

MEDINA CITY COUNCIL MEETING MINUTES OF MAY 19, 2009

The City Council of Medina, Minnesota met in regular session on May 19, 2009 at 7:00 p.m. in the City Hall Chambers. Mayor Crosby presided.

I. ROLL CALL

Members present: Crosby, Smith, Weir.

Members absent: Johnson, Siitari

Also present: City Attorney Ron Batty, City Engineer Tom Kellogg, Public Works Superintendent Steve Scherer, Finance Director Jeanne Day, City Administrator Chad Adams and Recording Secretary Amanda Staple.

II. PLEDGE OF ALLEGIANCE

III. ADDITIONS TO THE AGENDA

Adams requested to add an item under New Business, Consumption and Display Permit for Hamel Legion, to the agenda.

Smith requested to add an item, under New Business, discussion whether the Council believes that the garbage and recycling containers at City Hall should be enclosed.

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

Crosby commented that Siitari and Johnson would not be present at the meeting.

IV. APPROVAL OF MINUTES

A. Approval of the May 5, 2009 Regular City Council Meeting Minutes

It was noted Page 3, line 25, should state: "...and that the City had spent \$500 on the design process." Page 4, line 8, it should state: "He advised that two separate public hearings for each road of the project..." Page 5, lines 1 and 5, should state: "He advised of summarized the lot..." Page 9, line 31, should state: "...even if not physically connected to the church." Page 9, line 35, add, "Weir expressed concern over the cemetery portion of the new zoning district." Page 10, addition after line 33, "Crosby opposed the vote on the narrow issue of the interim use permit portion of the project." Page 10, line 17, should state: "...parish owner manager..." Page 10, line 47, should state: "...contact contract..." Page 11, line 2, should state: "...would not purchase manage..."

*Moved by Weir, seconded by Smith, to approve the May 5, 2009 regular City Council meeting minutes as amended. **Motion passed unanimously.***

V. CONSENT AGENDA

A. Approve Electronic Citation Interface System Services Agreement with State of Minnesota

- ~~B. Approve Mill and Overlay Services Agreement with Midwest Asphalt, Inc.~~
- ~~C. Approve Curb Replacement Agreement with North Country Concrete, Inc.~~
- D. Approve Addendum to Land Acquisition Agreement with Wilson Development Services
- E. Approve Temporary 3.2 On-Sale Liquor License and Raffle, Bingo, and Pull-Tab Permit to Church of St. Anne for August 22 – 23, 2009
- F. Approve City Water Consumer Confidence Report
- ~~G. Resolution Approving an Interim Use Permit for Holy Name of Jesus Church to Continue Use of a Residence at 52 County Road 24~~
- H. Resolution Approving a Lot Combination for Holy Name of Jesus Church for the Property Located at Northeast Corner of County Road 24 and Holy Name Drive
- I. Resolution Approving a Conditional Use Permit and Site Plan Review for Holy Name Cemetery for the Property Located at Northeast Corner of County Road 24 and Holy Name Drive
- J. Resolution Certifying Delinquent City Charges for Services to the Hennepin County Auditor for Collection in 2010

Adams asked to remove items B (Approve Mill and Overlay Services Agreement with Midwest Asphalt, Inc.) and C (Approve Curb Replacement Agreement with North Country Concrete, Inc.) from the consent agenda.

Crosby asked to remove item G (Resolution Approving an Interim Use Permit for Holy Name of Jesus Church to Continue Use of a Residence at 52 County Road 24) from the consent agenda.

*Moved by Smith, seconded by Weir, to approve consent agenda items A, D, E, F, H, I and J. **Motion passed unanimously.***

- B. Approve Mill and Overlay Services Agreement with Midwest Asphalt, Inc.
- C. Approve Curb Replacement Agreement with North Country Concrete, Inc.

Adams clarified that Midwest asphalt would be permitted, previously through the bidding process, to participate in other projects for the City at the discretion of the Public Works Superintendent. He added that the agreement with North Country Concrete was a curb removal and replacement agreement.

- G. Resolution Approving an Interim Use Permit for Holy Name of Jesus Church to Continue Use of a Residence at 52 County Road 24

Crosby requested to clarify language related to the life estate. Adams stated staff recommended language to read as condition #1:

1. The interim use permit shall terminate upon the later of the following events, unless the owner of the Property requests termination at an earlier date.
 - a. Fifteen years from the effective date of this resolution; or
 - b. The expiration of the life estate agreement dated February 22, 1995.

