

MEDINA CITY COUNCIL MEETING MINUTES OF APRIL 1, 2014

The City Council of Medina, Minnesota met in regular session on April 1, 2014 at 7:00 p.m. in the City Hall Chambers. Mayor Weir presided.

I. ROLL CALL

Members present: Anderson, Pederson, Martin, Martinson, and Weir.

Members absent: None.

Also present: City Administrator Scott Johnson, City Attorney Ron Batty, City Engineer Tom Kellogg, City Planner Dusty Finke, Public Works Director Steve Scherer, Police Sergeant Jason Nelson, and Recording Secretary Amanda Staple.

II. PLEDGE OF ALLEGIANCE (7:00 p.m.)

III. ADDITIONS TO THE AGENDA (7:01 p.m.)

The agenda was approved as presented.

IV. APPROVAL OF MINUTES (7:01 p.m.)

A. Approval of the March 18, 2014 Special City Council Meeting Minutes

*Moved by Anderson, seconded by Martin, to approve the March 18, 2014 special City Council meeting minutes as presented. **Motion passed unanimously.***

B. Approval of the March 18, 2014 Regular City Council Meeting Minutes

It was noted on page four, line 25, it should state, "...Drive Vehicle Services (DVS)..." On page five, line 11, it should state, "...presentation regarding the development of a fellow Mayor was developing a beekeeping ordinance." She noted that there was also discussion regarding bus service to this area a Metropolitan Council representative was not hopeful for bus service coming to this area."

*Moved by Martinson, seconded by Anderson, to approve the March 18, 2014 regular City Council meeting minutes as amended. **Motion passed unanimously.***

C. Approval of the March 26, 2014 7:30 a.m. Special City Council Meeting Minutes

*Moved by Pederson, seconded by Martinson, to approve the March 26, 2014 7:30 a.m. special City Council meeting minutes as presented. **Motion passed unanimously.***

D. Approval of the March 26, 2014 9:30 a.m. Special City Council Meeting Minutes

*Moved by Anderson, seconded by Pederson, to approve the March 26, 2014 9:30 a.m. special City Council meeting minutes as presented. **Motion passed unanimously.***

V. CONSENT AGENDA (7:05 p.m.)

A. Approve Tennis Court Rental Agreement with Carrie Agre

B. Approve Park Signage/Message Centers at Hamel Legion Park and Hunter Lions Park

- C. Appoint Pat Wulff as an Alternate for the Pioneer Sarah Watershed
- D. Terminate the Agreement for Weed Control and Fertilization Services with Snow 'n Lawn
- E. Approve Weed Control and Fertilization Services with Carefree Services, Inc.
- F. Approve Contract for Services between the Cities of Medina and Maple Plain and Metropolitan Consortium of Community Developers for the Open to Business Program
- ~~G. Approve Purchase to Replace Squad Car 113~~
- ~~H. Approve Purchase of Pick-up Truck for Public Works Department~~
- I. Resolution No. 2014-16 Granting Extension of Time to File Subdivision of 1525 Hunter Drive Amending Resolution No. 2013-46
- J. Approve Conditional Job Offer for Brandon Wenande to the Position of Part-Time Temporary Community Service Officer

Johnson requested to remove Item G, Approve Purchase to Replace Squad Car 113, and Item H, Approve Purchase of Pick-up Truck for Public Works Department, from the Consent Agenda for further discussion.

*Moved by Anderson, seconded by Martin, to approve the consent agenda. **Motion passed unanimously.***

G. Approve Purchase to Replace Squad Car 113

Johnson provided the Capital Improvement Plan (CIP) for 2014 through 2018, noting that the City is moving forward with the vehicle purchases ahead of schedule. He reported that this 2008 squad car is in need of \$2,500 in repair and also has an issue with burning oil and therefore the City would like to move ahead with the purchase. The repairs are more costly than the squad's value.

*Moved by Pederson, seconded by Anderson, to approve the purchase to replace squad car 113. **Motion passed unanimously.***

H. Approve Purchase of Pick-up Truck for Public Works Department

Johnson advised that the Public Works Department is also in need of a new vehicle and advised that the proposed purchase is to replace a 1997 Chevrolet Pick-up Truck that was a repossessed vehicle through the Police Department. The vehicle has come to the end of its useful life and the repairs are more costly than the vehicles value. Johnson advised that staff is being fiscally responsible and only moving these vehicles up on the CIP because they need to be replaced.

