

MEDINA CITY COUNCIL MEETING MINUTES OF AUGUST 3, 2011

The City Council of Medina, Minnesota met in regular session on August 3, 2011 at 7:00 p.m. in the City Hall Chambers. Mayor Crosby presided.

I. ROLL CALL

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

Members absent: Weir.

Also present: City Attorney Ron Batty, City Engineer Tom Kellogg, Planner Dusty Finke, Public Works Superintendent Steve Scherer, Interim City Administrator Doug Reeder, and Chief of Police Ed Belland.

II. PLEDGE OF ALLEGIANCE

III. ADDITIONS TO THE AGENDA

Reeder requested to add two items to the New Business portion of the agenda: Resolution Extending the Hamel Commons Plat, and RFP for Architect Services for the Public Works Facility.

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

IV. APPROVAL OF MINUTES

Crosby noted that five of the six minutes presented for approval tonight focused on the hiring of a new City Administrator. He reported that an individual was chosen and introduced Scott Johnson, noting that he would begin with the City on August 29, 2011.

A. Approval of the July 14, 2011 Special City Council Meeting Minutes

*Moved by Martinson, seconded by Siitari, to approve the July 14, 2011 special City Council meeting minutes as presented. **Motion passed unanimously.***

B. Approval of the July 15, 2011 Special City Council Meeting Minutes

*Moved by Siitari, seconded by Pederson, to approve the July 15, 2011 special City Council meeting minutes as presented. **Motion passed unanimously.***

C. Approval of the July 16, 2011 Special City Council Meeting Minutes

*Moved by Pederson, seconded by Siitari, to approve the July 16, 2011 special City Council meeting minutes as presented. **Motion passed unanimously.***

D. Approval of the July 19, 2011 Special City Council Meeting Minutes

*Moved by Siitari, seconded by Martinson, to approve the July 19, 2011 special City Council meeting minutes as presented. **Motion passed unanimously.***

E. Approval of the July 19, 2011 Regular City Council Meeting Minutes

It was noted on page two, line 23, it should state, "...~~whom~~ who..." On page seven, line 19, it should state, "...~~between~~ among..."

Moved by Pederson, seconded by Martinson, to approve the July 19, 2011 regular City Council meeting minutes as amended. **Motion passed unanimously.**

F. Approval of the July 21, 2011 Regular City Council Meeting Minutes

Moved by Siitari, seconded by Pederson, to approve the July 21, 2011 City Council meeting recessed from the July 19, 2011 regular minutes as presented. **Motion passed unanimously.**

V. CONSENT AGENDA

A. Approve Bingo and Raffle Permit and Temporary On-Sale Liquor License to Holy Name of Jesus Church for September 10-11, 2011

B. Approve Fireworks Services Agreement for Medina Celebration Day

C. Approve Seal Coating Services Agreement

D. Change Time of Special City Council Meeting on August, 16, 2011 from 6:00 p.m. to 5:00 p.m.

E. Schedule Special City Council Meeting on September 6, 2011 at 6:00 p.m.

F. Resolution Accepting Donation from Thomas M. Crosby, Jr.

G. Resolution Approving Off-Site Gambling Permit to Hamel Lions Club at 3200 Mill Drive on September 24, 2011

H. Resolution Granting Extension of Time to File Final Plat for Hunter Ridge Farm Amending Resolution No. 2011-24

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

VI. PRESENTATIONS

A. Resolution Recognizing Kevin Boecker for Ten Years of Service to the City

Belland recognized Officer Kevin Boecker for ten years of service to the City of Medina. He summarized the career of Boecker with the Police Department and the different tasks he handles. He provided an example of a situation in which Boecker went above and beyond in his position.

Crosby recognized Boecker for his service to the City of Medina and thanked him for his service.

Moved by Martinson, seconded by Pederson, to approve the Resolution recognizing Kevin Boecker for ten years of service to the City of Medina. **Motion passed unanimously.**

B. Resolution Recognizing Ed Belland for Twenty Years of Service to the City

Crosby presented the resolution recognizing Belland for 20 years of service to the City. He highlighted aspects of Belland's career with the Police Department and thanked him for his service to the City of Medina.

Belland thanked the Council for their support and believed Medina was a great City to work for.

Moved by Siitari, seconded by Pederson, to approve the Resolution recognizing Ed Belland for twenty years of service to the City of Medina. **Motion passed unanimously.**

VII. COMMENTS

A. Comments from Citizens on Items not on the Agenda

There were none.

B. Park Commission

Park Commissioner Jaeb provided an update from the July 20th meeting of the Park Commission. He advised that a citizen concern had been brought forward regarding drainage issues within a park and another lengthy discussion focused on the Pentom development. He noted that the Park Commission only meets once monthly but yet is required to make two updates to the City Council within the month. He suggested that the Park Commission only be required to make one update to the Council following their monthly meeting.

Scherer advised that the Hamel Athletic Association would be bringing a request forward to donate time and funds to re-grade two fields. He noted that bids had been received for the ball field lighting project as well and advised that both items would be brought forward to the Council in the near future for review.

