

MEDINA CITY COUNCIL MEETING MINUTES OF MAY 18, 2010

The City Council of Medina, Minnesota met in regular session on May 18, 2010 at 7:00 p.m. in the City Hall Chambers. Mayor Crosby presided.

I. ROLL CALL

Members present: Crosby, Johnson, Siitari, Weir, and Smith (arrived at 8:19 p.m.).

Members absent:

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 and Recording Secretary Amanda Staple.

II. PLEDGE OF ALLEGIANCE

III. ADDITIONS TO THE AGENDA

It was requested to add item, authorization to prepare a purchase agreement for the parcels at 3365 – 3375 Mill Drive, to the City Administrator's Report.

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

IV. APPROVAL OF MINUTES

A. Approval of the May 4, 2010 Regular City Council Meeting Minutes

It was noted on page two, line 47, it should state: "...had centered ~~near on~~..." On page three, line 11, it should state, "...where the donor wall, located at the field house, and..." On page nine, line 17, it should state, "...regarding the screening modulation of the ~~building north wall~~ and how that would be changed because of the proposed ~~addition~~ additional screening..." On page 11, line 39, it should state, "...ensure that the ~~numbers~~ cost and benefits were reviewed in detail."

*Moved by Weir, seconded by Siitari, to approve the May 4, 2010 Regular City Council meeting minutes as amended. **Motion passed unanimously.***

V. CONSENT AGENDA

- A. Accept \$1,295 Donation from Hamel Athletic Association (for fence improvements)
- B. Approve Board of Water & Soil Resources Clean Water Legacy Grant Agreement Amendment
- C. Approve Development Agreement By and Between City and Arrowhead Holdings, LLC
- D. Approve Wellhead Protection Plan Part I
- E. Authorize Disposal of Police Vehicles at Auction
- F. Resolution Granting Approval of a Lot Combination to Dan and Elizabeth Strand for Property at 1985 Hamel Road

G. Resolution Vacating a Portion of the Drainage and Utility Easements at 1985 Hamel Road

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

VI. PRESENTATION

A. Volunteer Caretaker Position for Tomann Preserve

Adams provided a job description for the volunteer caretaker position at Tomann Preserve. He advised that staff would like to appoint Terry Tomann as the volunteer caretaker of Tomann Preserve.

Weir suggested grammatical changes to the volunteer caretaker position.

*Moved by Weir, seconded by Johnson, to approve the volunteer caretaker job description with one change. **Motion passed unanimously.***

Crosby recognized Terry and Mary Tomann for their donation of property to the City, and thanked them for their contribution.

Terry Tomann stated that he and his wife found the City of Medina to be such a wonderful place to live for the past 47 years, he was glad to be able to give something back to the City.

Crosby read, and presented, the official resolution recognizing the Tomanns for their donation of Tomann Preserve to the City of Medina.

*Moved by Weir, seconded by Siitari, to appoint Terry Tomann as volunteer caretaker of Tomann Preserve. **Motion passed unanimously.***

B. Police Reserve Recognitions

Belland recognized the reserve police unit for the time and dedication they provide to the City and the Police department. He advised that the entire department appreciates the assistance that the reserve unit provides, and their desire to go above and beyond. He thanked the unit for their dedication and service to the community.

Police Officer Charmane Domino reported that over 1,200 hours had been donated to the City, by the five members of the reserve unit in 2009, and reviewed the tasks and services provided by the unit. She advised that the reserve unit is available for emergency calls and assistance, as well as for service during community events, in and outside of Medina. She advised that several changes would occur within the reserve unit in the near future, including the promotion of Mike Chorley to Sergeant, and the resignation of Jen Rouillard. She thanked the reserves for everything that they do.

Crosby stated that the reserve unit has all the disadvantages of wearing the police uniform, but does not have the same advantages as the full time officers, and thanked the unit for their hard work. He commented that the City of Medina works, not only because of the work of staff and the Council, but also because of all of the people that donate their time, and volunteer their services, to the City.

