

MEDINA CITY COUNCIL MEETING MINUTES OF JULY 20, 2004

The City Council of Medina, Minnesota met in regular session on July 20, 2004 at 7:30 p.m. in the City Hall Chambers. Mayor Zietlow presided.

I. ROLL CALL

Members present: Workman, Brinkman, Lane (arrived at 7:32 p.m.), Zietlow, and Smith.

Members absent: None.

Also present: City Attorney Ron Batty, City Engineer Tom Kellogg, Public Works Director Jim Dillman, City Administrator Chad Adams, City Planner Josh Doty, Police Chief Ed Belland, and Recording Secretary Liza Weniger.

II. PLEDGE OF ALLEGIANCE

III. ADDITIONS TO THE AGENDA

Zietlow moved Agenda Item VI. CEREMONIAL to take place after the APPROVAL OF THE MINUTES; and Items B and C. of Agenda Item X. ADMINISTRATION to be discussed after the APPROVAL TO PAY BILLS.

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

IV. APPROVAL OF MINUTES

A. Approval of the July 7, 2004 Regular City Council Meeting Minutes

It was noted on page 4, ninth paragraph, the first line should state: "Batty asked Doty ~~if~~ he thought it was...."

Lane arrived at 7:32 p.m.

It was noted on Page 4, fourteenth paragraph, the second line should state: "Lane stated that these same issues have been brought up for years dating back almost twenty years ~~when he was part of Robbinsdale.~~"

*Moved by Smith, seconded by Workman, to approve the July 7, 2004 Regular City Council meeting minutes as amended. **Motion passed unanimously.***

V. CEREMONIAL

A. Swearing in of Police Officer Thomas Gregory

Police Chief, Ed Belland, read his memo supporting the swearing in of Officer Gregory as a Medina Police Officer; also stating that Gregory has passed his field-training program. Officer Gregory read the oath of office and Zietlow swore him in.

VI. CONSENT AGENDA

C. Approval of Waiver Form for League of Minnesota Cities Insurance Trust

Zietlow removed items A, B and D.

*Moved by Workman, seconded by Brinkman to approve the Consent Agenda. **Motion passed unanimously.***

A. Resolution Granting Final Plat Approval to Wild Meadows Fifth Addition

Doty stated that he had received an easement as a condition of the approval of Resolution Item Number 2; “an easement for trail purposes over Outlot D, Wild Meadows”. Staff recommends that the Council vote for approval and make the approval contingent of the resolution.

Brinkman asked if the City should send Speak the Word Church a “thank you” for the easement. Batty stated that when the developer sold the property, a condition had been placed on the church to grant an easement.

*Moved by Smith, seconded by Brinkman to adopt Resolution No. 04-41 Granting final Plat Approval For Wild Meadows Fifth Addition contingent on Item 2 of the Resolution. **Motion passed unanimously.***

B. Authorize Mayor and City Administrator to Execute Development Agreement for Wild Meadows Fifth Addition

Adams stated that there is no need for discussion. This item was contingent on approval of Consent Agenda Item A.

*Moved by Smith, seconded by Workman to authorize the Mayor and City Administrator to Execute a Development Agreement for Wild Meadows Fifth Addition. **Motion passed unanimously.***

D. Ordinance Amending Medina City Code Chapter 355 – Excessive False Alarms

Adams stated that for some reason, verbiage relating to a timeline was omitted from the third line under Section 355. Adams stated that Batty caught the oversight and suggests that an addition of the words “or premises during any calendar year” be made. The ordinance from 1999 included the words “or premises during any calendar year” but for some reason those words were omitted from the published City Code.

Lane asked Batty if the ordinance implicitly includes the episodes of paramedic emergencies. Batty stated that the beginning of the ordinance includes definitions that may address that question.

Smith asked if the ordinance was created due to homeowners alarm systems. Batty answered in the affirmative.

Adams stated that the number of false alarms was changed from two to one.

Lane asked if there was any difference between a resident that keeps having false medical alarms in comparison to a resident’s fire alarm system that consistently fails.

