

MEDINA CITY COUNCIL MEETING MINUTES OF MARCH 21, 2006

The City Council of Medina, Minnesota met in regular session on March 21, 2006 at 7:02 p.m. in the City Hall Chambers. Mayor Workman presided.

I. ROLL CALL

Members present: Brinkman, Cavanaugh, Smith, and Workman.

Members absent: Weir

Also present: City Attorney Ron Batty, City Engineer Tom Kellogg, Public Works Director Dillman, Police Chief Ed Belland, City Planner Rose Lorsung, City Planner Consultant Sarah Schield, City Administrator Chad Adams, Finance Director Jeanne Day and Recording Secretary Cheryl Felix.

I. PLEDGE OF ALLEGIANCE

II. ADDITIONS TO THE AGENDA

Workman noted it is Public Works Director Dillman's last City Council meeting.

Workman introduced the new Finance Director Jeanne Day.

Workman noted that Council would not be discussing the moratorium tonight due to it not being on the agenda. He added the issue will be on the April 4 Council agenda.

III. APPROVAL

A. Approval of the March 6, 2006 Regular City Council Meeting Minutes
*Moved by Smith, seconded by Cavanaugh, to approve the March 6, 2006 regular City Council meeting minutes as amended. **Motion passed unanimously.***

IV. CONSENT AGENDA

- A. Approve Digital Orthophotography License Agreement with Metropolitan Council**
- B. Resolution Authorizing Publication by Title and Summary to Ordinance No. 399 – Construction Site Storm Water Runoff Control**
- C. Approve Wage Increase for Community Service Officer Nick Marohnic to \$12.96/hour Effective February 18, 2006**

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

VI. INTRODUCTION

A. Rick Fredrickson – Long Lake Fire Chief

Workman introduced Mr. Fredrickson who introduced the assistant fire chief. They discussed a previous fire in the area where there was no fire hydrant near and 14 tanker

trucks shuttled water. Fredrickson thanked the Council for supporting fire fighter of the year and the fire department retirement dinner. Workman replied volunteers are a special thing and the City appreciates them.

VII. COMMENTS

A. Comments from Citizens on Items not on the Agenda

There were none.

B. Park Commission

Dillman stated at the last meeting they were presented with different proposals for a regional trail on County Road 19. Lorsung stated the recommendation is that the trail be on the east side.

Smith stated there was also discussion regarding getting the culvert fixed and extended. She added there was some discussion to get a more formalized hard surface trail from Independence Beach down to the park.

Lorsung stated open space planning was discussed and a resolution regarding the number of representatives was reviewed with a recommendation of committee and RFP adoption.

I. Planning Commission

Lorsung stated at the next meeting there will be a new application for a CUP; a concept plan from Cudd for a multi-family residence; a review of the sign ordinance; and a look at the final version of the by-laws. She added at the next City Council meeting there will be appointments to the Open Space Task Force; a review of the wetland assessment quotes, an application adopting a lot-line resolution, and discussion of the moratorium.

Smith asked if the Cudd proposal would require a comp plan change. Lorsung replied yes.

VIII. OLD BUSINESS

A. Swimming Pool Fence Height Requirement

Lorsung referenced the packet memo stating there are a number of pools in the City, which several are not in compliance with some form of the ordinance. Previously, the City had been relying on Metro West regarding compliance requirements. Staff believes that the new procedures put in place as of January 1, 2006 will cease non-compliance. Since Staff has not been able to proceed to a resolution with those that are not in compliance, she suggested sometime in the future Council hold a closed session to discuss these.

Workman asked if this issue is now procedurally under control. Lorsung replied yes. She added several of those in non-compliance cannot fix to within compliance; they would need to tear down their fence and rebuild it. She reviewed several community requirements. Research shows there are health and safety issues with the resident, not a non-owner.

Workman asked how much weight a pool cover holds. Lorsung replied she does not know. Cavanaugh replied at least eight adults.

Lorsung stated staff is bringing this issue forward; a resident is not bringing it. Workman stated he likes the idea of a fence, especially because of animals running through yards. He added the existing ordinance is five feet so staff needs to make sure it is enforced.

Smith asked why the fence requirement is five feet because most fences are four feet. Lorsung replied most owners that have a non-compliance issue built four foot fences assuming that this was the requirement.

Batty replied the requirement was four feet until 1996. At that time, an applicant asked to have a cover in lieu of a fence; however, Council decided no, but changed the ordinance to five feet. He added any fences constructed before 1996 are in compliance.

Workman asked about insurance issues. Smith suggested reducing the five-foot height and asked if pool covers are safer than fences why not require them. Lorsung replied many owners already have a cover to ensure family safety.

Batty stated years ago covers were not approved because they are only good if someone closes them. Workman recommended Staff research and bring back available options. Lorsung stated staff will look at insurance issues as well.

