

MEDINA CITY COUNCIL MEETING MINUTES OF FEBRUARY 5, 2013

The City Council of Medina, Minnesota met in regular session on February 5, 2013 at 7:00 p.m. in the City Hall Chambers. Mayor Crosby presided.

I. ROLL CALL

Members present: Crosby, Martinson, Anderson, and Weir.

Members absent: Pederson.

Also present: City Attorney Ron Batty, City Engineer Tom Kellogg, Planner Dusty Finke, Public Works Superintendent Steve Scherer, City Administrator Scott Johnson, Police Sergeant Jason Nelson, 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 January 15, 2013 2:00 pm Special City Council Meeting Minutes

On page two, it should state, "...request staff ~~no longer~~ use its best efforts not to bond for equipment."

*Moved by Weir, seconded by Martinson, to approve the January 15, 2013 2:00 p.m. Special City Council meeting minutes as amended. **Motion passed unanimously.***

B. Approval of the January 15, 2013 6:00 pm Special City Council Meeting Minutes

*Moved by Weir, seconded by Martinson, to approve the January 15, 2013 6:00 p.m. Special City Council meeting minutes as presented. **Motion passed unanimously.***

C. Approval of the January 15, 2013 Regular City Council Meeting Minutes

*Moved by Weir, seconded by Martinson, to approve the January 15, 2013 Regular City Council meeting minutes as presented. **Motion passed unanimously.***

V. CONSENT AGENDA

A. Approve Raffle Permit to Cornerstone Women's Center at 500 Highway 55 on March 9, 2013

B. Approve Raffle Permit to Water for People at 500 Highway 55 on April 19, 2013

C. Approve Raffle Permit to St. Bartholomew Catholic Church at 400 Evergreen Road on April 20, 2013

D. Approve Raffle Permit to Tribute to the Troops at 500 Highway 55 on September 8, 2013

E. Approve Settlement Agreement with Woodridge Church

- ~~F. Approve Grounds Services Agreement with Hamel Athletic Club~~
- G. Approve 2013 Work Plan Goals
- H. Approve Budget for Annual Recognition Event
- I. Call for Meeting on Tuesday, March 26, 2013 at 7:30 a.m. at the Hamel Community Building to Conduct the 2013 Medina Business Forum and Business Tours
- J. Resolution No. 2013-05 Approving Conditional Use Permit and Site Plan Review for the City of Medina to Operate a Public Building at 600 Clydesdale Trail

Moved by Weir, seconded by Martinson, to approve the consent agenda as amended. Motion passed unanimously.

E. Approve Settlement Agreement with Woodridge Church

Crosby referenced a map of the property and noted that some of the property shown as improved is undesignated and wanted to ensure that the entire improved property is included in the maximum square footage.

Attorney George Hoff suggested that the Council approve the agreement with the understanding that he would send a letter to the plaintiff's counsel specifying that the entire agreement covers the 85,000 square feet and the undesignated building area. He confirmed that he would draft the letter and bring it to Crosby in the morning prior to sending the letter to the plaintiff's counsel.

Moved by Weir, seconded by Martinson, to approve the Settlement Agreement with Woodridge Church, with the addition of a side letter that would clarify exhibit C. Motion passed unanimously.

Crosby provided insight as to why the City decided to settle. He explained that the law regarding religious institutions has not yet been tested and the City did not want to be the test case, following the outcome of a similar case in Wayzata. He also believed that both sides benefit from the agreement, as it is clear as to what can be done in the future. He stated that given the cost and uncertainty, the City felt that a settlement would be the best decision for everyone involved.

F. Approve Grounds Services Agreement with Hamel Athletic Club

Johnson stated that he met with Weir earlier to discuss this agreement and noted that Weir suggested language was needed to clarify the temporary signage allowed at the fields. Staff provided proposed language for Council review regarding temporary signage.

Anderson referenced sections seven and nine regarding contractor insurance and whether specific minimums should be required.

Johnson explained that insurance is required and the City reviews the coverage.

Batty noted that the City requires \$1,500,000 in insurance coverage to cover up to the statutory state liability.

Moved by Weir, seconded by Martinson, to approve the Grounds Services Agreement with Hamel Athletic Club as amended. Motion passed unanimously.

VI. COMMENTS

A. Comments from Citizens on Items not on the Agenda

There were none.

B. Park Commission

Park Commissioner Thies advised that the Park Commission met in January to hold an annual goal setting session, noting that completion of the Master Parks and Trails Plan was once again at the top of the list. She advised that the Commission welcomed back one Commissioner, Janet White, and a new member as well. She stated that the Commission also reviewed the concept plan for a park as well.

C. Planning Commission

Finke advised that the Planning Commission will meet the following week to hold a public hearing regarding the Tamarack Ridge subdivision.

VII. NEW BUSINESS

A. Daniel and Jill Johnson – Request for a Comprehensive Plan Amendment from Rural Residential to Agriculture and a Rezoning from Rural Residential to Agricultural Preserve for the three properties located at 2505 Willow Drive

Crosby stated that part of his property, a 40-acre tract, has been in Agricultural Preserve for about 13 years. He stated that if that fact made anyone uncomfortable, he would recuse himself from the discussion.

Finke presented a request from Daniel and Jill Johnson for a Comprehensive Plan amendment to reguide the three properties from Rural Residential to Agriculture and to rezone the properties from Rural Residential to Agricultural Preserve. He provided additional information regarding the different land uses, Agricultural and Rural Residential, and explained the differences. He provided additional information regarding the Metropolitan Agricultural Preserve Program and reviewed the implications of the program.

