

## **MEDINA CITY COUNCIL MEETING MINUTES OF JULY 3, 2007**

The City Council of Medina, Minnesota met in regular session on July 3, 2007 at 7:00 p.m. in the City Hall Chambers. Mayor Crosby presided.

### **I. ROLL CALL**

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

**Members absent:** Cavanaugh and Johnson.

**Also present:** City Attorney Ron Batty, City Engineer Tom Kellogg, City Administrator Chad Adams and Recording Secretary Kimberly Stoll.

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

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

It was requested to add a dance permit for Inn Kahoots to Administration.

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

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

#### **A. Approval of the June 14, 2007 Special City Council Meeting Minutes**

It was noted on page 3, the seventh paragraph, it should state: "Crosby...rotate engaging engagement partners...staff as engaging engagement partners."

It was noted on page 4, the seventh paragraph, it should state: "Kellogg... to the attached tree proposal agreement presented at the meeting..."

*Moved by Weir, seconded by Crosby, to approve the June 14, 2007 special City Council meeting minutes as amended. **Motion passed unanimously.***

### **V. CONSENT AGENDA**

#### **A. Approve Final Pay Request for Well No. 6 Construction**

#### **B. Approve Acquisition of Public Works Utility Truck**

#### **C. Approve Hennepin County Justice Integration Subscriber Agreement**

#### **D. Approve On-Sale Liquor License to Hamel Athletic Association**

#### **E. Approve Amended Rental Agreement at Hamel Community Building with Jazzercise, Inc.**

#### **F. Authorize Staff to Prepare Resolution Granting Final Plat to Tomahawk Acres (Burke/Miller) Plat**

Weir asked to remove item F from the consent agenda.

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

**F. Authorize Staff to Prepare Resolution Granting Final Plat to Tomahawk Acres (Burke/Miller) Plat**

Weir stated she is concerned with the condition that states “The subdivision for this property is not subject to the city’s park dedication ordinance.” She would like to add to this condition “until development occurs.”

Adams explained that this particular application doesn’t apply to park dedication fees, but if there would be a subdivision in the future that application would be subject to the park ordinance.

Batty stated this is authorization to prepare the resolution and when the resolution comes before the Council it could be clarified further.

*Moved by Weir, seconded by Smith, to authorize Staff to prepare the resolution granting final plat to Tomahawk Acres (Burke/Miller) plat.*

Crosby inquired if they had discussed park dedication fees.

Batty stated there was a policy developed. He explained that there wouldn’t be a park dedication fee charged unless a property was split.

Adams stated they planned to bring back a policy in writing that would be put in to a policy and procedures manual.

***Motion passed unanimously.***

**VI. PRESENTATION**

**A. Facilities Master Plan- Kodet Architecture and Citizen’s Advisory Committee**

Edward Kodet, representative for Kodet Architectural Group, presented the Facilities Master Plan including an executive summary. He stated the plan is a long-range plan with three major facilities, including the City Hall, the Police, and Public Works. He stated they looked at the needs of each of the facilities. He stated that they found a need for the Public Works department to be relocated and discussed the reasons for this. He stated they discussed selecting a site for the Public Works. Kodet stated the organization for City Hall space doesn’t offer the technology that is available at other city halls. He stated a modern Police facility needs to have places for a sally port, testing for DWIs, interrogations, meeting with the public, training, vehicle storage, and evidence storage. He stated they studied partnering with Hennepin County for the maintenance facility and it didn’t meet the long-term needs for the City. Kodet outlined the schedule for the Facilities Master Plan, noting the need for buildable land and concurrent planning.

Bob Mitchell, Citizen Advisory Committee Member, stated it was a fair summary of the work.

Crosby stated the present property is adequate for the Police and City Hall functions.

Smith stated that the results of the resident’s survey indicated a desire to have the City Hall remain at its current location.

Crosby stated the features are well stated in the report for the land needed for the Public Works.

Weir inquired if they would use a realtor to look for the land.

Smith stated they needed to begin the process of making the purchase.

Adams stated that they will need to discuss the financing of purchasing land in addition to searching for land.

*Moved by Smith, seconded by Weir, to accept the Facilities Master Plan, to direct Staff to identify a process to begin looking for a site for the Public Works Facility, and direct the City Administrator to develop a plan for looking for a site. **Motion passed unanimously.***

Smith noted that there was a recommendation for the site location and that there may need to be some flexibility with the recommendation.

