

MEDINA CITY COUNCIL MEETING MINUTES OF JUNE 5, 2012

The City Council of Medina, Minnesota met in regular session on June 5, 2012 at 7:00 p.m. in the City Hall Chambers. Mayor Crosby presided.

I. ROLL CALL

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

Members absent: Martinson.

Also present: City Attorney Ron Batty, Planner Dusty Finke, Public Works Superintendent Steve Scherer, City Administrator Scott Johnson, and Chief of Police Ed Belland.

II. PLEDGE OF ALLEGIANCE

III. ADDITIONS TO THE AGENDA

The agenda was accepted as presented.

IV. APPROVAL OF MINUTES

A. Approval of the May 15, 2012 Special City Council Meeting Minutes

*Moved by Weir, seconded by Pederson, to approve the May 15, 2012 special City Council meeting minutes as presented. **Motion passed unanimously.***

B. Approval of the May 15, 2012 Regular City Council Meeting Minutes

It was noted on page three, line 47, it should state, "...prevention of zebra mussels being introduced." On page five, line 49, it should state, "...facility could ~~oppose~~ affect..."

*Moved by Weir, seconded by Siitari, to approve the May 15, 2012 regular City Council meeting minutes as amended. **Motion passed unanimously.***

C. Approval of the May 16, 2012 Special City Council Meeting Minutes

*Moved by Weir, seconded by Pederson, to approve the May 16, 2012 special City Council meeting minutes as presented. **Motion passed unanimously.***

V. CONSENT AGENDA

A. Approval of 2012-2013 Liquor Licenses

B. Resolution No. 2012-30 Accepting Donation from LICA

C. Call for Special Meeting on June 20, 2012 at 5:30 p.m.

D. Call for Special Meeting on July 3, 2012 at 6:00 p.m.

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

VI. PRESENTATION

A. 2011 Annual Financial Report – Abdo, Eick, and Meyers

Steve McDonald, of Adbo, Eick and Meyers, explained that the job of his firm is to review the financial statements of the City and complete an audit. He reported a clean or unqualified opinion. He advised of a new accounting standard of the 2011 Report and noted that there were no issues identified in regard to this change. He briefly highlighted other financial information, which was reviewed during the audit process.

Siitari stated that he believed that the City operates very efficiently but noticed that the City is ranked higher on the amount spent per capita in comparison to a peer group of 4th class cities which have populations from 2,500 to 10,000 residents.

Crosby commented that he believed that the City ranked better on a mill rate basis to other cities in the western suburbs.

McDonald noted that he would follow up to provide additional information in the future. He reviewed the capital projects for the City and the corresponding fund balances. He continued to summarize the results of the audit, including review of the balances for the water, sewer, and storm water funds. He noted that the new accounting standards that will begin in the next few years were included at the end of the Report for review but advised that those changes would not require extensive work for the City.

Siitari referenced the increase of 44 percent to post employment benefits, on page 23, and asked for additional information on that figure.

McDonald confirmed that this has been a building balance as the requirement was enacted only three years ago. He noted that this item is on a pay as you go basis, and would be covered by the health insurance premiums.

Crosby stated that the City does not have any unfunded pension liabilities and explained that this item simply refers to the option for an employee to participate in the City health plan following retirement.

McDonald confirmed that any retired employees who choose to stay on the City health plan would pay for their entire health insurance premium.

*Moved by Weir, seconded by Siitari, to accept the 2011 Financial Report. **Motion passed unanimously.***

VII. COMMENTS

A. Comments from Citizens on Items not on the Agenda

There were none.

B. Park Commission

Scherer provided an update on the new gate for the boat launch at Independence Beach, explaining that the gate is up and closed but not yet locked. He also advised of the Willow Drive Trail project on the Orono border that he is involved in.

Johnson noted that the Park Commission would be further discussing the policy and signage for the boat launch gate at the next meeting.

C. Planning Commission

Finke noted that the Commission would be meeting the following week to hold two public hearings, one regarding the Enclave at Brockton and the other regarding a variance request.

