

## MEDINA CITY COUNCIL MEETING MINUTES OF JULY 21, 2009

The City Council of Medina, Minnesota met in regular session on July 21, 2009 at 7:00 p.m. in the City Hall Chambers. Mayor Crosby presided.

### I. ROLL CALL

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

**Members absent:** None.

**Also present:** City Attorney Ron Batty, City Engineer Tom Kellogg, Associate Planner Dusty Finke, Public Works Superintendent Steve Scherer, Finance Director Jeanne Day, and City Administrator Chad Adams.

### II. PLEDGE OF ALLEGIANCE

### III. ADDITIONS TO THE AGENDA

*The agenda was accepted as presented.*

### IV. APPROVAL OF MINUTES

#### A. Approval of the July 7, 2009 Regular City Council Meeting Minutes

It was noted on page eight, line 41, it should read "...as an ~~assurety~~...assurance..."  
Page 7, line 22, it should read, "...gaming the system."

*Moved by Weir, seconded by Johnson, to approve the July 7, 2009 regular City Council meeting minutes as amended. **Motion passed unanimously.***

### V. CONSENT AGENDA

#### A. Approve Raffle, Bingo, Pull-Tab Permit and Temporary On-Sale Liquor License to Holy Name of Jesus Church for September 12-13, 2009

#### B. Release Letter of Credit for Walter G. Anderson Site Improvements

#### C. ~~Resolution Granting Site Plan Review Approval to DX Holdings, Inc. for Wranglers Restaurant and Bar located at 32 Hamel Road~~

#### D. ~~Resolution Granting Approval of Final Plat for Hamel Commons, located North of Hamel Road and West of Brockton Lane~~

#### E. Approve Hamel Legion Park Master Plan Services Agreement with Bonestroo

#### F. Accept \$3,360 Donation from Final Stretch

#### G. ~~Approve City Hall Garbage Enclosure Installation Agreement with Johnson and Peterson, Inc. and Authorize Funding of Project from City Environmental Fund~~

Smith asked to remove item G, approve City Hall garbage enclosure installation agreement with Johnson and Peterson, Inc. and authorize funding of project from City Environmental Fund, from the consent agenda.

Adams asked to remove item C, resolution granting site plan review approval to DW Holdings, Inc. for Wranglers Restaurant and Bar located at 32 Hamel Road, and D,

resolution granting approval of final plat for Hamel Commons, located north of Hamel Road and west of Brockton Lane, from the consent agenda.

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

- C. **Resolution Granting Site Plan Review Approval to DW Holdings, Inc. for Wranglers Restaurant and Bar located at 32 Hamel Road**
- D. **Resolution Granting Approval of Final Plat for Hamel Commons, located North of Hamel Road and West of Brockton Lane**

Adams stated that the applicant was present to answer any questions related to the storm water concerns.

Finke reported that staff has worked with the applicant since the previous meeting and the applicant was able to speak with the City Engineer.

Jim Willis, Wranglers Restaurant and Bar, stated that one condition involved a rain garden or landscaping of that nature. He explained that the City Engineer did not feel the cost to do that would be equally beneficial and was also concerned that the rain garden would freeze in the winter time causing icing of the parking area.

Crosby suggested a change of language on that specific condition that would still give the City the right to approve a landscaping plan but also the ability to work between the City staff and applicant.

Smith thought that Weir had suggested the use of a more hardy type of plant for landscaping.

Finke stated that he was comfortable making the needed changes in language per the direction of the Council.

*Moved by Weir, seconded by Smith, to approve a resolution granting site plan review approval to DW Holdings, Inc. for Wranglers Restaurant and Bar located at 32 Hamel Road with amended language to condition # 5. **Motion passed unanimously.***

*Moved by Weir, seconded by Smith, to approve a resolution granting approval of final plat for Hamel Commons, located north of Hamel Road and west of Brockton Lane. **Motion passed unanimously.***

- G. **Approve City Hall Garbage Enclosure Installation Agreement with Johnson and Peterson, Inc. and Authorize Funding of Project from City Environmental Fund**

Smith did not understand why the City would use the Environmental Fund to build a garbage enclosure. She stated that another fund was available to use but Adams had been concerned that fund would run too low if the garbage enclosure were taken from that fund.

