

## MEDINA CITY COUNCIL MEETING MINUTES OF AUGUST 8, 2012

The City Council of Medina, Minnesota met in regular session on August 8, 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, City Engineer Tom Kellogg, 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**

Crosby stated that, time permitting, the proposed wage adjustment item discussed at the Worksession should be added to the agenda.

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

### **IV. APPROVAL OF MINUTES**

#### **A. Approval of the July 17, 2012 Special City Council Meeting Minutes**

*Moved by Weir, seconded by Siitari, to approve the July 17, 2012 special City Council meeting minutes as presented.*

Further Discussion: Weir stated that she believed that further discussion should occur regarding the idea brought forward by Scherer to possibly use revenue from water tower antennae to fund maintenance expenses.

Crosby agreed and noted that he would like to see an analysis of the water tower antennae revenue.

***Motion passed unanimously.***

#### **B. Approval of the July 17, 2012 Regular City Council Meeting Minutes**

It was noted on page two, lines 38 and 39, further explanation should be provided for the following sentence, "...including the review of the Cavanaugh Concept Plan as well as the review of amendments to ordinances for Wind Energy Conversion Systems and uses permitted in Commercial Zoning Districts." On page two, line 46, it should state, "...accomplishments of his firm." On page four, line 25, it should state, "...would be to move the park dedication area from the ~~proposed area~~ separate PID to the south and apply it to the wooded area in order to preserve a portion of the wooded area."

*Moved by Weir, seconded by Pederson, to approve the July 17, 2012 regular City Council meeting minutes as amended. **Motion passed unanimously.***

V. **CONSENT AGENDA**

- A. Approve Raffle Permit to Restart, Inc. on September 15, 2012 at 500 Highway 55
- B. Approve Raffle Permit to St. Martins-by-the-Lake Church on September 16, 2012 at 3175 County Road 24
- C. Approve Display Contract Agreement with RES Specialty Pyrotechnics
- D. Approve Amendment to the Park Ridge Acres Development Agreement
- E. Ordinance Amending Section 320 of the Code of Ordinances Removing Gun Club Licenses
- F. Resolution No. 2012-41 Accepting Donation from Thomas M. Crosby, Jr.
- G. Resolution No. 2012-42 Accepting Donation from Loram Maintenance of Way, Inc.
- H. Resolution No. 2012-43 Accepting Donation from West Financial Credit Union
- I. Resolution No. 2012-44 Approving Off-Site Gambling Permit for the Hamel Lions Club to Conduct Lawful Charitable Gambling at 3200 Mill Drive
- J. Resolution 2012-45 Supporting the Lake Minnetonka Communications Commission (LMCC) in its Efforts to Extend Fiber Optic Cable to Medina Businesses/Residences near the Highway 55 Corridor and Lower the Homes per Mile Threshold in the Agreement with Mediacom to Enable City-Wide Access to Broadband Services

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

E. Ordinance No. 534 Amending Section 320 of the Code of Ordinances Removing Gun Club Licenses

Johnson stated that Batty has recommended that the term reserved follow section 320.09, showing that there was once language there and that space is now reserved for future use.

Batty stated that this would allow the numbering of the sections to remain the same. If Council removed a section from the Code of Ordinances, then the remaining sections would need to be renumbered.

*Moved by Weir, seconded by Siitari, to approve the Ordinance No. 534 Amending Section 320 of the Code of Ordinances Removing Gun Club Licenses, as amended. Motion passed unanimously.*

VI. **COMMENTS**

A. Comments from Citizens on Items not on the Agenda

There were none.

B. Park Commission

Finke stated that the Park Commission will meet the following week. He stated that at the previous meeting the Commission discussed the Cavanaugh Concept Plan, as well as improvements to the little league field which are desired by the Hamel Athletic Association.

**C. Planning Commission**

Finke noted that the Planning Commission will also meet the following week to discuss the Wind Energy Conversion System Ordinance as well as signage, specifically interior lit signs.

