

**MEDINA CITY COUNCIL MEETING MINUTES OF JANUARY 16, 2007**

The City Council of Medina, Minnesota met in regular session on January, 2007 at 7:04 p.m. in the City Hall Chambers. Mayor Crosby presided.

**I. ROLL CALL**

**Members present:** Crosby, Cavanaugh, Smith, and Weir.

**Members absent:** Johnson

**Also present:** Assistant City Attorney Sarah Sonsalla, City Engineer Tom Kellogg, City Planning Consultant Jennifer Haskamp, Finance Director Jeanne Day, City Administrator Chad Adams and Recording Secretary Kimberly Stoll.

**II. PLEDGE OF ALLEGIANCE**

**III. ADDITIONS TO THE AGENDA**

None.

**IV. APPROVAL OF MINUTES**

**A. Approval of the January 2, 2007 Regular City Council Meeting Minutes**

Crosby stated that the previous minutes from the Council meeting were lengthy. He inquired if there was a need to have the minutes this extensive or if it would be appropriate to have summaries of the discussions on the agenda items.

Sonsalla stated from a legal perspective it isn't necessary to have them as a transcript.

Crosby inquired if the Council preferred detailed minutes or if summaries would be adequate.

The Council discussed the importance of having the relevant details included in the minutes, but agreed that summaries of the discussions on the agenda items, including a history of the discussions and any oppositions that were presented would meet their needs.

It was noted on page 17, the list of committees Weir participates in should include the Uptown Business Hamel Association and the TMDL Committee. Weir stated she thought they discussed asking Frank Mignone if he would be interested in representing the Elm Creek Watershed. Weir stated she wasn't sure that she had offered to be an alternate.

Crosby stated he thought they should contact Mignone to be on the committee.

Adams inquired if the Council wanted Staff to contact Mignone. The Council agreed that they would like Staff to contact him. If he agrees, he would be replacing Madeline Linck.

Smith stated she thought she was the alternate for this committee.

It was noted on page 19, the first paragraph, should state: "Batty stated he thinks it is an issue they might want to think about further. He stated if they were scheduled as Council meetings, then all 5 Councilmembers would be required to attend. However, he stated that they will not be scheduled as Council meetings. He stated they will be public meetings ..."

It was noted on page 21, the third paragraph, should state: "Smith inquired...salary, but they are not..."

*Moved by Weir, seconded by Smith, to approve the January 2, 2007 regular City Council meeting minutes as amended. **Motion passed unanimously.***

## **V. CONSENT AGENDA**

- A. Acceptance of \$50.00 Donation from Elizabeth and Ken Weir for Police Child Identification System
- B. Approve the Disposal of Police DWI Forfeiture Vehicles through Sealed Bids
- C. Resolution Granting a Conditional Use Permit to Ebert Construction for an Accessory Structure Located at 1585 Medina Road
- D. Approve Raffle Permit to North Memorial Health Care at Medina Entertainment Center on February 9, 2007
- E. Approve Raffle Permit to District 284 Youth Hockey Association at Medina Entertainment Center on February 25, 2007
- F. Approve Raffle Permit to Turn in Poachers- West Metro at Medina Entertainment Center on March 4, 2007

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

## **VI. PRESENTATION- Steve Tallen, City Prosecuting Attorney- Annual Update**

Steve Tallen, the City Prosecuting Attorney, provided the Council with an annual update. He explained the history of the coming before the Council. Tallen stated he is requesting a cost of living increase of 3.9% bringing his hourly rate to \$110.75. He stated that he is currently working on an appeal for a case and is expecting a decision to be made in June. Tallen stated the City's revenue from fines and bail forfeiture was \$90,083 between January through October of 2006. He stated the fees for to Hennepin County was about \$3,656 for workhouse fees. He stated the City's fees during that period were approximately \$39,592. Tallen stated that most of his time is spent on drunk driving prosecutions and domestic assault cases. He explained recent changes in the legislature that has increased the amount of arrests resulting in more cases. He clarified that these are usually misdemeanors and occasionally gross misdemeanors. Tallen stated that most of the fees collected are from repeat offenders or from probation violations.

Crosby inquired when a DWI becomes a felony. Tallen stated 4 DWIs within 10 years will result in a felony. He explained other instances when it could become a felony for other reasons.