Adams explained that there are other projects slated to come out of the other facilities improvement fund, whereas the Environmental Fund does not have a lot of projects scheduled for the next several years and had slightly more funds available. He thought

that the garbage enclosure would help benefit the environment, along with improving the aesthetics of City Hall.

Smith was uncomfortable with using the Environmental Fund for this project as she felt that the money could be better spent for other issues. She requested that the Building Fund be used for the project and to possibly use the Environmental Fund for projects at the Public Works building.

*Moved by Smith, seconded by Weir, to approve the City Hall garbage enclosure installation agreement with Johnson and Peterson, Inc. and authorize funding of the project from the City 401 Revolving Facilities Fund. **Motion passed unanimously.***

## **VI. COMMENTS**

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

Bill Nunn, Skyrock Farms, questioned if an as-built survey was needed for his project. He advised that they had worked with the City Staff along with other agencies to build a run-off pond. He stated that a survey had been done prior to building and then once again during the process and again after the project was completed. He questioned if that survey work would be sufficient or if another would need to be done.

Finke advised that there were three conditions in the CUP, and the as-built survey would be to ensure that the three conditions were done. He stated that there were some laser shots taken of the banking during the survey but the survey requested would be to verify the work on the other two conditions.

Crosby questioned the cost of the survey work.

Nunn advised that the first survey cost about \$1,100 and another was at a cost of \$800. He stated that Jim Kujawa surveyed the project ongoing and could write a letter to that effect.

Kellogg stated that the requirement was for that type of survey and Jim Kujawa is not a licensed surveyor. He stated that he would want to ensure that the work done was in accordance with the conditions provided by the City and that the survey be on file to show that.

Nunn questioned if a letter from Jim Kujawa would be sufficient in lieu of the survey.

Crosby did not think that discussing this matter further would be appropriate in this setting. He thought that staff could further work this matter out and stated that a survey or equivalent would be needed per the CUP requirements.

Johnson stated that two things were to be accomplished; one being the bunker and the second was to make sure that the runoff did not run into the watershed. He stated that if the grades were shown clearly to the City he thought that would be sufficient.

Kellogg confirmed that the applicant could further work with him, Adams, and Finke to complete the requirements.

**B. Park Commission**

Park Commissioner Chris Hilberg stated that the Commission met during the previous week and reviewed a number of items. He summarized the discussed items including park signs and the Hamel Legion Park Field House. He advised that a special meeting would be held to further discuss the park sign options in order to present the item to the Council at their next meeting. He thought that an open house for the public would be held on August 19<sup>th</sup> in regard to Hamel Legion Park. He thanked the Council for the addition of the new Park Commissioner. He stated that staff recommendations were reviewed and agreed upon in regard to the CIP at the previous meeting.

**C. Planning Commission**

Planning Commissioner Michelle Litts stated that the Commission reviewed and recommended approval of the Hamel Legion Field House at the previous meeting. She questioned if the fire access road would need to be that wide as they saw it as a large amount of hard surface for the area. She advised that the zoning regulations for future sewer residential areas were also discussed and recommended for approval.

