. Approve Assessing Services Agreement
- L. Approve Auditor Services Agreement

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

C. Resolution Certifying Delinquent Stormwater Charges for Services to Hennepin County Auditor for Collection in 2012

Doug Reeder presented a memo from staff that indicated five property owners who had paid their outstanding stormwater charges prior to the meeting tonight. He presented the amended Resolution which subtracted those charges from the total amount which would be certified to Hennepin County for collection.

Crosby confirmed that the postcards previously used for billing were no longer being used, because the cards were easily lost or looked over. He believed a sealed envelope was a better mailing method for the stormwater services bills.

Moved by Weir, seconded by Siitari, to approve the Resolution certifying delinquent stormwater charges for services to the Hennepin County Auditor for collection in 2012 with the amended amount of \$6,847.19. Motion passed unanimously.

VI. COMMENTS

A. Comments from Citizens on Items not on the Agenda

There were none.

B. Park Commission

Park Commissioner Beaupre stated that the Park Commission would be meeting the following night to discuss the Pemtom subdivision as well as future park projects for the 2012-2016 Capital Improvement Plan.

C. Planning Commission

Planning Commissioner Anderson provided an update on the meeting of the Planning Commission which was held the previous week including discussions on right-of-way and roadway widths, which had been unanimously approved; the rezoning of the Pemtom preliminary plat, which had been unanimously approved; a review of a concept

plan for a conservation design, which has been unanimously denied; and a site plan for Loram which would expand the existing parking lot, and had been unanimously approved.

VII. OLD BUSINESS

A. Vacation of Tamarack Drive

Crosby provided background information regarding Tamarack Drive and the Resolution approved in 2008 which vacated the roadway in return for utility easements being provided to the City from the property owners. He advised that the vacation has not occurred at this point because the terms were not met and the City was not given the utility easements. He provided three options for moving forward: option one would be to do nothing, option two would be to try harder to obtain the permission of the property owners for a utility easement, and option three would be to create a new Resolution which would vacate the roadway with the exception of the utility easement.

Batty noted that of the three property owners only one property owner had provided their approval for the utility easement. He noted that one property owner had denied the request and the third property owner had said that he would give the easement to the City if all other property owners agreed as well.

Crosby stated that he would be in favor of creating a new Resolution which would vacate the roadway with the exception of the utility easement.

Batty noted that it would have been “cleaner” to vacate the roadway and then obtain the utility easements from property owners but noted that this method can, and has been, used to vacate a roadway and obtain utility easements. He stated that he did not think that this action would be contested.

Weir questioned how likely it would be for utilities to be placed in that area.

Kellogg stated that the issue of utility easements was important to the Council three years ago and noted that staff has not investigated the issue further.

Batty stated that he also believed the third option, favored by Crosby, would be the best option for the City. He stated that other cities have used this method and there has not yet been a lawsuit following that action.

*Moved by Weir, seconded by Martinson, to direct staff to prepare a new Resolution for the option to reserve utility easements in the vacation of Tamarack Drive. **Motion passed unanimously.***

B. Ordinance Amending the Code of Ordinances Sections 330. Nuisances; and Section 345. Dogs; and Adding Section 343. Limitations on the Keeping of Animals as Pets

Finke provided background information regarding the previous discussions of the Council focused on the keeping of animals as pets, and more specifically dogs. He advised that staff has been working with Belland to craft the proposed ordinance language as directed by the Council, and reviewed the draft ordinance amendments including the newly added section titled, limitations on the keeping of animals as pets.

Crosby stated that he did not believe that commercial like operations should be allowed in residential areas. He also suggested noting additional characteristics which would identify a commercial facility, other than the charging of a fee.

Finke explained why fostering dogs was distinguished in the ordinance language, as those facilities would be allowed in the residential zoning district and could share characteristics with a commercial facility, which would not be allowed within the residential zoning district.

Crosby questioned if the proposed ordinance language would be enforceable.

Belland believed that the draft ordinance would be enforceable and noted that the Police Department has not received complaint calls regarding the number of dogs living at a home.

