

MEDINA CITY COUNCIL MEETING MINUTES OF OCTOBER 19, 2010

The City Council of Medina, Minnesota met in regular session on October 19, 2010 at 7:00 p.m. in the City Hall Chambers. Mayor Crosby presided.

I. ROLL CALL

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

Members absent: Johnson

Also present: Police Chief Ed Belland, City Planner Dusty Finke, Public Works Superintendent Steve Scherer, and Recording Secretary Amanda Staple.

II. PLEDGE OF ALLEGIANCE

III. ADDITIONS TO THE AGENDA

It was requested to add an item Update to the Wind Turbine, under Council Reports; Update on the Tree Planting, under Staff Report; and Thank You to Staff, under Staff Report.

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

IV. APPROVAL OF MINUTES

A. Approval of the October 5, 2010 Special City Council Meeting Minutes

Crosby stated that he would prefer to hold off on discussion of this set of minutes as he did not believe accurate perception was given to certain items regarding staff compensation, until Adams is present.

Moved by Weir, seconded by Smith, to table the October 5, 2010 Special City Council meeting minutes. Motion passed unanimously.

B. Approval of the October 5, 2010 Regular City Council Meeting Minutes

It was noted on page two, line 40, it should state: "...Engineer in the Council report materials...." On page three, following line two, it should state, "The footings would not have to be removed if the new owner desires the footing." On page three, line 40, it should state, "...Cavanaugh properties..." On page five, line 20, it should state, "...contends contests..." On page five, line 33, it should state, "...combined by the Carlsons previous owners."

Moved by Smith, seconded by Weir, to approve the October 5, 2010 Regular City Council meeting minutes as amended. Motion passed unanimously.

V. CONSENT AGENDA

A. Accept \$500 Donation from the International Christian Cycling Club

B. Resolution Designating Institution for Investment of the City's Idle Funds

- C. Resolution Certifying Delinquent Water, Sewer, and Storm Water Charges to the Hennepin County Auditor for Collection in 2011
- D. Resolution Recognizing Volunteers and Contributors to Medina Celebration Day
- E. Resolution Granting Preliminary Plat Approval for Hunter Ridge Farm, Located at 1382 Hunter Drive
- F. Resolution Adopting the Hennepin County All-Hazard Mitigation Plan
- G. Accept Donations to Medina Celebration Day

Weir asked to remove item C (Resolution Certifying Delinquent Water, Sewer, and Storm Water Charges to the Hennepin County Auditor for Collection in 2011) from the consent agenda.

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

- C. Resolution Certifying Delinquent Water, Sewer, and Storm Water Charges to the Hennepin County Auditor for Collection in 2011

Douglas Jezewski, 6215 Willow Drive, stated that he sent a letter to the Council on October 4, 2010, in regard to a piece of property that he owns off of Willow Drive, which is 33 feet, and connects to his property that he owns in the City of Corcoran. He explained the situation that caused him to receive a statement for storm water charges late and shortly thereafter receive a postcard stating that he was delinquent in his payment and was now responsible for late charges as well.

Crosby explained the process for billing storm water throughout the City and advised that every parcel in the City of Medina receives a bill for storm water charges.

Finke advised that there is a threshold that would release a property, which he believed was a size of .08 of an acre. He advised that private roads would also be exempt.

Jezewski confirmed that this parcel is a paved driveway which services three parcels in the City of Corcoran.

Crosby stated that he believed this issue required further discussion from the City. He suggested that the property owner pay the charge at this time to prevent certification to the County, until the time that the discussion can occur.

Jezewski stated that he would prefer that this issue remain at default, and that at the time the TwinCo property is developed this drive be turned into a road, as many vehicles use the access drive to access other properties and in the process cause damage to his property and landscaping.

Crosby agreed that there were other issues that needed to be discussed regarding this parcel but explained the logistics, in that the payment needed to be made at this time to prevent certification to the County. He agreed that the late charge could be waived.

Jezewski agreed to make payment for \$28.10 and submitted a check in that amount.

Moved by Smith, seconded by Weir, to approve resolution certifying delinquent water, sewer, and storm water charges to the Hennepin County Auditor for collection in 2011, minus the Jezewski property. Motion passed unanimously.

VI. COMMENTS

A. Comments from Citizens on Items not on the Agenda

There were none.

B. Park Commission

Park Commissioner Janet White advised that the Park Commission had not met since the previous Council meeting. She reported that at the Park Commission meeting, the following night, discussion would occur regarding the issue of Fortuna Farms park dedication.

C. Planning Commission

Finke provided an update on the meeting of the Planning Commission. He began with the discussion of the Enclave subdivision from Lennar, and noted that the Commission recommended approval of the Lennar request. He also highlighted the conditions suggested by the Commission for the recommended approval. He believed that this item would come before the Council for review at the November 8, 2010 meeting.

Crosby and Smith reported that they had each received a call from the Holasek family and each asked the family to speak with staff and/or the developer.

Finke advised that the Planning Commission also discussed the Fortuna Farms item and the comprehensive plan amendment and rezoning for the Cavanaugh and Pederson parcels which were not previously included in the rezoning of parcels.

VII. APPROVAL TO PAY THE BILLS

Weir questioned why two items were grouped together on one check. She stated that she spoke with Day and was advised that the motion would remain the same and the item had been updated.

Moved by Smith, seconded by Weir, to approve the bills, EFT 000856-000877 for \$40,634.67 and order check numbers 036081-036133 for \$166,834.31, and payroll checks 020258-020260 for \$564.31 and payroll EFT 503063-503093 for \$44,646.43, as amended. Motion passed unanimously.