**VII. PRESENTATION**

**A. Economic Development Report**

Administration Intern David Trinh has been with the City for the past eight weeks and spent most of his time on this issue. He stated that the purpose of the report is to assess City policies to determine if changes to Medina's fee schedule regulations, or taxes are necessary; determine further needs of the City's business community; and, to explore the economic development options available to the City through State and County government. He questioned if an EDA would be helpful to gain and help business flourish in the City. He explained that in the past the City has not played an active role to encourage economic development. He stated that a community survey done about one year ago revealed a need for more restaurants but also a desire to protect the rural character of the City. Trinh stated that business leaders met with City staff last week and wanted more support from the City and expressed concerns over City regulations and taxes. He reviewed some of the available programs to the City through the County, State and Met Council such as the Common Bond Revenue Fund, Small Cities Development, Local Housing Incentive Account, and the Livable Communities Demonstration Account. He explained that some of the programs could be easily obtained by passing a resolution and some would require more work on the part of the City. Trinh advised that many local business owners would be interested in a business forum, which would not require much from the City. He explained that the forum would hold bi-annual meetings and provide a dialogue between business owners and the City. He advised that local businesses were also interested in having the Council and staff tour their businesses and see how they work. He thought that the business forum could eventually be developed into an EDA for the City. Trinh stated that an administrative review would be another option to help save business owners from the costs associated with obtaining a CUP. He advised that the objective would be to form an EDA for the City, which would combine the statutory powers of three agencies. He explained that the EDA would be comprised of Council members and would be funded by a tax levy, grants, or the City's coffers. Trinh briefly reviewed the City fees and the high costs of the water connection in Medina.

Weir thought that the City already had a level of administrative review. Finke stated technically that is true but only to a very small threshold.

Crosby gave credit to previous Mayor Tom Anderson, who helped to develop current business in the City. He commented that there was a very strong presence from local businesses at the meeting and advised that a few more businesses had contacted him that were unable to attend and interested in attending another session. He hoped that Trinh could hold another meeting for the business owners before his term is completed with the City. He had heard comments from local businesses that they would like the City Council to tour the business to see what they are actually doing and what is going on within the business community. He stated that one of the problems is that Medina is small and does not have the money that some larger cities do in terms of an EDA and land. He thought that the City did compare favorably in terms of tax rates. He advised that any land assessments are done with the careful eye of Hennepin County and the assessor is not told to assess high or low because they are in the City of Medina.

Smith liked the idea of doing a business tour once or twice a year. She thought it would be a great method to link residents and people to the businesses within the City to help promote local business. She suggested pointing out a few businesses in each newsletter to help promote what they do and how many people they employ.

Weir commented that the presentation was very thorough and was well presented.

Smith thought that the Common Bond program should be further researched by staff as well. She questioned if Hennepin County could make a presentation to the Council in the future.

## **VIII. OLD BUSINESS**

### **A. German Liberal Cemetery Feasibility of Ownership Transfer**

Adams stated that City staff met with German Liberal Cemetery Association (GLCA) members again last week and also further researched what other cities have done in taking ownership of a cemetery. He reviewed examples of cities that currently have possession of cemeteries, how they govern them and how much work is needed. He explained that if the City were to raise lot fees, and collect a burial fee, the City would be able to maintain and operate the facility or close it to new sales. He stated that GLCA has agreed to raise the lot fees to the requested \$2,000 immediately to help the City take control at earliest January 1, 2010. He provided other information to the City Council for their review. He stated that the City is not required to take over the cemetery but the option is available and explained what the process would be.

Weir questioned if it would be the same fee to bury cremated remains.

Adams stated that the \$2,000 was used for purpose of analysis for individual lots and the cremated remains fees would have to be factored into the revenue stream needed to operate/maintain the cemetery. He advised that a resident versus non-resident rate could also be offered.

Crosby stated that the cemetery was setup in 1892 and some of the people who helped found the City were buried at the cemetery and came to the area for religious freedom. He stated that this would be taking over a community asset, for which there is a statute. He thought that the cemetery would be limited to Medina residents and family members of those who are buried there. He thought that if the City were to move forward on this

item in the next year, Don Gaspar may be available to help train a new person to maintain the cemetery. He thought that tradition had been started long ago and believed that it was the duty of the City to help keep that tradition alive.

