

MEDINA CITY COUNCIL MEETING MINUTES OF JULY 6, 2010

The City Council of Medina, Minnesota met in regular session on July 6, 2010 at 7:03 p.m. in the City Hall Chambers. Acting Mayor Smith presided.

I. ROLL CALL

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

Members absent: Crosby.

Also present: City Attorney Sarah Sonsalla, City Engineer Tom Kellogg, Police Chief Ed Belland, 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

The agenda was accepted as presented.

IV. APPROVAL OF MINUTES

A. Approval of the June 15, 2010 Special City Council Meeting Minutes

*Moved by Siitari, seconded by Johnson, to approve the June 15, 2010 Special City Council meeting minutes as presented. **Motion passed unanimously.***

B. Approval of the June 15, 2010 Regular City Council Meeting Minutes

It was noted on page six, line 33, it should state: "...to ~~schedule~~ reschedule a the special regular meeting..." On page six, line 43, it should state, "...technology. The Council questioned the cost and financing of such a network." On page six, line 47, it should state, "...by the organization this ~~summer~~ fall..."

*Moved by Siitari, seconded by Johnson, to approve the June 15, 2010 Regular City Council meeting minutes as amended. **Motion passed unanimously.***

C. Approval of the June 30, 2010 Special City Council Meeting Minutes

It was noted on page two, under Staff Compensation and Resources, following the last statement, it should state, "The Council agreed to direct staff to discuss the rate increases with the Union." On page three, under GASB Statement 45, the third line, it should state, "...other states are paying for or subsidizing payments for subsidized post retirement payments under conditions..."

*Moved by Weir, seconded by Siitari, to approve the June 30, 2010 Special City Council meeting minutes as amended. **Motion passed unanimously.***

V. CONSENT AGENDA

A. Accept \$500 Donation from Loretto Lions Club

B. Accept \$100 Contribution from Hamel Lions Club

- C. Approve Agreement by and between Hennepin County, Independent School District #281 and the City of Medina Consent of Assignment of Contract No. A052282
- D. Approve Services Agreement with Southwest Assessing (Rolf Erickson)
- E. Approve Services Agreement to Prepare 2010 Audited Financial Statements with Abdo, Eick, and Meyers, LLP
- F. ~~Approve Demolition and Removal Services Agreement with Schoening Excavating, Inc.~~
- G. Approve Water Storage Tank/Clarifier Services Agreement
- H. Approve Electric Handicap Door Operator System Installation Services Agreement with Assured Security, Inc.
- I. Approve First Amendment to Development Agreement (for Keller Estates Sub-division)
- J. Resolution Granting Preliminary Plat Approval for Leawood Farms 3rd Addition
- K. Resolution Recognizing John Vinck for Five Years of Service to the City of Medina

Adams asked to remove item F (Approve Demolition and Removal Services Agreement with Schoening Excavating, Inc) from the consent agenda.

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

- F. Approve Demolition and Removal Services Agreement with Schoening Excavating, Inc.

Adams noted that legal counsel had noted that a statement should be included in the agreement which states that at the end of the scope of services the contractor should dispose of the material as directed by law, including current or pending environmental requirements.

Johnson questioned if the City would be liable in regard to the disposal of any hazardous materials and wanted to ensure that environmental regulations regarding the disposal were being met.

Scherer explained that he has discussed the disposal of a few existing barrels of fuel and oil with local service providers and didn't believe there was any concern.

Smith stated that she would like to see proof of the disposal, a slip from the site at which the material is disposed of, to ensure that proper methods were used.

*Moved by Johnson, seconded by Weir, to approve the demolition and removal services agreement with Schoening Excavating, Inc., to include the disposal statement to comply with environmental regulations. **Motion passed unanimously.***

VI. COMMENTS

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

There were none.

