

## MEDINA CITY COUNCIL MEETING MINUTES OF AUGUST 21, 2012

The City Council of Medina, Minnesota met in regular session on August 21, 2012 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, City Administrator Scott Johnson, and Recording Secretary Amanda Staple.

### II. PLEDGE OF ALLEGIANCE

### III. ADDITIONS TO THE AGENDA

*The agenda was accepted as presented.*

### IV. APPROVAL OF MINUTES

#### A. Approval of the August 8, 2012 Special City Council Meeting Minutes

*Moved by Siitari, seconded by Pederson, to approve the August 8, 2012 special City Council meeting minutes as presented. **Motion passed unanimously.***

#### B. Approval of the August 8, 2012 Regular City Council Meeting Minutes

It was noted on page one, line 21, it should state, "...the wage adjustment item discussed at the Work Session should be added to the agenda." On page one, line 44, it should state, "...including the review of the Cavanaugh concept plan." It was also requested that the two ordinances noted should be specified.

*Moved by Pederson, seconded by Siitari, to approve the August 8, 2012 regular City Council meeting minutes as amended. **Motion passed unanimously.***

### V. CONSENT AGENDA

#### A. Approve Preliminary Development Agreement by and between the City of Medina and U.S. Home Corporation and Eero K. Mattson and Nadeida Piatnitskikh-Mattson

#### B. Approve Change in Water Meter Technology and Purchase of Handheld Reading Unit

#### C. Approve Geotechnical Quote for Soil Borings at the Southeast Quadrant of Highway 55 and Tamarack Drive from American Engineering Testing, Inc.

#### D. Resolution Accepting Donation from Hamel Athletic Club

#### E. Resolution No. 2012-48 Certifying Delinquent Storm Water Charges to the Hennepin County Auditor for Collection in 2013

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

**A. Approve Preliminary Development Agreement by and between the City of Medina and U.S. Home Corporation and Eero K. Mattson and Nadejda Piatnitskikh-Mattson**

Johnson noted that a letter was received from Dan Cates, Realtor for the Mattson's, in regard to a Planned Unit Development Agreement (PUD) for Lennar on Brockton. He apologized that he was not able to include the PUD item on the agenda and believed the item would require additional preparation from the Council. He believed the best course would possibly be to table the item and review the request at the next Council meeting.

Finke provided additional information and also apologized that the information was not included for earlier review. He noted that the Agreement is straightforward and states that all property owners agree to develop the land as agreed upon. He explained that the Agreement would be recorded in public records prior to construction beginning.

Crosby questioned if a two-week delay would be problematic for the developer.

Finke explained that the intention was to ratify the Agreement so that some level of work could begin prior to the first meeting in September.

Crosby stated that the Council could agree upon authorizing the Mayor and one other Councilmember to sign the Agreement after further review.

Batty confirmed this could be done, but advised that the Agreement is simply a two page Agreement. He believed that the Council could review the item under a five-minute recess. He stated that the approvals given at a prior meeting required that all nine property owners sign this document, and this is simply the action of that requirement.

Crosby asked that this item be further discussed later in the meeting.

Batty confirmed that the property owner did sign the Agreement. He confirmed that the issue in Dan Cates' Letter would ultimately be between the property owner and Lennar.

**D. Resolution Accepting Donation from Hamel Athletic Club**

Crosby stated that after review of the donation specifications, there would be conditions that could require the City to pay the donation back to the Athletic Club. He suggested instead that the City acknowledge the gift intention and specify the intention to move forward on the lights and collect the donation when the project proceeds.

*Moved by Martinson, seconded by Siitari, to acknowledge the gift intention from the Hamel Athletic Club. **Motion passed unanimously.***

**VI. COMMENTS**

**A. Comments from Citizens on Items not on the Agenda**

There were none.

**B. Park Commission**

Finke advised that the Master Plan was discussed, as well as the cost implications in regard to the projected park dedication. He advised that the Commission also discussed the cost of operations and future costs.

**C. Planning Commission**

Finke noted that the Commission met the previous week to discuss the Ordinance related to wind and energy conversion systems, noting that most Commissioners have visited the site using the technologies. He stated that ultimately it was suggested that wind energy conversion systems will be suggested only for areas within commercial or business zoning districts. The second Ordinance amendment was in regard to signs, specifically lighting and noted that the Commission did recommend amendments, which the Council will review at a future meeting.