Smith was concerned that the City did not have sufficient staff to handle the maintenance portion of this cemetery and wondered why the other alternatives were not pursued. She thought that the current association could hire a consultant and set money aside for a time in the future when the City could take over. Smith preferred that the City not take over the cemetery any time soon because staff had enough pressure at this point working on the ordinances and comprehensive plan. She questioned if the City could be an unofficial partner and help to bring a consultant onboard with the association to develop a fund for future City take over. She was concerned with the timing and whether or not an interim plan could be developed, at least until the plots were all sold.

Crosby commented that the City would be gaining funds of approximately \$90,000, along with the increased lot fee from \$600 to \$2,000.

Weir stated that she visited the location recently and commented that it is a beautiful site and almost park like. She agreed that the cemetery is a part of the City's history and felt that it needed to be preserved. Weir questioned if it might be better timing to hold off until January of 2011 to give City staff more time to complete the ordinance changes for the comprehensive plan.

Adams stated that City staff would be able to complete the controls by January 1, 2010 if the Council were to place a high priority on it. He stated that the general maintenance would be contracted out and ongoing work would not require a lot from City staff, but acknowledged the primary burden on staff would include the transfer process and documents.

Weir stated that she would like the City to preserve the area but was interested in delaying the process until January 2011.

Smith agreed this was a part of Medina's history and should be preserved. She was unsure of the timing and thought that the GLCA should spend another year and a half getting it ready for City takeover in the future. Smith did not think that it was the duty of the City to take over the cemetery and it might be more feasible in another year to two years.

Adams stated that of the three items on the agenda tonight, this would require the least work from staff and that staff resources on creating/maintaining an Economic Development Authority, and oversight of the Hamel Field House project and future operations were a greater burden. He advised again that the cemetery transfer would only require significant work for the next three to four months.

Crosby felt that the Council could support taking over the cemetery with a goal date of January 1, 2011.

Bill Netz, President of the GLCA, stated that a timeline is helpful for them, as their volunteerism is waning. He thought that a goal date of January 1, 2011 would be acceptable on their part.

Smith suggested using a date of November 1, 2010 so that it is still under the current Council.

Crosby suggested language changes to the conditions, including a date of no later than November 1, 2010.

*Moved by Smith, seconded by Weir, to direct staff to prepare official controls and a transfer plan for ownership control of the German Liberal Cemetery effective no later than November 1, 2010. **Motion passed unanimously.***

**B. Pioneer Trail Overlay**

1. **Resolution Approving Plans and Specs and Ordering Pioneer Trail Mill and Overlay Project**
2. **Resolution Adopting Assessment Roll for Pioneer Trail Improvement Project**

Adams briefly reviewed the background information on the project and advised that it had been previously tabled to tonight's meeting. He stated that the assessments vary from approximately \$1,000 to \$9,300 with a total of ten parcels being assessed. He stated the public hearing was closed in June and questioned if the Council would like to move forward on the project.

Crosby stated that he had voted for the special assessment policy that incorporated this road but was concerned with the expectations for future lot subdivision and the amount of assessment for certain residents.

Smith believed that what was at first thought to work for collector roads does not work. She felt that the assessments were too high and questioned if there was a way to do the project without selling bonds, which would require a 20 percent assessment.

Adams advised that they were not using bonds for this project, but as a policy measure the Council will be using bonds for future collector roads and advised the assessment amount to be consistent.

Smith thought that the City should pay a larger portion of the project costs for collector roads, as they are highly used by other residents. She thought that the City needed a better method for assessments.

Adams stated that the City does assess higher for local roads at 50 percent but could go as low as 20 percent, or lower if desired by the Council, in regard to assessments.

Weir did not think that the City should go lower than 20 percent in order to maintain consistency.

Smith stated that although some of the property owners were holding land for future development, others were not. She was comfortable with the City picking up more of the cost for this road.

Crosby stated that the Laurent property has been in the family since the beginning of Medina and felt that was different than people who bought land and are holding it for development.

Johnson did not believe that the property owners should be treated differently. He stated that hours had been spent on this process and was concerned that this was being treated differently, in an ad hoc manner, because of certain landowners. He thought the Council should either move forward consistent with the terms of the policy or go back and redo the process itself.