- B. Elm Creek Watershed Management Commission – Dick Picard

Dick Picard provided a brief summary of the Elm Creek Watershed Management Commission, including the member cities and size of the District. He noted that the Commission meets the second Wednesday of each month at the Maple Grove City Hall at 11:30 a.m. and advised the meetings are open to the public. He summarized the projects in 2009 that would be of interest to the City of Medina, including Open Systems International and the Hamel Legion Park Field House. He advised of the projects that have been, and are still being, completed in 2010 within the City of Medina. He noted the items that the Commission reviews in regard to proposed trail projects. He summarized the interests of the Watershed District. He asked that City staff alert the Commission when an item of interest is going to be presented to the Watershed District.

Weir thanked Mr. Picard for his services, as he does not live within the Elm Creek Watershed, but agreed to assist the City of Medina as the City was lacking a representative.

C. Park Commission

Park Commissioner Paul Jaeb noted that at the last meeting the Commission held a long discussion regarding the possible installation of two portable bathrooms at Hamel Field, requested by the athletic association and advised that the Commission recommended approval. He stated that the Commission is also discussing the location of the new park signs. He advised that the Commission reviewed the current park dedication fund balance and the possibility of postponing some projects. He reported that he attended the dedication of the Hamel Legion Park Field House, along with several members of the Council. He noted that construction has begun on the Open Systems International, Inc. project, and with the close proximity of his home, hoped that the project would go as smoothly as the Loram project.

D. Planning Commission

Planning Commissioner John Anderson advised that the Commission had not met since the previous Council meeting. He noted the items on the agenda tonight which the Commission has recently discussed, and advised of the items that would be discussed by the Commission at the meeting next week, including the Lennar “The Enclave of Medina” project.

VII. OLD BUSINESS

A. Ordinance Related to a New Zoning District for Conservation Subdivision Design; Adding New Sections 827.1 Through 827.75

Dan Petrik, City Planning Consultant with Barr Engineering, highlighted the proposed changes to the Conservation Design Ordinance.

Weir suggested moving language related to protection of native hardwood forests to the front of the objectives, since lakes and wetlands are protected by other regulations. She also suggested language changes to better reflect the tone of the City, and asked for further clarification in regard to hydric soils.

Petrik provided clarification regarding why the Council had decided to not subtract hydric soils from the buildable area. He noted that clarification was given to low-impact agricultural as a conservation area use. He advised that the Planning Commission suggested the language, “at least 30 to 50 percent” to promote a higher rate. The

Council agreed that the language should instead read, "at least 30 percent" as long as the sentence states the Council can raise the requirement based on the site.

Petrik continued to review the ordinance changes with the Council, noting suggested language and grammatical changes from the Council. He suggested updated language on page six related to eligible easement holders.

Smith suggested that flexibility be provided in regard to community septic system design.

Petrik provided specific language that could be added to the ordinance in regard to the item Smith suggested. He accepted additional input from the Council in regard to language and grammatical changes.

Weir requested that language be added to the Land Stewardship Plan section that restoration measures may be required for invasive plant species.

Finke noted that the enforcement section provides the City authority to complete the work and assess the cost back to the property owner if a violation is not corrected within noted time. He advised that legal counsel suggested that the City add enforcement and assessment abilities to the conservation easement and development agreement, because statute does not list maintenance of conservation easements as one of the specific costs which can be assessed to property. Finke advised that on page ten, a subdivision could be added stating the City may consider shared septic systems with a signed maintenance agreement, and he provided specific language that could be used. The Council agreed that the language should be added.

Sonsalla provided a specified chapter in the State statutes that should be referenced with regards to septic system regulations.

Finke advised that the new rules of the PCA have been postponed for an additional two to three years due to the outcry from several Minnesota counties.

Ann Thies stated that she believed that the Council and staff addressed the previous concerns of the Planning Commission and that it was a very workable document.

