

MEDINA CITY COUNCIL MEETING MINUTES OF MARCH 15, 2011

The City Council of Medina, Minnesota met in regular session on March 15, 2011 at 7:00 p.m. in the City Hall Chambers. Acting Mayor Weir presided.

I. ROLL CALL

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

Members absent: Crosby.

Also present: City Attorney Ron Batty, City Engineer Tom Kellogg, Police Chief Ed Belland, City Planner Dusty Finke, Public Works Superintendent Steve Scherer, Finance Director Jeanne Day, City Administrator Chad Adams, Management Intern Dale Cooney, and Recording Secretary Barbara Hughes.

II. PLEDGE OF ALLEGIANCE

III. ADDITIONS TO THE AGENDA

The agenda was accepted as presented.

IV. APPROVAL OF MINUTES

A. Approval of the March 1, 2011 Special City Council Meeting Minutes

*Moved by Pederson, seconded by Siitari, to approve the March 1, 2011 special City Council meeting minutes as presented. **Motion passed unanimously.***

B. Approval of the March 1, 2011 Regular City Council Meeting Minutes

It was noted on page 3, line 6, it should state: "stated they may be looking where to locate the historic Hamel Library if a formal request is..."

*Moved by Siitari, seconded by Martinson, to approve the March 1, 2011 regular City Council meeting minutes as amended. **Motion passed unanimously.***

V. CONSENT AGENDA

A. Accept 2011 Road Material Bids

B. Approve American Legion Consumption and Display Liquor License

C. Approve Tennis Court Rental Agreement with Carrie Agre

D. Approve Lawn and Grounds Services Agreement with Snow n' Lawn

E. Approve Weed Control and Fertilization Services Agreement with TruGreen Chemlawn

F. Approve Street Sweeping Services Agreement with Carefree Services, Inc.

G. Ordinance Establishing Fees for City Clean Up Day

H. Resolution to Publish Ordinance for Clean Up Day Fees by Title and Summary

I. Resolution Conditionally Approving a Comprehensive Plan Amendment Regarding a Portion of the Property of "The Enclave" Residential Development

J. Lift Probationary Status for Community Service Officer Jeff Kordiak

K. Approve Temporary 3.2 On-Sale Liquor License and Raffle, Bingo, and Pull Tab Permit to Church of St. Anne for August 27-28, 2011

Weir asked to remove item E from the consent agenda.

Moved by Siitari, seconded by Pederson, to approve the consent agenda, as revised. Motion passed unanimously.

E. Approve Weed Control and Fertilization Services Agreement with TruGreen Chemlawn

Weir asked if there was a specific reason for doing both weed control and fertilization and whether the soil has ever been tested to see if fertilization is necessary. She expressed concern about run-off and the impact of fertilizer on water quality. Scherer replied that the City does test the soil, but up to this point, the City has relied on the recommendation of the applicator. He agreed to check whether both applications are necessary.

Moved by Siitari, seconded by Pederson, to approve the Weed Control and Fertilization Services Agreement with TruGreen Chemlawn. Motion passed unanimously.

XI. APPROVAL TO PAY THE BILLS

Weir indicated that the auditors suggested that the approval to pay the bills be moved on the agenda from time to time and asked Council to consider this item now.

Moved by Martinson, seconded by Siitari, to approve the bills, EFT 001051-001071 for \$50,789.01 and order check numbers 036658-036714 for \$52,215.23, and payroll EFT 503352-503382 for \$46,138.88 and payroll check 020341 for \$224.36. Motion passed unanimously.

VI. PRESENTATION

A. Fire Department Annual Reports

Loretto Fire Chief Jeff Leuer presented the 2010 call activity, stating that 212 calls were received with 46 calls in the City of Medina. He stated that the department currently has 33 members, with seven new firefighters. He added that the department has seen a large number of people volunteering to serve on the fire department and there are currently three people on the department's waiting list. He stated that in 2011, the department will be purchasing a new utility truck to be used for home medicals, as well as an extraction tool and a new rescue truck. He reported that they are in the process of conducting a feasibility study with the Hamel Fire Department; a \$33,500 grant was received last December for this study and includes a review of the Comprehensive Plans for all five cities in their service areas and the report will include information regarding future fire stations.

Long Lake Fire Chief James Van Eyll stated that they also had seven new recruits in 2010. He indicated that the 2010 calls to the City of Medina decreased, with 23 calls in 2009 and 11 in 2010. He stated that the department received 446 overall calls in 2010, which represents an increase over the past two years, and part of that is attributable to a downed power line and a wind storm on November 13, 2010. He reported that response times and mutual aid calls decreased in 2010, with an average response time in all three cities of 5:37. He stated that in 2011, the department will be adding a duty officer vehicle that will be taken home, allowing the on-duty firefighter to respond directly to fire calls.

He added that eleven members of the department participated in the Stair Climb for Life, a 30 flight, 660 step stair climb, and the department ranked in the top five out of 27 departments. He stated that the department will be hosting a pancake breakfast on Sunday, April 17, supporting the relief association.

