

## **MEDINA CITY COUNCIL MEETING MINUTES OF SEPTEMBER 6, 2011**

The City Council of Medina, Minnesota met in regular session on September 6, 2011 at 7:00 p.m. in the City Hall Chambers. Mayor Crosby presided.

### **I. ROLL CALL**

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

**Members absent:** None.

**Also present:** City Attorney Sarah Sonsalla, Associate Planner Dale Cooney, Finance Director Jeanne Day, Public Works Superintendent Steve Scherer, City Administrator Scott Johnson, Chief of Police Ed Belland, and Recording Secretary Amanda Staple.

### **II. PLEDGE OF ALLEGIANCE**

### **III. CEREMONIAL MATTERS**

#### **A. Swearing in Ceremony for the City Administrator-Clerk-Treasurer Scott Johnson**

Crosby swore Scott Johnson into the office of City Administrator-Clerk-Treasurer for the City of Medina.

Crosby announced that Day would be leaving the City by the end of the week and thanked her for her work and contributions to the City of Medina.

Day explained her new position.

### **IV. ADDITIONS TO THE AGENDA**

Weir requested to add an item to the New Business portion of the agenda, New Appointment to the Minnehaha Creek Watershed District.

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

### **V. APPROVAL OF MINUTES**

#### **A. Approval of the August 16, 2011 Special City Council Meeting Minutes**

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

#### **B. Approval of the August 16, 2011 Regular City Council Meeting Minutes**

It was noted on page five, line 30, it should state, "...that do not need to be bid, but most contracts will need specific adoption." On page five, line 26, the following sentence should be added, "Presently the City intends to rent equipment for Medina Celebration Day."

*Moved by Weir, seconded by Siitari, to approve the August 16, 2011 regular City Council meeting minutes as amended. **Motion passed unanimously.***

**VI. CONSENT AGENDA**

- A. Approve Curb Replacement and/or Removal Agreement**
- B. Approve Trail Seal Coating Services Agreement**
- C. Approve Lake Minnetonka Communication Commission Budget for 2012**
- D. Approve Preliminary Development Agreement by and Between by the City of Medina and the Pentom Development Company, Emil Joseph Jubert Revocable Intervivos Trust, Rita Adeline Jubert Revocable Intervivos Trust, and Rolling Green Business Park, LLC**
- E. Resolution No. 2011-76 Recognizing and Thanking Doug Reeder for His Service as Interim City Administrator for the City of Medina**

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

**VII. COMMENTS**

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

There were none.

**B. Park Commission**

Park Commissioner Waytas reported that the Hamel Athletic Club presented a request to the Commission in July for improvements to the ball fields and advised that the Park Commission recommended approval and appreciates the support of the Athletic Club. He advised of an item that has been added to the Park CIP and reviewed recommendations regarding the Marx's property.

**C. Planning Commission**

Weir reported that the Commission discussed Ordinances regarding parking and accessory dwelling units at their last meeting.

**VIII. NEW BUSINESS**

**A. 2012 Preliminary Budget and Tax Levy**

Crosby acknowledged that the economic times are tough and noted that the intent of the City has been to keep the amount of dollars payable to Medina in the tax bill the same as the previous year, and year before that. He explained that because the valuation of the City has decreased, each resident must be taxed at a higher rate. He advised that the budget has remained similar, with increases proposed for road improvement.

Johnson provided background information regarding the adoption of the 2012 preliminary budget and tax levy and explained how tax rates are determined. He provided information regarding market values, and the breakdown of residential household taxes, for the current year and previous years for comparison. He reviewed the general fund budget and explained that a contingency balance has been included in the budget and accounts for the slight increase. He compared that budget amount to that of previous years, and to those proposed by surrounding communities.

Crosby summarized the changes to the Market Value Homestead Credit and the effect those changes would have on the City of Medina.

Johnson provided a breakdown of what City tax dollars are used for.

Crosby explained that a preliminary budget and tax levy rate must be certified to Hennepin County by September 15, 2011 and noted that the final budget would be adopted in November.