*Moved by Weir, seconded by Johnson, to adopt the ordinance creating the Conservation Design (CD-PUD) district, with the noted changes. **Motion passed unanimously.***

1. Resolution to Publish Ordinance by Title and Summary

*Moved by Weir, seconded by Johnson, to approve the resolution to publish the conservation design ordinance by title and summary. **Motion passed unanimously.***

VIII. NEW BUSINESS

A. Ordinance Pertaining to the Timing of Growth and Development to be Served by City Utilities Adding Section 825.34 to the Medina City Ordinance

Finke advised that this ordinance has been drafted to match the information in the comprehensive plan and noted that a PUD would be required. He advised that the points system has been divided into the crucial criteria, the primary criterion, and the secondary criterion. He noted that in order to even be considered, a project would need to meet the crucial criteria. The primary items were proposed to be worth ten points, and

secondary items would each be given five points. Finke provided a map of the staging and growth development, highlighting the properties which may be interested in jumping forward in the next five years. He discussed the number of points that would be needed for a property to jump forward in development, and the percentage of primary and secondary items that would need to be met in order to obtain the needed points. He advised that a public hearing was held by the Planning Commission, at which no public comment had been received. He noted that prior to the public hearing, comments were received in regard to whether added tax base should be a factor, and whether there should be a fixed cost for a developer to go through the process of attempting to jump ahead in development. He advised that staff was not in favor of a flat fee, so that the cost for a developer to potentially jump ahead in the staging process does not become the burden of the residents of Medina. He reviewed the proposed ordinance page by page with the Council allowing for discussion on items in question.

Johnson suggested adding language on page three, item C1, adding water conservation and renewable construction materials. The Council agreed that the item also in the subdivision referencing LEED platinum projects, or its equivalent, should be a primary item rather than secondary.

Smith suggested adding language specific to employment opportunities, noting that additional consideration would be given to the quality of jobs and wages provided.

Siitari questioned the likelihood that a developer would want to go through this process and whether anyone would be able to meet all the criteria specified.

Smith explained that the City staged the growth to ensure that the infrastructure of the City would be able to support the new development. She advised that these criteria would ensure that if a developer wanted to jump ahead in the staging process the quality of the project would be high.

Weir stated that if item C1 were to be moved to a primary item she believed that the required points to jump ahead should also be increased by ten points, from 40 to 50.

Siitari questioned whether affordable housing is possible with the price of land in the City.

Johnson advised that it is more focused at high density as affordable housing is not really a possibility in Medina.

VIII. CITY ADMINISTRATOR REPORT

A. Water Tower Signage

Adams provided three design proposal estimates for the application of the, City of Medina, and possibly a logo, on the water tower. He advised that the price ranges \$4,200 to \$7,400. He noted that staff could obtain additional quotes and questioned if the Council wanted to move ahead with this project considering the budget constraints with the water fund.

Smith stated that with the cost she believed that this project could be delayed.

Weir commented that the language could be applied to only the Highway 55 side to save funds but agreed that the project could be delayed due to the current budget constraints. It was noted that the project could be completed when the water tower is next painted.

B. Schedule Special Meeting – Budget Work Session

Adams provided possible dates for a special meeting for a budget worksession. He noted that he would coordinate with the availability of the Council and the date could be set at a later time.

XI. MAYOR & CITY COUNCIL REPORTS

Adams advised that Finke had drafted a letter to Minnehaha Creek on behalf of the City and asked that the Council review the document and provide any feedback.

Finke briefly reviewed the items referenced in the draft letter and the purpose for the communication.

XII. APPROVAL TO PAY THE BILLS

*Moved by Johnson, seconded by Weir, to approve the bills, EFT 000765-000775 for \$30,856.05 and order check numbers 035652-035713 for \$383,964.43, and payroll check 020232 for \$418.64 and payroll EFT 502843-502867 for \$41,113.92. **Motion passed unanimously.***

XIII. ADJOURN

*Moved by Weir, seconded by Johnson, to adjourn the meeting at 9:03 p.m. **Motion passed unanimously.***

Carolyn A. Smith, Acting Mayor

Attest:

Chad M. Adams, City Administrator-Clerk