

MEDINA CITY COUNCIL MEETING MINUTES OF JUNE 7, 2011

The City Council of Medina, Minnesota met in regular session on June 7, 2011 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, Interim City Administrator Doug Reeder, Chief of Police Ed Belland, and Recording Secretary Amanda Staple.

II. PLEDGE OF ALLEGIANCE

III. ADDITIONS TO THE AGENDA

*Moved by Weir, seconded by Pederson, to approve the agenda as presented. **Motion passed unanimously.***

IV. APPROVAL OF MINUTES

A. Approval of the May 17, 2011 Special City Council Meeting Minutes

It was noted under item two, under the discussion of the surplus, the following sentence should be added, "Crosby commented that the funds would be transferred to the reserves and he did not authorize the expenditure."

B. Approval of the May 17, 2011 Regular City Council Meeting Minutes

It was noted on page three, line 15, it should state, "...conditions of preliminary plat..." On page seven, line 19, it should state, "Request for Proposal – Construction Management Services for Public Works." On page eight, line 24, it should state, "...Medina Celebration Day could continue without the fireworks but advised against doing so."

*Moved by Siitari, seconded by Pederson, to approve the May 17, 2011 regular City Council meeting minutes as amended. **Motion passed unanimously.***

V. CONSENT AGENDA

A. Approval of 2011-2012 Liquor Licenses

B. Mill and Overlay Services Agreement for Hunter Drive South Road Improvement Project

C. Ordinance Amending the Official Zoning Map for The Enclave

1. Resolution to Publish the Ordinance by Title and Summary

D. Donations for Medina Police Bike Rodeo

E. Alter Start Time for the Special Meeting Scheduled for June 21, 2011 from 6:00 p.m. to 5:30 p.m.

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

VI. PRESENTATIONS

A. Hennepin County Commissioner Jeff Johnson

Hennepin County Commissioner Jeff Johnson provided a brief summary of what occurred in the budget from 2010 to 2011. He noted that the budget amount continues to shrink from 2009 to 2010 and again from 2010 to 2011. He stated that the budget for 2012 was still unknown as the County relies heavily on the State, but he anticipated another cut in the budget and property tax levy.

Crosby provided a brief summary of the discussions that took place at a meeting brought together by Commissioner Jeff Johnson, at which Mayors from each City in his District attended. He noted that public works facilities and water were the main concerns for most of those Mayors in attendance.

B. Resolution Recognizing Charmane Domino for Five Years of Service

Belland highlighted the career path of Charmane Domino during her five years of service to the City of Medina and recognized her accomplishments and contributions to the City. He noted that Charmane continues to bring a great attitude to work each day.

Crosby presented the resolution to Charmane Domino and thanked her for her work in the City.

VII. COMMENTS

A. Comments from Citizens on Items not on the Agenda

There were none.

B. Park Commission

Park Commissioner Linck advised that the May meeting had been canceled and noted that the June meeting agenda would contain discussion of the recent park tour.

C. Planning Commission

Finke advised that the Planning Commission would be meeting the following week to discuss the proposed changes to the stormwater management ordinance. He briefly summarized items that could occur at the June and July meetings of the Planning Commission.

Crosby introduced the new Interim City Administrator Doug Reeder and welcomed him to the City. He noted that the previous City Administrator Chad Adams had been nominated by Medina for a leadership award, which he did win. He advised that the City of Medina also received an award for being a City of Excellence.

VIII. OLD BUSINESS

IX. NEW BUSINESS

A. Resolution Certifying Delinquent Charges

*Moved by Weir, seconded by Martinson, to approve the resolution certifying delinquent City charges for services to the Hennepin County Auditor for collection in 2012. **Motion passed unanimously.***

B. Revisions to Animal Limitations Ordinance

Finke provided background information regarding the issue of animal regulations which had been discussed at the Council meeting on May 3rd. He advised that staff researched and determined how animals are regulated in other communities. He advised that staff does not recommend considering the weight in pounds of dogs as a method of limitation. He noted that a size classification could be used, but explained that method may also be complicated. He advised that the ordinance is proposed to be amended to allow up to three dogs on all properties and the potential to have up to four dogs on properties exceeding eight acres. He stated that the City could also review the ability to issue private kennel permits, which would allow up to four dogs on properties less than eight acres and a maximum of eight dogs on properties exceeding eight acres. He advised that more than eight dogs would only be allowed under a commercial kennel license and could only occur in the commercial or business districts. He advised that notice provisions had also been amended and summarized the new method for notification in which the City would notify property owners within 200 feet.

