

MEDINA CITY COUNCIL MEETING MINUTES OF JANUARY 3, 2006

The City Council of Medina, Minnesota met in regular session on January 3, 2006 at 7:02 p.m. in the City Hall Chambers. Mayor Workman presided.

I. ROLL CALL

Members present: Brinkman, Cavanaugh, Smith, Weir, and Workman.

Members absent: None.

Also present: City Attorney Ron Batty, City Engineer Tom Kellogg, Public Works Director Jim Dillman, Police Chief Ed Belland, City Planner Rose Lorsung, City Planner Consultant Sarah Schield, City Administrator Chad Adams and Recording Secretary Cheryl Felix.

I. PLEDGE OF ALLEGIANCE

II. ADDITIONS TO THE AGENDA

Cavanaugh requested to add Cherry Hill Residents / Target to Old Business item B.

III. APPROVAL

- A. Approval of the December 20, 2005 Special City Council Meeting Minutes**
- B. Approval of the December 20, 2005 Regular City Council Meeting Minutes**

*Moved by Smith, seconded by Weir, to approve the December 20, 2005 Special City Council meeting minutes and Regular City Council meeting minutes. **Motion passed unanimously.***

IV. CONSENT AGENDA

- A. Designate South Crow River News as Official Newspaper**
- B. Resolution Designating Institutions to Invest Idle Funds**
- C. Approve Designation of Official Depositories**
- D. Approve First Amendment to City Administrator Employment Agreement**
- E. Ordinance Amending Section 525.03 Regarding Park Commission**
- F. Approve Raffle Permit to Holy Name of Jesus for March 11, 2006 at Holy Name Jesus Church**
- G. Approve Temporary 3.2 Malt Liquor License for Holy Name of Jesus for March 11, 2006**

*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

Randy Hughes stated at the last meeting there were presentations for park equipment, and recommendations will be submitted at the next meeting. He added Lorsung held a second workshop on open space.

I. Planning Commission

Lorsung stated the next Planning Commission meeting will include discussion of a new wetland protection ordinance. Other ordinances have been postponed until February. She added the next Council meeting will include Ryan Companies lot split and vacations, possibly Park Commons, the Mann addition public hearing and adoption of resolutions, and the Schoon plat and vacations.

VII. OLD BUSINESS

A. South Frontage Road Agreements and Easements

Adams handed out agreement copies between Oil Air Properties, LLP and the City of Medina and R & J Partnership of Medina and the City of Medina. He stated Staff is looking for authorization to execute these agreements. Batty replied both property owners have complied with the December 31, 2005 deadline for easements. He recommended execution of both agreements to ensure continuation of the project.

*Moved by Weir, seconded by Smith, to direct the Mayor and City Administrator to execute the agreement between Oil Air Properties, LLP and the City of Medina and the agreement between R & J Partnership of Medina and the City of Medina. **Motion passed unanimously.***

B. Cherry Hill Residents / Target

Cavanaugh stated he received concerned calls from Cherry Hill residents regarding the height of the Target building, which could be seen from their residences. He added residents were told the building would not be in their site line based on laser shots shown at the time plans were presented.

Workman stated the berm does not go far enough to the west. He added he spoke with Dick Brooks, Ryan Companies, today and they are willing to find some type of solution. He suggested Staff look at the issue for options.

Smith stated there have been several misrepresentations from Ryan Companies and she does not believe having Staff work on this issue is sufficient. She suggested Council initiate a stop work order until the issue is resolved.

Workman asked what the residents want.

David Ferin, 287 Cherry Hill Trail, stated he is not sure what he is looking for in a solution, but what residents were told and what they are seeing are two vastly different things. He presented pictures from his house deck noting this will lower his property value. He added he is not thrilled about raising the berm because this may affect the horizon site line. He stated he strongly supports a stop work order because in time construction will be past the point of no return. Workman replied he understands the concerns.

William Soule, 279 Cherry Hill Trail, stated it appears unclear what was agreed upon. He added Ryan Companies was trying to work with residents, but what they say and what they do needs to be consistent.

Matt Corken, 283 Cherry Hill Trail, stated he was in support of the project from the beginning due to the fact the building would not be seen. He added he is in support of a stop work order and does not want his property value to go down.

Dick Kopyy, Ryan Companies, stated they want to make sure residents are happy and satisfied. He suggested a meeting be held between Ryan and residents to discuss the issue and find a solution. He noted there is no reason they need to go any higher than what is there now. They would be happy to show and discuss landscaping plans or have residents hire their own landscaper and Ryan will pay for it. He added they started at an elevation of 1,001 and ended up at 1,002 because of difficult earthwork.