Siitari requested a grammatical change to language, replacing "may" with "shall".

Weir discussed the possible waiver which was included in the draft ordinance and questioned why a waiver would be used.

Crosby stated that although the waiver had been his request he now felt that the language properly addressed all the needed issues.

Finke explained that the waiver would only be needed if a smaller property would request to own more dogs than the maximum allowed by the Ordinance.

Weir suggested specifying that the waiver only be allowed for the issue of smaller properties requesting additional dogs.

Jim Simons, 1862 Morgan Road, stated that he had submitted a letter to the Council, prior to the meeting, regarding his position on allowing a non-residential activity in a residential area. He specified that he was against allowing commercial like operations in the residential zoning district and noted that not all lots are created equally. He confirmed that he was not opposed to the basic number of dogs allowed per property or the idea of kennels. He stated that he believed this to be an issue of land use and simply believed that commercial like operations should not be allowed in the residential zoning district.

The Council further discussed the option of fostering and the discussion points of Mr. Simons.

Weir suggested approving the draft ordinance as written, and amended by the Council, for a set period of time to determine if everything is running smoothly. She noted that licensing terms should align with the set period of time.

Crosby confirmed the notification areas which would be triggered with the request for an additional dog and the request for Council review. He confirmed that the amendments would be to change "may" to "shall", and to amend the waiver language as discussed.

Mr. Simons requested a term license, as opposed to an open ended license. He felt that this would allow for open discussion of properties that possess dogs rather than forcing neighbors to come to the City with a complaint.

Crosby confirmed the fee for a license, which would be \$250. He believed that if a term license were used a neighbor may wait to make their complaint rather than simply calling the Police Department to resolve the issue immediately. He confirmed that a term license could be used in a situation which the Council feels necessary.

*Moved by Weir, seconded by Martinson, to adopt the Ordinance amending the Code of Ordinances Section 330. Nuisance; and Section 345. Dogs; and Adding Section 343. Limitations on the Keeping of Animals as Pets, as amended tonight. **Motion passed unanimously.***

1. Resolution to Publish the Ordinance by Title and Summary

*Moved by Weir, seconded by Siitari, to adopt the Resolution to publish the Ordinance by title and summary. **Motion passed unanimously.***

VIII. NEW BUSINESS

A. Resolution Approving the Site Plan Review for Loram Maintenance of Way, Inc. to Expand its Existing Parking Lot at 3900 Arrowhead Drive

Finke presented the site plan review for Loram to expand the existing park lot by 43 parking spaces. He advised that the Planning Commission has reviewed the request and recommends approval with the conditions noted in the proposed Resolution. He advised that Loram has also submitted a text amendment application to raise the district hardcover limits to 60 percent and the review of that request will come before the Planning Commission in August. He displayed an aerial view of the property and highlighted the proposed expanded parking area. He explained that the Loram building had been expanded in 2007 and additional employees were also hired for the site, which in turn resulted in inadequate parking for the facility. He noted that this action would most likely bring the site over the 50 percent impervious surface limit and advised that Loram is not opposed to re-landscaping to offset that percentage should the text amendment application be denied. He noted that the City's Stormwater Management Ordinance is also being reviewed later tonight and the newly proposed ordinance would trigger additional improvements for this site under the project. He noted that if the Council were to delay action on this item, the applicant has requested that the request be grandfathered in and not be subject to the new Stormwater Management Ordinance requirements.

Crosby stated that his business has been a good resident of Medina and did not see this as a controversial issue.

*Moved by Weir, seconded by Pederson, to approve the Resolution approving the site plan review for Loram Maintenance of Way, Inc. to expand its existing parking lot at 3900 Arrowhead Drive. **Motion passed unanimously.***

B. Ordinance Regarding the City of Medina Electrical Code

Crosby advised that this is a mechanical issue and noted that the Ordinance would give the City the authorization to complete electric inspections should the State shutdown continue.

Batty noted that this Ordinance has been crafted to sunset when the State shutdown ends and advised that if the Council would prefer, language could be amended to trigger the authorization for the City to conduct electrical inspections in the case of a State shutdown, now or in the future.

