

MEDINA CITY COUNCIL MEETING MINUTES OF AUGUST 17, 2010

The City Council of Medina, Minnesota met in regular session on August 17, 2010 at 7:03 p.m. in the City Hall Chambers. Mayor Crosby presided.

I. ROLL CALL

Members present: Crosby, Johnson, Siitari, Smith, and Weir.

Members absent:

Also present: City Attorney Ron Batty, City Engineer Tom Kellogg, Police Chief Ed Belland, City Planner Dusty Finke, City Administrator Chad Adams and Recording Secretary Amanda Staple.

II. PLEDGE OF ALLEGIANCE

III. ADDITIONS TO THE AGENDA

It was requested to add item 9B, Discussion on the Policy Regarding Weed Whipping, under New Business.

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

IV. APPROVAL OF MINUTES

A. Approval of the August 4, 2010 Regular City Council Meeting Minutes

*Moved by Weir, seconded by Siitari, to approve the August 4, 2010 Regular City Council meeting minutes as amended. **Motion passed unanimously.***

V. CONSENT AGENDA

A. Approve Pedestrian Crosswalk and Trail Connection Construction Agreement with Schmidt Curb Co. Inc.

B. Approve Street Striping Services Agreement with AAA Striping Services Co.

C. Ordinance Pertaining to the Timing of Growth and Development to be Served by City Utilities adding Section 825.34 to the Medina Zoning Ordinance

D. Resolution to Publish the Ordinance Pertaining to Timing of Growth and Development by Title and Summary

E. Resolution Electing to Continue to Participate in the Local Housing Incentives Account Program Under the Metropolitan Livable Communities Act for Calendar Years 2011 through 2020

F. Schedule Special City Council Meeting to Conduct 2011 Budget Open House on September 7, 2010 at 6:00 p.m. in Medina City Hall

*Moved by Smith, seconded by Johnson, to approve the consent agenda. **Motion passed unanimously.***

VI. PRESENTATION/RECOGNITION

A. Chris Olmanson Prudential Spirit of Community Award

Crosby advised that Chris Olmanson, a recent senior at Wayzata High School, raised more than \$25,000 through Walk for Water. He explained that each day a few students walked 1.5 miles to school to symbolize the walk that many children in other countries take each day for water. He stated that recognition was given to Chris through the Prudential Spirit of Community, which was created in 1995 to show the importance of helping others and encourages young people to volunteer within their community. He stated that Chris was one of the top volunteers of 2010 and noted that the City would also present him with a certificate of recognition.

Chris Olmanson confirmed that students walked to school every day of their junior and senior years, during the month of December, to symbolize the walk many students in other countries must take each day to obtain water. He explained that the donations were used to provide a water system to a community in the Philippines, and additional funds were gained from a philanthropist from Vietnam, who was moved to donate a significant amount of money after hearing about this cause.

VII. COMMENTS

A. Comments from Citizens on Items not on the Agenda

There were none.

B. Park Commission

Park Commissioner Ann Thies reported that the Commission did not hold a meeting.

C. Planning Commission

Planning Commissioner Kathleen Martin noted that four public hearings were held during the last meeting regarding various parcels to receive rezoning. She advised that the Commission recommended approval of the requests and described the proposed changes.

Crosby explained that the rezoning requests were in coordination with updates required by the comprehensive plan.

VIII. OLD BUSINESS

A. Municipal State Aid for Roadways

Crosby provided background information and advised that the City must identify roads that would be eligible as municipal state aid for roadways. He advised that 20 percent of the roads in the City must be identified as state aid roadways, which would then generally give roadway design control to the State.

Finke stated that, with the Council direction at the prior meeting, staff updated the MSA map for Medina and is close to the required 20 percent. He further explained the process that would be followed.

Smith requested that certain roadways listed as possible MSA routes be removed from the map.

Finke confirmed those roadways would be removed and were only used for analysis purposes.

Crosby noted that in this program the City would qualify for up to \$200,000 in State aid for roads.

*Moved by Smith, seconded by Weir, to approve the map to be presented for MSA review. **Motion passed unanimously.***

Betty Goodman, 2495 Willow Drive, asked for further information regarding the designation of MSA roadways and how certain roadways were selected.

Weir explained that in order to be eligible for MSA funds a roadway must meet the requirements of a MSA roadway.

Kellogg advised certain shared roadways need to be certified by other communities, which presents some limitations. He also explained that certain roadways are in more need of receiving improvements, which scores higher per the MSA formula for determining funding. The higher the need (or score), the more funding a City will receive.

B. Resolution Regarding the Negative Declaration for the Need for an Environmental Impact Statement for the Enclave Residential Development

Finke explained that this issue was triggered by the applicant for the proposed Enclave Residential development. Finke stated that the information was provided to several State agencies for review. He advised the City received a written response from one resident and a few regulating agencies. He advised that the City must now determine if an environmental impact statement would be required, and noted that staff has determined an environment impact statement would not be required.

*Moved by Weir, seconded by Johnson, to approve the resolution regarding the negative declaration for the need for an Environmental Impact Statement for the Enclave Residential Development. **Motion passed unanimously.***

IX. NEW BUSINESS

A. German Liberal Cemetery

Adams provided background information and stated that staff has been working to transfer the ownership and controls to the City as directed by the Council in 2009. He summarized the information gathered by staff and requested general feedback on the proposed ordinance.

Crosby requested additional information regarding the current contractor at the site.

