

MEDINA CITY COUNCIL MEETING MINUTES OF AUGUST 6, 2014

The City Council of Medina, Minnesota met in regular session on August 6, 2014 at 7:00 p.m. in the City Hall Chambers. Mayor Weir presided.

I. ROLL CALL

Members present: Anderson, Pederson, Martin, Martinson, and Weir.

Members absent: None.

Also present: City Administrator Scott Johnson, City Attorney Ron Batty, City Planner Consultant Nate Sparks, Public Works Director Steve Scherer, Chief of Police Ed Belland, and Recording Secretary Amanda Staple.

II. PLEDGE OF ALLEGIANCE (7:00 p.m.)

III. ADDITIONS TO THE AGENDA (7:00 p.m.)

The agenda was approved as presented.

IV. APPROVAL OF MINUTES (7:00 p.m.)

A. Approval of the July 15, 2014 Special City Council Meeting Minutes

*Moved by Anderson, seconded by Martin, to approve the July 15, 2014 special City Council meeting minutes as presented. **Motion passed unanimously.***

B. Approval of the July 15, 2014 Regular City Council Meeting Minutes

It was noted on page three, line 14, it should state, "...canceled as the..." On page three, line 28, it should state, "... aid support..." On page three, line 29, it should state, "... growth, sighting in particular the congestion at the intersection of County Road 116 and Highway 55. She inquired if the Senator could provide a list of the members on the Transportation Committee and a schedule of their proceedings." On page four, line 36, it should state, "Martin stated that perhaps an additional "reasonable step" should be added ~~stating that adults had announced that there will be no underage drinking of alcohol included in subdivision two: that a person announces that no underage drinking of alcohol at the event is allowed.~~ On page 4, lines 41 and 42, it should state Martin suggested that exception D and E be deleted entirely." On page 5, line nine, it should state, "Weir stated that Dominion has advised stated..."

*Moved by Martinson, seconded by Anderson, to approve the July 15, 2014 regular City Council meeting minutes as amended. **Motion passed unanimously.***

V. CONSENT AGENDA (7:04 p.m.)

A. Approve Bingo Permit and Temporary On-Sale Liquor License to/at Holy Name of Jesus Church for September 13, 2014

B. Approve Personnel Policy Amendments to 5.40 Sick Leave and 6.50 Parental Leave

C. Appoint Accounting Technician Position

D. Approve Court Resurfacing Agreement with C & H Sport Surfacing, Inc.

E. Approve Joint Powers Agreement with the City of Orono and Three Rivers Park District for Starkey Road

- F. Approve Hydro Seeding Services Agreement with Designing Nature, Inc.
- G. Resolution No. 2014-47 Revoking Approval of the Waiver of Certain Development Fees; Revoking Resolution 2013-49
- H. Resolution No. 2014-46 Approving Off-Site Gambling Permit for the Hamel Lions Club to Conduct Lawful Charitable Gambling at 3200 Mill Drive
- I. Resolution No. 2014-48 Granting Site Plan Review Approval to Loram Maintenance of Way for a Parking Lot Expansion and Construction of a Storage Building; Revoking Resolution 2014-36

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

VI. COMMENTS (7:06 p.m.)

A. Comments from Citizens on Items not on the Agenda

There were none.

B. Park Commission

Park Commissioner Meehan introduced herself as the newest appointed member of the Park Commission and reported that the Commission last met on July 16th. She stated that at that time the Commission reviewed the trail plans for adjacent communities in order to identify possible connections to those trails in the future. She advised that the Commission also reviewed the development plan for the City in order to determine desirable future park locations.

C. Planning Commission

Martin reported that the Planning Commission did not hold a meeting in July.

VII. NEW BUSINESS

A. Brockton Lane Road Improvement Project (7:08 p.m.)

Johnson explained that this project is in conjunction with the City of Plymouth. He noted that the Feasibility Study was placed at the dais for the review of the Council. He advised that the project only affects two Medina property owners and explained that the total cost for the City of Medina would be \$25,000 as negotiated with the City of Plymouth under the Joint Powers Agreement. He advised that the project would consist of a mill and overlay.

1. Resolution No. 2014-49 Accepting Feasibility Report Prepared by Plymouth and Ordering Brockton Lane Improvement Project – Public Hearing

Weir opened the public hearing at 7:10 p.m.

Martin asked for additional information regarding the developments mentioned in the feasibility report.

Johnson advised that those are two projects within Plymouth. One concerns the Brockton Lane improvements. He also advised that Medina has included the church and single resident from this project with the larger Plymouth projects.

Weir closed the public hearing at 7:12 p.m.

Anderson asked and received confirmation that the church and the single resident have been notified of the project and proposed assessment.

*Moved by Martin, seconded by Pederson, to approve Resolution No. 2014-49 Accepting the Feasibility Report Prepared by Plymouth and Ordering the Brockton Lane Improvement Project in the amount of \$25,000. **Motion passed unanimously.***

2. Resolution No. 2014-50 Adopting Assessment Roll for Brockton Lane Improvement Project – Public Hearing

Weir opened the public hearing at 7:13 p.m.

No comments made.

Weir closed the public hearing at 7:13 p.m.