C. 2009 Audited Financial Statements – Abdo, Eick, and Meyers, LLP

Steve McDonald, Abdo, Eick and Meyers, LLP, reviewed the results of the 2009 audit of financial statements. He reported an unqualified, or clean, opinion on financials, as well as no findings or State statute findings. He commended staff, and the internal controls of the City, and provided other required communications to the Council, including options to implement GASB 51 and GASB 54 in the next year. He then compared the balance of the general fund to the budgeted and actual amounts, and reviewed the balances in the different funds. He also compared the ratios of Medina to surrounding class four peers.

Crosby requested further information regarding the outstanding bonds.

Day reviewed the existing bonds and proposed funding. She advised that although some of the bonds are general obligation bonds, they will actually be paid through assessments and other sources, outside of general tax dollars.

Johnson recognized the risk associated with the possible obligation to provide health insurance for retired employees of the City. The concern was heightened, but the ten year phase in, for recognizing the city's approximately \$300,000 post retirement unfunded liabilities.

Day stated that the City was at the end of a three year agreement with Abdo, Eick and Meyers and explained that there is an option to renew the agreement for another three-year term. She stated that staff would most likely come forward with a recommendation to renew the agreement, because of the favorable working relationship, and the ability for the firm to meet the requests of the City.

*Moved by Weir, seconded by Johnson, to accept the 2009 audited financial statements.
Motion passed unanimously.*

VII. COMMENTS

A. Comments from Citizens on Items not on the Agenda

There were none.

B. Park Commission

Park Commissioner Ann Thies reported that the conservation design ordinance was again jointly discussed the previous week by the Park and Planning Commissions. She stated that the dedication of Tomann Preserve would be held this Saturday and summarized the items that would be discussed at the next meeting.

C. Planning Commission

Planning Commissioner Victoria Reid advised that the Mayor and City Planner from Minnetrista also took part in the joint meeting, regarding the conservation design ordinance, to provide their opinions, as Minnetrista recently implemented a similar ordinance. She advised that the Commission also discussed a requested lot split, and a concept plan for a 6 unit townhome complex.

VIII. OLD BUSINESS

A. Holy Name Drive Road Improvement Project

Adams reported that a public hearing was held and closed during the previous meeting, as well as a special meeting that was held tonight, to discuss the Holy Name Drive road improvement project.

Scherer explained that staff was directed to explore the option of creating a pedestrian, or bicycle path, along the roadway, as well as the possibility of lowering the speed. He advised that staff explored several options for reducing lane width and the addition of a pedestrian path. He displayed pictures of each scenario, with vehicles and a bicycle, and reported that staff does not feel that there is enough available space to narrow the lane width and create a pedestrian path safely. He instead recommended narrowing the lanes, by approximately six to eight inches, to provide increased speed control.

As decided in the special meeting, it was noted that the Council agreed to move in each fog line by six inches as a pilot project to determine if speeds will decrease.

1. **Resolution Approving Plans and Specifications and Ordering Holy Name Drive Mill and Overlay Project**

Moved by Weir, seconded by Johnson, to approve the resolution approving plans and specifications and ordering Holy Name Drive mill and overlay project. **Motion passed unanimously.**

2. **Resolution Adopting Assessment Roll for Holy Name Drive Improvement Project**

Adams advised that the Sween parcel had been removed from the assessment roll as directed at the previous meeting. He explained that the Council could choose to lower the proposed assessment to 20 percent, as done in a prior road project, and noted that staff does not object.

Weir stated that she would be in favor of lowering the assessment roll to 20 percent.