Crosby stated that he would not be opposed to only receiving one update from the Commission during the month, with the exception of a controversial item that the Commission may need to comment on. He also thanked the Commission for their work on the guidelines for Eagle Scout projects.

C. Planning Commission

Planning Commissioner Finke confirmed that the Planning Commission has also moved to a Commissioner being present at a meeting only once during the month. He noted that at the next meeting of the Planning Commission discussion would focus ordinances regarding parking regulations, accessory dwelling units, and a request to increase the maximum allowed impervious surface in the industrial zone.

VIII. NEW BUSINESS

A. Pentom – Preliminary Plat, Stage II Plan, Rezoning and ROW Width Variance, 65 Lot Subdivision – 1182 Highway 55

Finke presented a request from Pentom. He noted that this is the second step in the approval process for the development and summarized the different aspects of the request including zoning, comparison to the Comprehensive Plan, the preliminary plat and dimension standards. He reviewed the results of the Meander Road traffic study and noted that the Planning Commission approved the study as presented. He noted that the applicant would extend sewer and water services to neighboring properties and also reviewed the tree preservation and landscaping plans. He stated that the recommendation of the Park Commission is to maximize the amount of land received for park dedication. He noted that it is recommended to rezone the property in the single family development to R-2 and the park property to public/semi-public. He noted that the Planning Commission recommends Stage II approval and approval of the preliminary plat subject to the noted conditions.

Martinson requested additional clarification regarding the ten acres of park land mentioned by the Park Commission as the report only states slightly over six acres of park dedication.

Finke explained the park plan and noted that the City would maximize the amount of park dedication from this parcel and hopes to combine that land with park dedication that may be collected in the future from neighboring properties. He also further discussed the results of the traffic study that was completed.

Crosby further discussed the results of the traffic study and believed an additional discussion should take place to ensure that proper access for the entire project would be provided. He wanted to ensure that the City would not be liable for improvements to any intersection at a later date with the understanding that such access would be the developer's responsibility. He stated that the park funds are currently low and confirmed that the Park Commission thoroughly discussed whether to accept land or cash in regard to the park dedication. He confirmed that the Lennar project was paying cash in lieu of land for park dedication.

Finke provided examples of emergency situations which could cut off one access point into a development.

Dave Nash, project engineer, introduced the members of the project team which were present tonight including Steve Logan and Mike Spack. He provided benefits of the landscaping island which is included in the plans.

Scherer stated that the island is an issue for plowing and provided other situations which might be effected by the island placement.

Nash discussed the plans for filtration and noted that the raingardens originally planned for the center entrance would be moved to alternate lots or eliminated because they may not be needed..

Martinson confirmed that the developer had already given up two cul-de-sacs for the ease of plowing and stated that she believed that the developer should be able to do the island.

Crosby confirmed that if the plans were to change during the final design phase, the Council would still be able to review the plans at the final plat approval.

Finke noted that plowing is not the only issue with the island at the entrance to the development. He commented that if the Council were to allow the island, staff could work with the developer to resolve the issues and find an agreeable solution.

Pederson stated that he believed the island provided curb appeal for the development.

Nash hoped that the Council would agree with the recommendation of the Planning Commission regarding the expansion of Meander Road.

Crosby stated that item is not included in the review at this time. He questioned the timeline for the project.

Nash stated that he hoped to complete the grading this year, and estimated lot sales to begin the following summer.

Siitari stated that the two access points would be separated by the proposed island and questioned the claim that the center island at the access provided two access points.

Finke confirmed that island had already been agreed upon by the Council but agreed that one lot could be used to provide another access point to the development with a similar sized road connecting to the homes.

Pederson wanted to ensure that the trees proposed to be planted on the burm would be properly maintained.

Nash clarified that the trees are actually going to be planted in the backyards of the homes along that area and would be the responsibility of the homeowners.

Finke provided an estimate timeline for grading to begin after preliminary plat approval. He stated that the next direction for the Council would be to direct staff to prepare the approvals in ordinance and resolution form.

Nash explained the drainage and infiltration plans proposed for the lots. He confirmed that the sump pumps would be located in the homes with discharge connection provided through the development.

Pederson questioned how a homeowners association (HOA) would work and whether all homes in the development would need to be included in the association.

Crosby stated that it is his understanding that in most developments of this nature all homes include an agreement which includes participation in the HOA, among other conditions.

Nash confirmed that the sale of the homes would include an agreement for membership in the HOA.

Pederson asked for additional information regarding the letter of credit included in the conditions.

Batty provided additional information regarding a letter of credit that had lapsed in another project. He noted that there should not be problems with this requirement.

*Moved by Pederson, seconded by Martinson, to direct staff to prepare an Ordinance rezoning the property to the R-2 Zoning District, a Resolution approving Stage II Plan, and a Resolution approving the preliminary plat. **Motion passed unanimously.***

B. Ordinance Amending Chapter 320 of the Code of Ordinances Regarding Firearms, Deadly Weapons and Fireworks

Belland presented the request to amend Chapter 320 of the Code of Ordinances, partially due to resident complaints/input. He briefly summarized the proposed changes to the Ordinance focusing on the hunting regulations, including the definition of family.

