

MEDINA CITY COUNCIL MEETING MINUTES OF MAY 1, 2012

The City Council of Medina, Minnesota met in regular session on May 1, 2012 at 7:00 p.m. in the City Hall Chambers. Mayor Crosby presided.

I. ROLL CALL

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

Members absent: None.

Also present: City Attorney Ron Batty, City Engineer Tom Kellogg, Planner Dusty Finke, Public Works Superintendent Steve Scherer, City Administrator Scott Johnson, Chief of Police Ed Belland, 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 April 17, 2012 Special City Council Meeting Minutes

*Moved by Weir, seconded by Pederson, to approve the April 17, 2012 special City Council meeting minutes as presented. **Motion passed unanimously.***

B. Approval of the April 17, 2012 Regular City Council Meeting Minutes

It was noted on page two, line 30, it should state, "...would be helpful to ~~provide a similar example it would be appropriate to~~ obtain resident input." On page three, line four, the following sentence should be added, "One chief concern is for police safety, with an intoxicated driver and gun in the cab of the vehicle." On page four, line 32, it should state, "Michael Fine, President of Tuckborough Farms..." On page four, line 22, it should state, "Dave ~~Eizinger~~ Eisinger..." On page five, lines 33 and 34, it should state, "...detached townhomes..." On page nine, line 17, it should state, "...generator at Independence Lift Station One Hamel Field and would be composed of chain link fence ~~to match the field fencing.~~ He stated that the second portion would be the dugout covering at Hamel Legion Field..."

*Moved by Weir, seconded by Pederson, to approve the April 17, 2012 regular City Council meeting minutes as amended. **Motion passed unanimously.***

V. CONSENT AGENDA

A. Approve Law Enforcement Technology Group (LETG) Link Agreement

B. Approve Phase I Environmental Study and Mechanical/Roof Evaluation for 600 Clydesdale Trail

C. Approve Seal Coating Services Agreement with Pearson Brothers

D. ~~Approve Police Union Agreement with LELS for 2012 and 2013~~

E. Resolution No. 2012- 28 Authorizing Submittal of 2012 Grant Application for Recycling and Execution of Grant Agreement

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

D. Approve Police Union Agreement with LELS for 2012 and 2013

Siitari addressed the increase in sick time and then a payout of the accrued sick time when the employee leaves. He explained the issues that come along with paying severance pay and accrued vacation and sick time. He believed that only 50 percent of accrued sick time should be paid out when an employee terminates their employment. He confirmed that he did not have a problem with allowing employees to accrue up to 960 hours of sick time off, but only believed that 50 percent of that time should be paid out when an employee leaves.

Belland provided clarification, explaining that the agreement matches the policy set by the Council the previous year. He stated that only 120 hours of vacation and 80 hours of sick time could be carried over from year to year, explaining that an employee then shouldn't have 960 hours at the time of retirement. He explained that a retiring employee would be able to apply the time off to the cost for their medical services.

Johnson confirmed the personnel policy language approved by the Council the previous August.

Crosby suggested that this action be delayed so that the item could be further discussed by Belland, Johnson and Siitari.

*Moved by Weir, seconded by Siitari, to table the Police Union Agreement with LELS for 2012 and 2013. **Motion passed unanimously.***

VI. PRESENTATIONS

A. Loretto Fire Department Annual Report

Jeff Leuer, Loretto Fire Chief, apologized that he was not able to attend the last meeting with the other three Fire Departments, as he and his Assistant Chief attended a training session in Indianapolis. He briefly highlighted the calls for service, the types of calls responded to, and staffing for the Fire Station. He noted that Mondays seem to have more calls than any other day of the week. He stated that his department met with the Hamel Fire Department to further discuss shared service and provided a brief update on that progress. He also discussed equipment replacement and the plan for moving forward in the future. He reported that while the department came in slightly over budget the past year, the firefighters did a great job in obtaining donations. He noted that the pancake breakfast was a success, with 550 people attending.

Crosby noted that medical assist calls seem to make up the largest group of calls for service.

Belland explained that fire assistance is not required by the Fire Department for all calls and noted that department only responds to the large medical issues, such as heart attacks.

Crosby noted that Medina provides 24 percent of the funding for the Loretto Fire Department, and was responsible for 21 percent of the calls responded to, which he felt was a great match.

Weir questioned if the idea of obtaining grant funds for a coordinator had been discussed, noting that the coordinator could assist with the implementation of the goals for shared services.

Leuer explained that idea had only been brought forward about 12 hours ago and stated that staff would investigate that option further.

Johnson stated that he sent an email to the Department of Public Safety to determine if there would be any grant funding available to assist with a coordinator.

VII. COMMENTS

A. Comments from Citizens on Items not on the Agenda

There were none.

B. Park Commission

Park Commissioner Benson reported that the Park Commission met on April 18th and discussed the Independence Beach boat launch, briefly summarizing the thoughts expressed. He noted that the Park Commission would further discuss the ideas the following night. He advised that the Commission continued to work on the Parks and Trails Master Plan and discussed the recommendations for the ball field covers. He noted that the Annual Parks Tour will take place on May 16th at 5:30 p.m.

