

## **MEDINA CITY COUNCIL MEETING MINUTES OF DECEMBER 15, 2009**

The City Council of Medina, Minnesota met in regular session on December 15, 2009 at 7:03 p.m. in the City Hall Chambers. Mayor Crosby presided.

### **I. ROLL CALL**

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

**Members absent:** Siitari

**Also present:** City Attorney Ron Batty, City Engineer Tom Kellogg, City Planner Dusty Finke, Public Works Superintendent Steve Scherer, City Administrator Chad Adams and Recording Secretary Amanda Staple.

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

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

It was requested to pull an item, Long Term Fire Services Planning, from the Presentation portion of the agenda and postpone that item to the January meeting. It was requested to add an item, Donation Acceptance, to the City Administrator Report.

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

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

#### **A. Approval of the December 1, 2009 Special City Council Meeting Minutes**

*Moved by Smith, seconded by Weir, to approve the December 1, 2009 Special City Council meeting minutes as amended. **Motion passed unanimously.***

#### **B. Approval of the December 1, 2009 Regular City Council Meeting Minutes**

It was noted on page three, line 24, it should state, "...favorable work of the crime lab..." It was requested to add a statement on page three, line 22, stating, "He reported that because of stimulus funds his department was able to add seven or eight workers to the crime lab." On page seven, line 15, it should state, "...noncompetitive water trunk connection fee..." On page seven, line 17 it should state, "...the storm sewer water utility fees..." On page nine, line 16, it should state, "...increase in of more than doubling in population by 2030."

*Moved by Smith, seconded by Weir, to approve the December 1, 2009 Regular City Council meeting minutes as amended. **Motion passed unanimously.***

### **V. CONSENT AGENDA**

#### **A. Approve 2010 Tobacco License Renewals**

#### **B. Approve Addendum to Recording Secretary Services Agreement**

#### **C. Approve Cleaning Services Agreement with Carlson Building Services, Inc.**

#### **D. Approve Hamel Community Building Operating Agreement with Hamel Lions**

**E. Approve Sale of Forfeited Vehicle**

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

**VI. COMMENTS**

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

There were none.

**B. Park Commission**

Park Commissioner Ann Thies reported that the Park Commission would not be meeting in the month of December and advised that the Commission met almost all of the 16 goals set for the 2009 year.

**C. Planning Commission**

Finke stated that the Planning Commission would not meet in the month of December and would most likely move forward on the Commercial Holding area zoning discussion held during the worksession at the January meeting of the Planning Commission.

**~~VII. PRESENTATIONS~~**

**~~A. Long Term Fire Services Planning – Hamel Volunteer Fire Department and Loretto Volunteer Fire Department~~**

**VIII. NEW BUSINESS**

**A. Request for Wetland Setback Variance for a New Septic System; BK Reality – 1255 Medina Road; PID 14-118-23-0005**

Finke stated that the request before the Council was in regard to a 75 foot setback, for a septic system from a wetland, at 1255 Medina Road. He reported that the property was currently bank owned and the request was before the Council because the existing septic system was deemed an imminent health threat, which means that the property owner has 10 months to update the system. He advised that staff reviewed the property and there is not a location on the site, which would meet the wetland setback because of the layout of the property in relation to the wetland. He stated that staff believed that variance criteria were met in this situation and recommended approval of the request.

*Moved by Smith, seconded by Weir, to direct staff to prepare a resolution for wetland setback variance approval for a new septic system.*

Councilmember Johnson questioned why the option of a holding tank was not discussed further.

City Building Inspector Loren Kohlen advised that the proposed system is similar to many other properties in the City and explained the important factors in regard to septic matters. He stated that many other cities use a wetland buffer of 50 feet, rather than 75. He explained that the holding tank would need to be pumped regularly and the City would need to be notified each time the pumping occurs.

***Motion passed unanimously.***

**C. Uniform Park Signs**

Scherer provided background information to the Council regarding the proposed park signs and advised that although the process has taken quite some time, the Park Commission and City staff were happy with the results. He reviewed specifications for the proposed signs and the proposed material that would be used. He stated that staff recommended accepting the bid from Vacker Signs and displayed examples of signs composed of similar materials. He reported that \$27,500 had been budgeted for the signs in the CIP and stated that the cost for the sign panels and cedar posts would be \$13,546.96. He advised that the remaining budgeted funds would be used for installation and landscaping.

*Moved by Johnson, seconded by Weir, to approve ordering signs from Vacker Signs as outlined on the sign specifications order form.*

Councilmember Smith commended the hard work of the Park Commission in this long and thorough process and recommended the Council's appreciation be passed on to the Commission. Adams stated Staff will follow-up on the appreciation correspondence to the Park Commission.

***Motion passed unanimously.***

**IV. OLD BUSINESS**

**A. Ordinance Adding Section 842 – Mixed Use (MU) District to the Medina Zoning Ordinance**

Laurie Smith, Northwest Associated Consultants, stated that she and Stephen Gritman have been working with Finke to amend the mixed use zoning district. She summarized the changes made to the ordinance including the format, additional clarification regarding density, and additional items that would be allowed in the district through a conditional use permit or planned unit development.

Crosby commented that it is common, with multi-level housing, for a manager to be living on the first floor of the property. He stated that he thought it would be appropriate to allow residential living on the first floor, but noted that commercial use would be preferred.

Finke stated that the largest policy issue would be in regard to density and explained the proposed density would allow for additional flexibility.

The Council reviewed the ordinance page by page handling questions as they occurred.

Batty noted that two, of three, required State statutes were included in the proposed ordinance and confirmed that all of the statutes should be included in the ordinance.