*Moved by Pederson, seconded by Anderson, to approve the purchase of pick-up truck for Public Works Department. **Motion passed unanimously.***

VI. COMMENTS (7:09 p.m.)

A. Comments from Citizens on Items not on the Agenda

There were none.

B. Park Commission

Scherer reported that at the last meeting of the Park Commission there was discussion regarding what could be done during the 2014 year as well as mowing and improvements within the parks. He noted that the Commission also discussed moving

ahead with the Fields of Medina Park and advised that staff met with the developers this week to review plans and equipment.

C. Planning Commission

Finke reported that the Planning Commission will meet the following week to conduct two public hearings regarding the Dominion development and the Villas at the Medina Country Club development.

VII. PRESENTATIONS

A. Resolution No. 2014-17 Recognizing Steve Scherer for 20 Years of Service to the City of Medina (7:12 p.m.)

Weir read the Resolution recognizing Steve Scherer for 20 years of service to the City of Medina.

Johnson stated that the City is fortunate to have Scherer and commented on the great quality of work that he has done over the years for the City, including his participation in the development of the new Public Works and Police building. He commended Scherer and his staff for the high volume of quality work that they are able to complete in any one year.

Weir also commended Scherer for the quality and volume of work that he and his staff are able to accomplish. She noted that Scherer also has great people skills in dealing with staff, residents and the Council. She thanked him for his service to the City.

Anderson also commended Scherer and his staff for their great efforts in regard to snow removal and storm clean-up efforts.

*Moved by Martin, seconded by Martinson, to approve Resolution No. 2014-17 Recognizing Steve Scherer for 20 Years of Service to the City of Medina. **Motion passed unanimously.***

VIII. NEW BUSINESS

A. Chippewa Road West Improvement Project (7:17 p.m.)

Johnson stated that the Council will be holding public hearings on each of the road improvements proposed on the agenda and noted that the Council is requested to take action on each project.

Weir opened the public hearings at 7:18 p.m.

Batty clarified that a public hearing is required for both the approval of the plans and ordering of the project as well as the adoption of the assessment roll. He noted that the public hearings could be held simultaneously but noted that separate motions would be needed for each action.

Scherer identified the project area and described the existing conditions and the improvement that is proposed to occur within Medina and also within Loretto. He noted that each City would be financially responsible for their portion of the project.

Leonard Leuer, 3625 Chippewa Road, referenced the work that will be done within the City of Loretto and the current process for draining water within Loretto, which pumps the water onto the roadway. He noted that perhaps this would be a good time to discuss storm sewer improvements for the Loretto portion.

Scherer noted that he believed something had been installed but advised that he will follow-up with Loretto staff.

Batty reminded residents that the public hearing is regarding the improvement and whether to approve that project. He advised that the second portion is the adoption of the assessment roll and noted that any residents wishing to appeal their proposed assessment would need to submit a written appeal to the City or Council prior to the closing of the public hearing tonight. He explained that if written appeal is not received prior to the closing of the public hearing the resident would be unable to appeal their assessment.

Dwayne Schlosser spoke representing his mother Bernice Schlosser who lives at 4632 County Road 19. He stated that it is his understanding that the portion of the road adjacent to this property will simply receive a grinding of the existing base and new overlay. He noted that the other portion of the roadway will receive a more extensive improvement and questioned if the assessment to his mother's property would be assessed at a lower rate because of the lower rate of improvement.

Scherer confirmed the property in question.

Finke explained that the entire project was aggregated and the assessment was split between the properties based on the City assessment policy. He explained that there would not be different rates of assessment for the parcels along the roadway.

Scherer noted that Loretto will be paying for their portion of the improvements.

Finke provided additional information regarding the assessment as proposed.

Mr. Leuer confirmed that residents do have the opportunity to pay the assessment up front and questioned the last day to pay that amount.

Martin believed the date is November 15, 2014 but Johnson advised the payment would need to be in the hands of the City by November 15, 2014.

Mr. Schlosser referenced the financing terms should the amount not be paid to the City prior to November 15th. He questioned if interest would be charged should the payment be received by the City on November 16th.

Batty confirmed that under State Statute if the payment is not received prior to November 14th, interest would be charged for the next 13.5 months as specified.