VIII. NEW BUSINESS

A. Gun Club License Application at 2382 Pioneer Trail – Public Hearing

Crosby reviewed the order for this application. He noted that at this time he does not believe he is in a position to make a decision and would like to see further information collected for review before a decision is made.

Johnson reviewed the Ordinance, which applies to a request for a private gun club license. He noted that the application before the Council is for a private gun club, and not a public firing range. He advised that all residents within 1,000 feet of the property were noticed of the request and the meeting tonight. He stated that City has a number of conditions, which would apply to a private gun club, and also reviewed the conditions proposed by staff specific to this request.

William Kroll, 2382 Pioneer Trail, stated that he has lived in Medina for almost 30 years and became interested in having a private gun club when he found out about the possibility through the Ordinance. He explained that he and his brothers like to get together and shoot, in memorial of their father, and noted that it would not be a regular thing. He stated that his intent is not to bother anyone or cause complaints. He asked simply that the license be approved for a one-year period, noting that if there are complaints the conditions state that the license could be revoked. He noted that he would agree with the location recommended by Belland, as to prevent disturbance to his neighbors.

Weir asked if the proposed location has a lower elevation so that the shooting would be into the hill. She also clarified the type of guns that would be shot on the property.

Kroll stated that he would mostly be interested in pistol shooting.

Crosby questioned the type of improvements that are proposed. He explained that it would not be beneficial to spend a lot of money on improvements until it is known if this will cause disturbance.

Kroll noted that only his family members would be shooting at the location, usually one at a time but no more than five. He explained that since it is family there would not be a charge for membership, as this is not intended to be a business. He clarified that there would be no formal events or members outside of his family. He invited the Council to visit his property and see the proposed location in person.

Belland noted that he visited the site and viewed all three proposed locations. He advised that the site in discussion is in the middle of the property, and probably a 20-foot drop. He stated that it seemed that this would be a good location to conduct this activity safely. He stated that there is some issue with the Ordinance that the Council must consider and explained that in his history with Medina, no one has requested a license of this nature.

Batty addressed the provision regarding a private gun clubs is part of a larger Ordinance, the hunting Ordinance. He noted that other regulations would apply to this including that high-powered firearms are prohibited anywhere in the City. He explained that the gun club could be allowed, as long as the other stipulations of the Ordinance are met.

Weir stated that in her opinion she felt that the gun club provision should be removed from the Ordinance after this application is over, as she does not feel that Medina needs more gun clubs. She questioned if the applicant would still be interested if the caliber of guns were limited.

Kroll stated that he is asking for the gun club license and would conform to any regulations. He noted that he would be okay with the 22-gauge stipulation if necessary. He explained that he would like to hold one family event in the spring and one in the fall, with shooting for approximately three to four hours, and estimated maybe ten other times during the year where one hour of shooting would take place.

Crosby opened the public hearing at 7:55 p.m.

Norma Friedrichs, 2860 Willow Drive, stated that she has known the applicant for 20 years. She stated that although she likes the applicant, she will be speaking against the request. Her concern was with the noise. She questioned why Kroll does not go to the gun club in a nearby city.

Kroll stated that his intent was just to have a place for his family to shoot in memorial of his father.

Friedrichs referenced Minnesota law and NRA regulations.

Crosby stated that he did not believe that a decision would be made tonight, as further information is needed.

Batty stated that there clearly is a statute but believed that this issue should go by City Ordinance.

Crosby believed additional information would be needed in regard to the high caliber guns and the applicability of the State statute.

Jenny Goelz, 2325 Hamel Road, stated that she and her husband had written a letter of opposition to this request. She asked what type of targets would be used and where the family was shooting previous to this request.

Kroll noted that his family shoots targets, and bullets go into the ground, or hill. He stated that his family was shooting on the property prior to this and were informed of the Ordinance by the police department.

Goelz stated that she was also concerned with the noise and the effect on her horses.

