

## MEDINA CITY COUNCIL MEETING MINUTES OF APRIL 21, 2009

The City Council of Medina, Minnesota met in regular session on April 21, 2009 at 7:00 p.m. in the City Hall Chambers. Mayor Crosby presided.

### I. ROLL CALL

**Members present:** Crosby, Johnson, Siitari, Smith, and Weir.

**Members absent:**

**Also present:** City Attorney Ron Batty, Associate Planner Dusty Finke, Public Works Superintendent Steve Scherer, City Engineer Tom Kellogg, Finance Director Jeanne Day, Police Chief Ed Belland, City Administrator Chad Adams and Recording Secretary Robyn Sauer.

### II. PLEDGE OF ALLEGIANCE

### III. ADDITIONS TO THE AGENDA

It was requested to add item 9D, Fortin Consulting Services Agreement for Rainwater Park, under New Business.

*Moved by Smith, seconded by Weir, to accept the agenda as amended. **Motion passed unanimously.***

### IV. APPROVAL OF MINUTES

#### A. Approval of the April 7, 2009 Regular City Council Meeting Minutes

It was noted on page 1, line 27, it should state: "Weir stated there should be more emphasis on building capacity for institutional uses as a major consideration." Page 2, line 27, should state: "Weir stated if we encourage farmers to test soil before applying fertilizer, the City should abide by the same standards." Page 3, line 20, should state: "Crosby suggested an e-mail be sent to all City officials who are invited on the tour." Page 3, line 22, should state: "...bird walk in Medina Lake Preserve on the morning..." Page 3, line 29, should state: "felt she had an ethical conflict with two of the firms since she had had prior dealings with both of them." Page 3, line 42 should include LID Presentation as a heading. Page 4, line 39, should state: "but the Utility Service Agreement was on hold right now." Page 4, line 41, should state: "Adams stated they have an agreement in principle with Corcoran ~~and they are still on the hook,~~ but noted..." Page 5, line 36, should state: "Crosby commented that the TIF extension provisions could be an end of session decision and we have done all we could." Page 5, line 38, should state: "Crosby stated we should know if the TIF bill is included in general legislation by mid-May." Page 5, line 44, should state: "proceeds from tax increments and stated..." Page 5, line 48, should state "...Day replied the City would be fine..." Page 6, line 18, should state: "...we would need to start..." Page 6, line 19, should state: "...when submitted, the City could call out Willow..." Page 6, line 37, should state: "...Finke replied the developers would be consistent..." Page 7, line 2, should state: "staff recommended that a lot adjacent to Woodridge Church be consistent..." Page 7, line 3, should state: "church previously acquired property..." Page 7, line 11, should state: "LTSSA Long Term Sewer Service Area". Page 7, line 17, should state: "Weir noted Highway 55 had been elevated to principal arterial status." Page 7, line 51, should

state: "...concrete was usually more expensive..." Page 9, line 15, should state: "...looked at West Financial and the surrounding site and indicated..." Page 9, line 16, should state: "...Weir noted the lip of the bank shoulder..." Page 9, line 19, should state: "She also noted multiple other run-off and drainage problems." Page 9, line 29, should state: "...dumpster was permanent and why wasn't it screened per code?" Page 9, line 40, should state: "...screening issues with the utility boxes on the corner..." Page 9, line 42, should state: "...didn't expect to see green boxes protruding when the lines..."

*Moved by Johnson, seconded by Weir, to approve the April 7, 2009 regular City meeting minutes as amended. **Motion passed unanimously.***

**B. Approval of the April 8, 2009 Board of Appeals and Local Equalization Meeting Minutes**

It was noted on page 1, first paragraph, should state: "...assessments and transactions between October 1 2007 and September 30 2008." Page 2, Mike Leuer paragraph, should state: "...to reduce the valuation to \$2,966,000, which represents the limited market value for 2009 payable taxes....."

*Moved by Weir, seconded by Johnson, to approve the April 8, 2009 Board of Appeals and Local Equalization meeting minutes as amended. **The motion passed unanimously.***

**V. CONSENT AGENDA**

- A. Approve Utility Screening Agreement with Designing Nature, Inc.**
- B. Approve Disposal of 1997 Tandem Truck for \$27,000**

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

**VI. APPROVAL TO PAY THE BILLS**

Crosby stated the auditors periodically recommended moving approval to pay the bills to the beginning of the agenda.