1. **Resolution No. 2011-77 Approving 2012 Preliminary Tax Levy**

*Moved by Weir, seconded by Siitari, to adopt Resolution No. 2011-77 Approving the 2012 Preliminary Tax Levy. **Motion passed unanimously.***

2. **Resolution No. 2011-78 Approving 2012 Preliminary General Fund Budget**

*Moved by Weir, seconded by Martinson, to adopt Resolution No. 2011-78 Approving the 2012 Preliminary General Fund Budget. **Motion passed unanimously.***

3. **Establish Public Discussion Date for Final 2012 Tax Levy and Budget**

*Moved by Weir, seconded by Pederson, to establish the 2012 final tax levy and budget discussion for December 6, 2011 at 7:00 p.m. at City Hall. **Motion passed unanimously.***

**B. Hamel Athletic Club Request for Field Improvements**

Scherer presented a request from the Hamel Athletic Club to donate funds to reconstruct the infields of Hawks Field and the lighted little league field, and make improvements to lighting.

Dino Deslauriers, 342 Hamel Road, provided background information regarding the rental agreements for the ball fields between the Athletic Club and the City, and advised that approximately \$8,000 had been spent on field maintenance and upkeep by the Club this year. He stated that the wet conditions this year caused additional maintenance work. He advised that little field maintenance has been done in the past ten years and general improvements are needed, as well as safety improvements. He stated that the Athletic Club is willing to raise the funds to perform the general improvements, and complete most of those improvements, and reviewed the improvements requested. He stated that the Club would supervise the improvements to ensure quality. He noted that the improvements would focus on two fields and highlighted the improvements proposed for each area.

Scherer advised that quotes were received from two landscaping businesses and noted that the lowest quote was included with the Council packet. He recommended accepting the low quote and the donation from the Athletic Club to fund those improvements. He confirmed that work would begin immediately.

Crosby confirmed that the field house was working well and the concession stand has been profitable for the Church. He also confirmed that each player is charged a fee to participate in the program, with scholarships available for those who qualify.

Deslauriers confirmed that the advertising signs have been positive.

Weir stated that it was wonderful that the program is succeeding and thanked the Athletic Club for all of their work and contributions.

1. **Resolution No. 2011-79 Accepting Donation from Hamel Athletic Club**

Moved by Weir, seconded by Pederson, to approve Resolution No. 2011-79 Accepting the Donation from the Hamel Athletic Club. **Motion passed unanimously.**

2. **Approve Ball Field Restoration Services Agreement**

Moved by Weir, seconded by Pederson, to approve ball field restoration services agreement with Sam's Lawn Landscaping and Property Maintenance. **Motion passed unanimously.**

**C. Public Works Facility**

Crosby advised that the Council has spent a great deal of time discussing the need for a new Public Works Facility and provided background information on studies that had been done in the past to determine need. He stated that the City had entered into an agreement to purchase 11 acres of property from Hennepin County to construct a new Public Works Facility. He noted that in the next two months, the Public Works Facility will be on the agenda and believed it to be probable for the Council to make a decision at that time whether the decision to move forward is wise and fiscally responsible, and also how to finance the project. He suggested that residents watch for notice in the near future.

**D. Review and Accept 2012-2016 Capital Improvement Plan**

Johnson presented the 2012–2016 Capital Improvement Plan with the suggested amendments made by Scherer. He asked that the Council review the Plan and make any suggestions prior to accepting the Capital Improvement Plan.

Crosby noted that the Council has previously approved the Plan on an annual basis and explained that this Plan is simply a five year version of that Plan. He highlighted the main changes that had been proposed to the Plan, including road repairs and the addition of a Public Works Facility.

Weir discussed water quality projects and suggested attempting to gain grant funds.

Moved by Weir, seconded by Martinson, to accept the 2012-2016 Capital Improvement Plan. **Motion passed unanimously.**

**E. Resolution No. 2011-80 Calling Public Hearing on the Intention to Issue General Obligation Capital Improvement Plan Bonds and the Proposal to Adopt a Capital Improvement Plan Therefor**

Crosby explained that this item is a reflection of possible funding for the Public Works Facility and noted that at the public hearing the specifics of bond financing and other financing options would be discussed.