Moved by Weir, seconded by Smith, to approve items B (Approve Mill and Overlay Services Agreement with Midwest Asphalt, Inc.), C (Approve Curb Replacement Agreement with North Country Concrete, Inc.), and G (Resolution Approving an Interim Use Permit for Holy Name of Jesus Church to Continue Use of a Residence at 52

County Road 24), as amended, from the consent agenda. **Motion passed unanimously.**

VI. PRESENTATION

A. Long Lake Fire Department – Annual Report

James Van Eyll, Fire Chief, summarized the mission, goal, and leadership officers of the fire department. He stated that there are currently 41 active members with 374 years of total experience. He reviewed the facilities and equipment at both station one and two. He briefly summarized the emergency call activity and breakdown. He reported the response times for Long Lake, Medina, and Orono. Van Eyll reviewed the budget and reported that in January the department was about two percent over budget. He summarized the goals for 2008 and 2009. He reviewed the training and apparatus goals for 2009. He stated that the pancake breakfast was a success with over 500 people attending. Van Eyll reported that the department would be partnering with the Orono Lions for a blood drive on June 15, 2009. He stated that in the first quarter of 2009 Medina had four calls to the department, with two of those being medical calls.

VII. COMMENTS

A. Comments from Citizens on Items not on the Agenda

Ryan Boddler, resident of Foxberry Farms, noticed that there was a street light on his road that continues to go off and on. He stated that the light was located on the cul-de-sac in Foxberry Farms.

Scherer stated that he would follow up on that item and advised that in the future a call could be made to City Hall with that type of concern.

B. Park Commission

Park Commissioner Madeline Linck reported that the first Park Commission nature walk was done at the Medina Lake Preserve last Saturday. She thought the event could be repeated next year highlighting another park within the City. She stated that following the walk the annual park tour was held. She stated that Minnesota Waters would be giving a presentation to the Park Commission tomorrow night, and briefly reviewed the other items on the agenda for the meeting.

C. Planning Commission

Planning Commissioner Charles Nolan stated that during the previous meeting one application including a restaurant/bar in Uptown Hamel had been reviewed. He briefly reviewed the application and the conditions recommended. He reported that there was no real opposition to the application and it was recommended for approval unanimously.

IX. NEW BUSINESS

A. Sycamore Trail Road Improvements

Adams reviewed the purpose of the meeting and stated that staff recommended conducting the hearings together, rather than separately. He advised that a vote would not be held tonight as the required number of Council Members was not present. He reported that this would not delay the project. He briefly reviewed the background of the street funding and explained that the assessment would be 50% per lot, a total of \$1,330.57 per lot.

The public hearings for ordering the project and adoption of an assessment roll for Sycamore Trail opened at 7:50 p.m.

Ben Benson, 4768 Sycamore Trail, requested a general outline of the project and proposed changes in regard to configuration.

Scherer stated that the road would essentially remain the same as they would be milling off and replacing the top layer of the road. He stated that the condition of the culvert would be reviewed. Scherer stated that an official start date had not been chosen at this time.

Darrel Schlinz, 4762 Sycamore Trail, questioned if he would be able to pay the assessment rather than combining the assessment with his taxes.

Day explained the payment terms and advised that residents could pay within 30 days of the assessment being passed with no interest.

*Moved by Smith, seconded by Weir, to close the public hearing at 7:55 p.m. **Motion passed unanimously.***

Adams reported that the resolutions would be on the consent agenda for the next Council meeting.

B. Resolution Vacating a Portion of Drainage and Utility Easement for Holy Name of Jesus Church

Attorney Batty stated that this is the final piece of the church project discussed at the last meeting. He explained that when the property is combined with the property to the east there would not be a need for the drainage and utility easement currently in place. He explained that a public hearing is necessary to conduct this type of action. He explained that the public hearing could be conducted tonight but a vote could not be made at this time, as there were not enough Council members present.

The public hearing was opened at 7:56 p.m. No one wished to speak to this item.

*Moved by Weir, seconded by Smith, to close the public hearing at 7:57 p.m. **Motion passed unanimously.***

C. Resolution Authorizing Lake Minnetonka Communications Commission to Acquire Property at 4071 Sunset Drive, Spring Park, MN

Sally Koenecke, representing the Lake Minnetonka Communications Commission, asked if there were any questions regarding the purchase.

Crosby summarized that the Lake Minnetonka Communications Commission would be purchasing the building that they have been leasing.

Weir stated that there would not be any additional fee to the City.

Koenecke reported that the Commission manages the franchise agreements and any concerns that residents may have. She reported that a Committee had been formed to

discuss the possibility of bringing broadband type service to the City and other areas that may not meet the density requirements.