*Moved by Weir, seconded by Siitari, to approve the resolution adopting assessment roll for Holy Name Drive improvement project at a rate of 20 percent. **Motion passed unanimously.***

IX. NEW BUSINESS

A. Pioneer Trail Road Improvement Project

Adams stated that the purpose of this request was to conduct public hearings regarding the plans and specifications and ordering Pioneer Trail overlay project, and to adopt the assessment roll for the project. He recommended conducting the public hearings together, explaining the background of street funding within the City of Medina, as well as the process for assessment. He summarized the proposed project, explaining that this would actually be the final coat of the roadway, as it was not previously installed. He reviewed the method of assessment and explained that although the rate of assessment is proposed at 22 percent, the Council could lower the rate to 20 percent. He advised that this will be the last opportunity for residents, desiring to appeal the assessment, to file a written objection prior to closing the public hearing.

Batty confirmed that 20 percent of the project cost is the minimum rate of assessment that can be used in order to obtain the specific type of bond. He further reviewed the process for objecting an assessment, and advised that a written objection would need to

be submitted prior to the public hearing being closed tonight, in order to preserve one's right to appeal.

Mayor Crosby opened the public hearing at 8:19 p.m.

Thomas Gubbins, 3212 Pioneer Trail, confirmed that Pioneer Trail is considered a collector roadway, and requested further information regarding the classification of roads in the City. He owns four parcels in the proposed assessment area, and advised that two of the lots are unbuildable. He stated that the first lot is just over an acre and is unbuildable because of the marsh and a steep incline. He was unsure why the lot was proposed to be assessed at such a high rate.

Crosby questioned the tax value of the property.

Gubbins advised that strictly for tax purposes, the lot is valued at \$5,000, and advised that this lot is being assessed \$1,722. He also commented that Chippewa is in dire need of repair.

Day advised that the lot provides direct access to the other three lots and explained that the other lots are being assessed at a lower rate. She advised that the lot is being assessed at a full unit, while the other three lots are being assessed at one tenth the rate, rather than the full rate. She stated that while the lot is unbuildable it is still usable.

Johnson commented that this scenario is actually more beneficial for the resident, rather than lowering the assessment of the smaller parcel and raising the rate for the two larger parcels.

Scherer advised that Chippewa was actually past the point of repair and would need to be totally reconstructed. He explained that because of the low residency on the road, and the estimated cost for repair, the project would be delayed.

Gary Roller, on behalf of Richard Burke, asked for further clarification as to why two separate parcels, of different size were being charged the same rate of assessment.

Finke explained the method of assessment for those lots.

Johnson stated that if the City were going to be consistent, the lot in question should be removed from the assessment roll, because it does not provide access and is unbuildable.

Doug Dickerson, 2625 Pioneer Trail, commended former Public Works Director Jim Dillman on the excellent job he did building the base of the road. He questioned if it was prudent for the City, and residents, to be completing this project during tough economic times. He believed that it would be more beneficial to improve other roadways in the City and was also concerned with the use of Pioneer Trail as a detour to Highway 55.

Crosby stated that there is never a good time to spend money, or complete road projects, and advised that the City of Medina has one of the lowest tax rates in the area. He recognized that the road assessment process is not equal, as those who live on County roads do not get assessed, those who live on neighborhood roads are assessed 50 percent, and those who live on collector roads are assessed 20 percent.

In response to Doug Dickerson's concern that an improved Pioneer Trail would be a detour, Adams reviewed the probable detour route to Arrowhead Drive and Hamel Road, should Highway 55 be closed for repair or improvement.

Weir advised that there is not potential funding for the improvement of Highway 55, until 2020 to 2030.

Smith arrived at 8:37 p.m.

Dickerson questioned how long the process would take and when the assessment would become due.

Scherer advised that the project would be completed over a period of two days.

Day explained the process for assessment and reviewed the tentative assessment schedule, which could be paid with a resident's property taxes in the spring and fall.

Robert Trojan, 3505 Pioneer Trail, Lot 23, explained that his property abuts both Pioneer Trail and Chippewa. He advised that the building code requires that he only have access to Pioneer Trail. He stated that a wetland also divides two portions of the property, which leaves the property along Chippewa unbuildable. He asked that the Council keep this in consideration when Chippewa is eventually repaired, so that he is not fully assessed for both projects, as he does not have access to Chippewa from his property.