Cavanaugh inquired about the results from the previous appeals Tallen spoke about with the Council. Tallen stated the case was a situation where a woman had received a DWI in Wayzata and then a few weeks later in Medina. He explained that there was a question about using the Wayzata license revocation to make the Medina DWI more serious. He explained that the City won the appeal, but they are waiting for the final decision from the Supreme Court. He stated that he will send a copy of the Court of Appeals opinion to Adams.

Crosby inquired if the City's gross revenues of \$100,000 and the City's expenses were in line with where they should be.

Tallen stated that each area has a unique demographic that impacts the cities differently. He stated that Deephaven is the most similar to Medina, but they probably take in less revenue and have lower expenses. He stated that most of what he charges the City is for issues that are being disputed.

Crosby stated the increase in rates had previously been approved by the Council.

## **VII. COMMENTS**

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

Yele Akinsanya, representative of the Promenade at Medina Project, stated that his mixed-use project was brought to the Council approximately one year ago. He stated they are following the Comprehensive Plan updates from the City. He stated that they would like to be sure that they are entering their concern in moving through the project quickly and are close to finalizing the plans for the project. He stated that the issues the City is facing will be corrected through the Comprehensive Plan. He would like to present the project as soon as possible.

Crosby clarified the location of the project on the western edge of Uptown Hamel off of Hamel Road.

Adams stated the City would like to be done with their portion of the Guide Plan for the project in the summer and it would be going to the Met Council to review.

Akinsanya inquired if Lorsung's resignation will have an effect on the timeline.

Adams stated the timeline is about 2 weeks behind at this point. Crosby stated it shouldn't have a dramatic impact on the timeline.

### **B. Park Commission**

Adams stated the agenda for the next meeting includes appointing liaisons to present to the Council, a brief orientation for the new members, discussing the newly drafted orientation manual, updates from Staff on the Comprehensive Plan, discussing a donated hoop for Medina Morningside Park, and discussing the trail acquisition policy.

**C. Planning Commission**

Commissioner Doug Dickerson stated he would like to acknowledge Lorsung for all of the work she has done on the Planning Commission. He thanked the City Council for the new Planning Commission members. He stated they elected Mary Verbick as chair and Jeff Pederson as vice-chair. He stated they received an update from WSB on the wetlands function and assessment. He stated the assessment is on schedule and will be accomplished by the end of June 2007. He noted the Minnehaha Watershed District will be finishing their assessment in February, but it will take until the end of the year to figure out the buffers and setbacks. He stated the Planning Commission denied the Comprehensive Plan amendment for Bancorp for the Medina Country Club. He explained that the Planning Commission shouldn't take in to consideration the economics of businesses when determining if they should deny or approve comprehensive plan amendments. He stated the conditional use permit for Peter Hasselquist on 2705 Willow Drive was tabled by the developer due to safety issues and lack of septic information and it will come back next month. He stated the Planning Commission unanimously approved the variance with Staff's conditions for the Ahlstroms.

**VIII. NEW BUSINESS**

**A. Resolution Recognizing Councilmember Randy Brinkman for Five Years of Service to the City of Medina**

Crosby read the proposed resolution. It summarized Brinkman's roles as a member of the Planning Commission and City Council. Throughout his service Brinkman demonstrated interest in construction issues, the Hamel area, lighting issues, and the needs of the citizens in Medina.

Brinkman thanked the Council for the recognition.

*Moved by Weir, seconded by Smith, to approve the Resolution Recognizing Councilmember Randy Brinkman for Five Years of Service to the City of Medina.*

**B. Comprehensive Plan Scope of Services- Landform**

Adams provided the Council with a memo regarding the Scope of Services from the proposal from Landform for the Comprehensive Plan. Adams stated he has met with Landform on three separate occasions to discuss their qualifications and the process moving forward.

Haskamp shared the experiences of each of the members on the Landform team. The members include Jennifer Haskamp as Project Manager; Kendra Lindahl as AICP, Quality Assurance and Quality Control; Ellen Stewart as Registered Landscape Architect and Designer; and Andy Gitzlaff assisting with the plan reviews. Haskamp stated the comprehensive plan is a long range guide for the future of the community and is required by law. She stated that she is an advocate for involving people in the process so that when they receive the plan they are well aware of the content in the plan. She stated that Medina has hosted several open houses and sought public support throughout 2006 in preparation for the comprehensive plan. She stated there is a rigorous timeline that was previously proposed and anticipates minor adjustments to it.