Crosby confirmed that the Council would like the Ordinance to be amended as discussed and directed Batty to re-craft the Ordinance language which could then be approved later in the meeting.

C. Ordinance Amending Section 820.29 of the Code of Ordinances Regarding Right-of-Way Width and Roadway Width

Finke provided background information regarding right-of-way and roadway width and examples of past situations in which the width had been amended. He advised that the amendments to the Ordinance would allow for additional flexibility in regard to right-of-way and roadway width.

*Moved by Weir, seconded by Pederson, to adopt the Ordinance regarding right-of-way width and roadway width. **Motion passed unanimously.***

D. Brook Street and Lakeshore Avenue Stormwater/Phosphorus Reduction Plan

Scherer presented a phosphorus reduction/clean-up plan for the area of Brook Street and Lakeshore Avenue through the construction of a raingarden. He reviewed the other issues which would also be corrected through the project such as the installation of curb and catch basins. He advised that Hennepin County Environmental Services has reviewed the project and provided the estimated total phosphorus reduction provided through this project, which could also be included toward the total reduction needed for Lake Independence. He confirmed that the homeowner, Janet White, has agreed to maintain the raingarden.

Crosby questioned if an easement would be needed to ensure maintenance of the raingarden in the future, should the property change ownership or should the property owner no longer wish to maintain the raingarden.

Scherer stated that the City does not want to maintain the raingarden and would like that responsibility to remain with the homeowner, and believed that ultimately the area may be redeveloped in the future. He believed that funds could be used from the Environmental Fund, Stormwater Fund, and Street Fund to construct the project and specified which aspects of the project would be funded from each of the three funds.

*Moved by Weir, seconded by Siitari, to authorize staff to complete the clean-up project. **Motion passed unanimously.***

E. Ordinance Pertaining to the Management of Stormwater Adding Section 828.33 to the Medina Zoning Ordinance

Dan Edgerton, Bonestroo, stated that he has been working on crafting the Stormwater Management Ordinance and provided background information regarding low impact/conservation development. He explained low impact development in regard to better site design which would maintain the natural hydrology to the greatest extent possible. He provided examples of raingardens, bioretention features, and grass swales

which could be used in residential or commercial developments. He advised that pervious pavers and pavement, tree trenches, underground storage, stormwater reuse, and stormwater ponds are other aspects of low impact development and provided examples of each option. He noted that the Ordinance has been crafted to address the basics and could be easily amended in the future to incorporate changing technology in the future.

Crosby briefly recessed the meeting at 9:00 p.m.

Crosby reconvened the meeting at 9:04 p.m.

Dan Edgerton summarized that the main issues discussed at the review by the Planning Commission were applicability, volume control, water quality control, and the simplified approach. He advised that the requirements are split among new development, major expansion projects, minor expansion projects, and single-family home.

Crosby questioned if similar neighboring communities have regulations of this nature or whether this would be seen as cumbersome by developers.

Dan Edgerton advised that other communities have Stormwater Management Plans and provided two examples of other cities which have low impact development specifications. He advised that many Watershed Districts have similar LID regulations.

Weir stated that she believed these regulations would assist in the future with development and water quality.

Kellogg stated that although Orono does not have this type of regulation in place, there are regulations from the Minnehaha Watershed District that govern projects in that city. He stated that these regulations are consistent with the regulatory agencies in the area and are not overly stringent.

Finke advised that these regulations go hand in hand with the Surface Water Management Plan which the Council had approved several years prior.

Crosby questioned how this would be phased in or applied to applications and existing projects.

Kellogg explained how the regulations would apply to projects and noted that the project would still need to meet the requirements set by the Watershed District.

Finke noted that this is the first review of the Ordinance and does not necessarily need to be adopted tonight.

Weir commended the Planning Commission for their thorough review. She asked for further clarification regarding certain items in the draft Ordinance.