Martin explained that requirement is based on the State Statute and residents need to contact their state legislators to change the Statute.

Weir closed the public hearings at 7:34 p.m.

1. Resolution No. 2014-18 Approving Plans and Specifications and Ordering Project – Public Hearing

Moved by Martin, seconded by Pederson, to approve Resolution No. 2014-18 Approving Plans and Specifications and Ordering the Chippewa Road West Improvement Project. Motion passed unanimously.

2. Resolution No. 2014-19 Adopting Assessment Roll – Public Hearing

Moved by Martin, seconded by Anderson, to approve Resolution No. 2014-19 Adopting Assessment Roll for the Chippewa Road West Improvement Project.

Further discussion: Finke noted that in the past the Council has considered reducing the assessment rate from the proposed 22 percent to 20 percent.

Batty stated that if the City were bonding for these improvements the assessment would have to be set at least 20 percent and advised that staff usually notices the assessment at a slightly higher rate in the case that flexibility is needed. He explained that in some instances an assessment is amended or a specific assessment is excluded and explained that is why a higher rate is proposed to allow for that situation and still ensure that a rate of 20 percent assessment can still be met. He again confirmed that the 20 percent rate would not apply to this situation because the City is not bonding.

Weir noted that the Council has approved all previous assessments at 20 percent and believed that this road improvement project should be the same.

Moved by Martin, seconded by Anderson, to amend the motion on the floor to approve Resolution No. 2014-19 Adopting Assessment Roll for the Chippewa Road West Improvement Project at the rate of 20 percent. Motion passed unanimously.

Batty confirmed that residents will receive an amended notice with the new assessment rate.

B. Tuckborough and Hunter Farms Addition Improvement Project (7:40 p.m.)

Scherer identified the project area and advised that culvert replacement occurred the previous summer. He advised that this roadway will receive an overlay and advised that soil and seeding will also occur on the shoulder. He advised that there are a few areas that will most likely be milled in order to prevent standing water on the roadway. He stated that because these are neighborhood roads and not a collector road, the assessment would be at a rate of 50 percent rather than the 20 percent proposed for the previously discussed collector road project.

Weir opened the public hearings at 7:45 p.m.

Tom Hektner, 825 Navajo Road, questioned the total estimated cost for the Tuckborough portion of the project.

Scherer reviewed the proposed project cost as well as the cost for each element of the project.

Martin noted that the percentage amount of the cost that would be assessed for the residents within the project differs from the percentage amount for the Tuckborough

Road improvement assessed to the residents within Tuckborough Ridge; because Tuckborough Ridge is a private development that it is assessed differently.

Mr. Hektner questioned the definition of collector roads.

Scherer explained the difference between collector and neighborhood roads.

Carol Hektner, 825 Navajo Road, questioned the truck size allowed on the roadway, as she believed that a size restriction had been enforced. She questioned if she could call the City should she see large trucks using the roadway.

Scherer confirmed that a different hauling route had been identified for the activity within a neighboring development and confirmed that calls can be made to Public Works with complaints.

Batty reminded residents that the public hearing is regarding the improvement and whether to approve that project. He advised that the second portion is the adoption of the assessment roll and noted that any residents wishing to appeal their proposed assessment would need to submit a written appeal to the City or Council prior to the closing of the public hearing tonight. He explained that if written appeal is not received prior to the closing of the public hearing the resident would be unable to appeal their assessment.

Weir closed the public hearings at 7:51 p.m.

1. Resolution No. 2014-20 Approving Plans and Specifications and Ordering Project – Public Hearing

*Moved by Martin, seconded by Anderson, to approve Resolution No. 2014-20 Approving Plans and Specifications and Ordering the Tuckborough and Hunter Farms Addition Improvement Project. **Motion passed unanimously.***

2. Resolution No. 2014-21 Adopting Assessment Roll – Public Hearing

*Moved by Martin, seconded by Anderson, to approve Resolution No. 2014-21 Adopting Assessment Roll for the Tuckborough and Hunter Farms Addition Improvement Project. **Motion passed unanimously.***