Adams commented that the assessments could drop from 25 to 20 percent but he did not think that it would make a huge difference in assessed dollars to the residents. He advised that bonding for the whole project would also be an option.

Johnson questioned if they would then change the policy to bond instead of assess for collector roads.

Adams commented that the cost for collector roads would then be bonded and split equally between residents city-wide. He advised that the decision would then be between bonding or to redo the special assessment process.

Smith stated that even though they spent a lot of time on the process in the past, if it is not working it would need to be amended. She was in favor of assessing a portion of the road and believed that while it might not be a huge decrease, 20 percent would be better than 25 percent.

Batty stated that he does not usually recommend that an assessment go out at 20 percent because it does not leave any room for error or reducing. He stated that the City would want to start out with a higher assessment rate that could be lowered in the process if need be. He did not think that a successful appeal would affect a 20 percent assessment rate in regard to bonding.

Crosby was concerned with the fairness of assessing this collector road, as County roads are not assessed. He was also concerned with the Laurent property and that if they were going to develop they would need to pay 100 percent of the internal road improvement costs, to provide access to the collector road.

Smith suggested assessing at 20 percent.

Weir suggested assessing at a slightly higher rate to begin with and consider lowering during the process as suggested by the City Attorney.

Johnson questioned if this was an issue of assessing 20 or 25 percent, or one of fairness. He stated that it would need to be an issue of policy then to be consistent with collector roads. He stated that from a policy situation it needs to be consistent and recognized that the split may not always make the Council comfortable.

Weir thought that the Council should move ahead with the 22 or 23 percent and if residents feel that it is unfair they can appeal.

Batty recommended starting higher than 20 percent so property owners can come forward with concern and their assessment could be lowered if deemed necessary. He suggested that the Council make a policy decision for assessments of collector roads. He thought that assessment rolls should be run at a slightly higher rate than 20 percent

to provide a margin of error. He advised that if necessary, the Council could ultimately lower the assessment to 20 percent at the end of the assessment process, which they are now at with Pioneer Trail, but at least there would be a margin for error.

*Moved by Johnson, seconded by Weir, to approve the resolution approving plans and specifications and ordering Pioneer Trail Overlay Project. **Motion passed 4-1 (Crosby opposed).***

*Moved by Johnson, seconded by Smith, to approve the resolution adopting assessment roll, as modified to a 20% assessment, for Pioneer Trail Improvement Project. **Motion passed unanimously.***

Crosby desired the assessment to state that the interest was compounded so that residents would be aware of that.

Day advised that the interest is not compounded as long as people are paying their payments annually. She stated that if the amount were deferred the interest would compound.

Batty confirmed that there are a number of cases in the past where the assessment has been deferred. He stated that there is a clause in the language that addresses deferment and interest.

Crosby briefly recessed the meeting at 9:03 p.m.

Crosby reconvened the meeting at 9:08 p.m.

Day clarified that the compounded interest language would be included in the letters sent to property owners. No further changes were needed for the resolution.

*Moved by Johnson, seconded by Weir, to amend the special assessment policy to prepare assessment rolls at 22 percent but target final assessment for collector roads at 20 percent. **Motion passed unanimously.***

## **IX. NEW BUSINESS**

### **A. Hamel Legion Park Field House – Conditional Use Permit**

Finke reviewed conditional use permit for the Hamel Legion Park field house. He stated that the structure would be located between the four ball fields and would increase the hard cover to a total of 19 percent, including the concession and storage buildings. Finke displayed the elevation and floor plans and discussed proposed materials. He stated that handicap parking spaces are already available and suggested that additional spots be provided near the concession building. He stated that there would be a proposed emergency access drive composed of gravel and 24 feet in width. He explained that normally a width of 20 feet would be used but since there is a limited turnaround near the facilities, a larger width was suggested. He stated that staff and the Fire Marshal will continue to work together to limit the width of the emergency access. Finke advised that the Planning Commission suggested using drought resistant plants to help in terms of maintenance. He reviewed low impact development suggestions that could be added onto the project in the future. He advised that staff and the Planning Commission recommend approval of the conditional use permit.