Crosby noted that there may be some land that isn't available or is too expensive for purchase.

Adams stated that there is agreement that the corridor of TH 55 may be the best location, but there may be land further to the west that is more suitable.

Smith inquired about the reason for not partnering with Hennepin County. Kodet stated the Hennepin County site would possibly be pre-empted by Hennepin County's needs.

Crosby stated that if they ended up near the Hennepin County site there may be a possibility of sharing items.

Kodet stated that Hennepin County has been very cooperative throughout the process.

## **VII. COMMENTS**

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

Nancy Ritt, 3421 Elm Creek Drive, stated the residents in the Elm Creek neighborhood are opposed to the mixed use business land use designation that is being proposed in the comprehensive plan for 500 Hamel Road. She stated they have created a proposal they would like to present at the next Comprehensive Planning meeting.

Crosby stated that the Comprehensive Planning Advisory Panel meeting will be at 5:30 on July 23. He explained that the formal process will begin at that point and that would be the appropriate time to speak to their concerns.

Adams stated the Panel does not typically have public input at the meeting until the end and recommended Ritt submit her information to him prior to the meeting to advance to the Panel as an informational item.

Smith stated there is a lot of miscommunication about the intended plans for 500 Hamel Road.

Crosby stated a concept plan for 500 Hamel Road came to the Planning Commission and the Council and recommended that Ritt review the minutes for the comments. Ritt stated that she had read and was familiar with the concept plan from the February 21, 2006 City Council meeting minutes, but would review the Planning Commission meeting minutes from that same time period.

**B. Park Commission**

Bob Pastor, representative of the Park Commission, stated at the previous meeting they reviewed the park trails and open space sections of the comprehensive plan and had a final review of Medina's proposed trail map. He stated at the upcoming meeting they will be discussing the 2008 capital improvement plan.

Crosby inquired if there is agreement about the names of the parks. Pastor stated there was agreement.

Smith stated they did the text and the proposed trails.

Adams stated the Commission also identified future study areas where parks may be located.

**C. Planning Commission**

Sharon Johnson, representative of the Planning Commission, stated at the next meeting they will discuss the subdivision requested by Mike Leuer and the ordinance amendment proposal for the animal assisted therapy.

Crosby noted that MnLINC has presented their concept for the animal assisted therapy before the Council, but no action was taken.

Batty stated there will be a public hearing for the zoning ordinance amendment that will be published. He stated there will be a subsequent applicant for the CUP under that ordinance amendment. He stated this will be published and a mailing will be done for the public hearing for the CUP.

Smith expressed concern about the process that MnLINC has gone through and questioned if the neighbors have sufficient notice.

Adams stated the applicant wanted to see if the Council would be in favor of considering this type of use in the district before going through the formal land-use/conditional use application process.

Batty stated the component that is being added to the ordinance is not site specific and would be applicable to any location and the only notice that could be given at this point would be a published notice because there is no application. He explained that if the ordinance is amended to that specific use, then an application could be made for a CUP. He stated that at that time the neighbors would be notified.

Crosby stated that at this point MnLINC doesn't have anything to apply for under the code.

## VIII. NEW BUSINESS

### A. Park Commission Recommendation to Name and Re-Name City Parks and Nature Areas

Adams stated the Park Commission is making the recommendation to name the city park next to Bridgewater Development as "Medina Lake Preserve," the Hidden Lake area as the "Hidden Lake Sanctuary," and the Rainwater Park as the "Rainwater Nature Area."

Weir inquired about the renaming of Hidden Lake because it is not a City property.

Adams stated that other lakes in the area aren't City property either, and the Park Commission recommended the word Sanctuary should be part of the name.

Smith stated the word Sanctuary was included because the intent of the park is for it to be a retreat.

Crosby noted that there is an existing easement to the Sipe property.

Smith requested that Staff verify the type of easement.

*Moved by Weir, seconded by Smith, to approve the naming of Medina Lake Preserve, Hidden Lake Sanctuary, and Rainwater Nature Area, as requested. **Motion passed unanimously.***

### B. Ordinance Adding Section 710.68 and Amending Section 710.75, Subd. 3, Relating to the Water Supply System, Water Use Restrictions, and Irrigation Systems

Adams stated Staff is not seeking action on the ordinance, but would like to receive feedback about policy initiatives. He stated the water use restriction section allows Staff to move quicker on instituting the water restrictions. He stated the lawn and landscape irrigation system revision would require residents to install a rain sensor device when installing a new system or working on an existing system.