*Moved by Weir, seconded by Smith, to approve the bills, EFT 000450-000456 for \$29,131.31 and order check numbers 033860-033919 for \$115,887.56 and payroll check number 020201 for \$207.66 and payroll EFT 501983-502009 for \$42,006.59. **Motion passed unanimously.***

**VII. PRESENTATION**

- A. Resolution Recognizing Police Officer Tom Gregory for Five Years of Service**

Chief Belland read the resolution and explained Officer Gregory's position.

Crosby commended Officer Gregory for his service to Medina.

*Moved by Weir, seconded by Johnson, to approve the resolution recognizing Tom Gregory for 5 years of service to the City of Medina. **Motion passed unanimously.***

- B. West Metro Drug Task Force – Presentation of Check**

Belland presented the City of Medina with a check for \$30,000 and explained the role of the West Metro Drug Task Force. Belland stated the task force took in \$29 million in street value of drugs in 2008. Belland noted the \$30,000 was twice the amount it was in 2007 due to the success of the task force.

Crosby commented he attended a luncheon with other mayors and police chiefs and they were all behind the effort of the West Metro Drug Task Force.

**C. City Logo Design – Lori Dalrymple, Design Consultant**

Crosby noted the City's logo design contest was started when the economic times were less tough and commented the expenses for the new logo design have been only \$500. Crosby stated the new logo would be phased in as new equipment was needed and as stationery, etc., runs out. Crosby reiterated this was not a measurable cost to the City.

Dalrymple stated she had made some changes to the originally submitted logo. She commented she would make the cattails look more like cattails and the water look more like water and also do more color modification. She pointed out that the "M" in the legs of the horse could be used in separate graphics as well. Dalrymple commented she had been thrilled to work on Medina's new logo.

Crosby stated the City had received 52 comments from residents. 22 were unqualified yes, 19 liked it with modifications, and 11 did not like it, primarily because they thought the horse didn't reflect everyone in Medina. Crosby indicated the City would be going with Dalrymple's design.

Adams stated they should ask for public comment and give Dalrymple directions for refinement.

Public discussion was invited. No one from the public came forward.

*The Council directed Council members Smith and Weir to work on color modifications with Dalrymple.*

**VIII. COMMENTS**

**A. From Citizens on Items Not on the Agenda**

Eric Simmer, developer of Hamel Station, stated they had built their sign base in the City's easement. Simmer noted he could leave it, remove it, or construct a monument and dedicate half of the LED reader board to the City.

Smith stated the sign was in the wrong place and commented she would like the City sign in that location.

Weir suggested there needed to be a lot more discussion on this issue.

Crosby noted it was an honest mistake and he didn't want to turn away the option of sharing the sign. Crosby commented the real issue was if there was a possibility for a single joint sign and whether the mistake could be mutually beneficial for both the merchant and the City.

Smith stated the City had been planning to have a sign in the same location. Smith commented she felt it would take away from what the City was planning if the merchant's

sign was allowed to stay. Smith indicated she was not willing to give up the City's goal to get people up the hill and allowing the merchant to keep the sign in that location.

Crosby suggested bringing this item back on a future agenda. Adams stated it will be on the May 5<sup>th</sup> meeting for discussion.

Weir noted work had been done on the West Financial site, but reiterated she felt strongly about cleaning up Elm Creek. Simmer replied they would take immediate action to cure the problem.

Smith asked when the garbage dumpster enclosure would be completed. Simmer replied they would build an enclosure attached to the building very soon.

#### **B. Park Commission**

Chris Hilberg, newly appointed Park Commissioner, stated the Park Commission has planned the spring park tour on May 16<sup>th</sup> and invited the City Council members. Hilberg discussed the Hamel Legion Park master plan and indicated the Park Commission had formed a subcommittee to come up with items they would like to see included in the master plan. Hilberg stated the most significant topic discussed was the park signs and the Park Commission was eager and ready to move forward. Hilberg noted the Park Commission would like to synchronize uniformity of the signs with the City.

#### **C. Planning Commission**

Beth Nielsen, newly appointed Planning Commissioner, stated they had a presentation and three public hearings at the last meeting. Nielsen indicated Holy Name Cemetery asked for a lot combination with the donated lot to the east. Nielsen noted phase one of the plan would impact less than 15% of the trees. Nielsen stated the Planning Commission recommended approval of phase one of the plan. Nielsen indicated the second hearing was regarding a new rural public/semi-public zoning district and commented the Planning Commission was concerned about the impact of the Willow Church being made non-conforming. Nielsen stated both of these items would be on the next City Council agenda. Nielsen commented there was not a lot of discussion regarding the third public hearing, which was to recommend that three properties be rezoned into the new Rural Public/Semi-Public zoning district.

