

MEDINA CITY COUNCIL MEETING MINUTES OF MAY 15, 2012

The City Council of Medina, Minnesota met in regular session on May 15, 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, City Administrator Scott Johnson, 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 May 1, 2012 Regular City Council Meeting Minutes

It was noted on page two, line 10, it should state, "...accrued sick time..." On page two, line 12, it should state, "...hours of sick time..." On page three, line 29, it should state, "...residents were in favor of regulating the Medina boat launch..." On page five, line 19, it should state, "...best use of commercially zoned property." On page six, line 25, it should state, "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.

*Moved by Weir, seconded by Martinson, to approve the May 1, 2012 regular City Council meeting minutes as amended. **Motion passed unanimously.***

V. CONSENT AGENDA

A. Approve Overlay Services Agreement with GMH Asphalt Corp.

B. Approve Pitney Bowes Global Financial Services Agreement

C. Appoint Ellis Olkon as Medina Park Commissioner

~~D. Approve Agreement with 292 Design Group as Architectural Firm for City Facility Remodeling Projects~~

E. Call for Special Meeting on October 23, 2012 at 8:30 a.m. for Fall Business Tour

F. Call for Special Meeting on June 5, 2012 at 6:00 p.m. to Discuss Expectations and Timelines for City Facilities with Architect 292 Design Group

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

D. Approve Agreement with 292 Design Group as Architectural Firm for City Facility Remodeling Projects

Crosby provided background information on the RFP process, noting that 18 firms responded with proposals. He explained that a group of Councilmembers interviewed the firms and decided on 292 Design Group. He questioned if Batty had reviewed the contracts.

Batty noted that a member from his office that is familiar with these types of contracts has reviewed the document and proposed corrections to better balance the contract.

Crosby asked specific information in regard to whether a charge would still be incurred if the City decides not to move forward with improvements to City Hall. He also wanted to ensure that the City would own the information.

Johnson noted that the approval would be contingent upon review by the City Attorney and Mayor.

Finke provided additional information as to what would occur if the City chooses not to move forward on a portion of the work.

*Moved by Weir, seconded by Pederson, to approve the agreement with 292 Design Group as architectural firm for City facility remodeling projects, contingent upon review by the City Attorney. **Motion passed unanimously.***

VI. PRESENTATION

A. GreenStep Program

Philipp Muessig, Minnesota Pollution Control Agency (MPCA), addressed the Council in regard to the GreenStep Program. He reviewed the benefits provided by the program and displayed the GreenStep website, highlighting specific elements of the site. He noted that the best practices are split between five categories and further explained the actual challenge and steps that can be reached by cities. He displayed examples from the website and walked the Council through the best practices and action items listed for specific items. He noted that this is a free program for cities to join and participate at their own pace.

Crosby questioned how many cities currently participate in the program.

Muessig stated that this program began two years ago and currently has 47 cities participating.

Crosby stated that in the past the City chose not to participate as Medina is already moving forward on some of these issues independently. He believed that additional staff time would be used simply updating this program, rather than completing the actual work. He questioned if some cities are more concerned with checking off the box rather than completing the action.

Muessig noted that some cities seem to be more concerned with checking the boxes, but advised that some cities have begun using interns to participate in the program.

Crosby suggested that staff review the program and determine if it would be beneficial for the City to participate in the program or simply continue on the existing path.

Weir stated that she would be open to the program and believed that a volunteer could be used to jump start the program and handle the reporting. She liked the guidance provided in the tool but commented that the City is currently doing well on its own.

VII. COMMENTS

A. Comments from Citizens on Items not on the Agenda

There were none.

B. Park Commission

Weir noted that the Park Commission has been working on the boat launch issue and the dugout covering.

Martinson noted that the Parks Tour will be held the following night.

C. Planning Commission

Finke stated that the Planning Commission did not meet this month, but will review two applications the following month.

VIII. NEW BUSINESS

A. Independence Beach Boat Launch

Johnson stated that the Parks Commission has spent the better part of the past three meetings discussing the boat launch owned by the City. He explained that the issue arose because of the concern with invasive species, specifically zebra mussels. He noted that Three Rivers Park District is going to install a gate with a code to control their access to the water. He stated that the Park Commission is recommending the installation of a gate at the Medina boat launch as well, which will remain unlocked at this time, along with signage educating users on zebra mussels. He noted that the Lake Independence Community Association (LICA) is willing to contribute approximately \$1,000 towards the installation of the gate/signage and \$500 per year for gate maintenance.