Moved by Weir, seconded by Siitari, to approve Resolution No. 2011-80 Calling for a Public Hearing on the Intention to Issue General Obligation Capital Improvement Plan Bonds on October 4, 2011, and the Proposal to Adopt a Capital Improvement Plan Therefor. **Motion passed unanimously.**

**F. Check Diversion Program Agreement**

Belland noted that Financial Crime Services has been utilized by the City of Medina for the past six years for worthless check diversion programs and explained the process

that has been followed. He stated that Financial Crime Services is going out of business and has recommended services be transferred to another organization. He stated that this service does not have a cost to the City and is beneficial.

Martinson confirmed that this information would be made public to residents and businesses of Medina.

*Moved by Weir, seconded by Pederson, to approve the worthless check diversion agreement with Check Diversion Program, LLC and the State of Minnesota. **Motion passed unanimously.***

**G. Resolution No. 2011-81 Supporting a Minnesota Board of Water and Soil Resources Clean Water Fund Grant Application for the Loretto Storm Water and Sediment and Nutrient Removal Project**

Scherer provided a brief update regarding grant applications for storm water and sediment and nutrient removal project with the City of Loretto. He stated that staff has tweaked the application and plan to better fit with the requirements of BWSR. He summarized how funding would move forward, and be shared with the City of Loretto, should the grant funds be obtained. He noted that approval is requested for submission of the grant application.

Craig Yokum, Water Resource Manager, provided background information regarding TMDL reductions and advised that this project would significantly assist in reaching the TMDL requirements for the City. He highlighted aspects that would be included in the project and further explained the sediment removal process.

Martinson confirmed the amount of reduction that would occur per year.

Yokum further explained the proposed project and highlighted the changes made to the application and project for this attempt. He noted that the cost estimate is on the conservative side and advised that a lower bid may be obtained through a contractor who could use the soil for another project.

Scherer confirmed that the Loretto City Council would also need to approve the grant application submission.

*Moved by Weir, seconded by Martinson, to approve Resolution No. 2011-81 Supporting a Minnesota Board of Water and Soil Resources Fund Grant application for the Loretto storm water and sediment and nutrient removal project. **Motion passed unanimously.***

**H. Ordinance Amending the Code of Ordinances Section 828.51 Regarding Parking – Location**

Cooney presented an Ordinance which would amend the parking regulations of the City to align the Code with the Comprehensive Plan and other land use policies. He provided background information and policy objectives. He briefly summarized the proposed changes to the Ordinance and the recommendations of the Planning Commission. He advised that the Commission did recommend approval of the proposed Ordinance and highlighted items which caused additional discussion or suggested changes.

Crosby noticed that there are a huge number of proposed changes and confirmed that the new regulations would match those of surrounding, or similar, communities.

Cooney explained how parking regulations are generated and formulated.

The Council further discussed the proposed sizes for parking stalls and garage sizes.

Sonsalla confirmed that because the Lennar application is already in process changes would not need to be made to the garage sizes and advised that the garages would become legal nonconforming.

Cooney noted that this would come back before the Council for approval at a future meeting. He highlighted the residential parking portion of the Ordinance and discussed items which had been further researched by staff and debated by the Planning Commission.

Crosby questioned if recreational vehicles or large commercial panel trucks would also be included in the residential section of the Ordinance, as he believed those items should be controlled.

Siitari noted that commercial vehicles can be regulated by weight. He suggested reviewing the Ordinances from Edina regarding that item as well as recreational vehicles.

Cooney commented that it was difficult to gauge the level of parking required for high schools or hospitals and questioned whether the Council would like to include those items in the Ordinance. He explained that if a hospital or high school were to come forward with a request, staff would complete a more in depth review of parking.

Johnson commented that he believed that these changes were proactive and a good choice for the City.

Weir suggested the addition of language regarding ramp parking and broad language regarding compact parking and the definition of compact parking.

**I. Ordinance Amending Sections of Chapter 8 of the Code of Ordinances Regarding Accessory Dwelling Units in Residential Zoning Districts**

Pederson excused himself from this discussion to avoid a conflict of interest.