Zietlow stated that the ordinance should be clarified that it is to be applied to mechanical alarms, not personal calls.

Brinkman asked if there was any leniency for a resident who makes an honest mistake and creates a false alarm for the police or fire department.

Workman stated that the police or the fire chief has to make that discretionary call on a resident's claim for "honest mistake".

Brinkman stated that it was his feeling that the ordinance seemed harsh in changing the number of false alarms from two to one. Adams stated that the City had performed a survey that had indicated that Medina was one of only a few cities that allowed leniency of more than one false alarms.

Batty stated that the ordinance is being changed to be consistent with the fee schedule and to make its language more satisfactory

*Moved by Smith, seconded by Workman to accept Ordinance No. 370 Amending Section 355.05 of the Code of Ordinances Regarding Excessive False Alarms – False Alarm Fee Established upon making the proper change to include the additional verbiage "or premises during any calendar year". **Motion passed unanimously.***

VII. COMMENTS

A. Comments from Citizens on Items Not on the Agenda

There were none.

B. Park Commission

Adams stated for the most part, the extent of the agenda for the next meeting will consist of the last meeting's agenda.

Smith asked if arrangements had been made to cut down the buckthorn at Lake Independence. Adams stated it has been discussed, reassuring Smith that a Parks "To Do" list has been created and forwarded to Jim Dillman which would include the removal of buckthorn. Zietlow proposed that the Boy Scouts provide aid in the removal of the buckthorn.

C. Planning Commission

Doty stated that at their next meeting, the Planning Commission would discuss: Keller Estates, the Charles Cudd Co. development, the flood plain ordinance, and the CUP for an expanded shower facility at Baker Park. He stated that a second meeting would not be necessary in August.

VIII. OLD BUSINESS

A. Ordinance Amending Zoning Text Definition for Building Height

Doty summarized his staff memo that addressed a few changes to the definition of building height based on Council discussion from the last meeting. Staff's recommendation, which includes more detail on how the perimeter of a building is measured and how height will be determined from a street frontage, was noted. In addition, Doty stated that staff included a few other options for Council review. Staff is seeking approval of the ordinance with recommended staff changes.

Smith asked for clarification on the requirements for underground parking in relation to front and back setbacks.

Doty stated that if the building is, depending on whether the driveway was in the back or the front, on the street frontage side there is a potential for the building to be above the 50' restrictive height.

Zietlow clarified that Council would need to decide upon Option 1 or 2, as well as Option A., B., or C.

Doty informed Council that staff doesn't recommend Option 2, as it is quite wordy. Option 2 was intended as a consideration of an additional option. Staff recommends Option 1 in combination with Option B, which is basically an effort to make a compromise. Doty stated that there was no magic in deciding upon the measurement of "3 feet" in Option B.

Workman stated that goal of Ordinance would be to clearly illustrate what City wants, and would allow the average person/developer to interpret the ordinance correctly.

Ben Schmidt, Darrel Farr Development Corporation, stated that the proposed ordinance appeared to be unclear as to how one would determine the "street frontage" side. Schmidt stated that he felt the ordinance would be difficult to apply to a couple of the lots that Farr is looking to develop on, all the while trying to maintain the City's goals and still remain architecturally appealing.

Brinkman proposed that Farr could apply for a variance.

Zietlow stated that he doesn't want to mess with variance and would rather attempt to get the wording stated correctly and clearly in the ordinance.

Smith stated that the ordinance should call for the use of the "main" street frontage, which would designate the street along the building front side. Smith stated that for example, the City would want Hamel Road as the side for the building front.

Batty stated that corner lots have a double setback; however the ordinance calls a prototypical frontage as having the shorter setback.

Doty stated that the ordinance won't be able to address all situations, but the shortest front should typically be called the main front. Doty stated that the average grade exceeds the building's grade along the shortest street frontage.

Batty stated that the words "along front of the lot" should be used in the definition and proposed looking at how the term is defined.

Doty stated that if the ordinance would use the words "the front of the lot" and strike "any street frontage", than option B should be fine.