**VII. NEW BUSINESS**

**A. Metropolitan Council Environmental Services Study Discussion – Future Sewer Connections**

Johnson noted that staff and staff from neighboring cities met with the Metropolitan Council to discuss the sewer flows and plans for future connections. He stated that the MET Council would like to study the area further. He advised that staff drafted a Resolution requesting that the neighboring cities support Medina in this effort and possibly request that the MET Council take control of the sewer system in the future.

Scherer stated that he did not see any benefit for the City to control the sewer system and believed that it would be more appropriate for the MET Council to have that control.

**1. Resolution No. 2012-49 Requesting Metropolitan Council to Study Interceptor Service for Loretto, Independence, Greenfield, Northwest Medina, and Western Corcoran**

*Moved by Siitari, seconded by Pederson, to approve the Resolution No. 2012-49 in support of the MCES interceptor service study. **Motion passed unanimously.***

**B. Loretto Creek Water Quality Improvement Project – Plans and Specifications**

Johnson noted that the City received a grant towards the cost of this water quality improvement project.

Becky Wozney, from Hakanson/Anderson, stated that the plans have not changed dramatically from the earlier submitted plans sent to BWSR. She identified the main area that would be used for maintenance purposes, noting the ease of access for that location. She identified other items that had changed slightly from the previously reviewed plans.

Batty stated that he was asked to prepare a temporary easement and a question of whether the permanent easement should belong to the City of Medina or the County. He noted that he will not draft the easement until that information is known.

Wozney will advise staff of when the meeting with the County will take place. She advised that the project is moving on schedule noting the advertisement for bids will be posted as of August 30<sup>th</sup> and permits are being acquired.

**1. Resolution No. 2012-50 Approving Plans and Specifications for the Loretto Creek Water Quality Improvement Project and Direction to Solicit Bids**

*Moved by Siitari, seconded by Martinson, to approve the Resolution No. 2012-50 approving plans and specifications for the Loretto Creek Water Quality Improvement Project and Direction to Solicit Bids. **Motion passed unanimously.***

**C. Willow Drive Trail Project**

Johnson stated that the Joint Powers Agreement with the City of Orono deals with the trail project moving forward and general maintenance obligations. He also noted what the Agreement between the City and Ms. Keller contains.

Crosby questioned if anything would be done along CR 6, such as crosshatching.

Scherer confirmed that something of that nature would be done and noted that once construction is done the City would be responsible for everything on the north side of CR 6, while Orono would be responsible for the maintenance of the portion to the south of CR 6. He confirmed that most of the project will remain in the public right-of-way.

Kellogg stated that he met with the two property owners identified on the corner and noted that both property owners are in support of the trail project. He advised that an issue with site regarding the driveway had been identified, but noted that staff will work with the property owner to remove the line of hedges which will increase the line of site in regard to the trail and driveway locations.

Crosby questioned if there were any problems with the Keller property.

Bonnie Keller stated that she approves of the trail, but her concern is with saving three trees that were planted by her family over 100 years ago. She thanked staff and Crosby for their cooperation in this issue. She also expressed concern with her grandchildren, who will soon be driving, and the possibility that a child using the trail could be hit by cars leaving her driveway. She stated that she is very pleased with the idea proposed by staff to increase visibility. She stated that while she is willing to assist in any way, she would like to ensure that her property is salvaged in the process.

Scherer confirmed that the trees will be saved by the alternatively proposed plan, but confirmed that the trail would go along where the flagpole currently stands. He also confirmed that the trail would be maintained in the winter on a priority basis, roads first and then trails.

**1. Joint Powers Agreement for Willow Drive Trail between the City of Medina and the City of Orono**

*Moved by Pederson, seconded by Siitari, to approve the Joint Powers Agreement for the Willow Drive Trail with the City of Orono. **Motion passed unanimously.***

**2. Agreement between the City of Medina and Bonita L. Keller**

*Moved by Pederson, seconded by Martinson, to approve the agreement between the City of Medina and Bonita L. Keller. **Motion passed unanimously.***

**VIII. CITY ADMINISTRATOR REPORT**

**A. Water/Sewer Fees at 5145 County Road 101 – Kumon Math & Reading Center**

Johnson stated that the Kumon Reading Center is appealing the City's water and sewer fees. He explained that the business would like to expand to the neighboring space. He advised that the MET Council has the business classified as a K-12 school. He noted that if the City agreed with the classification, the fees could exceed \$17,000. He advised that staff believes that the business is more accurately classified as a library use, which would have significantly smaller fees. He stated that the business is only open two days per week and assists with reading and math skills.