Smith suggested also researching whether the City could be liable. She asked why Corcoran does not require fencing. Lorsung suggested a closed session to discuss those in non-compliance. Batty replied he does not believe there is a liability issue from a City standpoint.

A. Resolution Establishing the Role of the Parks, Trails, and Open Spaces Task Force

Adams stated as an organizational framework, staff recommended an odd number for the task force for voting purposes; however, it is currently set at eight. He added a Planning Commission member or a citizen could be eliminated, or if there is an addition Weir has volunteered. The resolution states eight members while the staff memorandum states seven.

Workman asked if staff is suggesting seven members. Adams replied yes.

Cavanaugh asked if the park and planning members have already been chosen. Adams replied yes, but one planning commission member could be designated as a non-voting alternate or liaison.

*Moved by Smith, seconded by Cavanaugh, to change the resolution task force members from eight to seven – one City Council member, one Planning Commission member with one alternate, two Park Commission members, and three citizen stakeholders. **Motion passed unanimously.***

IX. NEW BUSINESS

A. Lot Division and Rearrangement for Property at 2495 Willow Drive – Elizabeth Goodman and Herbert Gardner

Schild stated the owners are requesting approval of an exception to the platting requirements to allow for a lot division. She added this proposed division does not

require a public hearing or a need to go before the Planning Commission. Legal is still reviewing the request and any issues will be discussed or added to the resolution. Staff is requesting Council authorize staff to draft a resolution for approval of the simple subdivision subject to the recommendations outlined in the resolution.

*Moved by Smith, seconded by Brinkman, to authorize Staff to draft a resolution subject to the recommendations outlined in the Planning Report. **Motion passed unanimously.***

A. Open Space Planning – Request for Proposals (RFP)

Adams stated the RFP has been modeled after other city examples, but yet tailored to Medina's unique interests. He requested Council discuss cost, suggesting it not exceed \$50,000 due to the timeframe and general fund budget dollars this year. He added in 2006 the dollars will be less due to more meeting time, roughly \$20,000.

Lorsung reminded Council this is for an entire year worth of consulting work. She added if a consultant were hired from the beginning the cost would be over six figures.

Adams stated the City might be able to tap into education grants such as the McKnight Foundation. Lorsung replied there might be dollars available for impaired water bodies.

Smith stated if there is no support from the community Council can discontinue it. Workman replied once it happens it probably will not be later discussed.

Lorsung referenced open space planning in Hassan Township which was voted down; however once they hired a consultant to explain the process in detail it was passed unanimously by the Town Board.

Cavanaugh asked if the City of Corcoran has done anything. Lorsung replied they already have an open space plan.

Workman stated if it is going to be done it should be done right. Adams suggested the environmental fund could be used instead of the general fund, which would eliminate property tax dollars being used. Workman stated the money should be taken out of the environmental fund, but should be limited to \$25,000 per year.

Cavanaugh suggested the City try for some grant money. Lorsung replied they are looking. She added the hot button for availability of grants is currently impaired water bodies.

Brinkman suggested approving \$10,000 tonight to get educated and see about getting grant money. Workman replied he normally would agree; however, environmental fund dollars need to be used for this.

*Moved by Cavanaugh, seconded by Smith, to advertise a request for proposal with a maximum \$50,000 budget and limited to \$25,000 per year for 2006 and 2007. **Motion passed unanimously.***

C. Ordinance Related to Land Filling and Land Excavation/Grading Operations; Repealing Sections 820.41 and 828.17, Amending Sections 820.39, 820.49, 825.07 and Adding New Section 828.28

Lorsung stated this is the final draft of the land alteration-grading policy, which takes the existing ordinance and puts it in today's form. There are no substantive changes from the previous document Council received.

Workman asked how many dump trucks for 50 cubic yards. Brinkman replied five.

Smith asked if where fill is taken is part of the plan. Lorsung replied yes, to the spoil site. Smith requested spoil site be added to definitions.

Lorsung stated the City continues to exempt agricultural from Council review but it still has to go through administrative review.

*Moved by Smith, seconded by Cavanaugh, to repeal Sections 820.41 and 828.17, amend Sections 820.39, 820.49, and 825.07, add a new Section 828.28, and add the definition of spoil site to the definitions page. **Motion passed unanimously.***

1. **Resolution Authorizing Ordinance Publication by Title and Summary**

*Moved by Brinkman, seconded by Cavanaugh, to publish the ordinance by title and summary. **Motion passed unanimously.***

A. **Approve Vehicular Transceiver Unit Agreement with Cities of Loretto and Rockford**

Workman stated this is to approve the vehicular transceiver unit agreement with the cities of Loretto and Rockford. He asked the estimate of manpower saved. Dillman replied it used to take a couple of weeks, now it takes maybe three days, and with the VXU will take about four hours.

Smith asked if it reads anything else in private homes. Dillman replied no.