Weir inquired if residents are required to get a permit to install an irrigation system. Adams stated they are required to get a plumbing permit and if a resident is modifying their existing system they are required to get a plumbing permit.

Crosby inquired if there were a lot of residents using water systems.

Smith expressed her concern that there isn't currently a water restriction in place.

Adams stated that at this point Public Works hasn't stated a concern about the lack of water supply, but the Council could implement a year long odd/even practice separately as a water conservation initiative. He noted at this point in time they are asking residents to voluntarily follow an odd/even schedule.

Smith stated she would like Staff to come back with a recommendation for watering restrictions.

Crosby stated that the Council should give the City Administrator and the Public Works administrator the authority to determine the watering restrictions.

Adams stated that residents who use more water are charged more. He stated that there could be hourly rates charged based on the time of day the watering is occurring.

Crosby inquired if there would be circumstances that special permits would be needed other than for new seed or sod.

Weir inquired about the relevance of a multiple dwelling unit being prohibited from connecting to an irrigation system. Adams stated that it would be applicable to Uptown Hamel units connected to the City's storm sewer system.

Adams stated that an incentive could be offered to businesses to switch from an existing City water system to the stormwater system, such as through a water connection credit.

Weir stated the policies are positive.

Smith stated that prior to placing new seed or soil on the land there could be a requirement to properly prepare the soil using compost.

Adams stated that it may need to be placed in the zoning ordinances for new subdivisions.

Crosby inquired about what would happen if a landowner opted to put in a well only for irrigation purposes. Adams stated that he thought they would need to get City and DNR approval.

Kellogg stated he wasn't sure of all of the groups who would need to give approval.

Smith stated that it is important to educate the residents about the ways to conserve water and maintain green lawns.

**C. Ordinance Amending Sections 640.07 and 640.09 and Adding Section 640.29 Relating to Peddlers, Solicitors, and Transient Merchants**

Adams stated there have been complaints about the number of solicitors and explained the changes to the ordinance.

Crosby inquired if most cities have these ordinances. Batty stated almost every city has an ordinance.

*Moved by Weir, seconded by Smith, to approve the ordinance amending sections 640.07 and 640.09 and adding section 640.29 relating to peddlers, solicitors, and transient merchants, as requested. **Motion passed unanimously.***

**D. Ordinance Adding Section 225 to the Medina Code of Ordinances Establishing the Position of City Administrator**

Crosby inquired about the reason the ordinance is coming before the Council. Adams stated that adopting this ordinance would be consistent with other City positions that have ordinance language outlining duties and would also allow for recognition with the

International City Management Association. Adams inquired about the current broad style of the ordinance, or if it should be more detailed.

The Council concurred that they like a broad ordinance for this position.

Crosby inquired if the bond language was customary. Batty stated the City Treasurer and City Clerk have the surety bond and other employees may have this as well.

Crosby stated he thinks they should have a surety bond for all employees.

Adams stated that he could check into the requirements for the other positions and the coverage amount.

Batty stated that it is required by law for clerks and treasurers, but doesn't think it is required for a city administrator.

Smith inquired about the need for the City Administrator to be covered by the surety bond.

Batty stated the issue is if the City Administrator is already covered.

Crosby stated he would like it to cover all employees.

Adams stated that this ordinance development was one of the goals identified in the 2007 work plan.

The Council reached consensus to bring it back before the Council.

#### **E. Dance Permit**

Adams stated that there is a requirement in the ordinance to have a dance permit granted by the Council. He stated the attached conditions for the permit for Inn Kahoots.

Weir inquired about the number of people that will attend. Marilyn Larson, representative from Inn Kahoots, stated they anticipate approximately 2,000 people.

Crosby inquired about the parking. Larson stated they park along the streets.

Crosby inquired about the need for a dance permit and if the Ballroom receives one. Adams stated that Medina Ballroom gets an annual permit from the City as attached to their liquor license approvals.

*Moved by Smith, seconded by Weir, to approve the dance permit for Inn Kahoots.  
**Motion passed unanimously.***

### **IX. CITY ADMINISTRATOR REPORT**

#### **A. TH 55 Funding**

Adams stated they are applying for additional funding from the Federal, State, and County for the TH 55 corridor. He noted that the funding may have requirements attached to match 10% of local funds. Adams explained the 10% match may mean City funding, but could also include County, State or other local funding sources.

