

MEDINA CITY COUNCIL SPECIAL MEETING MINUTES OF JUNE 14, 2007

The City Council of Medina, Minnesota met in special session on June 14, 2007 at 7:00 p.m. in the City Hall Chambers. Mayor Crosby presided.

I. ROLL CALL

Members present: Crosby, Weir, and Johnson

Members absent: Smith and Cavanaugh

Also present: City Attorney Ron Batty, City Engineer Tom Kellogg, Finance Director Jeanne Day and Recording Secretary Jodi Wunsch.

II. PLEDGE OF ALLEGIANCE

III. ADDITIONS TO THE AGENDA

The Agenda was accepted as presented.

IV. APPROVAL OF MINUTES

A. Approval of the June 5, 2007 Regular City Council Meeting Minutes

It was noted on page 3, the sixth paragraph, it should state: "Adams stated...residential and commercial classification."

It was noted on page 5, the ninth paragraph, it should state: "Johnson inquired about the GASB 34..."

It was noted on page 9, the thirteenth paragraph, it should state: "Johnson stated that other businesses..."

It was noted on page 16, the fifteenth paragraph, it should state: "The consensus of the Council was that a policy be developed for the use of the City's environmental funds (the terms of which need to be reviewed) or other funds to assist in important environmental matters by grants on privately owned property."

It was noted on page 18, the fifth paragraph, it should state: "Crosby inquired if the League of Municipalities would do this. Batty stated he didn't think they would and that he would follow the issue looking for other resolutions on this topic."

It was noted on page 18, the fourteenth paragraph, it should state: "Smith stated...She said they should be invited to participate in the discussion with the Comprehensive Plan Advisory Panel."

*Moved by Weir, seconded by Johnson, to approve the June 5, 2007 Regular City Council meeting minutes as amended. **Motion passed unanimously.***

V. CONSENT AGENDA

A. Approve Resolution Recognizing and Honoring Former Mayor Anne Theis

- B. Approve Continuing Education Allowance for Assistant to Planning, Dusty Finke
- ~~C. Approve Development Agreement for Willow Hill Preserve~~
- D. Approve Private Road Agreement for Willow Hill Preserve
- E. Approve Dobo's Building Expansion Agreement
- ~~F. Authorize Acquisition of Utility Truck~~
- G. Appointment of full-time Police Officer Contingent on Physical and Psychological exams
- H. Appointment of part-time regular Community Service Officer

B. Weir asked to remove item C & F from the consent agenda.

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

C. Approve Development Agreement for Willow Hill Preserve

Weir stated that she had asked George Stickney with Willow Hill Preserve to plant indigenous big woods trees within the big woods along the drive way and old driveway rather than pine trees as planned. The developer verbally agreed to it, but she wanted to have something stronger for staff to be able to follow through.

*Moved by Weir, seconded by Johnson, to approve the development agreement for Willow Hill Preserve but the Mayor and Clerk will not be authorized to sign it until the City Attorney has completed Exhibit B and staff has verified the landscape plan is consistent with the council's intent. **Motion passed unanimously.***

Johnson requested clarification on the construction timeline for the Willow Hill Preserve Private Road Agreement. It stated that the impervious pavement shall not be constructed until three houses were completed. Johnson questioned if we were not going to complete the road until three houses were completed?

Kellogg stated that the wear course of the impervious portion can not be put down until 80% of the homes are built to limit the wear on the new road from the construction vehicles.

VII. COMMENTS

A. Comments from Citizens on Items not on the Agenda

There were none.

B. Park Commission

There were none.

C. Planning Commission

There were none.

VII. NEW BUSINESS

A. Amending Section 625.03 Relating to Liquor License Classes

Batty stated the purpose of amending section 625.03 was that at the November 8, 2006 Council meeting the Council approved a fee schedule ordinance which created four

classes based on new square footage. Amending the liquor license ordinance will bring it into accordance with the already adopted fee schedule.

*Moved by Weir, seconded by Johnson to amend section 625.03 relating to liquor license classes to reflect the changes made in the 2007 fee schedule. **Motion passed unanimously.***

*Moved by Weir, seconded by Johnson to adopt resolution allowing for publication by summary and title. **Motion passed unanimously.***

B. Liquor License Renewals for the Term: July 1, 2007 through June 30, 2008

*Moved by Weir, seconded by Johnson to approve liquor license renewals for the period of July 1, 2007 through June 30, 2008. **Motion passed unanimously.***

C. Request For Proposal for Auditing Services

Day explained that Kern Dewenter Viere (KDV) has been the City's auditing firm since the fiscal year ending 1992. In other places she has been, it has been common practice to change auditors for independent services and to make sure we are soliciting and getting the best service for our dollar. In the drafted RFP, Day made some assumptions and wanted to seek affirmation and direction from the Council.