Crosby stated that all of the Task Force meetings will be public meetings and inquired how residents will be notified of the meetings.

Adams stated all of the meetings will be posted on the City's website and a general summary will be provided in the newsletter.

Haskamp stated the Adopted Comprehensive Plan is a good starting point for the comprehensive plan. She stated natural resources and housing/urban design principles could be added to improve the plan. She stated a critical component of the comprehensive plan is having policies in place to use when making decisions. She stated the various task forces and their plans are interdependent of each other and can be utilized to guide future decisions. Haskamp stated there has been an extensive preliminary issue identification process completed to date which can be used to begin the work on developing goal statements.

Crosby stated that Haskamp should get the final report from the moratorium committee and the survey.

Haskamp stated that there are strong ideas from the community in the documents that have been created. She stated that rural character and strong dedication to natural resources, preservation, and sustainability are the ideas that are coming from the community. Haskamp provided the Council with possible goals to achieve. The goals include building on the adopted comprehensive plan; creating a strong set of goals, strategies, and objectives; producing a user-friendly document that is directive and beneficial to the City, residents, and developer; and creating a document that can be supported by City Officials, Staff and residents. She stated an executive summary would be a good piece to provide to developers to give them a clear picture about the City. Haskamp stated the major phases of the comprehensive plan include a background inventory and analysis; issue identification, goals and policy setting; alternatives development, land use, and growth; public open house; implementation plan; public hearing/Planning Commission/City Council; and submission to the Met Council.

Crosby inquired about the timeframe for the submission to municipalities that will be affected.

Haskamp stated it happens before it goes to the Met Council.

Smith clarified that they have a six month window of time for the municipalities to provide feedback.

Crosby suggested it should be built in to the timeline based on the assumption of it taking six months.

Haskamp suggested the public entities that will be affected by the comprehensive plan be specifically invited to attend and provide feedback.

Crosby stated that his understanding is that it needs to go to the school district and adjacent communities and his assumption is that it will be a staff person or a professional review and the City wouldn't hear a lot of discussion from them at a public open house.

Adams stated that his understanding is that keeping the communities involved throughout the process will assist in seeking their approval.

Smith inquired if there was a new representative from the Met Council. Adams stated there is a new staff representative that has been appointed.

Haskamp explained the various roles and responsibilities of the Technical Committee; the Advisory Panel/Comprehensive Plan Task Force; Planning Commission; and the City Council. She stated one of the critical roles of the Comprehensive Plan Committee is advocating for the comprehensive plan. She reiterated that it is a good idea to identify key objectives and opportunities, to utilize a collaborative approach within the community and outside of the community, and to create a plan that reflects the vision for the future of Medina.

Crosby inquired about Haskamp's confidence in the presented budget and about a community she has worked with that is most similar to Medina.

Haskamp stated that it is a tight budget, but she thinks that it can be done. She stated that one benefit for the City is that she is able to attend to some of the details of the comprehensive plan while she is working with other projects.

Crosby stated his greatest concern is the allocation to the Met Council review and approval for \$3,000. He stated that he thinks it may be low in the proposal.

Haskamp stated the negotiation of the proposal may fall under other duties as the role of City Planner instead of the role of the Project Manager.

Crosby stated he was concerned about being billed for services in other places when the services are only being conducted for the purposes of completing the Comprehensive Plan.

Weir stated part of completing the work will be working closely with the Met Council representative along the way.

Haskamp stated that one way to complete this is to request the Met Council to attend a DRC meeting. She stated the line item at the bottom of the budget is only for the cost of submitting the proposal.

Smith stated she didn't think it would be Haskamp's role to negotiate with the Met Council.

Adams stated typically the City Administrator and Mayor do the negotiating. He stated the City Planner is often there to answer technical questions that arise.

Cavanaugh stated he thought Crosby's concern is the total cost for services for the comprehensive plan including the components that are billed as City Planner and Project Manager.

Haskamp explained that if there was a City Planner in place, there would be certain information that she would expect to come from the City Planner and not from the Project Manager. Haskamp stated the most comparable city to Medina in terms of the

comprehensive plan would be Chisago City. She provided examples of the similarities including the size, proximity to major freeways, characteristics, complex wetland systems, soil issues, conservation development, and higher property values. She stated that Chisago City is outside of the 7 county metro area and doesn't report to the Met Council.