**VII. PRESENTATION**

**A. Resolution No. 2012-46 Recognizing Patrol Officer Jeremiah Jessen for Five Years of Service to the City of Medina**

Belland recognized Patrol Officer Jeremiah Jessen, who began work with the department on July 9, 2007 and has been the top traffic officer for the past five years. He stated that Jessen always goes above and beyond to do a great job for the City of Medina and thanked him for his five years of service to the City of Medina.

Crosby read the Resolution aloud and thanked Jessen for his five years of service to the City. He stated that the longevity of the employees is what makes Medina such a great place to live.

*Moved by Siitari, seconded by Pederson, to approve a Resolution No. 2012-46 Recognizing Patrol Officer Jeremiah Jessen for Five Years of Service to the City of Medina. **Motion passed unanimously.***

**B. Resolution No. 2012-47 Recognizing Transcriptionist Anne Klaers for Five Years of Service to the City of Medina**

Belland stated that Anne Klaers began working for the City on August 6, 2007 and advised of the time that her transcription services have saved the department. He stated that Klaers works independently and comes to work with a great attitude. He thanked Klaers for her five years of service to the City of Medina.

Crosby read the Resolution aloud and thanked Klaers for her service to the City.

*Moved by Siitari, seconded by Weir, to approve a Resolution No. 2012-47 Recognizing Transcriptionist Anne Klaers for Five Years of Service to the City of Medina. **Motion passed unanimously.***

**C. Peter Rechelbacher, Minnehaha Creek Watershed District Update**

Johnson stated that Peter Rechelbacher represents the City in matters relating to the Minnehaha Creek Watershed District and is present tonight to provide an update.

Peter Rechelbacher confirmed that he was present to update the Council on three matters. He stated that the first item would be in regard to the five TMDL's within the City of Medina, noting that a Preliminary Report was developed in May and presented to stakeholders but he advised that the full Report would not be available until the end of 2013. He noted that the District has been also conducting a Regional Study within the Sub-Watershed area known as LLC8, which is located near Holy Name Lake, and noted that while a preliminary draft has been completed and will be presented to the Board of Managers the following day, no action will be taken at this time and the information will remain for possible development in the future.

Crosby confirmed that the Report has been completed in draft form and questioned why the project was being placed on hold. He questioned if the area was found to be less egregious than other areas the District is currently dealing with.

Rechelbacher stated that the main reason for delay at this time is the cost and advised that other areas within the Watershed are of higher concern.

Crosby commented that there has been quite a bit of remedial work done in that area already.

Rechelbacher confirmed that is why the feasibility study was done and determined that at this time it is not recommended to move forward. He stated that he also believed that the Council had received a proposed plan that will be presented to the Watershed Board of Managers the following day in regard to reducing the spread of aquatic invasive species (AIS).

Crosby noted that there were some figures included in regard to cost and asked how the additional costs would be funded.

Rechelbacher confirmed that the costs for the first year would be funded by the Watershed and after that time the Watershed would look to share the cost between the shareholders, which would be local government, parks and other public agencies.

Crosby questioned if the taxes would be raised to fund this item or if the City would be asked directly to cost-share.

Rechelbacher stated that it is his understanding that there would be a cost after the first year but did not have specific financial figures.

Crosby believed that this item should be funded by a user fee and questioned how that thought could be brought forward in this process.

Rechelbacher stated that this is a plan that will be presented and noted that this is not necessarily the plan that the Watershed will adopt.

Crosby stated that the three items that he would like to see followed-up on are whether the taxes for residents within that Watershed will be raised, will the Watershed also ask the City to pay a portion in addition to the amount taxed to the residents, and why aren't user fees being incorporated into the project.

Weir commented that this is a commendable initiative and noted that a group of citizens has formed this coalition of area lakes. She believed that there are differences in how the City may contribute as the tough economic times make it difficult to find extra funds.