Crosby agreed that the business is not a school and does not provide any accreditation for those who attend; this is simply a supplemental program.

Johnson stated that the City is unable to change the MET Council classification, but the City is able to adjust their classification and fees for the use.

Finke stated that normally this item would be done administratively, but explained that staff wanted the Council to review the item to confirm direction. He explained that no action would be needed; this was simply an opportunity for the Council to voice objection.

**B. Other**

Johnson stated that he received an application earlier today from Providence Academy for a raffle permit on September 27, 2012. He noted that he would need Council approval to issue the permit.

*Moved by Siitari, seconded by Pederson, to approve a raffle permit for Providence Academy to be used on September 27, 2012. **Motion passed unanimously.***

**V. Consent Agenda (Continued)**

**A. Approve Preliminary Development Agreement by and between the City of Medina and U.S. Home Corporation and Eero K. Mattson and Nadeida Piatnitskikh-Mattson**

Crosby briefly recessed the meeting to allow the Council time to review the Agreement at 7:58 p.m.

Crosby reconvened the meeting at 8:02 p.m.

Crosby noted that this Agreement is similar to the Agreement used on the Jubert property.

Batty confirmed that the Agreement states that the property will be developed in this nature, regardless of who ultimately develops the property.

Finke advised that paragraph six deals with the letter submitted by Dan Cates on behalf of the Mattson's, noting that they have signed the Agreement.

*Moved by Siitari, seconded by Pederson, to approve the Planned Unit Development Agreement by and between the City of Medina and U.S. Home Corporation and others. **Motion passed unanimously.***

*Moved by Siitari, seconded by Martinson, to approve the Preliminary Development Agreement by and between the City of Medina and U.S. Home Corporation and others. Motion passed unanimously.*

#### **VIII. CITY ADMINISTRATOR REPORT (Continued)**

Johnson stated that he had one other request, to amend the wages for the Assistant Finance Director position and the Assistant to the City Administrator position according to the August 21, 2012 Work Session Memo.

*Moved by Martinson, seconded by Sittari, to approve the amendments to the Assistant Finance Director and Assistant to the City Administrator positions. Motion passed 3-1 (Pederson opposed).*

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

Crosby stated that he received a complaint via email in regard to the gate for the brush pile not being open on a Saturday morning.

Scherer noted that the Police Department handles that responsibility and noted that a shift change occurs around 7:00 a.m. and that could have accounted for the gate not being open. He noted that the situation has only been identified once before. He stated that he would not oppose the gate being left open a bit later on Saturdays if needed, as long as the gate is shut by dark.

Crosby stated that he also received an email stating that the Uptown Hamel Group is open to other businesses.

Pederson stated that the group is open to other people. He noted that he still gets questions as to why he attends the meetings. He stated that for the time being, he enjoys attending the meeting, but believed a better avenue may be found which could include the other 100 plus businesses in the City.

Johnson confirmed that the group is open to associate memberships, but not interested in opening the group up to new voting members outside the Uptown Hamel area.

Crosby stated that mediation on the Woodridge Church litigation is scheduled for the afternoon of September 10, 2012, which he will attend. He noted that Batty will be available, but is not planning to attend.

#### **X. APPROVAL TO PAY THE BILLS**

*Moved by Pederson, seconded by Siitari, to approve the bills, EFT 001751E-001759E for \$34,713.16, and order check numbers 038664-038722 for \$168,003.59, and payroll EFT 504420-504444 for \$41,659.07 and payroll check number 020369 for \$2,542.37. Motion passed unanimously.*

#### **XI. ADJOURN**

*Moved by Siitari, seconded by Pederson, to adjourn the meeting at 8:14 p.m. Motion passed unanimously.*

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T.M. Crosby, Jr., Mayor

Attest:

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Scott Johnson, City Administrator