Weir displayed pictures showing the impact of zebra mussels. She noted that the mussels form thick colonies on almost anything they come in contact with, and breed profusely. She noted that Lake Minnetonka has already been infected and believed that the City should attempt to protect Lake Independence from this problem as well. She noted that a permitting process will be developed and hopefully implemented by mid-summer. She explained that once the process is complete the gate could be locked and users would have to purchase a permit to obtain the code to the Medina gate, similar to the Three Rivers Park District gate process.

Mike McLaughlin, LICA President, believed that the gate would assist in prevention of zebra mussels being introduced. He described the process that would be followed after the gate is installed and the permitting process is in place. He commented that having a gate with a lock would help to educate users and also show that the City is concerned and trying to prevent the spread of this invasive species. He advised of possible grant funds that could possibly be applied to the installation of the gate.

Dick Larson, 3167 Lakeshore Avenue, stated that Peter Sorenson, a professor at the University of Minnesota, has stated that we should declare war on aquatic invasive

species. He noted that a war would have consequences and would affect prosperity, freedom and happiness. He stated that the DNR reports that there are 300 lakes in Minnesota which have been infected. He stated that it is not a matter of can we do it, but how can we do it.

*Moved by Weir, seconded by Siitari, to authorize installation of gate at Lakeshore Park boat launch with contribution of approximately \$1,000 from LICA and temporary signage by May 25th, but keep it unlocked until the permitting process and ordinance are revised. **Motion passed unanimously.***

B. Greenfield Comprehensive Plan Review

Crosby noted that adjacent municipalities have the option to review and respond to the Comprehensive Plan of a city. He stated that currently the City has the option to review the Plan submitted by Greenfield.

Finke summarized points of the Greenfield Comprehensive Plan and highlighted the comments suggested by staff.

*Moved by Weir, seconded by Pederson, to approve the letter drafted in response to the City of Greenfield's request for input on their proposed comprehensive plan. **Motion passed unanimously.***

IX. OLD BUSINESS

A. Termination Agreement for County Road 101 Access Agreement with Ace Properties

Finke explained that this item is in regard to an agreement with Ace Properties and displayed an aerial photograph of the site. He provided background information on the agreement and the extension of the agreement. He noted that Hennepin County has stated that the left in access could be left for the foreseeable future and explained that this agreement would remove the requirement to close the left in access and release the letter of credit from Ace Properties which was originally required.

*Moved by Weir, seconded by Pederson, to approve termination agreement for County Road 101 Access Agreement with Ace Properties. **Motion passed unanimously.***

*Moved by Weir, seconded by Pederson, to release the Letter of Credit from Ace Properties LLC in the amount of \$43,175.17 for the Co Rd 101 Access Agreement. **Motion passed unanimously.***

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

Crosby noted that this item had been discussed at the last meeting and the decision had been tabled in order to obtain additional information.

Finke stated that the proposed Ordinance is the same as previously reviewed. He noted that staff reviewed other communities and had found some areas where nursing home facilities are permitted in similar zoning districts. He explained that this would be a legislative land use decision and would not be specific to a piece of property.

Rachel Lorenz, Around the Clock Home Care Group, addressed the Council in regard to the interest in purchasing the property located at 2382 Highway 55. She provided additional information on the type of service provided by her organization, noting that four to eight clients are housed at the existing facilities. She noted that this proposed site would be the largest site for the organization. She stated that the current plan would be to complete construction in increments, beginning first with converting the existing garage into a five bedroom cottage. She noted that the existing motel would then be removed and hoped that additional expansion would occur from the initial development, to reach a goal of 100 units. She explained that assisted living provides the opportunity for people to live as independently as possible, while still having access to assistance.

Crosby stated that his concern is whether this type of facility would need to be located in the commercial highway district.

Lorenz stated that she has been in the industry for many years and believed that the proposed location is usual for the type of facility. She stated that visibility would be provided by the highway, but noted that the use would also fit with the residential area which may also be near.

