

## **MEDINA CITY COUNCIL MEETING MINUTES OF FEBRUARY 19, 2008**

The City Council of Medina, Minnesota met in regular session on February 19, 2008 at 7:00 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:** City Attorney Ron Batty, City Engineer Tom Kellogg, Police Chief Ed Belland, Planning Director Tim Benetti, City Administrator Chad Adams and Recording Secretary Kimberly Stoll.

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

### **III. ADDITIONS TO THE AGENDA**

Crosby stated the public hearing regarding the vacation of Tamarack Drive will not be held at this meeting. He stated it will be scheduled for April 15, 2008.

Batty stated that a notice needs to be given to the DNR because there are public waters involved. He stated he did not realize this when the Council had the discussion about holding the public hearing.

It was requested to add item Resignation of Park Commissioner Bob Pastor to New Business.

*The agenda was accepted as amended.*

### **IV. APPROVAL OF MINUTES**

#### **A. Approval of the February 2, 2008 Special City Council Meeting Minutes**

*Moved by Weir, seconded by Smith, to approve the February 2, 2008 special City Council meeting minutes as amended. **Motion passed unanimously.***

#### **B. Approval of the February 6, 2008 Special City Council Meeting Minutes**

*Moved by Weir, seconded by Smith, to approve the February 6, 2008 special City Council meeting minutes as amended. **Motion passed unanimously.***

#### **C. Approval of the February 6, 2008 Regular City Council Meeting Minutes**

It was noted on page 4, the fifteenth paragraph, it should state: "Kellogg advised that portion of the new comprehensive plan is pretty similar in terms of major roadways to the current comprehensive plan, with the exception of a few minor changes."

*Moved by Smith, seconded by Weir, to approve the February 6, 2008 regular City Council meeting minutes as amended. **Motion passed unanimously.***

V. CONSENT AGENDA

- A. Accept \$50 Gift Certificate Donation for Medina Celebration Day
- B. Accept \$150 Donation from Thomas L. Olson and Allocate to Water Utility Fund
- ~~C. Accept Financial Management Plan Proposal from Ehlers & Associates, Inc.~~
- D. Extend Probationary Period for Planning Director Tim Benetti to August 31, 2008
- E. Approve Final Pay Request in Amount of \$8,311.05 to McFarland Construction
- F. Resolution Granting Extension of Time to File Final Plat for Tomahawk Acres, Amending Resolution 2007-38

Crosby asked to remove item C from the consent agenda.

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

**C. Accept Financial Management Plan Proposal from Ehlers & Associates, Inc.**  
Crosby stated that this item is the proposal for Ehlers to advise the City on financial planning for the future. He stated that Johnson does similar work and would like his input on the agreement. He stated that the City uses Ehlers for the bonding work. He inquired about how much the City needs to pay them if they do their normal bond work. He stated it could be passed subject to Johnson's concurrence.

Adams stated that Johnson would probably have some good advice for the City with the plan and advised Johnson be involved with the plan if approved by Council.

Crosby inquired if this occurs in other cities. Batty stated that it does occur in other cities, but he isn't sure of the cost of the fee.

*Moved by Weir, seconded by Smith, to approve the acceptance of financial management plan proposal from Ehlers & Associates, Inc. with consideration of Dan Johnson's review. **Motion passed unanimously.***

Weir inquired if Staff would be able to maintain the document without the assistance of Ehlers in the future. Adams stated he thinks Staff could. He stated that Staff did a preliminary plan this past fall.

VI. PRESENTATION

**A. Recognition of Medina Police Reserve Officers**  
Belland recognized the Medina Police Reserve Officers for the thousands of hours they have volunteered for the City.

Medina Police Officer John Vinck recognized each of the Reserve Officers individually and the amount of hours they have each donated. Reserve Sgt. Steve Lundell served 566 hours, Reserve Michael Chorley served 320 hours, Reserve Todd Larson served 280 hours, Reserve Mark Ihrke served 148 hours, and Reserve Jen Rouillard served 53 hours. He stated the Officers have volunteered in numerous

activities. He stated there was a situation where an Officer interrupted a burglary of a business.

Belland thanked the Officers for their work. He read a letter of commendation for Reserve Sergeant Lundell for his work during a high speed chase on February 3, 2008.

The Council expressed their gratitude to the Officers.