Crosby stated that he wanted to ensure that this would not make the City noncompetitive and how this would affect development. He confirmed that a public hearing had already been held. He wanted to ensure that if the new regulations would affect certain developers, such as PemTom, those developers should be alerted. He believed that implementation should be further considered and suggested an effective date of January

1, 2012. He suggested that this item come back before the Council in September so that the item can be discussed with developers.

F. Approve City Administrator Contract

Crosby noted that a firm had been hired to fill the position of City Administrator and briefly discussed the screening and interview process, noting that five candidates had been interviewed on July 15th and 16th. He advised that the Council had narrowed the candidates down to the three individuals and noted that the request tonight would authorize staff to prepare an employment agreement for Scott Johnson for the position of City Administrator. He advised that Scott Johnson is currently the City Administrator of Big Lake and anticipated that Mr. Johnson would begin work approximately September 1, 2011.

Reeder provided a copy of a contract prepared by Mr. Johnson and the consulting firm and a copy of the previous contract used by Chad Adams. He noted that the Council could then review the contracts and provide feedback to staff.

*Moved by Weir, seconded by Siitari, to authorize staff to prepare an employment agreement for Scott Johnson for the position of City Administrator. **Motion passed unanimously.** (Martinson Abstained)*

Crosby noted that a special meeting would need to be held to further discuss the specifics of the employment contract. He suggested holding the meeting on Thursday, July 21st.

Batty noted that there would not be sufficient time to notice the meeting and advised that this meeting would then be recessed and reopened on Thursday.

B. Ordinance Regarding the City of Medina Electric Code (continued)

Batty presented the amended Ordinance and highlighted the changes directed by the Council.

*Moved by Weir, seconded by Martinson, to adopt the Ordinance regarding the City of Medina Electrical Code as amended. **Motion passed unanimously.***

1. Resolution to Publish the Ordinance by Title and Summary

Finke read the amended notice that would be printed.

*Moved by Weir, seconded by Siitari, to adopt the Resolution to publish the Ordinance by title and summary. **Motion passed unanimously.***

IX. CITY ADMINISTRATOR REPORT

X. MAYOR & CITY COUNCIL REPORTS

A. Hamel Station Streambank Restoration

Weir presented a memo which discusses the Hamel Station project and the status of the violations.

Finke confirmed that an inspection has been completed of the site and a list of corrections has been forwarded to the developer. He advised that staff would follow up with the developer in regard to the agreement with the City.

Weir stated that the City and Elm Creek Watershed both paid for separate inspections and suggested that the agencies work together in the future to save on additional costs.

Finke stated that staff can attempt to streamline inspections but noted that the City and Elm Creek Watershed are working under separate agreements with the developer.

B. Volunteer Clean-Up Efforts of Elm Creek

Weir stated that she had sent out information asking if residents would be interested in a clean-up effort for Elm Creek and noted that she did obtain a response from a consulting firm which would be willing to organize the event, including refreshments, for a cost of \$1,000. She questioned if the Council and staff would be interested in such efforts.

Crosby confirmed that mostly businesses neighbor the Creek and questioned if there is a large amount in need of clean-up.

Pederson stated that he believed this would be a good project for the Boy Scouts.

Weir stated that this could be set for the following year and believed that it would be good to involve the public in this clean-up effort.

Weir confirmed that the first Council meeting in August had been shifted so that it would not interfere with Night To Unite. She noted that she would not be able to attend the meeting due to a prior commitment.

Crosby stated that he has asked Reeder to confirm with staff the date for the summer social at his home; he believed it would be either August 25th or 26th.

XI. APPROVAL TO PAY THE BILLS

*Moved by Weir, seconded by Pederson, to approve the bills, EFT 001203E-EFT 001235E and EFT 011630E for \$72,887.50 and order check numbers 037058-037182 for \$1,125,719.53, and payroll EFT 503587-503644 for \$86,575.55. **Motion passed unanimously.***

XII. RECESS

*Moved by Martinson, seconded by Siitari, to recess the meeting at 10:24 p.m., until 6:00 p.m. on Thursday, July 21, 2011. **Motion passed unanimously.***

T.M. Crosby, Jr., Mayor

Attest:

Doug Reeder, Interim City Administrator