Brinkman asked why Ryan did not go down to an elevation of 1,000. Kopyy replied they were trying to balance the site.

Workman stated his concern is that if work continues Council needs assurance Ryan will solve this problem. He suggested the City do a bond.

Smith stated a stop work order is needed for assurance. She referenced previous past site problems including lights not being turned off at night and dirt being hauled off site. Workman replied he does not want to create an economic hardship which will make the situation more difficult to resolve. Smith replied they should have resolved these issues beforehand.

Brinkman asked if there is a commitment of an elevation of 1,000. Kellogg replied the final approved plan notes an elevation of 1,002.

Cavanaugh stated he is willing to work with residents and Ryan to come up with a solution and to ensure the issue does not get stalled. He added it is not fair to issue a stop work order because the amount of money it would cost to prevent Ryan from going forward is excessive.

Weir suggested a time limit of two weeks for residents and Ryan to resolve the issue and if it is not resolved Council then has the option to put a stop work order on it.

Smith asked what if the building has to be lowered. Weir replied an elevation of 1,002 was agreed upon.

Workman stated a two-week period to either resolve or take action puts both parties on notice to resolve the issue.

Moved by Weir, seconded by Cavanaugh, to approve a two week building height solution period between Cherry Hill residents and Ryan Companies and if not resolved within this timeline Council will consider alternative action. Additionally, any work completed by Ryan within this two-week period is at their own risk.

Smith asked if a bond should be added. Batty replied it is not a part of the letter of credit; therefore, he would not suggest a bond.

Smith asked for clarification from Council the solution will ensure resident satisfaction. Workman replied yes, he does not want this issue coming back. He added he does not believe Ryan intentionally mislead anyone.

Corken requested someone from the City work with Ryan for a solution and bring it to the residents. Workman agreed.

Cavanaugh stated he will be gone starting this Friday for two weeks. Smith offered to take his place and work with residents regarding the issue.

Motion passed unanimously.

VIII. NEW BUSINESS

A. 2006 Appointments

1. Appointments to Planning Commission for three-year terms

Weir stated Commissioners are now appointed by a selection committee, which met twice to review seven applications and interview candidates. She added recommendations include Jeff Pederson, Steve Jacobson, and Tom Crosby.

*Moved by Cavanaugh, seconded by Weir, to approve the appointments to Planning Commission for three-year terms. **Motion passed unanimously.***

2. Appointments to Park Commission for three-year terms

Randy Hughes stated there were eight applications for the four open positions. He added recommendations include Galen Bruer, Robin Reid, and Ann Thies for three-year terms and Madeleine Linck for a two-year term.

3. Appointment to Park Commission for two-year term

*Moved by Weir, seconded by Smith, to approve the appointments to Park Commission for three-year terms and two-year term. **Motion passed unanimously.***

Adams stated letters will be sent thanking non-chosen applicants and asking them to reapply in the future.

Weir stated Linck should be contacted to confirm if she would like to continue with the Watershed District. Adams replied he would contact her.

4. General City Appointments

Workman stated because there is a fall election the appointments should be left as is.

Smith stated she is never able to attend the Elm Creek Watershed District meeting and suggested a Commission applicant may be interested in that appointment.

Weir suggested representatives report to Council quarterly. Workman agreed and asked Staff to request these reports.

Acting Mayor
Public Safety Liasion

Carolyn Smith
Bruce Workman

| | |
|--|---------------------------|
| Public Works Liasion | Joe Cavanaugh |
| Planning & Zoning Liasion | Elizabeth Weir |
| Parks Liasion | Carolyn Smith |
| Administration Liasion | Bruce Workman |
| City Attorney | Ron Batty |
| Prosecuting Attorney | Steve Tallen |
| City Engineer | Tom Kellogg |
| Building Inspector | Metro West Inspection |
| | Rose Lorsung & Loren |
| | Kohnen |
| Zoning Administrator | Megan Leitner |
| | Janet Olson (alternate) |
| WH Recycling Commission Representative | Garry Spurlock |
| Lake Minnetonka Communication Commissioners | Randy Brinkman |
| (2) (non-officers meet quarterly - 3rd Tuesday @ 5 | (alternate) |
| p.m.) | Chad Adams |
| Northwest Suburban (NWS) Chamber of | Bruce Workman |
| Commerce Representatives (2nd Tuesday @ 7:30 | (alternate) |
| a.m.) | Loren Kohnen |
| Fire Marshal | Bruce Workman |
| Weed and Tree Inspector | |
| Elm Creek Watershed (2nd Wednesday @ 11:30 | Carolyn Smith (alternate) |
| a.m., Maple Grove City Hall) | Donald Johnston |
| Pioneer-Sarah Creek Watershed (last Thursday @ | Dick Picard (alternate) |
| 4:30 p.m., Independence City Hall) | Phil Zietlow |
| Minnehaha Creek Watershed | Carolyn Smith |
| Northwest Hennepin League of Municipalities | Chad Adams (alternate) |
| (2nd Wednesday @ 6 p.m.) | Ed Belland - Police |
| Communities in Collaboration Council (1st | Department |
| Thursday @ 4:30 p.m.) | Elizabeth Weir |
| Orono Healthy Communities Healthy Youth | |
| Family Service Collaborative | Elizabeth Weir |
| | Chad Adams (alternate) |
| Highway 55 Corridor Coaliton Joint Powers | Carolyn Smith |
| Hamel VFD Relief Association (2nd Monday @ | Joe Cavanaugh |
| 9:00 p.m.) (need 2 elected officials as ex-officio | |
| members) | Carolyn Smith-Phil |
| Manure/Horse Management - Medina Horse | Zietlow |
| Association Liaison | Staff - Chad Adams |