Johnson questioned if legacy funds were available through the State for this type of project.

Rechelbacher stated that he was unsure but believed that discussion would take place within the Watershed Board of Managers. He explained that AIS are becoming a larger issue and will continue to spread if proactive measures are not taken.

Weir stated that there is one public access to Lake Independence in Medina and advised that as of July 1<sup>st</sup> a gate has been installed and educational information is being provided to help stop the spread of AIS.

Further discussion occurred regarding different types and effects of AIS.

## **VIII. NEW BUSINESS**

### **A. Harley's Liquor License Application**

Belland stated that a liquor license application has come forward for the business at 4445 Highway 55, Harley's Bar and Grill. He stated that the applicant has one other establishment in the State of Minnesota and provided additional information regarding the criminal history. He stated that in consulting with Batty that staff does not feel the items would prohibit the applicant from receiving a liquor license.

Crosby confirmed that the business would be leasing the property from the current owners.

Belland noted that at the end of the lease there is an option to buy.

*Moved by Weir, seconded by Pederson, to approve the Liquor License to Harley's Bar and Grill at 4445 Highway 55 for On-sale Liquor, Sunday Liquor, and Off-Sale Liquor for period beginning August 8, 2012 through June 30, 2013. **Motion passed unanimously.***

## **IX. OLD BUSINESS**

### **A. RPC Medina, LLC Concept Plan – North of Hwy 55 and East of Arrowhead Drive**

Finke provided background information regarding the Concept Plan and the issue of park dedication discussed by the Park Commission. He stated that the Commission would like to maximize the amount of property on the east side to combine with the Fields of Medina Park. He also addressed the concerns of the Park Commission, in regard to the park dedication fund and being able to fund future park structures and trail construction. He advised that staff further reviewed the fifth Concept Plan submitted and found comments similar to the other plans submitted.

Crosby stated that two of the plans include soccer fields.

Finke stated that some alternative sports and park options were reviewed and noted that if a larger community park were desired, such as for soccer fields, a much larger portion of land would be needed to accommodate that use.

Weir commented on the large amount of land needed for a soccer field but believed that a soccer field would be a great amenity for the City.

Crosby stated that there were hardcopies provided at the last meeting and believed that there was also another modified version that was discussed at that same meeting.

Finke confirmed that all options were included in the Council packets.

Dave Nash stated that the newest option was provided to show how additional trees could be saved on the property but noted that flexibility would be needed in terms of density in order to accommodate that plan.

Crosby stated that while it is important to save trees, in terms of City planning a landscaping plan is important.

Weir stated that she was not sure the small amount of trees that would be saved through this option would be worth the decreased density. She stated that she would like to see the minimum density of 3.5 units per acre, which would include a range of home types including twin homes.

Crosby stated that he also did not want to go below the minimum density.

Siitari stated that he did not see a reason to go below the minimum 3.5 lots per acre for density.

Joe Cavanaugh, 3220 Niagara Lane Plymouth, stated that they would prefer to leave the one piece of land by itself. He stated that there is some commercial property and different property owners, so they would like to stay with the original proposal, which identified 2.2 acres. He stated that they will attempt to save as many trees as possible. He thanked the Council and staff for their cooperation and input during this process. He stated that if the Council would like the density to remain at 3.5, they will figure it out.

Crosby questioned if someone is interested in developing the property.

Cavanaugh confirmed that there are some interested parties.

**B. Worksession Discussion Item**

Johnson stated that information was put together regarding salary and wages for staff for Council review. He stated that in 2010 there was a wage freeze, and then in 2011 and 2012 there was a cost of living increase plus a set increase. He noted that he would like further input from the Council on how to move forward on this matter on whether to follow the path of 2011 and 2012, or to move forward on the step increases.

Crosby asked for additional information regarding the steps.

Johnson explained that when an employee is hired, they are generally hired at a lower level step.