**B. Steve Tallen, Prosecuting Attorney- Annual Update**

Steve Tallen stated he is the City's prosecuting attorney. He stated he prosecutes all of the crimes that are punishable by one year or less. He stated this past year was busier than most. He explained a case where an individual was arrested for DWI. He explained a second DWI case where there was a question about the reason for stopping the individual. He stated the total fine revenue for 2007 was about \$106,000 which was more than in 2006. He stated the formula for the fine revenue has changed.

Cavanaugh inquired if the State or County takes a portion of the fines. Tallen stated the State takes surcharges. He stated the intoxillizor source code issue has been a hot issue for the defense bar. He stated the budget issue with the courts will probably get worse before it gets better. He stated the courts have closed access for half a day per week. He stated it has been mentioned to close the suburban Ridgedale Center courthouse. He stated if the Council is concerned, it would be better to do something now.

Crosby inquired about where most of Tallen's work is done. Tallen stated that everything is done at Ridgedale except for the jury trials which are downtown.

Crosby inquired if Ridgedale is the closest satellite courtroom. Tallen stated that he was told that there wouldn't be enough room downtown and it would be likely that the it would be split between Southdale and Brookdale. He stated the issue is the expense, not the amount of work. He stated the suburban courts were created by legislation.

Crosby inquired about the other cities Tallen represents. Tallen stated he represents Medina, Maple Grove, Loretto, Deephaven, and the Lake Minnetonka Conservation District.

Crosby inquired if it would make sense to have a concerted effort between the cities. Tallen stated that it effects all of the suburbs.

Cavanaugh stated that if everything was consolidated it would be more burdensome to work through. Tallen stated he spoke with a court administrator and its feasibility would be difficult.

Smith stated that the City should do something. Tallen suggested that the City begin by having the City Administrators work together.

Crosby inquired if it has to be decided by the legislature. Tallen stated that it had been in the Chief Judge's authority to close the courts. He stated that the statute is not clear. He stated that part of the problem for the prosecutors is that the citizens are represented by the cities.

The Council reached consensus for the City Administrator to talk with the other area City Managers.

## **VII. COMMENTS**

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

Loren Kohnen stated they will be planning for clean up day soon. He inquired if the Council would be interested in planting 8 to 10 trees in the Rainwater Nature Area.

Crosby inquired if the City knows where they would like to plant the trees.

Scherer stated their goal is to have a lot of the dirt moved by early April.

Kohnen stated it works well when the City digs the holes. He stated the trees that were previously planted were well maintained.

Crosby stated he thinks the City should do it.

Adams stated that it may be possible to time it with the RFP for the design of the park.

Weir inquired if Kohnen will be doing the planting with Highway 55 Rental. Kohnen stated he will be doing it with them and suggested using Maple trees.

Weir suggested using Red Oaks to help screen the view of Target. Kohnen stated that it may be best to do those with ball and burlap.

Smith inquired if there are funds in the budget for it. Adams stated that there is for the redesign of the Nature Area.

Kohnen stated that they will be beginning fire inspections this week. He stated they will give the businesses copies of Ordinance 1306 and the different occupancies and the ramifications of changing the type of occupancy.

Crosby clarified that Kohnen will be advising them about what would happen if the type of business would change.

Smith inquired if it is an annual inspection. Kohnen stated it is and explained the process they will go about it.

### **B. Park Commission**

Scherer stated the Park Commission will discuss clean-up day, trail prioritization, comprehensive plan update, funding for the fountain at the Community Center, a light at the sliding hill, and ballpark agreements at the next meeting.

### **C. Planning Commission**

Charles Nolan, Planning Commissioner, stated it was the first meeting led by Chair Jeff Pedersen and Pedersen did a great job. He stated they discussed the proposed wetland ordinance and the Planning Commission was in agreement to have more flexibility with the ordinance based on the testimonies from citizens. He stated they discussed a CUP on Chestnut Road. He stated there was a lot of discussion about the size of accessory structures and requested that the Planning Commission be able to review the ordinance.

He stated the 705 Hamel Road application was approved. He stated they tabled the sign ordinance.

Crosby inquired about the timing of the wetland ordinance and the sign ordinance. Nolan stated he thinks after the next Planning Commission meeting the wetland ordinance will be ready to come to the Council.

Smith inquired if the wetland ordinance mirrors the Minnehaha Watershed District setbacks. Nolan stated that it in many respects it is more burdensome and one of the issues is about maintaining or lowering the standards.

