

MEDINA CITY COUNCIL MEETING MINUTES OF OCTOBER 18, 2011

The City Council of Medina, Minnesota met in regular session on October 18, 2011 at 7:08 p.m. in the City Hall Chambers. Mayor Crosby presided.

I. ROLL CALL

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

Members absent: Martinson.

Also present: City Attorney Ron Batty, City Engineer Darrin Amundsen, Planner Dusty Finke, Public Works Superintendent Steve Scherer, City Administrator Scott Johnson, Associate Planner Dale Cooney, and Recording Secretary Amanda Staple.

II. PLEDGE OF ALLEGIANCE

III. ADDITIONS TO THE AGENDA

Weir requested to review the payment of bills as the next item.

The agenda was accepted as amended.

IV. APPROVAL TO PAY THE BILLS

Weir noted that she found three checks which were not consecutive in order.

Johnson explained that those checks had been issued in September, and were early pay items such as day-to-day items.

*Moved by Weir, seconded by Siitari, to approve the bills, EFT 001336E – 001356E for \$57,615.80 and order check numbers 037481 – 037537 for \$127,616.45, and payroll EFT 503817 – 503847 for \$44,335.70, contingent upon staff follow up. **Motion passed unanimously.***

V. APPROVAL OF MINUTES

A. Approval of the October 4, 2011 Special City Council Meeting Minutes

Crosby summarized the details of the special session meeting at which the Council met in closed session to discuss litigation with Woodridge Church.

*Moved by Siitari, seconded by Pederson, to approve the October 4, 2011 special City Council meeting minutes as presented. **Motion passed unanimously.***

B. Approval of the October 4, 2011 Regular City Council Meeting Minutes

It was noted on page two, line 40, the following sentence should be added, “– Johnson agreed that a line item for fireworks would be included in the budget for 2012.” On page three, line 29, it should state, “...lighting not working at the Hamel field Community Building.” On page four, line two, it should state, “...additional burden as described below.” On page four, line 32, the following sentence should be added, “He outlined the procedure whereby Medina residents, following certain procedures, could require a referendum for the issuance of bonds upon filing of a petition within 30 days after the Council’s adoption of the plan.” On page four, line 49 it should state, “...city costs were

listed separately from assessments paid by adjacent landowners...” On page five, line nine, it should state, “Crosby explained ~~the reasoning bonding was done, which extends into 2013, for the replacement of equipment that bonds for equipment was commenced~~ to provide flexibility to acquire equipment and to deal with levy limitations. He noted that after the current bonds are paid it may be appropriate to take equipment costs back into the regular budget.”

*Moved by Siitari, seconded by Pederson, to approve the October 4, 2011 regular City Council meeting minutes as amended. **Motion passed unanimously.***

VI. CONSENT AGENDA

- A. Approve Contract for Fire Protection Between the City of Medina and the Loretto Volunteer Fire Department**
- B. Approve Municipal Sanitary Sewer Easement Agreement for the Easement Over, Under and Across Lot 1, Block 1, Hennepin County Public Works Addition**
- C. Approve Sanitary Sewer Easement Agreement for Easement Over, Under and Across Lot 1, Block 2, Hennepin County Public Works Addition**

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

VII. COMMENTS

A. Comments from Citizens on Items not on the Agenda

There were none.

B. Park Commission

Park Commissioner Thies noted that the Park Commission would meet the following night to view a presentation from students regarding tobacco free parks and to discuss parks and a park study.

C. Planning Commission

Planning Commissioner Victoria Reid reported that a public hearing was held the previous week regarding the sign ordinance and noted that staff is gathering additional information which could be reviewed at the next meeting.

VIII. NEW BUSINESS

A. German Liberal Cemetery Annual Report

Crosby provided background information on the City acquisition of the German Liberal Cemetery and noted that acquisition occurred one year prior.

Cooney provided the Annual Report from the cemetery and reviewed the revenues and expenses. He believed that the high prices were deterring lot sales, and confirmed that the high price was mentioned by the two parties who purchased lots.

Crosby explained that the Council set the price at that level to deter a high level of activity and remain net neutral. He did not believe the Council wished to lower prices. Crosby asked that staff track the number of inquiries received by Medina families and non Medina families.

Weir questioned if the Council would be in favor of a \$500 discount for Medina residents.

Crosby stated that he would not be opposed to that discount offer.

Thies stated that if the discount were offered to Medina residents she would also urge that the discount be offered to those who have family buried in the cemetery.

Batty stated that he is generally leery towards discounts for residents of a City unless it can be proven that tax dollars have an impact on the activity. He confirmed that he would investigate the issue further.

Crosby commended staff for their comprehensive work and believed that the first year has been a success.