Crosby questioned if employees were hired at a market level. He confirmed that there is a salary range for each position and then the increases would move employees up the steps towards the higher end of the salary range for the position. He questioned how one would determine if the employee has met the qualifications needed to move up to the next step.

Johnson explained that employee evaluations are used to gauge the skill level and performance of the employee.

Crosby questioned if there are specific criteria for each salary step.

Johnson stated that there are not specific criteria for each step level, but noted that goals are set for the employee for each year and performance is evaluated against those goals. He further explained the step process to Crosby.

Siitari commented that this system seems mainly to be based on longevity and believed it would be difficult to not continue someone to the next step if they had a Union contract.

Johnson explained that if the employee does not meet or exceed goals on their evaluation, they may not progress to the next step. He stated that while he has not dealt with an employee that would not move to the next step in Medina, he has experienced that situation at another city. He agreed that the system is based on longevity.

Crosby confirmed that the Council would still need to approve the increase. He stated that there are different ideas proposed and explained that although employees are doing a good job, the economy also has an impact on these increases. He stated that he would be more comfortable processing these increases over a number of years.

Weir stated that there are some employees who have received additional education and were bypassed on increasing in steps. She questioned if those people could be recognized in some manner as they have went out of their way to develop additional skills and knowledge.

Crosby stated that he would like to see the actual dollar amounts that would be impacting the budget for not only this year but the year following as well.

Weir stated that she would like to see retention of the employees and recognition for those who have put in the extra effort. She did recognize that some of the increases were larger than normal.

Pederson stated that he discussed this item with Johnson as well and agreed that some of these increases are large. He did not believe that the cost of living and step increases should both be given. He also stated that he did not want to see animosity with two employees doing similar jobs and being paid much differently.

Johnson explained that in the last round of increases, an upper limit was set. He confirmed that one employee obtained additional certification, which has provided benefit to the City.

Weir confirmed that the ten percent increase would be more than one step increase and questioned if the employee could be advanced just one step at a time.

Crosby agreed that it would be better financially for the City to recognize that the employee has reached a certain step and explain that over the set period of time the wages would increase to that step. He stated that there is also a credibility issue with the public in ensuring that employees are being paid correctly. He believed that further discussion should occur in regard to the alternative options.

Siitari stated that he believed that if some of the larger increases could be justified as comparable Metro municipal wages, he would not have a problem approving those items. He noted that in some instances Medina is paying higher than other neighboring

communities and did not think that the City would lose employees by spacing out the step increases.

Crosby stated that the comments he has made are not specific to any employee and are purely in regard to administering salaries.

Weir stated that she would be in favor of some sort of step increase.

Johnson questioned if the Council would want to move forward with something similar to 2011 and 2012 with cost of living and step increases.

Crosby confirmed that the proposed multiple step increases are because of increased education and not because of time in position. He asked that Johnson further research these options and bring a recommendation back to the Council.

Weir commented that Medina has a quality staff.

#### **X. CITY ADMINISTRATOR REPORT**

Johnson referenced the Leawood Farms Subdivision request, which was included in the Planning Report for the Council.

Crosby stated that he was involved as a lawyer in the 2005 sale of these lots, and would be abstaining from this discussion.

Finke stated that in 2005 the Leawood Farms Subdivision was subdivided by the owner at that time. He provided additional background information on the driveway and the conditions specific to maintenance. He stated that those conditions were not followed and staff would like to move forward in the process of obtaining easements for that use. He advised that escrow has been held in regard to the condition specific to the maintenance agreement, and noted that because of the language used the City has basically waived the right to request the maintenance agreement as the plat has already been filed. He stated that staff believes this to be an administrative issue because the plat was already recorded and a maintenance agreement was not received prior to that action.

Batty stated that the City has no right to the escrow. He stated that there will be no building permit for the lot until access has been determined as specified in the condition.