Crosby questioned why allowing more than eight dogs would only be allowed in commercial or business districts, as commercial horse facilities are allowed in the rural residential district. He believed that issuing a license would be a better method of control.

Finke stated that an administrative review could be used to allow one additional dog without the approval of the Council.

Crosby questioned how many calls are received stating that someone possesses too many dogs.

Belland advised that he has not received calls of that nature, only calls for unruly dogs.

Finke reviewed the items for further discussion and noted that commercial horse facilities are currently allowed in the rural residential 2 zoning district.

Crosby discussed specific language which limits animals that are not native to Minnesota, and noted that many people have small animals which are not native to the state. He wanted to ensure that cats were also inserted into the ordinance in each necessary place. He confirmed that small animals, such as chinchillas could be controlled under the nuisance ordinance. He questioned whether this ordinance should be specific to dogs, and let the nuisance and animal unit ordinances control the other types of animals.

Batty confirmed that the nuisance ordinance would only apply to public nuisances and would not apply to private nuisances where there are an excessive number of animals contained in a home, so long as they stay in the home.

Weir questioned which method would be most effective for administration.

Finke noted that either method would provide enforcement.

Batty stated that if the pet ordinance were to be moved from the nuisance section, an item should be added under the nuisance ordinance which addresses possession of a large number of animals.

Martinson stated that it may be easier to title this a dog ordinance and work forward from there to determine if additional regulations would be needed to control exotic animals, or other small animals.

Crosby suggested titling this ordinance for dogs and cats.

Belland noted that there are very few calls received regarding cats and advised that the City has not regulated cats in the past. He noted that the cost to enforce a cat ordinance would be high because, among other things, holding facilities would need to be constructed.

Batty confirmed that many cities do not regulate cats due to the reasons highlighted by Belland.

Reeder agreed that most cities do not license cats in the same way that dogs are licensed because of those reasons.

Crosby discussed the ability for staff to allow up to one additional dog, per size of the property, under an administrative review; or whether a waiver should be used to obtain a review from the Council. He discussed the ability to possess a commercial kennel license in the rural residential district, as a property owner possessing 60 acres could then possess more than eight dogs. He noted that the license could then be used for enforcement purposes.

Finke confirmed that staff would need to amend the proposed ordinance further based on the discussion tonight.

Crosby suggested that fostering dogs would be within the category covered by licenses for increased number of dogs.

Weir suggested increasing the notice area to 1,000 feet for properties above eight acres, as 200 feet may not notify any property owners.

Batty explained that if the Council were to allow more than eight dogs on a property by Council review, there would need to be specific criteria used to review a request.

Siitari questioned if there is a need to include cats in this ordinance.

Belland stated that he did not believe there was a need to include cats in this ordinance and believed that type of animal could be controlled under the nuisance ordinance. Hannah Buckley, 1822 Morgan Road, stated that she does have the issue of fostering/rescue of dogs. She advised that she has five dogs of her own, for which she has applied for a private kennel license. She asked that the application be placed on hold, as she will be leaving the country and will not return until August. She explained her fostering program which she takes part in and the process she follows to socialize those dogs. She asked that fostering be looked at in a different manner than private kenneling. She explained that rescue and foster operations do not possess large

amounts of money to move to a commercial district and noted that her costs for the program are all out of pocket. She stated that she has four young children, aged two to 11, and does not possess dangerous animals. She stated that ultimately the foster dogs are adopted by other families, but noted that it is a long process to socialize the dogs.

Crosby stated that staff would attempt to draft language specific to fostering dogs, which would be considered under special application.

Shannon McKenzie, founder and director of Underdog Rescue, provided background information on her program and noted that she also works with Minneapolis Animal Control. She commended Hannah Buckley for her work with her organization and also the use of the animals to work with at risk youth. She stated that her organization works with others in several other states and handles dogs that have come from puppy mills. She noted that all the dogs are in good health by the time they are adopted.

Crosby questioned the number of people who work with the organization comparable to Hannah Buckley.

Shannon McKenzie stated that there is not anyone in the State such as Hannah Buckley. She advised that she has experience with ordinance language in many other communities and would attempt to provide staff with ordinance language.

Mr. Simons stated that he agreed with the comments proposed by staff and also agreed that the notice area be extended to 1,000 feet. He stated that the precedent has been to take activities such as the horse facilities out of the rural residential district and place those into the rural residential 2 district. He stated that he did not agree with the process of amending the ordinance, as it seemed to be tailoring to applications.

Crosby stated that his position was not to tailor the ordinance to applications, but instead to craft an ordinance which is appropriate.