Cooney presented the Ordinance amending City Code regarding accessory dwelling units in residential zoning districts and provided background information. He stated that the Planning Commission reviewed the proposed Ordinance and recommended approval of the request, noting that there was a split decision on whether to allow rental units. He reviewed objectives which would be addressed through accessory dwelling units and summarized the draft Ordinance including other potential regulations. Crosby commented that he believed rentals should be allowed, as it would be difficult to police that issue. He did not believe that rental for profit would become an issue in this matter. He provided his opinion on the other potential regulations.

Weir expressed concern that these regulations could increase the density in the RR zoning district.

Crosby briefly recessed the meeting at 9:02 p.m.

Crosby reconvened the meeting at 9:07 p.m.

The Council finished commenting on the potential regulations.

Weir suggested additional language regarding the staircase which could access the accessory dwelling unit.

Cooney confirmed that staff would make the suggested changes and bring the item back before the Council for future approval.

4. **Resolution Authorizing Publication of Ordinance by Title and Summary**

J. **New Appointment to the Minnehaha Creek Watershed District**

Weir stated that Ann Thies has been representing the City at the meeting of the Minnehaha Creek Watershed District but is not able to attend meetings regularly. She noted that another resident is knowledgeable in this matter and would be willing to represent the City for a one year period. She noted that Ann Thies could then be moved to the alternate.

*Moved by Weir, seconded by Pederson, to designate Peter Rechelbacher as the representative to the Minnehaha Creek Watershed District, with Ann Thies acting as alternate. **Motion passed unanimously.***

IX. **CITY ADMINISTRATOR REPORT**

A. **Pioneer-Sarah Creek Watershed Management Plan Amendment**

Weir distributed the Management Plan for the Pioneer-Sarah Creek Watershed District, highlighted specific items and discussed the increasing cost to fund the proposed projects on the Plan. She advised that if grant funding is not received increased member city contributions could be required or special taxing.

Crosby commented that this is one of the reasons that outside assistance is being provided by a consultant with additional knowledge in this area.

Weir agreed that the assistance of the consultant would be helpful in the attempt to gain additional grant funds.

Scherer agreed that when technical items are being discussed the consultant should be present to represent the City.

Weir continued to highlight items on the Plan and noted which items had been completed and which items she believed needed additional review by the consultant.

B. **Fire Department Study Update**

Belland provided an update on the fire department study, noting that the study began in January and summarized the process that has been followed. He advised that a report would be generated that makes recommendations for future service. He estimated that a final report would be ready by December.

Crosby commended Chief Guest and his staff for compiling the information. He commented that this is a long term process which began prior to this year.

**X. MAYOR & CITY COUNCIL REPORTS**

Weir commented that this may be a good time to consider alternate engineering firms because of the merger occurring with Bonestroo. She suggested that the consulting firm Hakenson Anderson be used to review the storm water Ordinance.

Martinson explained the purpose of the LMCC and noted that funding is received through a surcharge on cable services. She advised that the LMCC conducted a study to determine whether a fiber optic network could be installed in the area. She noted that an additional study was requested to determine the cost to deliver fiber optic internet service to every home, at a cost of \$55,000, which was denied. She advised that some member cities had requested that their representatives vote against the study because of a possible financial risk to the cities if the network were constructed. She stated that she had not yet been able to find an alternate who could attend the meeting when she has a scheduling conflict.

Crosby stated that he received an email from Neil Wolf in regard to noise at 2:30 a.m. in the Lennar construction area. He stated that the police were called and the residents were impressed with the quick response time of the police. He advised that the cause of noise had left the scene prior to police arrival.

Belland stated that the noise may have been someone attempting to break into the construction trailer. He commented on a recent theft which occurred regarding City property.

**XI. APPROVAL TO PAY THE BILLS**

*Moved by Weir, seconded by Pederson, to approve the bills, EFT 001268E-001301E for \$108,266.58 and order check numbers 037279-037345 for \$443,180.49, and payroll EFT 503705-503758 for \$86,365.27. **Motion passed unanimously.***

**XII. ADJOURN**

*Moved by Siitari, seconded by Weir, to adjourn the meeting at 9:42 p.m. **Motion passed unanimously.***

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T.M. Crosby, Jr., Mayor

Attest:

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Scott T. Johnson, City Administrator