Tim McIlwain, an architect on the project, explained the international fire code states if you are over 250 feet from a public road you could have a road 20 feet wide but you would need to provide a cul-de-sac or hammerhead so an emergency vehicle could turn around. He advised that as a compromise the roadway could be 24 feet without a turnaround so that two emergency vehicles could safely drive past each other.

Crosby was concerned that this project was supposed to be \$300,000 and is now \$430,000.

Smith advised that the City is already so far into the project and volunteers have helped to raise funds. She stated that something else in park dedication could be delayed so that this could be finished. She believed that this was the time to go out for bids.

McIlwain stated that they are following the "letter of the law" and this was a compromise given by the Fire Marshal.

Johnson thought that the "letter of the law" was meant to protect occupied buildings.

Smith stated that the area is out of compliance and this is meant to protect people from fire or medical emergency.

Weir questioned how much money would be saved if the storage building was not built at this time. She thought that the existing storage could be used for the next four to five years and donations could be gained in that time to help pay for the second stage of the project.

McIlwain estimated that \$40,000 to \$45,000 could be saved if the storage building was built at a later date.

Smith stated they would go out for bids on the complete project with alternate bids but she did not think that the same prices would be gained for the construction work in three years.

McIlwain stated that in today's market they are finding projects at about 25 percent under estimate. He also explained some of the extra costs that had not been planned for in the beginning of the project but were added through the process that totaled about \$100,000. He stated that a large portion, \$50,000, was for the lighting panel for future lighting of the fields. He advised that there would be a drop dead date for the electrical engineer as far as phase one or completion.

Crosby questioned why lighting would be needed May through September.

Smith stated the Hamel Athletic Association believes they would be able to entice additional tournaments if the fields were lit.

Johnson questioned if the residents in the area were aware of this proposed lighting. He did not think that the residents in the nearby townhomes would be in favor of late night lighting of those fields.

Smith thought that having the building built with the capability to have lighting in the future would be the best option, as pipes and wires need to be run.

Johnson questioned if it would save funds to not purchase the electrical breaker switch at this time but to just prep the building and make it capable.

McIlwain explained that there would be an option to make the building capable and it would save funds.

Smith thought that both buildings should be built if the bids come in at the right price and that the lighting could be placed on a "back burner."

Johnson did not think that the Council should move forward on a project that far over budget without addressing the gap in funding.

Smith did not believe that some of the additional costs, such as soil borings, should have been lumped in with the project costs.

McIlwain stated that they could hold further discussions with the Fire Marshal to try to minimize the impact of the road and reduce the width from 24 feet to 20 feet.

Gerry Dykhoff thanked the Council for being discretionary with City money but acknowledged that the funding for this project was coming from park dedication fees and would not affect taxpayers. He stated that Hamel was able to donate \$100,000 towards the project and he did not see what the problem was with spending the additional portion of money from the park dedication fund. He stated that this project would immediately affect 500 residents of the City. He did not think that the same outcome would be generated from an addition of five miles of trail within the City. He thought it was time for the City to step up and spend the funds. He stated that the four field complex was built completely by Tom Anderson and his family. He advised that the tennis courts had been built by the Hamel Lions Club.

Johnson did not think anyone was questioned if they were going to go ahead on the project, just the method on how to move ahead with the project.

Crosby stated that staff has indicated the amount of money in the fund and that a majority is slated for projects in the CIP over the next three years. He asked what would not be done if this complete project is done.

Smith advised that issue would be further discussed at the meeting later this week.

*Moved by Smith, seconded by Weir, to direct staff to prepare the resolution for conditional use permit approval. **Motion passed unanimously.***

Adams summarized what would be discussed at the August 5<sup>th</sup> meeting including the resolution of approval, plans and specs, advertisement for bids, and operating plan update.