Moved by Smith, seconded by Brinkman, to approve the Zoning Ordinance Text Amendment to change the definition of building height under Section 825.07., Subd. 12. of the Zoning Ordinance using Option 1, and B., based on staff's recommendation, with

the addition of the words “the front of the lot “ and striking the words “any street frontage”. **Motion passed unanimously.**

B. CITY HALL IMPROVEMENTS – SPACE PLANNING CONSULTANT

Adams stated that he contacted three space-planning consultants to review the City’s needs and scope of the improvements for City Hall. Adams stated that only two planners, Maureen Bellows Architecture and KKE Architecture, were able to meet with him prior to the July 20, 2004 Council meeting. Adams stated that he had set a deadline of Noon on Tuesday, July 20, 2004 for a submittal of their proposals. Adams further stated that he was impressed by the qualifications of both consultants. Both firms have experience with other local government projects.

Adams stated that he recommends Maureen Bellows Architecture based on their hourly rate proposal. Adams summarized the scope of services for Bellows Architecture and stated that the cost involved would be \$3,400 plus reimbursables. The current scope does not include design for downstairs in City Hall or Master Planning. Adams recommended these two items be added to the scope of services.

Adams stated that the timing on the completion of the project was proposed to take three to four weeks; however he expected it to take longer if a revised scope is requested. Adams stated that construction-wise, the timing is sensitive and proposed that the physical remodeling wait until after the November 2, 2004 election.

Workman stated that he likes the sound of the project and is anxious to see what is to be proposed.

Moved by Smith to approve Adams’ recommendation for Maureen Bellows Architecture as the Space Consultant for the City Hall Improvements project for up to \$7,500 plus the cost of reimbursables.

Smith proposed that Council set a limit on reimbursables in the contract with the planning consultant.

Lane stated that he thought it was unrealistic to place a cap on reimbursables, stating that this is a relatively small project and is going to be accounted for on an hourly basis.

Smith withdrew her motion.

*Moved by Lane, seconded by Brinkman, to approve and retain, based on Adams’ recommendation, Maureen Bellows Architecture as the Space Consultant for the City Hall Improvements project, for up to \$7,500 plus the cost of reimbursables. **Motion passed. Ayes – 4, Nays – 1 (Smith).***

Smith stated that she doesn’t feel comfortable signing contracts without setting a limit on reimbursables.

IX. NEW BUSINESS

A. West Lutheran High School Agreement for Football Practice at Hamel Legion Park

Adams stated that West Lutheran High School has requested to use the Hamel Legion Park soccer field area for football practice and one game again this fall. Last year, the school primarily used the site where the community building is currently being constructed. The City allowed limited access on the soccer field area because the turf was not yet established. The turf is established this year and football practice can be conducted on the field. Staff was pleased with the performance of the agreement/arrangements last year with West Lutheran.

Adams stated that there is only one substantive change from last year's agreement. The High School is requesting that one Junior-Varsity football game be played on a late Friday afternoon on the field. They will not bring in goal posts for the game, but will stripe the fields themselves. Staff is seeking approval of the agreement.

Adams presented exhibits A, B and C via overhead that demonstrated the area proposed for use, as well as illustrations of the location/usage of the parking lot and portable shed (used to store pads, tackle dummies and miscellaneous equipment).

*Moved by Workman, seconded by Brinkman, to approve the Agreement between the City of Medina and West Lutheran High School for use of the property located in the City's Hamel Legion Park for football practices and a Friday game. **Motion passed unanimously.***

B. Election Voting Booths

Adams stated staff has looked into the option of acquiring new voting booths for the upcoming elections. The current booths are large and take up more than needed space for voting. Election Coordinator, Sandie Larson, has provided Council Members with an example of alternative voting stations in their packet. Adams stated that the City could place up to twenty of the stations in the Council room; and because they are portable, they can be taken down in between elections. An added bonus of purchasing the portable stations would allow for them to be retained and used for voting booths at a future precinct as needed. Staff is seeking Council direction on acquisition of twenty used voting booths at an estimated cost of \$2,000.