Crosby inquired about Nolan's request for tools to address the large accessory structures. Nolan stated the ordinance could address the color and the quality of materials for the buildings.

Crosby inquired if the issue could be addressed for this particular application. Batty stated the Council could put a moratorium on the ordinance. He stated without a moratorium the City would need to address the application under the current ordinance. He stated for many CUPs in residential areas there are additional standards. He stated the accessory structures don't have the same standards. He stated a CUP is required any time a building is more than 3,000 square feet.

Crosby inquired if there are any regulations in other communities that deal with accessory structures.

Weir stated that they could look at the size because the size of the building is in excess of the need.

Smith inquired about considering a moratorium and having Staff evaluate area ordinances. She stated that she thinks that height is an issue.

Weir inquired about how specific the moratorium could be. Batty stated the moratorium couldn't be adopted tonight, but the Council could authorize Staff to begin to prepare one for the next meeting. He stated the City could focus on restricting the size and height, but he wasn't sure about regulating building materials.

Smith stated they restrict the building materials for businesses.

Nolan stated that the Planning Commission felt that this application was rushed in order to be done prior to the wetland ordinance. He stated the applicant didn't appear to have any specific plans for the use of the structure.

Crosby stated he thinks the City can regulate the use.

Weir expressed concern for the neighbors.

Nolan stated that the applicant stated he would do something that is tasteful.

Cavanaugh inquired if the building has a 17,000 square foot footprint or 8,500. Nolan stated it is 8,500.

Batty stated the original reason the City required a CUP was because of the fear that the structures would be used commercially.

Kohnen stated that if the properties are zoned residential many cities regulate the accessory structures.

Crosby inquired about which cities regulate it. Kohnen stated Corcoran and Dayton do.

The Council concurred to direct Staff to begin the review process of a moratorium if needed due to review deadline of the application.

Smith inquired about the timing. Batty stated that a moratorium doesn't require a public hearing, but it would be necessary for the Council act on this item within 60 days.

Benetti stated it would be possible for this application to have a 60 day extension.

Weir inquired if Staff could let the applicant know the direction of the Council's thinking. Adams stated it would be a proper courtesy.

Nolan stated the applicant was willing to provide more information and break up the appearance structure.

Smith stated that she is interested in addressing the issue of accessory structures, but not necessarily in time for this application.

Benetti stated he thinks the application would come before the Council in March.

## **VIII. NEW BUSINESS**

### **A. Recreation Field Use Agreements**

- 1. Agreement for Use of Hamel Legion Park Field Area with Wayzata Girls Rugby Club Beginning March 31, 2008 and Ending June 4, 2008**
- 2. Agreement for Use of Hamel Legion Park Ball Fields with Plymouth Wayzata Youth Softball Association for May 17<sup>th</sup> and May 18<sup>th</sup>, 2008**
- 3. Update on Hamel Athletic Association Ball Field Use Agreement**

Adams stated that he has provided some background information about previous agreements to the Council. He stated there is some disagreement about renting various fields. He stated the Hamel Association has used the field in the past. He stated there appears to be a conflict in the timing of the rugby and soccer program use of the open field area. He stated many youth organizations in the area have a lot of Medina youth in their programs. He stated that the Hamel Association has been given priority in the past due to their maintenance service to the fields and contributions.

John Kastner, 3415 Elm Creek Drive, stated he is president of the Hamel Athletic Club. He stated he spoke with a representative from the Plymouth Park and Rec. about Rugby using their fields prior to May 1. He stated the use of grass fields early in the year ruins the grass early for the year. He stated the concern is with their T-ball and D-ball. He stated that baseball doesn't require a lot of space. He stated that specific group of participants is vital to their organization. He stated they would be willing to match any revenue loss incurred to the City. He stated he could recommend a couple of areas for the rugby.

Cynthia Pannier, 4410 Urbandale Court, Plymouth, stated she has 2 children that have participated in baseball. She stated there are a lot of families in support of the Hamel baseball. She stated that baseball is Monday through Thursday. She stated she is trying to understand how the issue came up and be part of the solution.

Paul Kieffer, 17420 34<sup>th</sup> Ave. N., stated he has children with a passion for playing baseball and have participated in the Hamel baseball program. He stated his concern is the field that would affect the T-ball program. He stated it is one of the earliest opportunities for the children to play an organized sport.