Tom Sicheneder, 2185 Hamel Road, spoke in representation of himself, his wife, his sister, and his brother-in-law. He stated that the property his family owns neighbors the property in discussion. He noted that he does not have any issues with the Kroll family

and believes Kroll to be a good man. He stated that his family does oppose the idea of a gun club because of the possible disturbance to his property, both enjoyment and value. He asked the Council to deny this request.

Siitari stated that under the current restrictions he would oppose some of the firearms listed because of the noise.

Crosby stated that the Kroll property is not zoned rural residential.

Batty noted that the Ordinance specifies that discharge can only take place in rural areas and believed that this property fits the definition of rural.

Crosby entered written letters into the record including two letters of support from DMJ and another adjacent landowner, and several letters in opposition.

Pederson believed that some items should be further reviewed including the hours of operations and number of times shooting. He also clarified some statements that were made, including that although five people may shoot together, only one person would be shooting at a time.

Weir also reviewed some issues for staff to investigate including hours of operation, time limits for shooting events, no rifles, handguns only, and a reduction in the caliber of gun to lower than the police uses. She noted that she is also concerned with the noise.

Siitari stated that he is a gun owner, and owns handguns. He addressed a limited safety concern. He stated that although he would like to allow this, he questioned if it would be worth it to open this can of worms. He was concerned with the precedent that would be set by allowing this activity on one property. He believed that there were too many downsides, including noise.

Batty stated that in his opinion the decision has to be subject to the other restrictions in the Ordinance, which specifies no high-powered guns.

Crosby agreed that it would be beneficial for Batty to have additional time for review.

Belland noted that right now under the Ordinance, Kroll could go out on his property and shoot skeet all day long.

*Moved by Weir, seconded by Siitari to close the public hearing at 8:25 p.m. **Motion passed unanimously***

*Moved by Weir, seconded by Pederson, to table the request to allow additional time for legal counsel to review the issue. **Motion passed unanimously.***

1. **Resolution Approving a Private Gun Club License to William Kroll at 2382 Pioneer Trail**

Crosby stated that in defense of the applicant, Kroll is not the only person running an unauthorized shooting range in the City.

B. Ordinance No. 528 An Interim Ordinance Regarding Wind Energy Conversion Systems and Solar Energy Conversion Systems; Establishing a Moratorium; and Directing a Study of Official Controls Related Thereto

Finke stated that this item was placed on the agenda for further discussion, as this issue had been identified in the past as an item needing further analysis. He stated that staff received an inquiry from a resident curious about installing a wind energy conversion system. He questioned if the Council would like to direct staff to complete further analysis and if necessary, enact a moratorium. He noted that one application has been received for a wind turbine and reviewed the proposed Ordinance.

Crosby stated that he would need additional information before being able to make an informed decision. He commented on the only existing wind turbine that is in Medina and is no longer in use. He believed that a stipulation should be placed on maintenance, even following use.

Finke explained that all those items would be covered in the proposed Ordinance and noted that the existing turbine was installed prior to that Ordinance being developed.

Weir discussed her concerns with height and the turbines visual aspect and was reluctant to open this can of worms, as the past wind turbine had a lot of opposition.

Pederson questioned if the power would be used on the property or sold back to the grid.

Mike Woodyly stated that he and his colleague are involved in the installation of wind turbines. He explained that big wind and small wind are very different. He stated that in this case the turbine would help the property to become sustainable, and lower their carbon footprint.

Dave Vine stated that he has successfully permitted turbines in over 40 counties, throughout Minnesota and Wisconsin. He noted that they would meet all aspects of the Ordinance. He explained that in this case the homeowner would cover their needs for energy with the turbine. He provided more specific information on the energy provided and the regulations by Minnesota law.

Weir asked for photographs of the proposed equipment.

Vine provided pictures of the turbines installed in the area and estimated a cost of \$300,000 for installation. He stated that paybacks occur usually after eight years.