Workman stated that he thought the purchase was a good idea, but was concerned on whether the City would have an ample supply of outlets to power sixteen to twenty booths with lamps. Adams stated that he didn't believe that the lamps would stress the City Hall's power resources or consume too much energy.

*Moved by Workman, seconded by Smith, to approve the purchase of twenty used voting booths for \$2,000 plus shipping and sales tax. **Motion passed unanimously.***

C. Resolution Calling the 1994 General Obligation Improvement Bond

Adams stated that based on the 2003 audit report and review of the City's fund balance for the 1994 G.O. Bond Debt Service Fund; there are sufficient funds to pay off the remaining principal and necessary interest for the bond. The City will save an interest payment of \$3,240 by calling the bond on October 1, 2004. Ehlers and Associates have assisted Adams in the preparation of details to call the bond. Adams stated that he has also reviewed the City's cash flow projections and does not expect any problems, even with the upcoming capital improvements in 2004 and 2005. Staff recommends approval of the resolution. Staff also recommends that any remaining and future fund balances

be allocated in thirds (1/3) to the Road Improvement Fund, Water Capital Improvement Fund and Sewer Capital Improvement Fund.

*Moved by Workman, seconded by Smith, to approve Resolution No. 04-42 Calling the 1994 General Obligation Improvement Bond. **Motion passed unanimously.***

Workman asked if there would be a penalty for early pay-off. Adams stated that there would be a small fee involved.

Adams stated that he is also reviewing the possibility of calling the 1993 Tax Increment Bond. Even though the City does not currently have an adequate fund balance to pay off the bond, by the end of the year, a payment could be made as more special assessment payments come in. The calling of bond is permitted now according to the Bond Record. Adams stated that he would review the calling of the bond in more detail with Ehlers and Associates since it is Tax Increment.

*Moved by Workman, seconded by Smith, to approve allocation of remaining and future fund balances into three funds: Road Improvement Fund, Water Capital Improvement Fund and Sewer Capital Improvement Fund. **Motion passed unanimously.***

X. REPORTS

A. City Administrator Report

Adams stated that he has scheduled a work session for Wednesday, July 28, 2004 from 6:30 to 8:30 p.m. The work session will provide a broad overview of the 2003 budget. Adams stated that he will be looking for feedback of a philosophical concern in regard of what Council would like to do for the 2005 budget year.

Adams stated that he anticipates he would be able to provide a line item detail of the 2005 budget within two weeks following the work session.

Adams informed Council that he wouldn't be providing them with much of a work session packet.

Workman asked Dillman if he was aware of when the railroad upgrade program would occur. Dillman and Kellogg stated that the upgrade is planned for the Fall of 2004.

XI. APPROVAL TO PAY THE BILLS

*Moved by Smith, seconded by Brinkman, to approve the bills, order check numbers 26774-26824 for \$142,604.20 and payroll check numbers 18744-18761 for \$24,930.64 **Motion passed unanimously.***

RECESS TO CLOSED SESSION

Zietlow adjourned the regular meeting at 8:30 p.m. to conduct a closed session for the City Administrator's Performance Evaluation.

B. City Administrator Performance Evaluation – closed session

The Council exited the closed session at 9:50 p.m.

C. Summary of City Administrator Performance Evaluation

The City Council expressed they were pleased with the performance of City Administrator Chad Adams since the last evaluation in July 2003.

The following goals were established for the upcoming year:

1. Provide more long-term planning for facilities and staffing needs.
2. Coordinate Community Building operations and grand opening celebration.
3. Conduct a goal/vision setting session with City Council in January or February 2005, as well as conduct a Council Orientation of new or re-elected Councilors.
4. Provide recommendation for Personnel Policy revisions, job descriptions and coordinate benefit/wage review.
5. Continue on success of building teamwork amongst staff and consultants.
6. Provide more cross-training and professional development of staff.

XIII. ADJOURN

*Moved by Workman seconded by Smith to adjourn the meeting at 9:52 p.m. **Motion passed unanimously.***

Philip K. Zietlow, Mayor

Attest:

Chad M. Adams, City Administrator