Crosby suggested amending the definition of family, as children can live outside of the home but come back to hunt with their parents.

Belland noted that a homeowner can allow family or guests to hunt on their own private land without a permit. He further explained the hunting regulations and definition of a sensitive hunting area. He also reviewed the enforcement process and revocation of a hunting permit.

Crosby provided an example in which there is trapping within 20 feet of a trail which is allowed by the DNR. He suggested alternate language for the trapping regulation. He noted that while reviewing the administrative rules he could not find a definition of setback area and suggested that is added and language be duplicated in other areas to provide clarity.

Crosby confirmed that the proposed ordinance would be amended as discussed and be brought back to the Council for approval under the Consent Agenda.

Belland reviewed the administrative rules which would go into effect after Council approval. He questioned if the notification area should have been expanded to include those within the sensitive hunting area.

Crosby believed that the item should be included in the City Newsletter.

Belland displayed a plan/map of the City highlighting the sensitive hunting areas. He stated that he would work with Batty to amend the ordinance and then bring the ordinance and administrative rules approval back at the next Council meeting.

C. Resolution Extending the Hamel Commons Plat

Finke confirmed that this is not the first extension but explained that staff recommends this extension for the Hamel Commons Plat (Wranglers), which would extend for two years and should be the last request of this nature. He stated that this would also make the property more marketable if this were not to move forward.

*Moved by Siitari, seconded by Martinson, to approve the Resolution Extending the Hamel Commons Plat. **Motion passed unanimously.***

D. RFP for Architectural Services for the Public Works Facility

Crosby stated that the public works facility would most likely be discussed at the special meeting agenda on August 16th. He stated that in order to move forward on the timeline proposed, staff would need to draft an RFP and obtain bids for architectural services.

*Moved by Siitari, seconded by Pederson, to direct staff to prepare an RFP and obtain bids for architectural services for the public works facility, working with the project construction management. **Motion passed unanimously.***

IX. CITY ADMINISTRATOR REPORT

A. Amendment to Personnel Policies for Termination Compensation

Reeder stated that this information is based on the previous discussion regarding personnel policies. He briefly summarized the proposed changes to the policies including sick leave and the retirement insurance program.

Crosby clarified information regarding vacation pay.

1. **Section 5.40 Sick Leave**
2. **Section 5.60 Retirement Insurance Program**

*Moved by Martinson, seconded by Siitari, to adopt the noted changes to Personnel Policies 5.40 Regarding Sick Leave and 5.60 Regarding the Retirement Insurance Program. **Motion passed unanimously.***

X. MAYOR & CITY COUNCIL REPORTS

Reeder noted that the preliminary budget information would be sent to the Council the following day so that review can occur before the special meeting on August 16th.

Crosby mentioned a resident call he received from a homeowner on Brockton Lane regarding the amount of traffic due to the detour. He noted the resident suggested police patrol and a temporary stop sign.

Belland stated that he would not be against a permanent stop sign at that location.

*Moved by Siitari, seconded by Martinson, to direct Belland to investigate a stop sign on Brockton Lane and install the stop sign if found to be necessary. **Motion passed unanimously.***

Crosby stated that the homeowner had been attempting to sell his home for some time and did not think the additional traffic would assist in that endeavor.

Martinson updated the Council on the agenda for an upcoming LMCC meeting which would discuss the expansion of the broadband network.

Crosby advised of another communication he received regarding the 116 intersection and noted that he would forward that information to Scherer. He provided an update on the funding for fireworks and will continue to provide updates.

Pederson thanked the Police Department and Belland for bringing himself and the Council to the different parties in Medina the previous night for National Night Out. He thanked the residents who invited them to the parties as well. He stated that the Hamel and Loretto Fire Departments would meet the following night with the consultant in regard to the possible merger. He also thanked the Hamel Lions and Crosby for their donations to the City.

XI. APPROVAL TO PAY THE BILLS

*Moved by Pederson, seconded by Siitari, to approve the bills, EFT 001236E-001249E for \$35,901.15 and order check numbers 037183-037230 for \$176,805.83, and payroll EFT 503645-503672 for \$45,963.88. **Motion passed unanimously.***

Crosby noted that there was a press release stating that Bonestroo would be merging with another firm and questioned if Kellogg would like to speak in that regard.

Kellogg confirmed that Bonestroo will be merging with another company, scheduled to close in September. He stated that day to day operations should not be affected and should continue in the same manner. He advised that with the merger the firm would have a larger base of information and experience.

XII. ADJOURN

*Moved by Pederson, seconded by Siitari, to adjourn the meeting at 8:53 p.m. **Motion passed unanimously.***

T.M. Crosby, Jr., Mayor

Attest:

Doug Reeder, Interim City Administrator