*Moved by Cavanaugh, seconded by Brinkman, to approve the vehicular unit agreement with the cities of Loretto and Rockford. **Motion passed unanimously.***

B. **Ordinance Regulating Lawn and Landscape Irrigation Systems; Adding New Section 710.75**

Adams referenced the draft and noted a final will be brought to Council. Workman asked if developers are still encouraged to use surface water. Dillman replied yes. He added the City will lose revenue however by not selling as much quantity. In Hamel it is difficult to find a good water source and it is expensive but it needs to cover peak demand and fire prevention.

Smith stated in the future a development wanting to irrigate should not be tied into the water system. Dillman replied this ordinance makes it mandatory that they do not.

Dillman stated compost bed preparation is difficult to monitor; the requirement is four inches of black soil plus two inches of composting. Brinkman asked if the composting material that is available from the county acts like more of a sponge.

Smith noted there are rain sensors that detect if it rains so that residents do not water, but asked if there are sensors that measure the wetness of soil. Dillman replied the sensors do not work very well in clay soils.

*Moved by Brinkman, seconded by Cavanaugh, to direct staff to draft the ordinance regulating lawn and landscaping irrigation system, adding new Section 710.75. **Motion passed unanimously.***

C. Approve Public Works On-Call Policy

Adams stated the new policy includes a one-week on-call schedule for each employee, scheduled in advance. He reviewed policy changes which included salaried employees receive no additional compensation; non-exempt employees receive 10 hours of regular based pay; employees compensated at 1 ½ times regular pay with a call out should be changed to when they are called out they are paid for a minimum of two hours. He added City cost will be additional \$14,000 to 15,000 per year, contingent on the number of calls received.

Dillman stated two hours is currently the policy for receiving compensation for a call-out.

Workman asked if everyone is fine with the policy. Dillman replied yes, quite a bit of time was spent discussing it and the public works crew are satisfied.

*Moved by Brinkman, seconded by Smith, to approve the public works on-call policy with the recommended change to item three, when an employee is called out they are paid for a minimum two hours. **Motion passed unanimously.***

X. CITY ADMINISTRATOR REPORT

A. Xcel Energy Rate Increases

Adams stated he received notification about 30 days ago of an approximate 10% rate increase for some users, which is substantial. He requested Council provide direction as to whether they want to take a unified stand regarding this and provide a letter.

Workman stated rates are being raised because they want to make money. He suggested the extra revenue provide the services needed.

Brinkman asked what percentage of the City Xcel serves. Dillman replied approximately two-thirds.

Smith suggested a letter be sent indicating service has not been great and has cost the City money.

Workman stated he would like a letter sent noting a dislike of the rate increase but hopes for better service.

*Moved by Smith, seconded by Cavanaugh, to direct staff to draft a letter. **Motion passed unanimously.***

Adams stated the April 4 Council agenda will include scheduling a joint meeting with the Planning and the Park Commissions, which will kick off the comp plan process.

Adams reminded Council of the April 5 Board of Equalization and Appeals being held at City Hall at 6:30 p.m.

Adams stated the State of the City meeting will be held April 18 at 7:30 a.m. at the Medina Golf & Country Club. The meeting will showcase what is going on in each city.

Adams stated the information regarding WIFI in the newsletter has received quite a bit of feedback. Brinkman asked if the City could put up a tower and provide this service. Workman replied the City can but would need to consider the cost per household.

Lorsung stated the Low Impact Development Conference was very insightful, and she will put together an overview memo.

XI. MAYOR & CITY COUNCIL REPORTS

Smith stated she has heard concerns and has seen the slow down in the Uptown Hamel area. She added Sioux Drive was not done in September as anticipated. Workman agreed noting staff should look at this so others can see what the long term plans are. Lorsung replied one way of promoting the area was the Uptown Hamel sign but with the current grade it is not a good place to put a sign. She added quite a few developers are shying away from the area because of the railroad and the setback requirements.

Smith reiterated that Sioux Drive was supposed to be done last September. Kellogg replied wall construction will begin on Monday. Lorsung replied a page can be developed on the website showing the area's future. She added a developer will not purchase the land if they can sell it to only a small niche of buyers. The sites on the hill are at a very high cost. Workman stated it is important at this point that staff does nothing detrimental to Uptown Hamel.

XII. APPROVAL TO PAY THE BILLS

*Moved by Cavanaugh, seconded by Smith, to approve the bills, order check numbers 029142-029203 for \$278,031.74, and payroll check numbers 019799-019821 for \$30,111.38. **Motion passed unanimously.***

Workman thanked Public Works Director Dillman for attending City Council meetings over the past several years and for his service to the City.

Wally Marx, 2700 Parkview Drive, stated when citizens heard Dillman was leaving many expressed disappointment.

XIII. ADJOURN

*Moved by Cavanaugh, seconded by Smith, to adjourn the meeting at 8:38 p.m. **Motion passed unanimously.***

Bruce D. Workman, Mayor

Attest:

Chad M. Adams, City Administrator-Clerk