### **IX. NEW BUSINESS**

#### **A. Storm Water Pollution Prevention Program (SWPPP) – Annual Public Hearing**

Adams noted this public hearing was an annual requirement. Scherer presented and reviewed the 2008 projects. Scherer discussed 2009 and beyond projects, including the surface water management plan, adding a third sweeping at the Lake Independence beach area, Walnut Park (2009), lakeshore runoff (2009), High Crest Street runoff (2010), and the Hamel Road/Tower Drive runoff (2012). Scherer touched on the minimum control measures the City was required to do as well, which consisted of ice control, pond maintenance, inspections, street sweeping, and adding a second and third sweeping at the Lake Independence beach. Scherer noted the partners in water quality improvements were Three Rivers Park District, MN Land Trust, Board of Water and Soil Resources, Hennepin County Environmental Services, and Minnehaha Creek/Pioneer-Lake Sarah/Elm Creek Watersheds.

Weir asked if the City had been back to Sky Rock Farms to check on the water issues. Scherer replied yes, and noted a bunker had been installed and was working well.

Smith noted there had been discussion about the runoff of big barns at Sky Rock. Scherer indicated Sky Rock had installed a sediment pond and he would follow up on this issue.

Smith stated there was interest in trying to get information to residents trying to control runoff on their own property and she wondered if the City might think of doing something with the storm water management funds. Scherer replied the City had made more effort in the Independence beach area.

Adams noted there would be future funding allocated in 2010 for such a program.

Crosby asked if there was anything the City had hoped to do but didn't. Scherer replied they had hoped to complete the 500 Hamel Road and High Crest projects. Scherer commented they have a lot of street work to do but he couldn't see them being able to do a lot more this year.

Weir commented a lot had been accomplished.

Smith stated at the last Park Commission meeting a proposal about creating a Lake Owner's Associations, had been present to help protect runoff into lakes. Smith noted the Park Commission had suggested holding mini workshops for the neighbors of School Lake.

Scherer commented the mini workshops would be helpful and School Lake would be a good area to begin working on this.

Crosby suggested Wally Marx would be a good person to head that up.

Smith stated it would be good for the person who heads it up to speak with the Park Commission.

The Council agreed the Park Commission should further review the matter.

Public hearing was opened at 8:15 p.m. No one from the public came forward.

*Moved by Weir, seconded by Johnson, to close the public hearing at 8:15 p.m. **Motion passed unanimously.***

#### **B. Cherry Hill Road Improvements**

Adams gave an overview and background. Adams stated the City was beginning to utilize special assessments and commented utilizing special assessments for mill and overlay projects and reconstructions was a new policy of the City. Adams noted the City Council had adopted the special assessment policy in February. Adams discussed the Cherry Hill mill and overlay and showed the project area. Adams noted the method of assessment was a per lot basis and indicated the assessed amount would be 50%. Adams stated residents could pay the assessment over seven years at 5.75%. The assessed amount per lot was \$753.99 and 80 lots were being assessed.

Crosby asked if the assessment cost was correct. Adams replied yes, the City had received the bid, and Scherer noted he had walked the site with contractors.

The public improvement hearing and assessment hearings were opened at 8:21 p.m.

Crosby noted there had been extensive discussion of the assessment.

Smith commented it was a very reasonable assessment.

*Moved by Johnson, seconded by Weir, to close the public hearings at 8:24 p.m. **Motion passed unanimously.***

1. **Resolution Approving Plans and Specifications and Ordering Cherry Hill Neighborhood Mill and Overlay Project – Public Hearing**

*Moved by Weir, seconded by Smith, to approve the resolution approving plans and specifications and ordering Cherry Hill Neighborhood Mill and Overlay project. **Motion passed unanimously.***

2. **Resolution Adopting Assessment Roll for Cherry Hill Neighborhood Improvement Project – Public Hearing**

*Moved by Weir, seconded by Johnson, to approve the resolution adopting assessment roll for Cherry Hill Neighborhood Improvement Project. **Motion passed unanimously.***

C. **Selection of Architectural Firm for Field House Project in Hamel Legion Park.**

Crosby commented HCM seemed to specialize in smaller parks.