Hamel Fire Chief Brandon Guest reviewed the department's 2010 call activity and indicated that call volume has increased over the last few years, with 200 calls in 2010. He noted that the bulk of calls were medicals. He stated that there were 133 calls in the City of Medina in 2010.

Siitari asked if the cities charge for false alarms. Guest replied that it depends on city ordinance. Belland added that the City of Medina began charging for false alarm calls on the first call effective January 1st.

Guest stated that the department is serving 90% of its calls in ten minutes or less and all response times have decreased by a minute or two from the previous year. He stated that the department has 26 firefighters with ten added over the past two years. He discussed the department's operating budget and explained that expenses were slightly over budget due to an opportunity to add a generator to the fire station. He stated that if the department had purchased this generator from a vendor, it would have cost approximately \$40,000 but the department was able to get it free from the DNR. He indicated that \$10,500 was spent to purchase a transfer switch and to wire the fire station. He indicated that the generator can provide heat and electricity to the building; the building did not previously have this capability and he felt this was a cost-effective purchase. He added that the remainder of the overage in the budget is related to payroll and training.

Weir expressed the City Council's thanks and appreciation to all of the fire departments for their service.

B. Resolution Recognizing Jeanne Day for Five Years of Service to the City of Medina

Weir recognized and thanked Jeanne Day for five years of service to the City as Finance Director.

*Moved by Martinson, seconded by Siitari, to approve a resolution recognizing Jeanne Day 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

Scherer reviewed agenda items for the Park Commission meeting on March 16th.

C. Planning Commission

Planning Commissioner Victoria Reid stated at their last meeting, the Planning Commission reviewed the proposed text amendments to the City's ordinance regarding retail and service uses related to animals. She stated that the Planning Commission determined that the ordinance should be amended to permit the proposed use in the CG

district. She added that the Planning Commission also felt that retail and service uses should be permitted in the Mixed Use district.

VIII. NEW BUSINESS

A. Resolution Receiving Feasibility Report and Calling for Public Hearings on Hunter Drive South Improvement Project and Levying Special Assessments for Same

Adams presented the feasibility report for the mill and overlay project on Hunter Drive South between CR 24 and CR 6. He stated that a public hearing will be scheduled for May 3, 2011 to authorize preparation of plans and specifications for the project. He added that the pre-bond sale will also occur on May 3rd.

Weir expressed concern about the condition of the road due to the harsh winter and asked if mill and overlay will be sufficient. Scherer replied that the City will be milling the road at a depth of 1.5" from the edges and that on the southerly end of the road, the City plans to fill the ruts and not mill away as much, and the cracks will be patched and pavement placed over the top.

Weir asked if Orono will be milling its portion of the roadway. Kellogg replied that Orono plans to do some work on the south end and intends to dig out and place the bad spots, seal the cracks, and sealcoat the lesser damaged parts.

Moved by Martinson, seconded by Pederson, to approve a resolution receiving the feasibility report and calling for public hearings on Hunter Drive South improvement project and levying special assessments for same.

Scherer noted that the third "whereas" clause in the resolution may be confusing and suggested that it should read "the project" not "the two projects."

Martinson agreed to the friendly amendment. Pederson seconded the friendly amendment.

Motion passed unanimously.

B. Resolution Receiving Feasibility Report, Calling for Public Hearing and Ordering Preparation of Plans and Specifications on Hunter Drive North Improvement Project

Adams presented the feasibility report for the reconstruction of Hunter Drive North between Hamel Road and Medina Road. He stated that the project includes installation of water and sewer and curb and gutter for the Lennar Enclave project, and the public hearing will be scheduled for April 5, 2011. He noted that the May 3rd public hearing will include the pre-bond sale for this project as well. He explained that the City chose not to assess all of the properties in this corridor and to assess only the Lennar portion of the project; as a result, the City can only utilize taxable bonds.

Weir asked if there is any way to improve the drainage in the area of Hunter Drive North where it comes down the hill toward Elm Creek and Hamel Road. Scherer replied that the water in this area goes into a forebay and collects sediment before it flows into the creek. Kellogg added that it is the intent of the City to meet the new standards in terms of phosphorous removal by using a forebay. He indicated that upstream, on the south

side of Hamel Road and west of Hunter Drive, the City is planning to do some additional improvements and use catch basins to remove sediment.

*Moved by Siitari, seconded by Martinson, to approve a resolution receiving the feasibility report, calling for public hearing, and ordering preparation of plans and specs on Hunter Drive North improvement project. **Motion passed unanimously.***

C. An Ordinance Amending Section 832 and Section 838 of the Code of Ordinances Regarding Retail and Service Uses Related to Animals

Cooney presented the draft ordinance text amendment to the Commercial-General Zoning District related to dog boarding, daycare, and grooming. He advised the Planning Commission had reviewed the ordinance amendment and recommended approval. He discussed the Conditional Use Permit (CUP) request of Thomas and Jillene Kingstedt to own and operate a dog daycare, grooming and boarding facility at 810 Tower Drive and indicated that one of the primary features is a 13,000 square foot outdoor open space.

Weir stated that she did not want to see the text amendment unintentionally invite a puppy mill situation or animal breeding on a large scale.