VIII. NEW BUSINESS

A. Reschedule November 16, 2010 Special Council Meeting and Regular Council Meeting

Moved by Smith, seconded by Weir, to reschedule the November 16, 2010 Special Council meeting and Regular Council meeting to November 22, 2010. Motion passed unanimously.

B. Hamel Legion Park – Ball Field Lights

Scherer stated that the Park Commission brought forward a program for ball field lighting and irrigation two to three months ago and direction from the Council was to gather additional information. He reported that he and the Hamel Athletic Club had gathered the additional information. He stated that an available grant deadline is approaching and advised that approval from the Council would be needed.

Jason McAthie, 1110 Settlers Road, President of Hamel Athletic Club, explained that the reason for the lighting request is simply because the club is running out of space. He explained that the club does not use the fields on the weekends, as those times are specified as family time, which puts additional pressure on the field capacity throughout the week. He stated that the intention is to keep the youth in the Hamel Athletic Club throughout their years in the sport and hoped that the additional lights would help to accommodate additional field space that is much needed. He stated that to light all four fields the cost would be approximately \$420,000 to \$450,000, which could include lighting maintenance. He estimated the maintenance and operating costs as well and stated the Athletic Club would commit to funding the on-going maintenance and operating costs through increases to their youth participants. He advised that the Hamel Athletic Club is committed to fund 25 percent of the original project cost and has already begun to raise funds for the project. He advised that the City's field use fee to other parties could also be raised to cover a portion of the operating and maintenance costs for the lights as well.

Weir questioned if the Hamel Athletic Club has researched the option of weekend games.

McAthie stated that Friday has been added for the next year but noted that many families join Hamel ball because of the open weekends.

Crosby believed that although further items required discussion, he believed that the Council should support the grant application at this time. He questioned how much in funding could be, and should be, asked for in the grant application.

Scherer advised that the grant application could be written to request 65 percent in grant funding. He noted that Hamel Athletic Club would donate 25 percent of the cost and the City could then choose to fund the remaining ten percent, if needed.

Smith stated that while she acknowledged declining funds via the park dedication fund, she also believed that this was a chance to complete an active park area within the City. She advised that with support from the grant, which also helped to fund the irrigation of one field as part of the field house project, and support from the Hamel Athletic Club, that this was an opportunity to complete a project with a large percentage of outside funding. She thanked the Hamel Athletic Club for their support in this project, as well as the commitment to fund the maintenance and operating costs.

*Moved by Smith, seconded by Weir, to approve the ball field lighting and irrigation funding policy. **Motion passed unanimously.***

1. **Resolution of Local Government Unit Authorizing Filing of Application and Execution of Agreement to Develop a Sport Facility by Installing Ball Field Lights Under the Provisions of the Hennepin Youth Sports Program**

*Moved by Weir, seconded by Smith, to approve the resolution of local government unit authorizing filing of application and execution of agreement to develop a sport facility by installing ball field lights under the provisions of the Hennepin Youth Sports Program, with direction for Smith and Park Commissioner White to help craft the grant application financial match language, as it was from both the City and community. **Motion passed unanimously.***

IX. STAFF REPORT

A. Hunting Regulations

Belland updated the Council regarding a hunting complaint that was received recently from a property owner, and noted that this is not the first complaint received from this property owner. He stated that there are two groups of hunters which hunt near this property, mainly for geese and ducks. He noted that the complaint stated that the woman had witnessed pellets falling in her backyard, but no injuries have occurred. He spoke with a professional in this field and was advised that pellets can fall on a person without causing injury from that distance. He noted that while there is not a serious public health risk, he did not believe that it was right for pellets to be falling on someone's personal property. He suggested that further research be done to investigate the issue and the hunting policy, and suggested creating a task force which could develop a recommendation for the Council regarding this policy.

Weir asked if complaints are received in other areas.

Belland advised that complaints have been received in other areas in the past and noted that the majority of the complaints are noise complaints.

Crosby confirmed that should someone be injured from falling pellets there would be an issue of civil liability. He believed that the hunters should be notified of the complaint and possible liability.

Belland advised that the hunters were notified of the complaint.

Crosby agreed with the suggestions made by Belland.

Belland confirmed that the person who submitted the complaint would be invited to sit on the task force as well. He asked that an elected official to serve on the task force as well.

Siitari was volunteered for the task force and he agreed to serve.

Belland stated that he would bring a formal recommendation back to the Council.

B. Update on Tree Planting at Hamel Station

Finke reported that some plantings have been done by the developer. He advised that a review was done and staff is going to make contact with the developer to request that the planned plantings be met. He advised that a financial guarantee was received and could be used to ensure the planned restoration plantings be met.

C. Thank you to Staff

Weir stated that as a team building exercise staff planted the containers under the recently installed park signs. She was impressed with the project, as it was not known how that item would be funded. She greatly thanked staff and Gregor Greenhouse for their design of the plantings.

*Moved by Weir, seconded by Smith, to approve a resolution thanking staff and Gregor Farms for their assistance in completing the plantings under the signs. **Motion passed unanimously.***

X. MAYOR & CITY COUNCIL REPORTS

A. Update on the Wind Turbine

Crosby stated that he received a call from Hennepin County Commissioner Jeff Johnson this afternoon, who stated that the Hennepin County Board voted today 5-0 to not move forward on the wind turbine. He advised that one Commissioner was not present at the vote. He stated that Jeff Johnson believed that this project was dead, which Crosby believed conflicted with the information provided by Adams at the previous meeting.

XII. ADJOURN

*Moved by Weir, seconded by Smith, to adjourn the meeting at 8:18 p.m. **Motion passed unanimously.***

T.M. Crosby, Jr., Mayor

Attest:

Chad M. Adams, City Administrator-Clerk