**B. Septic System Inspections**

Adams stated that postcards will be mailed to everyone regarding the septic system inspections. He stated the deadline to provide a septic system report to the City will be November 30.

Smith stated that some of the septic systems don't have a manhole cover, which is necessary for the inspection. She noted that it is expensive to have a manhole placed.

Kellogg stated that the system will need to be accessed appropriately.

Crosby noted that they need to be specific about the expectations for inspecting the systems by establishing a certificate. He stated that other cities must be doing the inspections.

Kellogg stated that Orono has its own inspector on staff.

Smith concurred that they should be clear about the expectations for the residents relating to those that do not have manhole covers.

Weir inquired if they should have residents put in a manhole on systems that don't meet the requirements.

Adams stated Staff will do further research and come back with further information for the Council.

**C. Code Enforcement**

Adams stated Staff has been responding to code enforcement reports from residents. He stated Staff will be starting a pilot project where they will send notices to the residents about reviewing properties for code violations. He stated they will be doing it geographically and by land use.

Smith suggested starting in the Uptown Hamel area.

Adams stated his recollection is that Uptown Hamel is secondary on the list and the first area is in urban residential areas where they have been receiving some complaints.

**D. Newsletter**

Adams stated he would like to receive input for the upcoming newsletter by July 11.

Smith inquired if there will be information about Dutch Elm disease. Adams stated that there will be information about trees.

Smith suggested having a list of the local businesses in the newsletters.

Crosby stated that one of the goals for 2007 is to review the newsletter. Crosby stated there is an upcoming grand opening for Wells Fargo and went to the wine store in the Target complex the day before the grand opening.

**E. Landform**

Adams noted Jennifer Haskamp's resignation from Landform. He stated that Andrew Gitzlaff will be the primary planning consultant contact for Medina.

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

Weir noted the traffic light signal at the intersection of Sioux Drive and TH 55 isn't working appropriately. She noted the hazard that occurs when the traffic gets backed up across the railroad tracks when the cars don't set off the signal.

Adams stated MnDOT has responded to the City's inquiry about the design and that they are looking into it formally.

Crosby stated that the pads are often close to the highway at the intersections.

Kellogg stated for the northbound turning movements on Sioux Drive to cross TH 55 there is a painted stop bar on the highway. He stated he was unaware of the issues going southbound.

Weir inquired if they could include a piece in the newsletter about pulling up to the stop bar.

Weir inquired if Staff has received the irate letters regarding the heavy trucks parked overnight. Adams stated that Chief Belland has informed him of the trucks and the needs for equitable and reasonable enforcement.

Weir thanked Smith for the successful grant application for the organic recycling.

Smith stated she would like to discuss signs at an upcoming meeting and develop a sign policy. Smith inquired about the sign for Uptown Hamel. Adams stated the Uptown Hamel sign has been a lower priority until the United Properties final approvals take place.

Weir inquired if a sign policy would be a policy for Staff to develop now or next year. Adams stated he review how it fits in to the workplan.

Crosby stated they could wait until a new planning director was in place or if the Planning Commission had time.

Crosby stated the Ferrelgas site project was temporarily on hold. Adams stated it was delayed while the developer was completing the final plat and looking at the economics of the site.

Smith stated the applicant has not met the requirements of the Elm Creek Watershed District.

Crosby stated a resident expressed concern about a house that was being rented on a nightly or weekly basis that is being marketed internationally. He stated his understanding is that the resident has homesteaded the land, but is not living there. He asked staff to review the policies on short term rentals.

Crosby reminded the public of July 23 meeting for the Comprehensive Plan Task Force and on July 22<sup>nd</sup> he will be hosting an ice cream social for the City employees and commission members.

**XI. APPROVAL TO PAY THE BILLS**

*Moved by Smith, seconded by Weir, to approve the bills, order check numbers 000049-000054 for \$21,751.10 and 031079-031124 for \$264,613.28, and payroll check numbers 020072-020075 for \$4,955.41 and 500637-500658 for \$28,766.82. **Motion passed unanimously.***

**XII. ADJOURN**

*Moved by Smith, seconded by Weir, to adjourn the meeting at 8:46 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