

MEDINA CITY COUNCIL MEETING MINUTES OF OCTOBER 5, 2010

The City Council of Medina, Minnesota met in regular session on October 5, 2010 at 7:00 p.m. in the City Hall Chambers. Mayor Crosby presided.

I. ROLL CALL

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

Members absent: Johnson

Also present: City Attorney Ron Batty, 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 September 21, 2010 Special City Council Meeting Minutes

It was noted on page one, the third paragraph, it should state: "...comparison to the selected cities, including an analysis comparing the program of Medina to cafeteria programs; and...."

*Moved by Siitari, seconded by Crosby, to approve the September 21, 2010 Special City Council meeting minutes as amended. **Motion passed unanimously.***

B. Approval of the September 21, 2010 Regular City Council Meeting Minutes

It was noted on page two, line 31, it should state: "...provided for that service throughout the period of this agreement." On page three, line six, it should state, "...to Eagle Scouts, unless regulated, projects within park plans requiring, among other things continuing maintenance might be costly." On page three, following line three, it should state, "Eagle Scouts are required to raise funds for their projects and those projects should not be funded by the City." On page three, line 21, it should state, "...within a development (Carlson)..." On page three, line 50, it should state, "Crosby confirmed that certain language was added..." On page four, line seven, it should state, "...language from two statutes (306.15 and 306.29)..." On page four, line 28, it should state, "...of the previously..." On page four, line 35, it should state, "...He also suggested ~~composing~~ establishing..." On page four, following line 45, it should state, "After discussion the Council agreed that the major operating points of the cemetery should be included in the ordinance." On page five, following line 20, it should state, "Smith questioned if he had a copy of the decoration policy from when his lot was purchased." On page five, line 35, it should state, "...~~specific language~~ narrower application of the ordinance." On page six, following line 24, it should state, "The Council expressed agreement that the City should cooperate with an applicant in advising other advisory bodies of any changes in the maps or other findings of the City." On page six, line 33, it should state, "...best ~~call~~ judgment..." On page six, following line 34, it should state, "He confirmed that the evaluation work was done not by the City, but by an independent professional." On page six, lines 41 and 42 should be deleted. On

page six, line 50, it should state, "... "Applicant" rather than "Conservation Design Applicant"..."

*Moved by Crosby, seconded by Siitari, to approve the September 21, 2010 Regular City Council meeting minutes as amended. **Motion passed unanimously.***

V. CONSENT AGENDA

- A. Accept \$1,300 Donation for Park Bench and Two Trees from Marvel Miller Family
- B. Approve 2011 Health, Dental and Life Insurance Rates
- C. Approve Contract for Fire Protection with City of Maple Plain
- D. ~~Approve First Amendment to Planned Unit Development Agreement for Construction of Wind Energy Conversion System with Hennepin County at 1600 Prairie Drive~~

Crosby asked to remove item D (Approve First Amendment to Planned Unit Development Agreement for Construction of Wind Energy Conversion System with Hennepin County at 1600 Prairie Drive) from the consent agenda.

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

- D. Approve First Amendment to Planned Unit Development Agreement for Construction of Wind Energy Conversion System with Hennepin County at 1600 Prairie Drive

Crosby stated that he and Adams discussed information recently received in regard to the fact that Hennepin County will be utilizing an independent contractor more than originally believed. He advised that the County had submitted a proposal for outside bids and questioned whether the project would be economically viable.

Adams provided an update and stated that the County may go with an outside contractor, but it had not yet been decided. He advised that the project would be economically viable based on data reviewed two years ago, and through more recent review if a private contractor is chosen the project could be even more economically beneficial.

Crosby stated that there appeared to be two different conflicts within the information between the comments of the County and the Engineer in the Council report materials; the first being a possible disruption of television service.

Kellogg stated that the County commented that they would address any issues as they arose.

Finke advised that the County agreed to conduct the analysis suggested by Kellogg. He explained that one purpose of the baseline study is to determine the strength of the current signal before work begins.

Crosby stated that the other conflict was that Kellogg recommended that the footings be removed up to two feet below, while the County disagreed. He stated that he would be in agreement with the County, as long as the footings were removed if Hennepin County leaves the site. The footings would not have to be removed if the new owner desires the footing.