*Moved by Weir, seconded by Siitari, to accept the German Liberal Cemetery Annual Report, and direct staff to investigate the ability to provide discounts to Medina residents. **Motion passed unanimously.***

IX. OLD BUSINESS

A. Ordinance 512 Amending the Code of Ordinances Sections 335 and 828 Related to Parking Standards

Cooney noted that this ordinance had been reviewed at the September 6th Council meeting and summarized the revisions that had been requested at that time and incorporated into the ordinance.

Weir referenced page two, section 335, and questioned if the timeline would apply to moving vans.

Cooney noted that the item had been expanded from five minutes to four hours, as suggested by Belland. He explained that this language would allow for flexibility and enforcement when needed.

Crosby discussed the proposed language related to outdoor parking and recreational vehicles.

Cooney provided clarification and confirmed that the regulations are similar to other Metro communities.

Finke highlighted a proposed change which stipulates that parking in the urban residential area must occur on a hard surface.

Cooney discussed the ordinance regulating unsightly parking of vehicles outdoors and parking on the street in front of homes.

Weir confirmed the dimensions of compact parking stalls.

Finke confirmed that the Uptown Hamel district would have flexibility with parking.

Moved by Weir, seconded by Pederson, to approve Ordinance 512 Amending the Code of Ordinances Sections 335 and 828 Related to Parking Standards. **Motion passed unanimously.**

1. **Resolution No. 2011-94 Authorizing Publication of Ordinance by Title and Summary**

Moved by Weir, seconded by Siitari, to approve Resolution No. 2011-94 Authorizing Publication of the Ordinance by Title and Summary. **Motion passed unanimously.**

VIII. NEW BUSINESS (continued)

B. Resolution Withdrawing Award of Contract for Hamel Field Lighting Improvement Project

Crosby explained that the contract for this project had been awarded at a previous Council meeting and noted that a mistake had been found by the bidder.

Johnson confirmed that the contract had been awarded to Killmer Electric, and noted that Killmer will not execute the contract because a mistake had been found in their original bid. He stated that staff had not recommended pulling the bid bond in the memo but stated that after discussion with Batty and Crosby staff's recommendation is to pull the bid bond in the amount of \$1,500.

Batty explained that a bid bond ensures that if a bid is awarded and the successful bidder fails to enter into the contract, the City can recoup costs.

Crosby believed that the City should pull the bid bond to reimburse expenses which the City has incurred during this process.

Batty explained that staff notified the low bidder of a possible mistake and Killmer still wanted to move forward. He advised that Killmer refused to move forward at a later date. He felt that staff provided Killmer the opportunity to remove themselves earlier and Killmer chose not to take that option.

Amundsen explained that Killmer may have originally believed that the entire project would be awarded, and they could then absorb the original mistake. He noted that because only a small portion was ultimately awarded it may have been believed that the mistake could not be absorbed on that scale.

Batty believed that a claim should be made against the bid bond.

Crosby suggested placing a call to the contractor prior to submitting the claim to determine if the contractor would rather pay the funds out of pocket.

Johnson highlighted the project schedule for phase one and two moving forward and confirmed that if the contractor had moved forward, the project would have been completed already.

X. CITY ADMINISTRATOR REPORT

Johnson thanked the department heads who provided breakfast to the employees this morning.

XI. MAYOR & CITY COUNCIL REPORTS

Crosby mentioned the *League of Minnesota Municipalities* magazine which he receives and referenced information comparing tax information for cities around the Metro. He stated that the City is funding a portion of a project in Loretto and questioned if the breakdown was fair, as the City is paying cash and Loretto is paying in property.

Weir confirmed that grant funding may be obtained to fund a portion of the project and reviewed the land that would be donated through the agreement.

Finke explained that if the City were to pay more in the agreement, the City would also obtain more credits towards TMDL reduction.

Crosby referenced the 116 and 55 project and believed that there could be large differences between the estimates from Medina and those from the County. He believed that this would be a complicated situation.

Siitari confirmed that funding was not yet established for the project and questioned if this concern would be lost as the project may not move forward.

Crosby stated that he would not be attending the November 4th Council meeting.

Weir provided an update on the last meeting of the Elm Creek Watershed District and noted that she would forward on the report from the TAC. She stated that she received positive input from the Independence Police Chief regarding the Medina planning department.

Pederson advised that he attended the open house for the Hamel Fire Department and provided an update on that event. He stated that the department is currently looking for new volunteers. He advised that he also attended the Uptown Hamel meeting with Johnson to provide an update on the projects ongoing within the City. He noted that he also attended the Tower Drive meeting with landowners, and completed a ride along with Officer Jessen.

XII. ADJOURN

*Moved by Weir, seconded by Pederson, to adjourn the meeting at 8:29 p.m. **Motion passed unanimously.***

T.M. Crosby, Jr., Mayor

Attest:

Scott Johnson, City Administrator