Weir asked if the City would give direction on the overall look of the field house. Smith replied the architect would sit down and discuss with the City what they want the field house to look like.

Smith indicated all of the architects interviewed were asked if they could build what the City wanted for the money budgeted. Smith stated the Park Commission talked about adding alternates into the plans to see what bid upgrades would cost. Smith commented all of the firms stated their recent projects had been coming in under their projections. Smith stated HCM Architectural Firm understood Medina wanted something different, including energy efficiencies. Smith commented the field house wouldn't be fancy, but would be visually appealing and energy efficient. Smith noted hiring HCM was a unanimous recommendation.

Johnson asked what the anticipated cost was for the field house. Smith replied \$300,000, but indicated it may cost more to get what the City really wants.

Johnson commented that the federal stimulus package would distribute \$4.2 billion and it would be wise for the City to get its "ducks in a row" for energy efficient projects. Johnson suggested someone check to see if any City projects would qualify for this funding.

Adams stated the Council previously discussed options for applying for stimulus funding and this project did not appear to receive probable funding.

Nielsen noted the Park Commission had some reservation with HCM because in their proposal costs they had miscalculated reimbursables. Smith concurred, but noted HCM had the overall best looking buildings and proposal.

Johnson suggested the award be conditioned on the documentation for the fee with HCM. Smith replied they would be clarifying items and negotiating the contract costs with the firm.

*Moved by Smith, seconded by Johnson, to direct staff to negotiate agreement with HCM as the Architectural Firm for the field house project and direct staff to prepare a contract with HCM. **Motion passed unanimously.***

**D. Fortin Consulting Services Agreement for Rainwater Park**

*Moved by Smith, seconded by Weir, to direct staff to amend the agreement with Fortin Consulting Services to June 30, 2010. **Motion passed unanimously.***

**X. CITY ADMINISTRATOR REPORT**

**A. 2009 Budget Update**

Adams reviewed the update and noted end of year expenditures were projected to be \$99,102 under budget, mostly due to not filling the vacant Planning Director position. However, end of year revenue shortfalls were projected at \$105,000. Adams indicated the market value decreases didn't necessarily mean less revenue for the City. Adams stated the City was projected to be on pace but noted the next few months were a critical period for end of year and 2010 budget projections.

Smith suggested the City proceed cautiously, which she noted was what the City was trying to do.

**B. Water Storage Project Update**

Crosby stated the City would have to forfeit the arbitrage.

Day indicated the City could keep the arbitrage until December 2010 and noted they would have to start the reporting process of daily cash balances, along with doing a formal report.

Adams stated the City could spend down the debt with the bond proceeds.

Crosby noted at the last City Council meeting they had agreed to look for and buy a site and not to do other water projects at this time. Crosby commented it was a mild arbitrage penalty.

Adams indicated the true penalty would be administrative time.

**C. Other**

Johnson suggested asking citizens to sign up in advance for City Council hours. Crosby replied he was reluctant to do that and commented the availability of someone at City Hall was important, as was the impromptu nature of the City Council hours.

Crosby commented the City Council hours generated a lot of publicity.

It was noted May 16<sup>th</sup> was the same date of the park tour and nature walk. Siitari indicated he would be able to attend the May 16<sup>th</sup> Council office hours.

Adams noted there would be a sustainability roundtable in Edina on May 4<sup>th</sup> from 6:30 p.m. - 8:30 p.m. and indicated he would provide the City Council with details in case anyone was interested in attending.

## **XI. MAYOR & CITY COUNCIL REPORTS**

### **A. Monitoring Council Member Activities at Commission Meetings**

Crosby stated when a City Council member is present at a Planning Commission meeting, their role should be to monitor the meeting. Crosby commented when a City Council member offers too many suggestions they may end up dominating the meeting and Commission members may tend to defer to the Council member. Crosby commented it could dilute the work of the Planning Commission.

Weir stated she always informs the Planning Commission Chair that she is there as a resource and for help with technical issues.

Smith noted the Park Commission has grown into something more formal and commented her clarifications are sometimes welcomed and sometimes not.

The Council agreed the presence of a Council member is to monitor the meeting and be a resource, not to take a position on substantive matters.

## **XII. ADJOURN**

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

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T.M. Crosby, Jr., Mayor

Attest:

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Chad M. Adams, City Administrator-Clerk