Finke advised that this equipment is on the property of the person constructing the equipment, rather than on leased land, and that is why the request was not made. He advised that if the property was sold it would be a matter of disclosure. He proposed additional language that staff would recommend adding to paragraph five in regard to shadow flicker.

*Moved by Smith, seconded by Weir, to approve first amendment to planned unit development agreement for construction of wind energy conversion system with Hennepin County at 1600 Prairie Drive with the noted changes. **Motion passed unanimously.***

VI. PRESENTATION

A. Resolution Recognizing Police Sergeant Jason Nelson for 10 Years of Service

Belland recognized Patrol Sergeant Jason Nelson for ten years of service and summarized the positions that Sergeant Nelson has held within the department. He reviewed the responsibilities and duties that Sergeant Nelson handles, and acknowledged that many letters of accommodation and recognition have been received for Sergeant Nelson. He thanked Sergeant Nelson for his years of service with the City.

*Moved by Smith, seconded by Siitari, to approve the resolution recognizing Police Sergeant Jason Nelson for 10 years of service. **Motion passed unanimously.***

VII. COMMENTS

A. Comments from Citizens on Items not on the Agenda

There were none.

B. Park Commission

Scherer advised that the Commission had not met since the previous update. He noted that the Park Commission would be discussing winterizing at the upcoming meeting.

C. Planning Commission

Finke stated that the Planning Commission would meet the following Tuesday to discuss the Lennar/Enclave subdivision, a rural subdivision, and discussion of the three Cavanaugh properties which were removed from the previous rezoning.

VIII. NEW BUSINESS

A. German Liberal Cemetery

Crosby stated that the City was approached, approximately 18 months ago, by the German Liberal Cemetery Association, whom expressed concern about operating the cemetery in the future. He explained that the City ultimately decided to take over ownership of the cemetery. He stated that if the resolutions are passed tonight it would authorize the transfer to the City, as well as institute the controls, and implement a maintenance contract for a person to maintain the property.

Smith confirmed that this would not become a City taxpayer funded project as funds will be transferred with the property, as well as increased lot prices to cover future operating costs.

Adams confirmed that \$84,000 will be transferred through the fund for the cemetery.

Weir questioned if the fee schedule could be included in another form, other than ordinance, so that it would be easily amendable.

Batty explained that by law the fee schedule would need to be done by ordinance.

Adams advised that the fee schedule would be reviewed on an annual basis with the other fees of the City and could be adjusted, if necessary, at that time. He advised that although notice was not required, the City did send notice of this item to the public. He reviewed two emails that were received and submitted those as part of the record; he noted that the comments generally mirror those made by individuals at previous meetings. He stated that if the resolutions are approved tonight the City will not take ownership immediately, as a closing would still need to occur later in October.

Crosby suggested that active decorations, such as those that make noise, be restricted as decorations as well.

Bill Netz, President of German Liberal Cemetery Board, commented that as a small cemetery the policies in place have remained simple and allowed the cemetery to function for the past several years. He stated that a sign posting the decoration policy may be helpful at the cemetery. He stated that 55 lots are occupied, 104 have been sold, and 160 are available for sale. He advised that the lots do not add up to the total number of lots in the cemetery because of the turnaround that was constructed. He stated that two to three hours per month are spent managing the cemetery, and if there are no burials in the winter no maintenance is required. He reported that the cemetery is coming to the City in good financial condition, and thanked the Council for the foresight in accepting the cemetery, as well as Adams and Cooney. He confirmed that the new rates have been established and lots have been sold at the new rate.

Batty suggested the language which establishes the intent of Crosby to regulate active decorations.

1. **Resolution Accepting the Real Property and Funds of the German Liberal Cemetery Association**

*Moved by Weir, seconded by Smith, to approve the resolution accepting the real property and funds of the German Liberal Cemetery Association. **Motion passed unanimously.***

2. **Ordinance Adding Section 530 to the City Code Establishing the German Liberal Cemetery and Regulating the Maintenance and Use**

*Moved by Weir, seconded by Smith, to approve the ordinance adding section 530 to the City Code establishing the German Liberal Cemetery and regulating the maintenance and use, with the additional language recommended by Batty. **Motion passed unanimously.***

3. **Resolution to Publish the Ordinance Adding Section 530 by Title and Summary**