Ann Thies explained the arrangement that stands with the contractor, Joe Kittock, and explained that most duties had been contracted through that person. She advised that Kittock also meets interested parties regarding lot sales and explained that if a lot is sold he obtains a small fee, while if nothing is sold he does not collect a fee for the visit. She stated that Kittock is familiar with the facility and handles most of the duties for the site.

Smith questioned how long the current contract was with Kittock.

Ann Thies noted that Kittock is not currently under contract.

Adams advised that the City would prepare a contract for a Custodian, such as Kittock, for future Council approval. He advised the last Council action would be held at the October 5, 2010 Council meeting and the City would take ownership later in October following closing.

Ann Thies advised that available cash would also be transferred to the City, including CD's which would be transferred once matured.

The Council reviewed the proposed ordinance and asked for further information when needed.

Crosby referenced the portion of the ordinance regarding a burial permit and it was decided to remove the time period of 36 hours. He referenced sections 11 and 12 of the ordinance and questioned if that policy had been set by the cemetery.

Ann Thies explained that the cemetery did not want people buying lots and selling them for profit, which is why the policy was developed.

Batty explained that this portion of the ordinance follows statute. He advised of another option for sale which would include two outside parties using the City as a middle man for a nominal fee. He explained that this cemetery was created in 1892 and the statute applies to cemeteries created after 1906.

Johnson stated that he would like to ensure that lots would not be traded in the open market.

Batty confirmed that he would further review the statute and applicability.

Crosby believed that transfers within families should be allowed. He referenced section 13 and believed Memorial Day, Fourth of July, and military services should also be allowed under item A.

Johnson questioned if the City or custodian should be responsible as referenced in section 13.

Batty stated that the City would need to review the items and decide who would be responsible for certain actions and which actions could be delegated to a custodian.

Johnson referenced the size of grave markers and suggested including a maximum size for each marker, including length.

Adams noted that the decoration portion of the ordinance had been thoroughly discussed by the Council and has since become stricter than the previous regulations of the cemetery. He advised that a letter submitted from Kent White is being submitted as a part of the record, and explained that once the comments are received from the German Liberal Cemetery Association this item would be brought back before the Council during September for final approval.

B. Discussion of the Policy Regarding Weed Whipping

Weir reported that she has walked around Hamel Legion Park and noticed that many significant trees have been damaged by weed whipping, noting some have lost 30 to 40 percent of their bark. She stated that most of the trees she has seen on City land have also been damaged by weed whipping. She stated that the City has previously discussed this issue with the contractor and preventative measures have been taken as well. She suggested that a six inch collar of grass be allowed surrounding trees to prevent further damage.

Smith stated that another option would be to switch contractors.

Weir advised that another option would be to lay woodchips around the base of the trees each year, but thought the six inch collar would be more beneficial and cost effective.

Adams stated that he was unsure if this is a performance issue with the current contractor and stated Staff would follow up on the service concern.

Johnson advised that eight or ten inch plastic collars could be placed on the base of the trees and should then be replaced when damaged.

Crosby stated that the issue would be forward to Public Works Superintendent Steve Scherer for further review.

X. CITY ADMINISTRATOR REPORT

A. Update

Adams noted he was involved in a conference call today with a Minnesota League of Cities Policy Committee regarding the desire to extend the timelines for using Tax Increment Financing with more flexibility as it pertains to the broader State Jobs Bill. He noted that staff would continue to follow the issue and initiate comments from business owners within the districts.

XI. MAYOR & CITY COUNCIL REPORTS

Weir noted that she attended a meeting regarding the Elm Creek TMDL results and possible funding. She then referenced the possible Lennar development and the possibility of a variance being required, as the guidelines for variance requests have become much stricter.

Batty explained that the change was in reference to zoning variances and not a subdivision regulation variance. He advised that if more narrow roadways are becoming normal business, the ordinance could be amended to reflect that change.

Smith stated that the Northwest League will be holding a workshop at the Minnetrista Public Safety Building on October 13th, for which the Council, Planning and Park Commission members, and City staff will be invited.

XII. APPROVAL TO PAY THE BILLS

*Moved by Smith, seconded by Weir, to approve the bills, EFT 000795-000804 for \$231,078.04 and order check numbers 035839-035899 for \$243,301.41, and payroll checks 020236-020237 for \$821.13 and payroll EFT 502924-502953 for \$45,600.25. **Motion passed unanimously.***

XIII. CLOSED SESSION: ACQUISITION OF PROPERTY

Adams announced that the City would be entering closed session to discuss the potential acquisition of property at 1600 Prairie Dr. and Property Identification Number 03.118.23.34.0001. The meeting adjourned to closed session at 8:12 p.m. to discuss the acquisition of property.

The Council entered open session at 8:47 p.m.

XIV. CLOSED SESSION: LABOR NEGOTIATIONS

The meeting adjourned to closed session at 8:47 p.m. to discuss labor negotiations.

The Council entered open session at 9:01 p.m.

Mayor Crosby explained that Staff has been provided direction to revise the appraisal with the property owner at 1600 Prairie Drive and to continue discussions for land acquisition at PID 03.118.23.34.0001. He also explained that Staff had been provided direction on amending the police labor agreement.

XV. ADJOURN

*Moved by Weir, seconded by Smith, to adjourn the meeting at 9:02 p.m. **Motion passed unanimously.***

T.M. Crosby, Jr., Mayor

Attest:

Chad M. Adams, City Administrator-Clerk