Woodyly commented on the increase in energy costs over the past eight years, and the continued expectation that energy costs will continue to rise.

Crosby questioned when this model became available.

Woodyly stated that the product has been in use for over one year in this area.

Vine explained that comparing a turbine from 20 years ago is like comparing a computer from 20 years ago, as both products have evolved so much during that time.

Weir referenced the issue of climbing and issues with birds or bats perching on an open frame structure.

Vine noted that the rungs would be removed after installation. He was unaware of issues with birds or bat injuries.

Siitari questioned the background of the speakers.

Vine stated that he does have connection with the energy companies and reviewed the responsibilities that he handles.

Woodly provided his professional background.

Crosby stated that from his perspective a moratorium would be a good option to allow additional resident input. He noted that he had even checked into a similar option in the past. He questioned if there are other products at lower price points.

Woodly confirmed that there are smaller models but noted that this model makes the most sense economically. He stated that this would allow the property owner to become more sustainable.

Vine confirmed that the public would be notified of the public meeting that would follow this process.

Crosby asked if vertical access turbines are successful.

Woodly stated he did not think the technology was up to par yet but believed that in the future it may be.

Weir stated that she would support a moratorium to allow additional time to sort out the issues.

Finke stated that the expectation of staff would be to finish the proposed Ordinance as soon as possible and believed that a meeting of the Planning Commission could occur as early as July, with return to the Council by August.

Weir believed it would be better to complete wind portion of the Ordinance first, then following with solar, and geo thermal energy.

Vine discussed safety mechanisms.

Finke commented that he did not feel that a moratorium would be needed.

Moved by Weir, seconded by Pederson, to approve Ordinance No. 528 an Interim Ordinance regarding wind energy conversion systems; establishing a moratorium of up to one year applying to wind; and directing a study of official controls related thereto.

Further discussion:

Vine confirmed that the application submitted would be placed on hold. He commented that the Ordinance of Medina is consistent with other communities and did not feel that

the application would interfere with the process. He asked that the existing Ordinance be used to review this application.

Weir explained that she felt it would be beneficial to bring in the public for input.

Crosby commented that the input of the public would be needed but also noted that the technology has also evolved since the Ordinance was developed.

Motion passed unanimously.

1. Resolution No. 2012-31 Authorizing Publication of Ordinance by Title and Summary

*Moved by Weir, seconded by Siitari, to approve Resolution 2012-31 Authorizing Publication of Ordinance by Title and Summary. **Motion passed unanimously.***

IX. CITY ADMINISTRATOR REPORT

A. Police Union Agreement with LELS for 2012 and 2013

Johnson presented the draft agreement for the police contract. He advised that Council Member Siitari and Police Chief Ed Belland helped with the negotiation process. He also noted that some proposed changes will match with the personnel policy changes from 2011. He reviewed the proposed cost of living rate increase of 1.5% for 2012 and 2013.

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

Johnson provided an update on the Hollydale power line project, and noted that two public meetings would take place at Wayzata High School on June 7th at 6 PM and June 8th at 1 PM.

X. MAYOR & CITY COUNCIL REPORTS

Weir advised of a local event, the bike rodeo, she recently attended and commended staff and the police department for their work on the event.

Johnson stated that a presentation for Green Steps was given at a previous meeting but recommended against joining that project due to the additional staff time that would be needed.

The Council consensus was not to pursue the Green Steps program.

XI. APPROVAL TO PAY THE BILLS

*Moved by Weir, seconded by Pederson, to approve the bills, EFT 001650E-001664E for \$35,057.33 and order check numbers 038343-038395 for \$75,312.89, and payroll EFT 504256-504279 for \$38,555.64 and payroll check numbers 020361-020362 for \$4,661.81. **Motion passed unanimously.***

XII. ADJOURN

*Moved by Weir, seconded by Siitari, to adjourn the meeting at 9:23 p.m. **Motion passed unanimously.***

T.M. Crosby, Jr., Mayor

Attest:

Scott Johnson, City Administrator

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