*Moved by Weir, seconded by Smith, to approve the resolution to publish the ordinance adding section 530 by title and summary. **Motion passed unanimously.***

4. **Ordinance Establishing Fee Schedule for German Liberal Cemetery**

*Moved by Weir, seconded by Smith, to approve the ordinance establishing the fee schedule for the German Liberal Cemetery. **Motion passed unanimously.***

5. Cemetery Custodian Services Agreement

*Moved by Weir, seconded by Smith, to approve the cemetery custodian services agreement. **Motion passed unanimously.***

B. Preliminary Plat to Subdivide 13.9 Acres into Two Lots – Ron and Kimberly Carlson, 1382 Hunter Drive

Finke stated that the property owners, Ron and Kimberly Carlson located at 1382 Hunter Drive, are requesting to subdivide the property into two lots. He provided a topography map of the lot and described the property. He advised that the proposed lots meet the dimension standards of the City code, although the animal structures would not conform to the 150 foot setback requirements. He noted that staff recommends that the smaller shed be moved, or removed, as a condition of approval. He advised that the applicant contests the suitable soils finding of the County and noted that the City has determined those disputed soils as suitable. He reviewed the conditions recommended by staff and highlighted items which may need further discussion in the future, such as creating lots without frontage, flag lots, minimum lot width versus animal structure setbacks, and suitable soils challenges. He advised that staff recommends approval of the request with the noted conditions.

Ron Carlson stated that the attempt to split the property into two lots not only is more economical for he and his wife, but will also make the property more conforming in size to neighboring properties. He also responded to comments submitted by a neighboring property owner, including possible drainage and shadowing issues.

Weir stated that the property was originally two lots and had been combined into one lot by the previous owners.

*Moved by Smith, seconded by Weir, to direct staff to prepare a resolution granting preliminary plat approval. **Motion passed unanimously.***

C. Ordinance Amending Section 615 Tobacco, Tobacco Products, and Tobacco Related Devices

Adams advised that the ordinance had been updated to come into compliance with the current standards, as well as general clean-up of the ordinance language.

Belland confirmed that the City has not had issues with tobacco and advised that the standards and consequences were tightened when the ordinance was last updated in 2002.

*Moved by Smith, seconded by Siitari, to approve the ordinance amending section 615 tobacco, tobacco products, and tobacco related devices. **Motion passed unanimously.***

1. Resolution to Publish the Ordinance by Title and Summary

*Moved by Smith, seconded by Siitari, to approve the resolution to publish the ordinance by title and summary. **Motion passed unanimously.***

VIII. CITY ADMINISTRATOR REPORT

A. Cancel October 19, 2010 Special Council Meeting

Adams stated that a targeted discussion topic had not been determined for the 6:00 p.m. special Council meeting and advised that the special session could be canceled.

*Moved by Smith, seconded by Weir, to cancel the October 19, 2010 Special Council meeting. **Motion passed unanimously.***

Adams advised that the regularly scheduled November meeting was rescheduled from November 2, 2010 to November 8, 2010. He advised that the next meeting would be scheduled for November 16, 2010 and noted that would not leave much time between the two meetings. He questioned if the Council would like to move the second meeting to the next week in November or cancel the meeting altogether. He asked that the Council provide input and noted that the decision could be made at a later time. He stated that he and Weir met with the Pioneer Sarah Creek Watershed to discuss the possibility of that agency becoming a special taxing district and advised that item would come before the Council in November.

XI. MAYOR & CITY COUNCIL REPORTS

Weir announced the League of Women Voters is holding a forum on Monday, October 11th, at Hamel Community Center at 7:00 p.m.

Smith stated that the Northwest League will be holding a workshop on Wednesday, October 13th, at 5:30 p.m., regarding boundaries and bridges, in the City of Minnetrista at the public safety building.

XII. APPROVAL TO PAY THE BILLS

*Moved by Weir, seconded by Siitari, to approve the bills, EFT 000839-000855 for \$31,902.99 and order check numbers 036019-036080 for \$120,986.68, and payroll EFT 503036-503062 for \$43,293.10. **Motion passed unanimously.***

XIII. ADJOURN

*Moved by Weir, seconded by Siitari, to adjourn the meeting at 8:34 p.m. **Motion passed unanimously.***

T.M. Crosby, Jr., Mayor

Attest:

Chad M. Adams, City Administrator-Clerk