C. Kirsten Chapman – Conditional Use Permit for Accessory Dwelling Unit at 1910 Iroquois Drive (7:52 p.m.)

Finke presented a request for a Conditional Use Permit to convert an accessory structure into an accessory dwelling structure. He advised that the structure was built prior to the City increasing the setback requirement in 2006 and therefore is nonconforming because of the lesser setback. He explained that accessory dwelling structures were made allowable by the City Council in 2009 and this is the first request that has come forward since that time. He displayed an aerial photograph of the site and identified the accessory structure on the northeast corner of the site. He noted that staff comments regarding the criteria for this request were included in the Council packet. He referenced the proposed sewer treatment requesting temporary use of holding tanks until the time of sale. He stated that the Building Official does not oppose this request so long as it is temporary. He advised that the Planning Commission recommended a condition specifying that the sewer holding tanks are temporary until sale of the property or until a five year time period expires. He reported that the Planning Commission received a large amount of feedback during the public hearing they held after which time

they recommended unanimous approval. He noted that a number of the resident comments were regarding the City allowing accessory dwelling units as an allowed use.

Weir explained that this had been an initiative of former Mayor Crosby as he was made aware of caretakers living in the top level of a barn, which had been converted for that use. She explained that his idea was that since this was being done already it should be regulated to ensure the conditions were monitored. She advised that this use is only allowed if the owner of the property lives on the property. She entered into the record two letters received; one in support of the request by Kathy Taylor and another from six residents in opposition of the request.

Anderson stated that he read through the minutes of the March 11th meeting of the Planning Commission and believed that the group did a thorough and excellent job considering this request and supported their unanimous approval.

Weir referenced the condition regarding the temporary septic system and requested to shorten the time period from five years to three years.

Martin stated that there was a statement from the Building Official stating that the system is acceptable.

Anderson stated that the comment was actually more than acceptable.

Weir confirmed that the Council would be in favor of a five year time period. She referenced the additional screening proposed towards the west and questioned if the language could be amended to state as necessary. She stated that she did walk the property and believed the screening to be sufficient and did not believe that much opportunity for additional plantings exists.

Kirsten Chapman, 1910 Iroquois Drive, stated that she worked with the neighboring property owner when the structure was originally built. She advised that the neighbor does not wish to have additional screening and noted that she would continue to speak with that neighbor to determine if he would like additional plantings.

Martin observed that the residents in opposition of the request that spoke at the Planning Commission seemed to object to the policies codified in the ordinance and did not speak in regard to the specific landscaping at the property therefore she did not believe that it would be necessary for the applicant to meet with other residents in regard to the landscaping. She requested to remove the first sentence from condition five and leave the second sentence. She referenced the second condition and requested to add the language, "six months after the conveyance of the title..." She also clarified that the plan showing that the design for a septic system that could service the home and accessory structure should be provided prior to the issuance of a Conditional Use Permit.

Finke advised that staff has already received that plan and therefore the condition is irrelevant.

Pederson believed the structure is screened very well, noting that he almost could not see the structure.

Weir confirmed the consensus of the Council to amend condition five to delete the first sentence and leave the second sentence.

Martin referenced condition two and clarified that the escrow would be posted with the City. She provided proposed language.

*Moved by Martinson, seconded by Martin, to direct staff to prepare a resolution for approval as discussed. **Motion passed unanimously.***

D. Ordinance No. 561 Amending Section 615 Tobacco and Tobacco Related Devices (8:16 p.m.)

Johnson stated that staff has been working with Batty to update the ordinance in order to include nicotine delivery products. He also explained that language prohibiting tobacco sampling was also included with the amendment.

Martin stated that this was well done.

*Moved by Martin, seconded by Pederson, to approve Ordinance No. 561 amending Section 615 Tobacco and Tobacco Related Devices. **Motion passed unanimously.***

1. Resolution No. 2014-22 Authorizing Publication of Ordinance by Title and Summary

*Moved by Martin, seconded by Anderson, to approve Resolution No. 2014-22 Authorizing Publication of Ordinance No. 561 by Title and Summary. **Motion passed unanimously.***

E. Elm Creek Watershed Third Generation Management Plan (8:18 p.m.)

Weir stated that the City updates their Comprehensive Plan every ten years and advised that the watersheds complete a similar process titled Generation Management Plans. She advised that the rules and standards are being tightened and improved to provide further protection of watersheds noting that this would have implications on the dues. She advised that the dues are proposed to increase by 15.4 percent without a subsidy from the watershed in 2015. She noted that another option is for the Watershed to subsidize the gradual increase to the membership dues. She advised that she will be voting on this item the following week and asked for input.