Day explained the method for assessment and stated that staff and the Council would take into consideration that the lot abutting Chippewa is unbuildable and he does not have direct access.

Adams stated that he does have written letters entered into the record on the assessment from Richard Burke, Robert Trojan, and Thomas Gubbins.

Crosby stated that the Council would leave the public hearing open for another 20 minutes to allow additional time for residents that would like to submit written objection to the assessment.

C. Second Amendment to Medina/Independence/Greenfield Tri-City Agreement

Adams advised that changes had been made to the original Medina/Independence/Greenfield Tri-City agreement and highlighted the proposed changes to the agreement. He stated the most substantial change is a proposed change in the number of units to connect to sewer and water for Independence. He advised that the Metropolitan Council has recently approved the Independence Comprehensive Plan pertaining to density and development.

Mark Fischer, 3162 Independence Road (in the city of Independence) explained that while several units in Independence have failing septic systems, which triggered the request for additional hook-ups to the system, his property and that of his neighbors have functioning septic systems. He stated that he is being forced to hook-up to a system that he does not need at this time, and that does not allow for the development

which is already approved by City code. He requested that those residents with functioning septic systems either not be required to hook-up to the system, or that 70 hook-ups be allowed, which would allow for the approved development.

Adams stated that originally the City of Medina required that all properties along the corridor hook-up to the system within one year, which was relaxed to three years. He confirmed that the City of Medina is requiring hook-up.

Crosby requested guidance from Batty.

Batty explained that this agreement is between the municipalities and not between the City and a resident of another city. He stated that formally it has been requested to raise the number of hook-ups to 60, from the City of Independence, and did not know why the resident requested the additional ten hook-ups.

Weir agreed that the 20-30 properties with the failing septic systems were the main problem in this situation.

Smith commented that the City is attempting to clean the water in the lake through this process.

Crosby briefly recessed the meeting at 9:00 p.m.

Crosby reconvened the meeting at 9:05 p.m.

Crosby questioned the available capacity of the system.

Kellogg advised that staff researched the option of adding the 10 additional units requested by Independence and felt comfortable with the available capacity. He was not comfortable with the 70 units requested by the resident tonight, as staff did not research that option.

Smith stated that she would be interested to know why the City of Independence is requesting 60 hook-ups, rather than additional hook-ups requested by area residents, as there could be internal planning reasons for the city not asking for 70 hook-ups.

Johnson stated that the City of Independence is requesting 60 units, and staff has confirmed the availability of capacity; he did not see the benefit debating something that was not asked for.

Fischer thanked the Council for allowing him to speak, as this is something he is still debating with his own city. He felt that the City of Independence fell short with the residents, in the comparison of ultimate allowable development and the available sewer hook-ups.

Crosby stated that ultimately additional sewer infrastructure would need to be added within the surrounding communities when further development occurs.

Crosby questioned how the City could ensure that the City of Independence would enforce hook-up for their residents.

Adams stated that staff would review the Independence ordinance to ensure that the timeline for residents is reflected in the ordinance. He advised that a time limit was originally set for resident hook-up, once the main is installed, and advised that staff could determine a deadline for the installation of the pipe as well.

Smith believed that the failing systems should be required to hook-up sooner than those with newer systems.

Johnson stated that once the main is installed, a three year timeline, for residents, had already been established. He stated that whether a septic system is functioning should be valued over the age of the septic system.

*Moved by Johnson, seconded by Weir, to approve the second amendment to the Medina/Independence/Greenfield Tri-City Agreement, with additional direction for staff to negotiate a term in which the main sewer line would be constructed. **Motion passed unanimously.***

A. Pioneer Trail Road Improvement Project (cont.)

Crosby questioned whether the Council would like to withdraw any lots from the assessment roll.

*Moved by Weir, seconded by Johnson, to remove Lot 13 from the assessment roll, as the lot is found to be unbuildable and unusable by the Council. **Motion passed unanimously.***

Adams advised that Mr. Dickerson submitted a written objection to the assessment.