Crosby questioned if there was a maximum amount for bonuses one could receive within the ordinance.

Finke stated that there was not a maximum bonus at this time, explaining that the density would need to average out throughout the development. He suggested striking bonus and replacing that word with, "requirements for higher density".

Crosby paused the discussion at 7:58 p.m. to allow time for Prosecuting Attorney Steve Tallen to provide his annual update.

## VII. NEW BUSINESS (CONT)

### B. 2010 Consulting Appointments

#### 1. Tallen & Baertschi

Steve Tallen has been the City Prosecutor almost 20 years and requested that the City reappoint him as the City Prosecutor with no pay increase at this time, consistent with City pay freezes. He compared the cost for his services against the fine revenue generated from his cases for the Council. He stated that he did go to the Court of Appeals once in the past year, although the case was not ruled in his favor.

Crosby questioned if the cost for his services were split evenly between cases or whether there was one or two large cases taking the majority of his time.

Tallen reported that the cost is pretty evenly spaced between cases and he did not have one case that stood out. He stated that domestic assault and drunken driving cases make up almost two thirds of his cases.

*Moved by Weir, seconded by Smith, to appoint Tallen & Baertschi as Prosecuting Attorneys for 2010.*

Crosby commented that he has not received any negative political comments in regard to the City Attorney or Prosecutor, and thanked them for their services to the City.

Tallen commended the work of Chief Belland and his officers as their hard work and good reports make his job easier.

***Motion passed unanimously.***

#### 2. Bonestroo

*Moved by Johnson, seconded by Weir, to reappoint Bonestroo as City Engineer for 2010. **Motion passed unanimously.***

#### 3. Kennedy & Graven

*Moved by Johnson, seconded by Weir, to appoint Kennedy & Graven as Legal Counsel for 2010. **Motion passed unanimously.***

## IV. OLD BUSINESS (CONT)

### A. Ordinance Adding Section 842 – Mixed Use (MU) District to the Medina Zoning Ordinance (Cont)

Crosby revisited the discussion at 8:11 p.m.

The Council reviewed the remaining portion of the ordinance page by page requesting additional clarification during certain points of the discussion.

Finke led the Council in a discussion regarding proposed use sizes within the mixed use district. He stated that he would gain additional information regarding the proposed maximum size allowed in the district and other existing businesses in the City.

Stephen Gritman, Northwest Associated Consultants, stated that an open house was held previously in regard to this zoning ordinance, as well as a public hearing of the Planning Commission and noted that there were members of the public in attendance.

Crosby questioned if the Council would like to approve this item at the next meeting through the consent agenda or whether the ordinance would be provided to the public prior to the official approval.

Finke stated that members of the public that do have interest in the ordinance have been alerted and updated throughout the process.

The consensus of the Council was for the amended ordinance to be presented for approval via the consent agenda at the next meeting.

## **X. CITY ADMINISTRATOR REPORT**

### **A. Designation of Official Legal Newspaper**

Adams stated that the City attempted to gain formal quotes this year but only received one formal quote, which was from *South Crow River News*.

*Moved by Smith, seconded by Weir, to appoint the South Crow River News as the City's designated official legal newspaper for 2010. **Motion passed unanimously.***

### **B. West Metro Drug Task Force Letter of Support**

Adams reported that he and Chief Belland draft the proposed letter and questioned if specific language should be softened in the letter.

Crosby commented on the question and suggested replacement language.

*Moved by Weir, seconded by Smith, to direct staff to send the letter of support to the Chair of the Public Safety Policy and Oversight Committee as amended. **Motion passed unanimously.***

Smith commented that she would like a copy of the letter of support to also be sent to the City's local representatives. Adams stated he would send the letter to Representative Steve Smith and Senator Gen Olson.

Adams provided updates to the Council and stated that the holiday party was held on the first Thursday of December, as it had been in the past, and confirmed that date would be consistent moving forward. He summarized the discussion that took place during the Hennepin County Board meeting today regarding the OSI bond approval. He stated that the County also awarded the City of Medina a \$100,000 grant towards the field house project, including the garbage enclosure, fence repairs and irrigation of one ball field.

### **C. Acceptance of Donation**

*Moved by Weir, seconded by Smith, to accept a donation of \$981.21 from Tom Crosby. **Motion passed unanimously.***

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

Crosby stated that he would not be able to attend the March 2, 2010 meeting and requested rescheduling the meeting to March 3, 2010.

Smith stated that she did not see the need to reschedule a meeting because one member would not be able to attend.

Adams stated that the decision need not be made tonight and could be decided in the next three weeks.

**XII. APPROVAL TO PAY THE BILLS**

*Moved by Weir, seconded by Johnson, to approve the bills, EFT 000621-000629 for \$32,162.53 and order check numbers 034843-034916 for \$249,651.49, and payroll check 020222 for \$230.87, and payroll EFT 502460-502488 for \$42,890.66. **Motion passed unanimously.***

**XIII. CLOSED SESSION: EMPLOYEE PERFORMANCE REVIEW**

*Moved by Weir, seconded by Johnson, to adjourn the meeting to closed session to discuss the employee performance review of City Administrator Chad Adams at 9:00 p.m. **Motion passed unanimously.***

The Council entered closed session at 9:09 p.m.

The Council returned to open session at 10:16 p.m.

Crosby stated that the review of the City Administrator's performance in 2009 was good. He noted that goals for 2010 have been established in the areas of: professional development and operational management; fiscal prudence and local economy; and, project assignments.

**XIII. ADJOURN**

*Moved by Weir, seconded by Johnson, to adjourn the meeting at 10:17 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