Johnson stated that staff is in agreement with Weir regarding the gradual increase in membership dues through a subsidy by the Elm Creek Watershed.

IX. CITY ADMINISTRATOR REPORT (8:20 p.m.)

A. Meeting Updates

Johnson noted that the Board of Appeal and Equalization meeting will be held the following week on April 9, 2014 at 6:30 p.m.

B. Possible Sharing of the Brush Pile with Loretto

Johnson also advised of a possible collaboration with Loretto for a combined use of the Medina brush pile site.

Scherer stated that Loretto staff is going to bring this consideration forward to the Loretto Council. He asked for input from the Council on this possibility and whether the City

would like to ask something in return. He stated that he would like to open the gate on Friday night and close the gate on Monday morning, which would allow resident use during the weekend hours. He stated that Loretto could assist in the maintenance of the brush pile if this were allowed. He stated that perhaps the site could be monitored during random periods as a method to reduce what is being dropped off.

Pederson questioned the cost to chip.

Anderson questioned the cost to maintain.

Scherer stated that the chipping costs Medina nothing. He noted that there is a considerable amount of time used to maintain the site, especially after storm events. He did not believe that it should be simply free for Loretto and believed that perhaps the benefit would be the assistance in maintaining the site and assistance with monitoring the site.

Anderson confirmed that if a commercial vendor is doing work for a Medina resident they can use the brush pile.

Scherer confirmed that he would ask for identification and the location the work occurred. He confirmed that brush cannot be dropped when the gate is closed. He explained that this cuts down on dumping that is not allowed.

Weir commented that perhaps it would be beneficial to try this collaboration for a one-year period.

Pederson confirmed that the equipment and gas is supplied from Medina and believed that Loretto supplying the labor would be a good return for shared use of the brush pile.

Weir agreed that if Medina provides the site and equipment, Loretto should supply the labor.

C. Possible Creation of a Social Host Ordinance

Johnson stated that staff has had preliminary discussion regarding a social host ordinance, explaining that this would allow the City to pursue a homeowner that allows underage drinking. He advised that Public Safety Director Belland and Sergeant Nelson support this ordinance.

Weir referenced a situation that took place in January. She noted that other cities that have implemented a social host ordinance and once someone is charged there are usually not other issues following that.

Sergeant Nelson explained that the homeowner in the January incident was not at the home at the time this occurred and therefore the ordinance would not apply to that situation. He stated that he would rather be proactive than reactive.

Batty noted that this had been a hot button issue about five years ago but has not heard much about that since.

Weir also believed that the City should be proactive.

Anderson agreed that staff could develop proposed language that the Council could review.

Martinson stated that she would also be in favor of considering this type of ordinance.

Martin stated that she would also be in favor of considering this ordinance but noted that she has learned that some parents believe that it is okay if underage children drink in their home as long as the keys are taken and the children are staying overnight. She stated that she believes that it is the decision of parents whether they wish to introduce their own children to alcohol responsibly within their own home.

Weir confirmed that the ordinance language would address that.

Pederson confirmed that he could also support that consideration.

X. MAYOR & CITY COUNCIL REPORTS (8:39 p.m.)

Pederson stated that he recently attended a WSB training with other members of the Council and commended the WSB staff that hosted the session.

Anderson agreed that the WSB training was great and also commented on the high quality of the business tours that recently occurred.

Martin commended the members and the leadership of the Planning Commission.

Martinson thanked the businesses that attended the business forum.

Weir noted that there is a shallow lakes forum that will be held on April 28th at the arboretum. She advised that a Barr Engineering workshop regarding water will also be held in the near future.

XI. APPROVAL TO PAY THE BILLS (8:43 p.m.)

*Moved by Pederson, seconded by Anderson, to approve the bills, EFT 002530E-002555E for \$81,925.14, and order check numbers 041052-041111 for \$294,881.50, payroll EFT 505561-505585 for \$44,203.15 and payroll check numbers 020422-020423 for \$520.06. **Motion passed unanimously.***

XII. ADJOURN

*Moved by Pederson, seconded by Martinson, to adjourn the meeting at 8:43 p.m. **Motion passed unanimously.***

Elizabeth Weir, Mayor

Attest:

Scott Johnson, City Administrator