Crosby stated he has drafted potential guidelines. He stated these are: athletic programs, child and adult, are good community activities and should be supported; the Hamel Athletic Association due to its location, the Lions support, and its history should have first call on the fields with a reasonable amount of time for scheduling; community service, not economics should govern decisions on these matters; there is a need to formalize the procedures for the use; to the extent that the City can accommodate other uses and leagues the City should do so; and activities in Uptown Hamel should be encouraged. He stated there should be more organization in scheduling. He stated revenue from other uses will help Uptown Hamel. He stated the Park Commission and Staff could work within the guidelines towards a resolution. He stated there is some confusion about the revenue coming from the highest bidder.

Weir stated the City and volunteers have the money to build a concession stand, but not to operate the concession stand. She stated that she understands that the Hamel Athletic Club doesn't have the volunteers to staff the concession stand. She stated the revenue could go towards running the concession stand and it could work for everyone's interest.

Smith stated having the privilege of being first on the list to use the fields comes with a responsibility. She stated the responsibility would be to turn in the reports and provide a schedule for field use and tournament dates. She stated the Hamel Athletic Club members aren't all from Medina and there are Medina residents who would also like to use the fields. She stated the City needs to have an accounting of funds. She stated that when the organization signs an agreement it needs to fulfill the agreement. She stated she believes in community activities. She suggested adding to Crosby's suggestions that the organization must abide by the agreement.

Crosby stated that he is aware that there are changes in the leadership of the Hamel Athletic Club. He stated the Girls' Rugby club agreement doesn't address the requirement for females to be in the club. He stated he views Smith's suggestion as part of the guidelines he previously stated.

Smith stated the scheduling issue is bothersome and inquired about when the Hamel Athletic Club will begin their games.

Dave Nelson, Hamel resident, stated that practices typically begin the third week in April and games begin in May. He stated the problem is that many of the players play in the Crow River League and the game schedule isn't made available until May. He stated that they typically plan for 4 nights a week.

Crosby stated he is surprised that the scheduling is that late. Nelson stated that it has been that way for a long time. He stated that they usually find out how many teams will be formed in March.

Smith stated the City will need to know exactly what will be reserved in the agreement. She stated she hopes the City will accept the offer for the revenue to be equal to the rugby.

Cavanaugh stated he thinks it would be a good idea to have a volunteer for Hamel Athletic Club to staff a concession stand.

Nelson stated that he doesn't think that they would have people to meet all of the food standards for serving the concessions.

Smith clarified that the issue is to have a concession stand that serves various types of food beyond candy. She stated there are other fields in Medina that may work for the baseball.

Cavanaugh stated he thinks playing baseball at Hamel fields is an essential part of the community.

Smith stated she thinks that the City needs to have the users pay for the fields.

Adams stated one policy question is reserving all of the fields during the week for organizations. He stated this would not allow any public use for families during the weeknight evenings.

Crosby stated the City will need to have a liaison with the Hamel Athletic Association. Weir stated they haven't always had a liaison.

Smith stated she would like to see if the existing Staff could work on the issue. She inquired if the Maple Park field would be suitable for rugby. Adams stated it isn't big enough.

Crosby inquired if the end of March is too early to have the rugby players on sod. Scherer stated that it would do some damage.

Adams stated that potential damage is covered by rates and deposit that have been established.

*Moved by Smith, seconded by Weir, to approve the following guidelines: athletic programs, child and adult, are good community activities and should be promoted; Hamel Athletic Association due to location, the Lion's support, and history should have first call on athletic fields with reasonable scheduling; community service, not economics should govern decisions on these and other matters; the need to formalize procedures by Hamel and other groups and enforce contractual terms; to the extent the City can accommodate other leagues and uses, the City should do so; and activities in the Uptown Hamel area should be encouraged. **Motion passed unanimously.***

Crosby suggested that Smith be the Council contact person for moving forward on the contracts.

Smith stated she would like the contracts to be completed before the next Council meeting.

*Moved by Weir, seconded by Smith, to approve the Agreement for Use of Hamel Legion Park Ball Fields with Plymouth Wayzata Youth Softball Association for May 17<sup>th</sup> and May 18<sup>th</sup>, 2008. **Motion passed unanimously.***

**B. Hamel Road Reconstruction- Plans and Specifications**

Cavanaugh recused himself from the discussion.

Adams stated there was a resolution drafted approving the plans and specifications.

Crosby stated there is a tax increment plan that is under a timeline for making improvements. He stated it has been discussed at several Council meetings and work sessions.