Thomas Kingstedt, 12425 43rd Avenue North, Plymouth, appeared before the City Council and stated that their proposed use will include only canines and no breeding will occur.

Finke stated that breeding is not currently prohibited in the ordinance and any proposal for a breeding facility would go through the CUP process as currently written. He indicated that if Council is interested in more explicit regulations, there is language that other communities have used that could limit the number of unsterilized dogs in a kennel at one time.

Kingstedt noted that all canines in their facility must be at least seven months old and must be spayed or neutered.

Martinson asked if the City has regulations for inspecting these types of facilities. Cooney replied that typically a city that inspects these facilities would have a licensing process and would annually review the license. He stated that the City is not proposing to do that here but the licensure procedures could be expanded if desired by the Council. He added that some research was done with respect to animal care standards that could be applied at the specific CUP application. He noted that the amendment includes language requiring sufficient space and that the use must meet responsible animal care standards.

Finke explained that the outdoor space language allows the City to place limitations on hours of use of the outdoor space. He indicated that the Planning Commission recommended removing the specific time restriction and replacing it with general language that allows the City to review each individual proposal based on location as part of the CUP process.

Martinson asked if the City has any leeway to change the ordinance if problems arise in the future. She also asked if any future amendments can be imposed on existing businesses. Finke replied that under the ordinance, the use is permitted via a CUP

which lays out the rules and standards ahead of time. Batty stated that the laws on CUPs are valid as long as the conditions agreed upon are met. He indicated that the tenor of this ordinance is that there is enough general language that each CUP application will be handcrafted based on the circumstances available. He added that in this case, the outdoor noise potential may require a noise control plan as part of the conditions of the CUP.

Weir asked if the requirement that the outdoor area be located a minimum of 500' from any residential district was sufficient. Cooney replied that it is difficult to know if 500' will be sufficient and stated that when the CUP application comes through, a requirement could be added that limits the number of dogs outside at any given time and/or that sets forth a ratio of handlers to dogs.

Martinson asked if some language should be included in either the ordinance or the CUP that addresses the humane treatment of animals. Finke replied that if this type of regulation were added, it will be important that the City has the ability to enforce it. He added that staff looked at this from a land use perspective to prevent impacts on neighboring property owners, and the City does not get specifically involved with a business owner's operation based on a professional organization's guidelines. Batty stated that responsible animal care standards/best practices were discussed with staff and he cautioned against citing any particular organization's standards that may not always be in the forefront of responsible standards. He added that it is the City's job to focus on the land use side of things rather than the care and health of dogs.

*Moved by Siitari, seconded by Martinson, to approve an ordinance amending Section 832 and Section 838 of the Code of Ordinances regarding retail and service uses related to animals, including the change noted in the staff report to clarify the language in the Business district to have the language match other commercial districts. **Motion passed unanimously.***

1. Resolution to Publish the Ordinance by Title and Summary

*Moved by Siitari, seconded by Martinson, to approve a resolution to publish the ordinance by title and summary. **Motion passed unanimously.***

IX. CITY ADMINISTRATOR REPORT

A. Legislative Update

Adams discussed the proposed property tax freeze bill and stated that cities that do not receive LGA would be exempted from this, however, the debt service and restrictions would be maintained moving forward. He stated that a bill allowing for legal publications to be published on the website rather than in the newspaper is moving forward. He advised that the bill to correct the variance statutes is being worked out. He stated that the fire departments have spoken about losing their 2% in fire aid and although the City is not directly impacted by this, those costs would be passed on to the City. He stated that the legislature has also been discussing private wells and relaxing the restrictions on wells, allowing property owners to drill for private landscaping. He stated that there is also a bill that would lift the sprinkler requirement on certain residential properties. He agreed to continue tracking the legislation and requested that staff be allowed to send correspondence to the legislators if there are concerns regarding a specific bill.

X. MAYOR & CITY COUNCIL REPORTS

Weir reported on her attendance at the Elm Creek Watershed District meeting and stated that a unanimous vote by all eight cities in the district would be required in order to become a special taxing district to support the second generation plan for remediation along the creek. She noted that three cities have indicated they would not support this. She expressed concern regarding the 9.85% increase in city dues and also expressed concern regarding double taxation of Minnehaha Creek Watershed residents. She requested that staff look into separating the PID numbers in each district.

Pederson reported on his attendance at the Uptown Hamel Business Group meeting today and stated that the Park Commission will be reviewing plans for moving the library.

XI. APPROVAL TO PAY THE BILLS

This item was acted on earlier in the meeting.

XII. CLOSED SESSION: LAND ACQUISITION

Weir adjourned the meeting to closed session to discuss 1600 Prairie Drive at 8:33 p.m.

The Council returned to open session at 8:56 p.m. Weir stated that City Administrator Adams was provided with direction to continue negotiations with Hennepin County.

XIII. ADJOURN

*Siitari moved, Pederson seconded, to adjourn the meeting at 8:57 p.m. **Motion passed unanimously.***

Elizabeth Weir, Acting Mayor

Attest:

Chad M. Adams, City Administrator-Clerk