Martinson stated that she also attended the meeting and believed that the residents whom attended were in favor of regulating the Medina boat launch in order to prevent the spread of invasive species.

C. Planning Commission

Finke stated that the Commission has not met since the last update was given and noted that the May meeting has been canceled due to lack of planning cases.

VIII. NEW BUSINESS

A. Ordinance Amending Chapter 8 of the Code of Ordinances Regarding Nursing Homes, Housing with Services Establishments, and Assisted Living Facilities

Finke stated that staff received a request from a potential property purchaser. He explained that the purchaser is interested in property, which is currently zoned commercial highway and would like to use the property for an assisted living facility. He explained that this type of use is allowed in most other zoning districts and recommended that this use be added to the commercial highway zoning district. He advised that the Planning Commission held a public hearing on this matter at their last meeting and ultimately recommended adding this use to the commercial highway zoning district as a conditional use. He noted that the Planning Commission had also recommended that the use be listed as a conditional use, rather than simply an allowed use, in the business zoning districts as well.

Crosby stated that the biggest issue he sees is that this type of use may crowd out future businesses that may be a better fit in that location. He discussed the possibility of tax-

exempt status and confirmed that the City could ask for payment in lieu, which would be for fire and police services provided.

Finke identified the commercial highway zoned property that is currently vacant, or could be developed in the future.

Martinson questioned why the developer would like that specific property, rather than other property in the City.

Austin Cordowski, agent representing the applicant, stated that other properties were looked at but noted that this property would have access off Chippewa but would also be close to Highway 55. He noted that the existing building could be retrofitted to act as the main building for the facility.

Finke explained that this parcel provides expansion possibilities in the future, and fits the needs of the business.

Cordowski stated that the business is only interested in this parcel and has focused their efforts on this property, but is waiting to take further action until a Council decision is made.

Finke stated that in his opinion, this type of facility which will ultimately be built out to house 100 residents would be a good fit in this area, compared to running a facility of that size in a residential area.

Greg Hinacker, representing the seller, stated that although this property does not have access off of Highway 55 it is visible from 55. He stated that the property also provides a good view. He confirmed that the renovated building is currently a garage type accessory structure. He believed that the intention of the buyer is to renovate the existing building, remove the motel and then build another structure.

Cordowski provided some information on the purchaser.

Martinson questioned what would occur if the Council were to approve this request tonight and another applicant were to come forward in a few years. She questioned if the Council would be able to deny the future request to hold the land for commercial activity.

Batty explained that the use would be allowed as a conditional use and noted that the listed criteria in the proposed ordinance would guide the approval process. He advised that a request could not be denied in the future simply to save the land for commercial development.

Crosby explained that he would be hesitant to allow this change without first knowing more information about the final outcome.

Finke explained that staff is not opposed to the request and provided additional information. He stated that the property is not ideal for commercial retail, as although the property fronts on Highway 55, the access is not provided from Highway 55. He also explained that the land on Chippewa is zoned residential and that would also guide the

type of buyer that may come in, as a commercial site may not want to be that close to residential.

Crosby was concerned that the Council would allow this and then the facility would only build an eight unit facility.

Finke noted that a minimum number of units could be listed, which would prevent a small facility.

Batty explained that the first step would be to discuss whether the commercial highway zoning district would be appropriate for this use and asked that the Council simply discuss that matter and not what might happen on this property.

Weir stated that while she welcomed the concept, she was unsure if this was the best use of commercially zoned property.

Pederson stated that his concern would be over the possibility of a tax-exempt use on the property.

Crosby stated that his concern would be that the City will be looking for commercial highway property in the future to develop and that this could take up that space. He stated that he would not be in favor of the request, but noted that he could be persuaded if the product were very appealing.

Weir believed that this use would better fit in another zoning district.

Hinacker stated that they could come back and make a presentation but questioned if the City would like to base a land use decision on a presentation. He stated that he would welcome the opportunity to come back to the Council with a formal presentation.

Weir noted that the staff report also addressed whether large assisted living facilities should be allowed in R4 or R5 zoning districts.

Finke identified the R4 and R5 zoning districts within the City. He confirmed that there would be less parking required for an assisted living facility or nursing home, compared to a church or apartment building.

Hinacker confirmed that less than 10 percent of residents in this type of facility possess vehicles.

Crosby stated that he believed that use should be allowed in the R4 and R5 zoning districts.

*Moved by Weir, seconded by Martinson, to table an Ordinance amending Chapter 8 of the Code of Ordinances regarding nursing homes, housing with services establishments and assisted living facilities. **Motion passed unanimously.***

1. **Resolution Authorizing Publication of the Ordinance by Title and Summary**

B. Ordinance Amending Section 710 of the Code of Ordinances Regarding Private Wells on Property Served by the City Water Supply System

Scherer explained that the purpose of this Ordinance amendment is to limit the private wells within the City service area. He stated that the City is unique in this, as there is a requirement for new developments to use wells for their irrigation, but noted that staff would still like to have some control. He explained that staff would like the Ordinance amendment to limit the drilling of new wells to ensure that there is not interference with the City system.