Day first inquired about the independence of an auditor. She stated that many places mandate auditor rotation. There is no sole rule, but she questioned Council on their perspective.

Crosby stated that often times organizations will keep the same firm, but rotate engagement partners. He felt that it should be up to the auditing firm to carry out the rotation of their staff as engagement partners.

Johnson stated that he would be an advocate from a public policy perspective to at least solicit proposals. The same firm may also submit a proposal.

Day's second question was on the terms of the engagement. She felt it was wise to do a three year contract so start up fees could be absorbed over a three year period.

Crosby's only concern was that the agreement could be terminated after one year, which was already addressed in the RFP. Day confirmed the contracts would be on a yearly basis.

Day's third question was if it was sufficient to review the proposals first on the requirements and abilities of the firm and second on the dollars. Put more emphasis on their technical abilities rather than a dollar amount to safeguard the City.

Crosby had one correction on the text in the draft RFP on the bottom of page two. The last sentence should state: "The auditor will be required to make working papers available, upon request, whether or not the auditor is then engaged by the city, to the following parties or their designees:..."

Crosby questioned the reason for the minimum three year clause.

Day explained that the three year history is very cyclical in nature where you are audited the first year, second year reviewed, and third year is mute.

*Moved by Johnson, seconded by Weir to approve the RFP with noted changes and direct staff to post the RFP for auditing services for fiscal year ending December 31, 2007, 2008, and 2009. **Motion passed unanimously.***

D. Well No. 6 Raw Water Supply Line

Kellogg updated the Council on the raw water supply line easement. The Fortins have verbally accepted the cash offer but still had concerns with some trees on the west end of their lot.

Kellogg stated that through negotiations with the Fortins, it would be in the best interest of both parties to add as a condition that the City would take responsibility of any damage to the Ash trees from this project over the next five years.

Kellogg referred the Council to the tree proposal agreement, which showed where the four trees of concern were located along the easement. He stated that two of the trees were Box Elders which are known as "junk trees". The City would remove those trees and replace them with three 1" to 2" caliper hardwood trees along the west lot line in the spring of 2008. The other trees would be warranted against harm for a five year period. If one of the trees died in that five year period from the water main installation that tree would be replaced by two trees equal to the trees sold at the City's annual cleanup day.

Marilyn Fortin commented that they would prefer Oak Trees. There was consensus that the City could accommodate that request.

Weir was concerned about who would take care of these new trees. They would need to be watered weekly to survive and she did not think our Public Works could take on that responsibility.

Marilyn Fortin said she would take on the responsibility of watering the trees weekly, but she was concerned that the hole that would need to be dug to plant the trees was of sufficient size.

*Moved by Johnson, seconded by Weir to authorize staff to prepare an agreement which addresses the tree agreement and financial matters. **Motion passed unanimously.***

Kellogg addressed his second memo relating to the plan approval and authorization to advertise for bid. The schedule for this project is very rigid in order to get it constructed this year.

*Moved by Weir, seconded by Johnson to approve plans and specifications and authorize staff to advertise for bid. **Motion passed unanimously.***

VIII. MAYOR & CITY COUNCIL REPORTS

Crosby noted that due to the lack of Council members we should cancel the June 19th City Council Meeting.

*Moved by Crosby, seconded by Weir to cancel the June 19, 2007 City Council Meeting. **Motion passed unanimously.***

Johnson stated his concern with the number of Dutch Elm Diseased trees in the City. He questioned staff on the City's policy and status of removing the dead trees.

Kellogg mentioned that Public Works Foreman Steve Scherer was working with DNR to take care of the problem on City's property, but was concerned with the amount of time it would take to address the issue on private property.

IX. APPROVAL TO PAY THE BILLS

Moved by Crosby, seconded by Weir, to approve the bills, EFT 000043-000048 for \$20,984.90, order check numbers 031015-031078 for \$124,634.50 and payroll check numbers 020064-020071 for \$6,300.32, and EFT 500614-500636 for \$29,360.22.

Motion passed unanimously.

X. ADJOURN

*Moved by Johnson, seconded by Weir to adjourn the meeting at 7:43 p.m. **Motion passed unanimously.***

T.M. Crosby, Jr., Mayor

Attest:

Chad M. Adams, City Administrator-Clerk