Connie Johnson, a teacher at Transitions Plus in Minneapolis, stated that her students come from many walks of life and diversity and may be homeless. She explained the connection between her students and the dog foster program through Hannah Buckley. She stated that the students are brought to Pets Life in Medina to walk the dogs and then interact with the dogs. She explained that the interaction with the dogs and the opportunity to connect and bond with the dogs has provided a unique experience for the students and helps to build their self-esteem and other personal skills.

Karen Hamel stated that she is a teacher in the Minneapolis schools and a professor at a local college. She explained that when the students are brought outside their community, it expands their horizon. She expressed concern over the police being called when the school bus traveled to Ms. Buckley's property, rather than Pets Life, as the students then did not feel welcome in the community. She explained that Ms. Buckley possesses a wealth of resources that should be shared with others.

Shannon McKenzie clarified that Underdog Rescue is aware that the issues of dog limitations and the location for Ms. Buckley to meet with students are two separate issues and noted that there is no problem in having the interaction occur at Pets Life.

Finke stated that he would like further clarification from the Council in regard to fostering dogs.

Crosby stated that his opinion would be to not allow commercial operations within the rural residential district. He referenced the issue of horse therapy previously discussed by the Council and staff.

Finke stated that while there is a distinction between fostering and boarding, there is a similar distinction between fostering and pets. He noted that the main concern is the maximum number allowed. He noted that staff would amend the proposed ordinance further based on the discussion tonight.

Crosby briefly recessed the meeting at 8:35 p.m.

Crosby reconvened the meeting at 8:41 p.m.

X. CITY ADMINISTRATOR REPORT

A. Schedule a Date for Council Budget Worksession

Reeder stated that he would like to set a date for the budget worksession with the Council. He provided tentative dates for the meeting and confirmed that he would send an email to further clarify the date, which could take place on July 11th, 13th or 14th.

X. MAYOR & CITY COUNCIL REPORTS

Crosby acknowledged that Chad Adams received the leadership reward for cities with a population under 10,000 and advised that the ceremony would take place the following week, on June 16th. He stated that Medina is also receiving a City of Excellence award for the Hamel Field House at the same presentation. He stated that he would not be present at the next two Council meetings due to family obligations. He discussed the upcoming marketing for the public works discussions.

Reeder presented the letter on the public works facility that would be sent out to the residents and noted that the City would be split into three areas, which would each have their own meeting. He advised that a fourth meeting would occur at which anyone would be able to attend. It was confirmed that at least one Councilmember should attend each meeting.

Weir provided an update on the public works focus group and summarized the opinions which were given. She stated that the general consensus is that there is a need for a new public works facility in order to continue to provide services. She noted that the primary consensus was that the facility needs to be toured in order for residents to understand the need.

Crosby noted that the period to receive RFP's for construction management services for public works had been extended.

Crosby stated that he would find someone who could approach businesses in regard to collecting donations for the fireworks display.

Weir stated that there are four homes on Elm Creek which have had significant flooding and discussed the possibility of repairing the culvert in that area.

Kellogg stated that he was unsure if the culvert would be repaired this year and whether or not the culvert could be expanded in size.

Weir advised that the homeowners would like the culvert to be expanded in size.

Martinson stated that it was her position that the residents were opposed to the muck that is left after the creek recedes and advised that she had spoken with Park Commissioner Beaupre in regard to alternate plantings that could be placed in that area.

Crosby reviewed and summarized a memo from Chad Adams discussing the status of several projects in the City. He advised that he received communication from a firm which assesses leadership candidates and questioned if the City would like to use such as service.

Batty stated that Medina did not use this service in the previous hiring. Belland confirmed that those services are used when hiring police officers.

Reeder provided a brief update on the search for a new City Administrator.

Weir provided an update on the Lake Sara WMO and the new TMDL regulations. She questioned the status on Hamel Station plantings.

Finke stated that he has asked for an update on the plans and is waiting to receive that information. He noted that an update could be provided at the next meeting.

XI. APPROVAL TO PAY THE BILLS

*Moved by Siitari, seconded by Weir, to approve the bills, EFT 001159E-001181E for \$74,938.80 and order check numbers 036917-036993 for \$129,280.02, and payroll EFT 503527-503554 for \$43,737.67. **Motion passed unanimously.***

XII. ADJOURN

*Moved by Siitari, seconded by Weir, to adjourn the meeting at 9:21 p.m. **Motion passed unanimously.***

Attest:

T.M. Crosby, Jr., Mayor

Doug Reeder, Interim City Administrator