*Moved by Cavanaugh, seconded by Weir, to approve the 2006 appointments. **Motion passed unanimously.***

A. Final Pay Request – Lametti & Sons

Adams stated this matter has been in dispute for the last year in regards to the final pay request amount, as it was higher than the quoted amount. He added that a compromise has been met on the final pay request, as the City considered the reasonable changes and costs to the project.

Workman asked if they fulfilled all obligations to the City. Dillman replied yes.

Moved by Smith, seconded by Weir, to approve the final pay request – Lametti & Sons. Motion passed unanimously.

C. Preliminary Plat, Final Plat, and Easement Vacation for Mann Addition for Property Located at 2275 Cox Trail

Schild reviewed the application request stating it meets all ordinance requirements. She added the application is not subject to the moratorium because it is combining additional lots. Staff is looking for authorization to draft the final documents.

Moved by Weir, seconded by Cavanaugh, to direct Staff to prepare the preliminary plat and final plat with easement vacation for Mann Addition for property located at 2275 Cox Trail. Motion passed unanimously.

IX. CITY ADMINISTRATOR REPORT

A. Schedule Special Meeting (Work Session) for January 17, 2006 at 6:00 p.m., City Hall

Workman stated the special meeting request is to discuss the selection process for a new public works director.

Weir stated she cannot attend the meeting if scheduled for January 17.

Cavanaugh requested Council table setting the date.

Workman suggested the meeting be held directly before the first City Council meeting in February. He added he will not be able to attend.

Weir suggested the meeting be held on February 7 and Workman consulted before the meeting. All agreed.

Adams requested clarification of the meeting time. Smith replied 6:00 p.m.

Moved by Weir, seconded by Smith, to approve the special meeting (work session) for February 7, 2006 at 6:00 p.m., City Hall. Motion passed unanimously.

X. MAYOR & CITY COUNCIL REPORTS

Smith suggested Council have a meeting about their roles and responsibilities.

Adams asked if Council would like this as part of a work session or part of the annual retreat. Smith replied part of the retreat.

Weir asked the retreat date. Adams replied it is not yet set but will be in late February.

XI. APPROVAL TO PAY THE BILLS

Moved by Smith, seconded by Weir, to approve the bills, order check numbers 028829-028877 for \$365,231.93, and payroll check numbers 019647-019671 for \$30,594.68. Motion passed unanimously.

Council recessed to closed session at 8:01 p.m.

XII. CLOSED SESSION

A. Litigation

Council reconvened the meeting at 8:24 p.m.

B. Review of Employee Performance

Council recessed to closed session at 8:25 p.m. for the purpose of reviewing employee performance of Police Chief Ed Belland.

Council reconvened the meeting at 9:45 p.m. A summary of the closed session includes: the Council discussed an appeal made by Police Chief Ed Belland of his annual performance evaluation, which was conducted by City Administrator Chad Adams. The Council concluded that the City Administrator follow up with a performance evaluation of Chief Belland in 90 days. No other modifications were made to the City Administrator's performance evaluation of Chief Belland.

Council recessed to closed session at 9:46 p.m. for the purpose of reviewing employee performance of City Administrator Chad Adams.

Council reconvened the meeting at 10:26 p.m. A summary of the closed session includes: the Council discussed the performance and level of authority desired of the City Administrator position. The Council expressed their support of Administrator Adams' authority to maintain a professional management of the City's personnel and procedures.

XIII. ADJOURN

*Moved by Smith, seconded by Cavanaugh, to adjourn the meeting at 10:27 p.m. **Motion passed unanimously.***

Bruce D. Workman, Mayor

Attest:

Chad M. Adams, City Administrator-Clerk