Finke stated that the blanket statement would state that there are no new wells within the City service area, which is not currently expressed in the Ordinance. He stated that the exception would be irrigation wells, and noted that irrigation wells would be addressed and regulated to ensure that the City water supply is not impacted.

Crosby questioned if an environmental aspect should be added to the language, which would prevent two neighbors from each drilling a well for irrigation purposes when one well could service both properties.

Finke provided additional clarification.

Weir provided a specific example from the past and questioned if limiting restrictions to domestic use was the correct term, as the specific case was a business. She questioned if domestic would also apply to industrial and commercial properties.

Finke was unsure but noted that he would follow up to ensure that industrial properties would also be governed. He confirmed that he would bring the item back to the Council.

1. Resolution Authorizing Publication of the Ordinance by Title and Summary

C. WSB Water Study

Johnson explained the reasoning to complete a new water study and noted the benefits and planning that could be done using those results. He stated that WSB has quoted a cost not to exceed \$9,188 and noted that the funds would come from the water bonds, which are being re-characterized.

Crosby stated that he would like to see a very specific discussion on water capacity and how much further the City can go without a water tower.

Pederson questioned if this is the right time to spend the funds, as the process was just done in 2009 and would be conducted again in another three to five years.

Johnson confirmed that the 2009 study was conducted with information from 2001 through 2006 and reflected the economic boom that was occurring during that time. He explained that since that time the economy has taken a downturn and the study does not reflect the current situation in the City. He explained that more accurate information is necessary for planning purposes.

Weir agreed that this would be good planning.

Kellogg discussed the pricing quoted from WSB and noted that the price had been revised twice, to get the lowest number possible. He advised that WSB conducted a similar study in a neighboring community, which had a price closer to \$20,000. He was confident that WSB and City staff had worked together to get to the lowest price.

*Moved by Siitari, seconded by Weir, to approve the quote from WSB to update the water utility projections for the not to exceed cost of \$9,188. **Motion passed unanimously.***

IX. OLD BUSINESS

A. Lighting Ordinance Consultation Services Agreement

Finke noted that a draft agreement was included in the packet, along with four proposals from electrical engineers. He explained that the current Ordinance does not match the new technology and exceeds the technical knowledge of staff. He believed that it would be helpful to have the technical assistance provided through one of these services and recommended the agreement proposed by Cain Thomas and Associates.

Crosby stated that he believed that within the first \$1,200 specified by the contract, staff should determine whether it is cost effective to move forward any further.

*Moved by Weir, seconded by Siitari, to authorize the Mayor and City Administrator to execute the Lighting Ordinance Consultation Services Agreement with the firm recommended by staff, Cain Thomas and Associates. **Motion passed unanimously.***

X. CITY ADMINISTRATOR REPORT

A. Amendment to Purchase Agreement for Clam Corp

Johnson explained that the original agreement only specified 20 days, while the process will require 60 days. He requested that the Council approve the amendment to the Purchase Agreement.

*Moved by Weir, seconded by Martinson, to approve the amendment to the Purchase Agreement for Clam Corp. **Motion passed unanimously.***

B. Other

Johnson thanked the staff and Council members who attended the recent clean-up day.

Crosby stated that the pile each year is getting smaller and smaller and questioned whether the activity should continue to take place each year or whether it should be held every other year. He noted that he attended the clean-up event hosted by a neighboring city and advised that city chooses to use professional services.

Scherer agreed that the numbers have been reduced each year. He agreed that the event in Medina is more of a community event.

Crosby agreed that the event should continue on a yearly basis for at least the next year and noted that the event time could be cut by one hour if necessary.

Johnson noted that he would be out of the office May 2nd, 3rd, and 4th at the MCMA Conference.

XI. MAYOR & CITY COUNCIL REPORTS

Weir questioned when the residents should be brought further into the discussions and process regarding the Clam Corp building.

Crosby confirmed that the City is still about one month out from that point.

Weir stated that she and Johnson met with Plymouth Staff Members in regard to private City transit, such as a park and ride system. She noted that interest would be expressed to the Highway 55 Coalition.

Martinson noted that she and Johnson met with the LMCC to discuss the internet connections within the City of Medina and believed that LMCC would begin discussions with Mediacom to possibly conduct a trial run of wireless internet in Medina.

Johnson confirmed that Medina and Minnetrista are being looked at for the trial run.

Crosby confirmed that the Woodridge Church situation would be discussed in a closed session at the next meeting.

XII. APPROVAL TO PAY THE BILLS

Moved by Weir, seconded by Pederson, to approve the bills, EFT 001616E-001630E for \$35,378.81 and order check numbers 038242-038288 for \$62,307.44, and payroll EFT 504205-504227 for \$38,883.35 and payroll check number 020359 for \$2,542.37.

Motion passed unanimously.

XIII. ADJOURN

*Moved by Weir, seconded by Siitari, to adjourn the meeting at 9:03 p.m. **Motion passed unanimously.***

T.M. Crosby, Jr., Mayor

Attest:

Scott Johnson, City Administrator