*Moved by Smith, seconded by Johnson, to close the public hearing at 9:25 p.m. **Motion passed unanimously.***

1. Resolution Approving Plans and Specifications and Ordering Pioneer Trail Overlay Project

*Moved by Smith, seconded by Weir, to approve the resolution approving plans and specifications and ordering Pioneer Trail overlay project. **Motion passed unanimously.***

2. Resolution Adopting Assessment Roll for Pioneer Trail Road Improvement Project

*Moved by Weir, seconded by Johnson, to approve the resolution adopting assessment roll for Pioneer Trail improvement project, at a rate of 20 percent. **Motion passed unanimously.***

B. Mill and Overlay Services Agreement with Midwest Asphalt, Inc.

*Moved by Smith, seconded by Siitari, to approve the mill and overlay services agreement with Midwest Asphalt, Inc. **Motion passed unanimously.***

VIII. CITY ADMINISTRATOR REPORT

A. Authorization to Prepare a Purchase Agreement for Property at 3365 - 3375 Mill Drive

Adams stated that staff was requesting direction from the Council to prepare a purchase agreement for the property at 3365 - 3375 Mill Drive. He advised final approval of the agreement would be needed by Council at a future date, once the parties agree to purchase agreement terms.

*Moved by Johnson, seconded by Weir, to authorize staff to prepare a purchase agreement for the parcels at 3365 – 3375 Mill Drive. **Motion passed unanimously.***

Adams stated that staff began a new process last fall and credited Finke for his leadership on the project, as well as Kellogg and Batty for their cooperation and participation with the OSI project. He stated that the revised administrative process has been beneficial for both the City and the developer, and noted that although time may not always allow for such a speedy approval, staff would attempt to repeat the process.

XI. MAYOR & CITY COUNCIL REPORTS

Weir stated that a Susan Seeland visited her, during Council Saturday office hours, in regard to land identified on the natural resources map labeled mesic prairie. She explained that the property is no longer in a prairie state and questioned how that property could be removed from the natural resources map.

Adams questioned if the item would be better discussed in another matter, or forum, such as a land use application and pointed out that it may be challenging to change a former map for every technical data related request.

Finke questioned what would be changed, and explained that the 2007 natural resources inventory is simply that, and was current in 2007. He stated that within the functions and values system for wetlands there is a process for residents to appeal. He advised that a similar functions and values system has not been developed for the natural resources map, and reported that the map has not been adopted by the Council. He explained that while the data is helpful, the map is not adopted, and there is not an official control tied to that map or information.

Adams advised that this item could be discussed as an agenda item, and suggested during the conservation design ordinance discussion at the next meeting.

Weir requested that an exercise be conducted during that discussion, in which the ordinance and values would be applied to a property in example.

Crosby commented that he would not be present at the Tomann dedication and requested that Smith make the comments in his place. He advised that he would not be present at the first meeting in July as well.

XII. APPROVAL TO PAY THE BILLS

*Moved by Weir, seconded by Johnson, to approve the bills, EFT 000735-000745 for \$29,369.59 and order check numbers 035464-035529 for \$302,479.13, and payroll check 020228 for \$226.63 and payroll EFT 502760-502788 for \$41,643.47. **Motion passed unanimously.***

XIII. CLOSED SESSION: ACQUISITION OF PROPERTY

The Council adjourned to closed session to discuss the acquisition of property at 1600 Prairie Drive, Medina at 9:45 p.m.

Upon return to open session, Mayor Crosby noted that he and City Administrator Adams had been directed to continue discussions with Hennepin County on land acquisition at 1600 Prairie Dr. in Medina.

XIV. ADJOURN

*Moved by Smith, seconded by Johnson to adjourn the meeting at 10:03 p.m. **Motion passed unanimously.***

T.M. Crosby, Jr., Mayor

Attest:

Chad M. Adams, City Administrator-Clerk