Crosby referenced the first point under the implications, noting that if an owner requests to move the property into Agricultural Preserve, there is a minimum of eight years.

Finke stated that the Planning Commission reviewed this request and recommends approval of the request subject to the two conditions listed in the staff report.

Weir questioned the road condition and asked for additional information regarding the ability to assess.

Batty explained that any property under Agricultural Preserve is not applicable for special assessment for any project that may be assessed, such as road projects.

Scherer confirmed that this would be different from Green Acres, where the assessment would be deferred until the property comes out of the program, and there would simply be no assessing the property.

Crosby stated that if road improvement occurs, the City could approach the property owner and explain the assessment that would be due and ask if the property owner would be willing to contribute their share. He stated that he would not be offended if the City were to approach him in a similar manner regarding his property in Agricultural Preserve.

Martinson questioned the amount of agricultural activity occurring on the property at this time.

Daniel Johnson, 2505 Willow Drive, noted that hay is grown on a large portion of the property and fruit trees are going to be planted as well.

Crosby referenced the last few properties added to agricultural preserve involved flowers, vegetables and fruits, and not traditional field crops.

Daniel Johnson noted that in order to qualify for organic status, pesticides have to be removed for seven years before that qualification can be obtained. He stated that they are not yet selling their products grown, but will be looking towards that avenue in the future.

Finke noted that if the Council approves this change tonight, it would be contingent upon the approval from the MET Council and would possibly take effect in 2014.

Crosby noted that the applicant had been a previous member of the Council for four years, and exited two years ago.

*Moved by Weir, seconded by Anderson, to direct staff to prepare a Resolution to approve the applicant's request for a Comprehensive Plan Amendment and an Ordinance Rezoning of the properties located at 2505 Willow Drive. **Motion passed unanimously.***

B. Well Head Protection Plan Part II

Scherer presented the draft Well Head Protection Plan Part II, noting the objective of this portion of the Plan was to use all the data collected in Part I to determine how to eliminate contaminates. He explained that this plan is the equivalent of what the SWPPP plan is to stormwater. He identified existing well locations, and possible locations, as well as potential contaminate sources. He advised that goals have been set for the next ten years that are attainable and noted that educational opportunities were also included. He stated that this must be complete prior to August and noted that this review was informational. He advised that staff will send the document to the surrounding government agencies for comment the following day and noted that he can incorporate any additional comments by April 5th.

Crosby stated that it seems quite complete and noted a number of educational opportunities included.

VIII. CITY ADMINISTRATOR REPORT

A. Tour of Randy's Environmental Services Recycling Facility

Johnson noted that there was interest from the Council in touring the Randy's Environmental Services Recycling Facility at the November Worksession and questioned if that is the desire.

The Council confirmed the desire to tour the facility in April.

Johnson advised of an upcoming NEMO training that he will attend on February 12th. He advised of another NEMO training session, a joint meeting between the Council, Planning Commission, and Park Commission to be held on March 26th at 6:00 p.m.

Weir questioned if the Council would be welcome to the idea of opening the training to other bodies of local government as well.

Crosby stated that he would not like to invite outside bodies in, as it may dilute the benefit that could be obtained from the smaller group.

Anderson stated that he did not feel educated enough in that area to make that decision.

Martinson agreed that she was not well enough educated in that area to know whether a larger group would impact the discussion.

Crosby suggested that Weir and Johnson attend the planning meeting on February 12th and gauge from there whether it would be appropriate to invite additional bodies, other than simply the Council, Park Commission, and Planning Commission.

IX. MAYOR & CITY COUNCIL REPORTS

Crosby referenced the Mediacom discussions and a letter received from the Lake Minnetonka Communications Commission (LMCC) asking the City to designate the LMCC as the only negotiator in the negotiations with Mediacom. He asked that the item be put on the agenda for the next Council meeting in order to publicly react to the request from LMCC. He advised of other communications that he has received and responded.

Crosby noted that he received a list of the State Aid funds that are received by the City and how those funds can be used, whether for street maintenance or street improvement projects.

Kellogg provided additional information regarding the use of State Aid funds on the roadways and upcoming changes to the program.

Crosby noted that he received the Hollydale Report via email today and found it interesting that the proposed project and project alternatives were listed, but no proposed project alternative was identified for Medina. He also commented on the material and width of poles that will be used for the project. He referenced a letter sent to Hennepin County by the Minnehaha Creek Watershed District in response to the proposal from County Commissioner Jeff Johnson, which echoes the comments made by Weir.

He stated that he will continue to work with Johnson in an attempt to bring lower cost housing to the City.

He stated that on February 14th, the West Metro Drug Force will hold its annual meeting at 11:00 a.m. He advised that he will be out of town and noted that any interested Councilmember should attend.

He referenced records retention for the City. Crosby suggested that Johnson research that item and provide options.

Johnson confirmed that goal is identified for the fourth quarter.

X. APPROVAL TO PAY THE BILLS

*Moved by Weir, seconded by Martinson, to approve the bills, EFT 001956E-001976E for \$1,914,131.48 and order check numbers 039300-039381 for \$413,857.76, and payroll EFT 504721-504770 for \$88,753.51. **Motion passed unanimously.***

XI. CLOSED SESSION: PENDING LITIGATION

The meeting adjourned to closed session at 8:09 p.m. to discuss pending litigation.

The meeting reconvened to open session at 8:59 p.m.

XII. ADJOURN

*Moved by Weir, seconded by Anderson, to adjourn the meeting at 9:00 p.m. **Motion passed unanimously.***

T.M. Crosby, Jr., Mayor

Attest:

Scott Johnson, City Administrator