Weir questioned if the facility would be affected by the commercial properties which may neighbor the location.

Lorenz stated that the residents would be secure in the building and could utilize a courtyard. She noted that many assisted living facilities are located in commercial areas.

Weir stated that while she has no problem with the use for this property, she would not like to see many of these uses within the zoning district. She noted that there is already a conflict in Medina between a senior housing complex and a nearby gas station. She questioned whether this type of use would be the best use of the zoning district.

Finke reviewed the districts which currently allow housing with services establishments.

Crosby stated that he has no problem with this use at the proposed location, but expressed concern with incompatible uses. He also expressed concern with using the property for this type of facility rather than developing the property commercially.

Lorenz stated that there is no access directly to the highway from the property, which may deter commercial interest.

Martinson stated that her concern would be that if this is allowed, the facility could affect future development of neighboring properties.

Weir did not believe that this is a step the City should take.

Crosby stated that while this would be a welcome addition to the community he did not believe that this would be the best use of the property.

Siitari agreed that this would not be a good use for the property.

Pederson expressed similar concern with incompatible uses.

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

Martinson urged the business to look elsewhere in the City for property.

4. **Resolution Authorizing Publication of Ordinance by Title and Summary**

C. **Ordinance No. 527 Amending Section 710 of the Code of Ordinances Regarding Private Wells on Property Served by the City Water Supply System**

Finke confirmed that this item had been previously discussed by the Council at the last meeting and noted that suggested changes had been made to the proposed Ordinance.

Moved by Weir, seconded by Pederson, to approve Ordinance No. 527 Amending Section 710 of the Code of Ordinances Regarding Private Wells on Property Served by the City Water Supply System. **Motion passed unanimously.**

1. **Resolution No. 29 Authorizing Publication of the Ordinance by Title and Summary**

Moved by Pederson, seconded by Weir, to approve Resolution No. 29 Authorizing Publication of the Ordinance by Title and Summary. **Motion passed unanimously.**

D. **Hamel Legion Ball Field Dugout Covers**

Johnson noted that the Park Commission made a recommendation at their last meeting in an attempt to be more consistent with park improvements throughout the City, including the Hamel Field House.

Weir expressed concern with possible costs being passed to young families involved in the sport.

Martinson noted that while she shares that concern, she also acknowledges that park funds are depleting and this policy would make things more consistent.

Johnson noted that the athletic club expressed some concern with the issue, and will meet with staff in the near future.

Moved by Siitari, seconded by Martinson, to approve installation services agreement as long as city pays no more than 25% (approximately \$2,000) of the total project cost for the fencing improvements and fabric covers. **Motion passed unanimously.**

X. **CITY ADMINISTRATOR REPORT**

Johnson stated that staff met with Randy's Environmental Services in regard to the contract which will expire this year. He recommended extending the agreement for an additional six months with the same fee structure. Randy's requested an opportunity to present to the City Council at an upcoming Work Session on their new programs. He confirmed that staff will work out the details with Randy's to extend the agreement and bring this item back to Council for approval at a future meeting.

XI. MAYOR & CITY COUNCIL REPORTS

Weir provided an update on the Uptown Hamel meeting she attended and a request for mulch.

Johnson confirmed that the mulch will be provided.

Weir also provided an update on the watershed meetings she recently attended.

Crosby noted that the Park Tour will occur the following night, although he will not be able to attend.

XII. APPROVAL TO PAY THE BILLS

Moved by Weir, seconded by Pederson, to approve the bills, EFT 001631E-001649E for \$40,338.73 and order check numbers 038289-038342 for \$165,467.33, and payroll EFT 504228-504255 for \$39,967.66 and payroll check number 020360 for \$2,542.37.

Motion passed unanimously.

XIII. CLOSED SESSION: ONGOING LITIGATION

The meeting adjourned to closed session to discuss ongoing litigation at 8:53 p.m.

The meeting reconvened to regular session at 9:50 p.m.

XIV. ADJOURN

*Moved by Weir, seconded by Pederson, to adjourn the meeting at 9:50 p.m. **Motion passed unanimously.***

T.M. Crosby, Jr., Mayor

Attest:

Scott Johnson, City Administrator

This Page Intentionally Left Blank