*Moved by Martin, seconded by Martinson, to approve Resolution No. 2014-50 Adopting the Assessment Roll for the Brockton Lane Improvement Project. **Motion passed unanimously.***

B. Verizon Conditional Use Permit (7:14 p.m.)

Sparks identified the parcel and provided background information noting that there is currently a cell tower and water tower on the site. He explained that the current cell tower is at 85 percent capacity and cannot house additional equipment. He stated that the water tower is being removed and the new cell tower would replace that structure. He explained that in order to install a new monopole tower a Conditional Use Permit (CUP) would be required.

Martin asked for clarification on existing structures and equipment on the site as well as which space is leased to other tenants.

Johnson confirmed that the City would lease the land to Verizon and language would be included in the lease document that Verizon would use with their subleases.

Anderson questioned if this change would be an improvement.

Scherer confirmed that the upgraded Verizon equipment would be an improvement aesthetically and to service coverage as well.

Pederson questioned if the liability insurance would cover the City as well.

Johnson explained that the terms would require that if the structure were to fall that it must collapse within the site and advised that Verizon would bare liability and the City would not require additional insurance named to the City. He confirmed that the CUP would need to be in place before the lease could be fully negotiated with Verizon.

Martin referenced the recommendations of the Planning Commission and believed that additional language should be added to certain conditions; specifically additional language clarifying what would need to be certified for condition two; additional language added stating that the parking plan shall be in compliance with the code; and language clarifying in condition seven that the lease agreement should be upon terms approved by the City Council. She also believed that the language should state that the CUP would become effective upon removal of the water tower and execution of the lease. She also requested that a revised Site Plan showing compliance with these conditions be attached to the Resolution when presented for approval.

Batty advised that the action would be to direct staff to prepare a Resolution consistent with these amended conditions that will come back before the Council on a future Consent Agenda.

*Moved by Martin, seconded by Anderson, to direct staff to prepare a resolution approving the Conditional Use Permit based upon the findings in the staff report and subject to the conditions noted in the report, as well as the modifications suggested by the City Council. **Motion passed unanimously.***

VIII. OLD BUSINESS

A. **Ordinance No. 566 Adding Chapter 313 to the City Code of Ordinances Regarding Social Hosts (7:40 p.m.)**

Johnson advised that Batty and Belland worked to incorporate the suggested changes from Martin and wanted the Council to have an opportunity to review the information as amended.

Martin referenced Subdivision Two, Item D, and suggested it read, "...stating clearly to underage persons in attendance at the event that consumption of alcoholic beverages is not allowed."

*Moved by Anderson, seconded by Martin, to approve Ordinance No. 566 Adding Chapter 313 to the City Code of Ordinances Regarding Social Hosts amending Subdivision Two, Item D as suggested. **Motion passed unanimously.***

1. **Resolution No. 2014-51 Authorizing Publication by Title and Summary**

*Moved by Anderson, seconded by Martin, to approve Resolution 2014-51 Authorizing Publication by Title and Summary. **Motion passed unanimously.***

IX. CITY ADMINISTRATOR REPORT

A. **Update on Change to No Wake Zone Ordinance on Lake Independence (7:43 p.m.)**

Johnson thanked Councilmember Brad Spencer from Independence for his assistance with the draft No Wake Zone Ordinance on Lake Independence. He advised there are two suggested language changes for the draft ordinance, which he did not see a problem with, but wanted to ensure Council consensus before sending the document to the DNR for their final review.

Weir confirmed the consensus of the Council to approve this language and send the document to the DNR.

Johnson advised that because of E.coli levels, the Three Rivers Park Lake Independence beach has been closed and noted that a sign would be posted at Medina's boat launch. He advised that staff will work with LICA to make sure that all lakeshore residents are notified. He confirmed that staff will post a notice on the City website as well, and would also ask the City of Independence to post the same information on their website.

B. **Other (7:47 p.m.)**

Johnson advised that Scherer is working with a vendor of which the City contracts to complete work on his own property. Johnson wanted to make sure that the Council did not have concerns with Scherer's project.

Scherer explained that the contractor is removing dirt from the Fields of Medina and he is going to receive some of the dirt. He noted that if the Council objects he will not proceed with the project, and advised that the contractor is willing to give dirt to anyone interested at this time.

Johnson advised that Scherer will go through the normal permitting process for a Medina resident.

The Council did not view this as a conflict of interest.

X. MAYOR & CITY COUNCIL REPORTS (7:52 p.m.)

Pederson stated that he attended Night to Unite parties and had a great time.

Weir stated that she traveled to parties with her grandchildren and Belland the previous night as well and had a great time.

Anderson also thanked the citizens that hosted and participated as well as the Police and Fire staff.

Martin stated that she had a great time at the Hamel Fire Station.

Weir advised that she and Johnson met with the Mayor and Vice Mayor of Independence in order to discuss a future path forward for the Pioneer Sarah Creek Watershed and will continue to work together on the matter once a response from Board of Water and Soil Resources (BWSR) is received.

Johnson stated that BWSR plans to have their review of the plan complete by November.

XI. APPROVAL TO PAY THE BILLS (7:55 p.m.)

*Moved by Anderson, seconded by Pederson, to approve the bills, EFT 002705E-002737E for \$74,508.29, order check numbers 041526-041629 for \$543,628.01, and payroll EFT 505783-505833 for \$90,528.06 and payroll checks 20428-20429 for \$3,834.93. **Motion passed unanimously.***

XII. ADJOURN

*Moved by Martin, seconded by Anderson, to adjourn the meeting at 7:56 p.m. **Motion passed unanimously.***

Elizabeth Weir, Mayor

Attest:

Scott Johnson, City Administrator