*Moved by Smith, seconded by Weir, to approve a resolution authorizing Lake Minnetonka Communications Commission to acquire property at 4071 Sunset Drive, Spring Park, MN. **Motion passed unanimously.***

D. Alcohol Consumption and Display Permit – American Legion Post # 394

Adams reported that the Hamel American Legion had requested a permit for alcohol consumption and display for the Memorial Day Weekend.

*Moved by Smith, seconded by Weir, to approve alcohol consumption and display permit for Hamel American Legion. **Motion passed unanimously.***

E. Discussion Regarding Garbage Enclosure at City Hall

Smith stated that the garbage and recycling containers for City Hall are currently in the open and she thought that with the new zoning area, the containers should be enclosed. She suggested that bids be obtained for the project.

Crosby agreed that the trash containers should be enclosed.

Smith thought that the project should be completed this year.

*Moved by Smith, seconded by Weir, to direct staff to research the issue of trash and recycling enclosures. **Motion passed unanimously.***

X. CITY ADMINISTRATOR REPORT

A. Uptown Hamel Monument Sign

Adams displayed pictures of the possible location for the Uptown Hamel monument sign.

Smith questioned if the railroad sign could be moved slightly.

Adams explained that the railroad sign must be in a certain distance to the tracks. Kellogg did not think that the railroad sign could be moved as it was a requirement for the whistle free zone.

Crosby was concerned that the sign would get lost in the background.

Weir suggested using a light background on the sign to help the sign stand out from the background.

Smith thought that the sign would stand out more when developed, rather than the pictures shown.

Adams reported that staff is obtaining quotes for the project and would bring the information back to the Council.

Crosby questioned if the pictures should be shown to the Uptown Hamel group to ensure that it met their expectations. Adams stated it would.

Weir questioned if the sign would be lit during the evening.

Adams stated that staff could review that option.

B. Hamel Road Reconstruction Utility Box Location

Scherer stated that he has spoken with Xcel Energy in regard to the utility boxes along Hamel Road and the possibility of moving or lowering the boxes. He reported that there are other utilities under the box, which would not make lowering an option. He stated that moving the boxes slightly would cost \$10,000 per box. He requested \$500 to add plantings near the boxes to improve the appearance and suggested it would be money well spent.

Smith confirmed that the plantings would be done by the same person who is doing the work to screen in the park.

C. 2008 Annual Report

Adams reported that he made the changes requested by Council. He stated that if approved, the report would be placed online tomorrow for public viewing. He stated that staff recommends purchasing a small binding machine for about \$270, which would allow staff to bind the document and other City documents themselves. He explained that staff uses three-ring binding on other documents and the new machine would pay for itself in cost savings in about one year.

*Moved by Smith, seconded by Weir, to accept the annual report and authorize the purchase of a binding machine. **Motion passed unanimously.***

X. MAYOR & CITY COUNCIL REPORTS

Adams summarized a few items regarding State legislation including the extension of the Tax Increment Financing 5-year rule, judicial court announcement that court closures are unlikely to occur in 2009 and proposed Federal legislation for the Highway 55 Corridor funding.

Smith reported that the owner of Delano Chevrolet and Honda Sports was present at the Northwest League meeting and briefly reviewed the discussion held regarding construction and local businesses. She advised that a legislation update would be given at the June meeting of the Northwest League.

Weir reported that more people were attending the Uptown Hamel meetings.

Crosby stated that he had a couple discussions with a resident to address a concern regarding the new water meter options. He stated that he would address the issue further with Scherer.

Scherer thought that the cost would be about \$800 for the separate meter with installation.

XI. APPROVAL TO PAY THE BILLS

Moved by Smith, seconded by Weir, to approve the bills, EFT 000471-000478 for \$27,132.88 and order check numbers 033979-034048 for \$76,559.91, and payroll check

numbers 020202 for \$230.87 and EFT 502037-502067 for \$44,027.80. **Motion passed unanimously.**

XII. CLOSED SESSION: ACQUISITION OF PROPERTY

*The meeting was recessed to Closed Session to discuss acquisition of property at 1600 Prairie Drive and parcels 3365 to 3375 Mill Drive at 8:35 p.m. **Motion passed unanimously.***

The Council returned to open session at 9:05 p.m.

Crosby announced that direction had been provided to the City Administrator for acquisition of property on the parcels discussed in closed session.

XIII. ADJOURN

*Moved by Smith, seconded by Weir, to adjourn the meeting at 9:06 p.m. **Motion passed unanimously.***

T.M. Crosby, Jr., Mayor

Attest:

Chad M. Adams, City Administrator-Clerk