Smith inquired about Haskamp's experience with the Dakota County visioning process.

Haskamp stated the visioning process had an advisory committee of about 75 people. She stated the issue was how to take natural resources and conservation and elevate it higher than the comprehensive plan. She stated all of the comprehensive plans she has worked on have had strong concerns about conservation. She stated that she often uses the natural resources inventory as the foundation for developing comprehensive plans.

*Moved by Smith, seconded by Weir, to accept the proposal from Landform to complete the Scope of Services and the \$38,392 budget, as requested. **Motion passed unanimously.***

Cavanaugh inquired about the timeline for completion.

Haskamp stated that she thinks it is reasonable to maintain the same timeline that was proposed by Lorsung, but they are currently about 2 weeks behind.

Weir stated the Open Space Task Force anticipates being done in July.

Cavanaugh stated he thought the preliminary maps from the Open Space Task Force could be given to Haskamp before July.

Haskamp stated she would like to revisit the timeline based on the scope of services she has proposed.

Cavanaugh stated that Lorsung had intended to revisit the zoning ordinances once the Comprehensive Plan was completed. He inquired if the cost for that was included in this budget.

Haskamp stated it wasn't included, but it would be a part of the implementation plan. The implementation plan will include statements about addressing the zoning ordinances.

Cavanaugh inquired about the timing of revisiting the zoning requirements.

Haskamp stated that it would be good for the Council to discuss items that will be newly introduced to the City and ordinances the City knows will be in conflict with the Comprehensive Plan.

Crosby stated that it isn't unusual for the Council to do a moratorium.

### **C. 2007 Legislative Policies**

Adams provided the Council with a set of the proposed 2007 City Policies from the League of Minnesota Cities. He requested the Council establish priorities to address during the legislative session.

Crosby inquired if the Council formally adopts the policies. Adams stated they do not adopt the policies, but he would like to know if the Council would like to focus on specific items.

Weir inquired what the City can do about unfunded mandates. Adams stated they can request the State to look at their priorities and the allocation of the State's surplus.

Smith stated she is concerned about adequate funding for transportation.

Crosby stated he is concerned about state restrictions on budgets.

*Moved by Smith, seconded by Cavanaugh, to accept the legislative policies outlined in the City Administrator report as Medina's top priorities. **Motion passed unanimously.***

## **IX. CITY ADMINISTRATOR REPORT**

### **A. Fire Services Agreement with City of Maple Plain**

Adams stated Staff would recommend the agreement be approved as presented, even though Staff recommended a two-year agreement.

Crosby stated his understanding is to have the communities coincide in 2-year terms for fire services.

*Moved by Weir, seconded by Cavanaugh, to approve the Fire Services Agreement with the City of Maple Plain, as attached. **Motion passed unanimously.***

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

Crosby stated he has met with two neighboring cities and plans to meet with the other surrounding cities in the near future.

Cavanaugh inquired if changes in the PUD would assist the City in meeting the density population requirement set by the Met Council.

Smith stated she went to the Northwest League Suburb meeting and listened to a presentation regarding communications via email. She stated the Council should limit forwarding emails between Council Members and save important emails in a document instead of in email format. She stated it is a new way to accidentally violate the open meeting laws.

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

*Moved by Smith, seconded by Weir, to approve the bills, order check numbers 030395-030459 for \$452,845.26, and payroll check numbers 020007-020013 for \$34,705.22.*

Cavanaugh inquired about the purchase of Property Management Software & Support.

The Council stated that this was a purchase they had previously approved.

***Motion passed unanimously.***

*Moved by Weir, seconded by Smith, to go in to closed session to discuss the acquisition of property at 4003 Apache Drive.*

**XII. CLOSED SESSION: ACQUISITION OF PROPERTY**

The Council entered closed session at 8:55 p.m. with Mayor Crosby, Councilmembers Weir, Smith, Cavanaugh, City Administrator Adams, Assistant City Attorney Sonsalla, and City Engineer Kellogg all present.

The Council reconvened into open session at 9:08 p.m. No action was taken.

**XIII. ADJOURN**

*Moved by Weir, seconded by Smith, to adjourn the meeting at 9:10 p.m. **Motion passed unanimously.***

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T.M. Crosby, Jr., Mayor

Attest:

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Chad M. Adams, City Administrator (Clerk)