#### **XI. MAYOR & CITY COUNCIL REPORTS**

Weir stated that she attended the Elm Creek Watershed meeting and Lennar was present to discuss ponding for the Enclave at Brockton project. She noted that there was discussion of the HOA reporting monitoring information to the City on those ponds on a regular basis, which she is in favor of. She noted that another HOA within the City has not been required to provide monitoring results and commented on the negative effect to the quality of water.

Finke stated that usually the Council would not see this item.

Weir agreed that this item should be handled by a staff member.



Finke stated that ongoing follow-up and recording of information will be done and confirmed that specific measurements are required to be recorded within the Stormwater Maintenance Agreement. He stated that the tools used to track that information could be improved, if directed by the Council. He noted that would entail a sufficient amount of work.

Batty confirmed that a Stormwater Maintenance Agreement is required in development and puts the responsibility of those actions on the HOA, with monitoring and recording of information to occur from the HOA as well.

Weir advised of a conversation she had with a party interested in the installation of iron filters with the improvements at the Loretto Ponds project.

Johnson stated that item would come before the Council at the next meeting.

Weir commented on the huge amount of outside storage along the Loram property on Hamel Road and would like to see that item addressed.

Pederson provided comments on his experience with Night to Unite.

Crosby stated that he and Weir visited Gramercy and received mixed input from the residents regarding the blue Holiday Lights.

Pederson noted that he and Finke visited some of the wind turbine sites and provided his input on that equipment. He stated that while one they visited in Northfield was very large and loud, he did like the equipment used at the Mustard Seed in Chaska. He advised of a conflict he has noticed with the Uptown Hamel Business Association Group. He stated that he has been approached by three businesses that would like to join and the group has clearly stated that they would not be interested in adding businesses outside a select area. He questioned if the Council should be involved in a group with such a select group that does not welcome other businesses in the City.

Weir stated that she has mixed feelings.

Crosby agreed that the Council should think about this issue further.

Johnson believed that it is helpful for staff to have contact with businesses.

Pederson stated that he received an email as to why Lennar was not charged for fire protection and noted that he replied that Lennar is a taxpayer in the City and was not charged for services, just like any tax payer in the City would not be charged.

Weir stated that she attended a lively Night to Unite party at Lennar on Hunter.

Pederson noted that he also stopped by that event.

Crosby stated that he and Johnson met with the Chairman of the Three Rivers Park District, along with the Superintendent, in a meet and greet format. He noted that a new plan has been presented in regard to the 116 intersection and provided a brief update. He stated that the cost to the City of Medina for this plan would be \$220,000 and of that cost, \$200,000 related to the whistle less crossing. He stated that the County would be

willing to install the cement and other infrastructure and noted that he and Pederson believed that the semaphores should not be installed to make the crossing whistle free at this time. He advised that he and Siitari met with Loretto Fire, who had been providing fire services to four different communities and had been charging those communities under different methods. He stated that they have come back with a formula that could be used to charge all the communities, which he believed made sense. He noted that there would be a considerable increase to Medina and he has requested that those increases be phased in and that the decrease to those communities that will receive a decrease be phased in as well.

Johnson stated that if people are interested in contacting a Councilmember, contact him or City staff to setup an appointment with the Council Member for the third Saturday of the month. He noted that requests should be made by Friday prior to the available office hours.

**XII. APPROVAL TO PAY THE BILLS**

*Moved by Weir, seconded by Pederson, to approve the bills, EFT 001721E-001750E for \$264,494.32, and order check numbers 038586-038663 for \$308,101.79, and payroll EFT 504360-504419 for \$87,778.09 and payroll check numbers 020366-020368 for \$5,084.74. **Motion passed unanimously.***

**XIII. ADJOURN**

*Moved by Weir, seconded by Pederson, to adjourn the meeting at 8:49 p.m. **Motion passed unanimously.***

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T.M. Crosby, Jr., Mayor

Attest:

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Scott Johnson, City Administrator