Kellogg explained the location and scope of the improvement. He stated the portion of undergrounding the utilities will not be a public project. He demonstrated a project schedule for the public portion of the project. He stated the estimated costs for the streetscaping, the street reconstruction, and the sanitary system. He stated the estimates for the utilities haven't all been received.

*Moved by Weir, seconded by Smith, to approve the Resolution Approving Plans and Specifications and Ordering Advertisement for Bids for Hamel Road Street and Utility Improvements, and set a bid opening date of March 24, 2008 at 10:00 a.m.. **Motion passed unanimously (Cavanaugh abstained).***

**C. Primary and General Election Precincts**

Crosby stated that in the past everybody has voted at the City Hall. He stated that due to the changing population and the interest in voting in elections the City Hall is no longer adequate. He stated they would like to change to 2 precincts. He stated the precincts would follow the school districts. He stated Orono and Delano would be at Medina City Hall and Wayzata and Rockford would be at the Hamel Community Center.

*Moved by Weir, seconded by Smith, to direct Staff to post public notice of the Council in considering the creation of an additional precinct on May 6, 2008. **Motion passed unanimously.***

**D. 2008 Work Plan**

Weir stated that in the Administration section the Low Impact Design Training (Commissions/Staff) is prioritized as medium. She stated she thinks the training needs to occur before the completion of ordinances. She inquired if completing the Conservation Development Ordinance should be part of the general ordinances or if it should be separate. Adams stated that he thinks it would be a part of the general ordinances.

Smith stated that it should be understood that the Conservation Development Ordinance is a priority.

Weir clarified that Staff has begun to prioritize writing the ordinances.

Crosby inquired if there is anything Adams thinks needs to be brought forward. Adams stated he didn't think so, but noted that it is an ambitious schedule.

Weir stated that she thinks it is good to be ambitious.

Crosby suggested the work plan be posted on the webpage.

*Moved by Weir, seconded by Smith, to approve the 2008 Work Plan, as requested.  
**Motion passed unanimously.***

**E. Resignation of Park Commissioner Bob Pastor**

Crosby stated he has spoken with Bob Pastor regarding his resignation.

*Moved by Smith, seconded by Weir, to accept Park Commissioner Bob Pastor's resignation. **Motion passed unanimously.***

Weir inquired if it will be advertised in the next newsletter.

Adams inquired if the Council would like it to be advertised "until filled" or with a deadline.

Smith inquired about the timing of the next newsletter. Adams stated it will go out at the end of March.

Smith suggested giving the applicants a month. Adams stated that people could begin to apply now.

**IX. CITY ADMINISTRATOR REPORT**

**A. Fire Services to Maple Plain Fire Service Area**

Adams stated he would like the residents who are served by the Maple Plain Fire Service Area be notified that the City is considering changes in the service provider. He stated he would like a more formal discussion on March 3. He stated there could be some questions regarding the response time.

Smith inquired about the response time. Adams stated that he thinks there is an area that is served by Long Lake that could have a longer response time.

*Moved by Weir, seconded by Cavanaugh, to send a notice to affected residents about a potential fire service change, as requested. **Motion passed unanimously.***

**X. MAYOR & CITY COUNCIL REPORTS**

Weir inquired if Adams would have a notice in the next newsletter about the organics recycling and drive-up. Adams stated that it will be in the next newsletter.

Crosby stated that he thinks Randy's may send out a notice to those who may be affected.

Smith stated she has noticed a resident with a garbage can that is not from Randy's Sanitation and noted that it is being used illegally. Adams stated that Randy's will be notifying the City of those and it should be resolved.

Smith stated she was at a Northwest League meeting and part of the presentation included a logo from Minnetrista. She stated the logo for the City isn't good. She stated the Park Commission would like new signs, but she doesn't think they should move forward with new signs until there is a new logo.

Crosby stated that there must be somebody in town that works for an advertising company.

Smith suggested it could be done by a contest.

**XI. APPROVAL TO PAY THE BILLS**

*Moved by Smith, seconded by Weir, to approve the bills, order check numbers 032040-032095 for \$251,393.97, e-checks 000176E-000185E for \$26,160.63, payroll check numbers 020152-020156 for \$1,903.81, and payroll direct deposit numbers 501036-501064 for \$37,592.57. **Motion passed unanimously.***

**XII. ADJOURN**

*Moved by Weir, seconded by Cavanaugh, to adjourn the meeting at 8:57 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