**B. Ordinance Related to Animal Density Standards in the Rural Residential and Rural Residential-Urban Reserve Zoning Districts; Amending Sections 825.07, 826.25 and 826.98**

**1. Resolution to Publish the Ordinance by Title and Summary**

Finke stated that this had previously been discussed at a work session. He stated that for the past eight months there have been regulations on how many animals could be allowed based on grazable acres. He briefly summarized background information for the Council. Staff noticed that this is brought up most often when a realtor calls the City to determine how many horses could be on a property. He found this to be a common practice with other communities in the Metro area. Finke noted some administrative difficulties that have developed, including nonconformity. He explained that it is hard to determine the amount of grazable acres from City Hall and since there is no license to purchase a horse that also makes enforcement difficult. He advised of the proposed changes including a purpose statement and including type one wetlands as grazable acres. He questioned if grazing would then be allowed in the type one wetlands since they would be counted as grazable acres. Another proposed change would be to expand the ability to obtain a CUP with three grazable acres, subject to showing no net increase in runoff, in addition to nutrient loading.

*Moved by Weir, seconded by Johnson, to approve the ordinance related to animal density standards in the rural residential and rural residential urban reserve zoning districts; amending sections 825.07, 826.25.25 and 826.98. **Motion passed unanimously.***

*Moved by Weir, seconded by Johnson, to approve the resolution authorizing the ordinance to be published by title and summary. **Motion passed unanimously.***

**C. Resolution Approving and Awarding the Sale of, and Providing the Form, Terms, Covenants and Directions for the Issuance of its Limited Taxable Increment Revenue Notes, Series 1009 in an Amount Aggregate Principal Amount not to Exceed \$2,000,000**

Adams stated that this resolution is in line with the development agreement from 2005. He advised that the company did meet their requirements and the payments would need to be made back to the substantial completion date. He explained that these checks would be written to Target and Ryan.

Batty confirmed that this is exactly what was authorized by the development four years ago.

Adams advised that there was a slight change in language in section 4.02 regarding the proper term of debt services fund.

*Moved by Smith, seconded by Weir, to approve the resolution approving and awarding the sale of, and providing the form, terms and covenants and directions for the issuance of its limited taxable tax increment revenue notes, series 2009 in an aggregate principal amount not to exceed \$2,000,000. **Motion passed unanimously.***

**X. CITY ADMINISTRATOR REPORT**

**A. Uptown Hamel Monument Sign**

Adams updated the Council and displayed a sketch of the sign with the changes suggested. He advised that the Uptown Hamel community continues to support option B2 and would like it to be a four-sided sign. He thought that public input could be gained

in the next month and the issue brought back to the Council on August 18<sup>th</sup>. Adams requested to promote the public comment period in the City newsletter.

Smith suggested putting "City of Medina" at the bottom of the sign and placing "Uptown Hamel" at the top of the sign. She thought that would look better aesthetically and is also what the Uptown Hamel group would like.

**B. Approve City Planner Job Description**

Adams stated that after evaluating the Planning Department for the past five months he recommends adding a City Planner job description and had updated the job description of the City Planner from what it had been in the past. He recommended appointing Dusty Finke to the position of City Planner effective August 1, 2009. He advised that this would not eliminate the option to bring in a Planning Director in the future.

Crosby asked for clarification between different job titles. He confirmed that Finke was already present in the meetings, just without the title. Crosby questioned what the new title would entail that his current job does not.

Adams explained that some staff would then report to Finke rather than himself. He advised that Finke would have more direct responsibility and accountability with department budget management, day-to-day management, and that Finke had already demonstrated progress and leadership in these areas.

Crosby questioned if this could be done on a probationary period for six months to one year.

Adams felt that the past six months have already counted as a probationary period in his opinion and Finke has experienced probationary periods in past employment at the City. He stated that he has had conversations with Finke and other employees and personally felt that Finke has performed the duties well the last several months.

Smith thought that this was a change to the Planning Department. She felt that Finke deserved a promotion but was not sure that the description for this position was correct. She felt that a Planning Director should have the supervisory power. Smith recommended that the position description be changed to reflect that this position would not be the supervisor for that department. Smith indicated she was happy to promote Finke without the supervisory element to the job description.

Adams stated that he had spoken with Finke about the addition of a Planning Director in the future and that his position may not stay the same should that position be added. He advised that downgrading the supervisory part of the position would cause more complex issues with pay grade as that would require Finke to be a non-exempt employee compared to recommended salary exempt with supervisory responsibilities. Adams advised that in January as a result of the Planning Director vacancy the Council had discussed the issue and directed him to monitor the department functions and form a recommendation.

Weir felt that Finke should take this position with all the job descriptions and see how it goes in six months. She commented that eventually Finke may eventually grow into the Planning Director.

Crosby thought that a similar approach as recommended by Adams seemed to work well in Public Works and saw this as a four or five year position.

Weir felt that Finke was more than capable of handling the position and thought that it was a practical way of moving forward. She wanted to ensure that Finke continue with ongoing education as well.

Siitari questioned if a six-month probationary period should be added.

Crosby questioned if it would be a legal issue if the job were to be demoted in the future after the probationary period.

Batty did not think that there would be legal concern because all the employment is at-will.

Crosby was reluctant to hire a high priced Planning Director when they could move forward with this plan. He stated that at present time his preference is to add capacity, addressing demand, through the hiring of temporary specialists to perform needed tasks.

Smith thought that this was the wrong way to go about this change and that an interim position would be more likely. She thought that if the person were qualified, why not promote them to Planning Director. She felt that if a Planning Director were hired in the future, the City Planner job description would need to be changed and the pay grade issues would come into play at that time. She believed this to be a reorganization of the department.

Adams commented that this would give Finke more responsibility and experience and a chance to grow to the Planning Director position.

*Moved by Weir, seconded by Siitari, to approve the City Planner job description. **Motion passed 4-1 (Smith).***

**C. Appoint Dusty Finke to City Planner effective August 1, 2009**

*Moved by Weir, seconded by Siitari, to approve the appointment of Dusty Finke to City Planner effective August 1, 2009, as outlined in the staff report, with the condition that stated salary increase on November 1, 2009 is subject to satisfactory completion of a three-month probationary period. **Motion passed unanimously.***

**~~D. 2009 City Budget – 2<sup>nd</sup> Quarter Financial Overview~~**

**E. City Sign Ordinance and City Park Signs**

Adams stated that the Park Commission discussed the proposed signs and they do not meet with the City sign ordinance. He questioned if the Council would like to amend the sign ordinance or direct the Park Commission to develop another sign.

Smith stated that she has worked with the Park Commission for quite some time and they have developed a sign that is not legal per City ordinance. She questioned the best way to resolve this issue.

Finke explained that they could notice a public hearing for the next Planning Commission meeting in order to make changes to the sign ordinance. He explained that this would open the option for pylon signs.

Smith was concerned with changing the sign ordinance for this item because it would open the City for some issues they may not like. She thought that limiting the size of the sign would be one method to consider.

The Council agreed to have staff make revisions to the ordinance for the August Planning Commission meeting.

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

There were none.

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

*Moved by Johnson, seconded by Weir, to approve the bills, EFT 000513-000522 for \$32,382.14 and order check numbers 034227-034313 for \$727,872.67, payroll checks 020206-020207 for \$742.96 and EFT 502153-502183 for \$44,614.48, and check number 034314 for \$60,330.42 and check number 034315 for \$97,313.74. **Motion passed unanimously.***

#### **XIII. ADJOURN**

*Moved by Weir, seconded by Johnson, to adjourn the meeting at 10:56 p.m. **Motion passed unanimously.***

---

T.M. Crosby, Jr., Mayor

Attest:

---

Chad M. Adams, City Administrator-Clerk