

MEDINA CITY COUNCIL MEETING MINUTES OF SEPTEMBER 21, 2010

The City Council of Medina, Minnesota met in regular session on September 21, 2010 at 7:00 p.m. in the City Hall Chambers. Mayor Crosby presided.

I. ROLL CALL

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

Members absent: Weir

Also present: City Attorney Ron Batty, City Engineer Tom Kellogg, City Planner Dusty Finke, 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

Crosby summarized the discussion of the worksession for Smith as she was not present at the worksession.

It was requested to add two items, Discussion of 2011 Proposed Budget Flyer and Schedule Special Meeting for October 5, 2010 to Discuss Employee Compensation, to New Business.

*Moved by Johnson, seconded by Siitari, to approve the agenda as amended. **Motion passed unanimously.***

IV. APPROVAL OF MINUTES

A. Approval of the September 7, 2010 Special City Council Meeting Minutes

It was noted on page two, the second paragraph, it should state: "...that the step increase which occurred for ~~some~~ employees is based on their length..." On page two, the first paragraph, this statement should be added, "In addition six stores were closed and 60 employees were laid-off."

*Moved by Johnson, seconded by Siitari, to approve the September 7, 2010 Special City Council meeting minutes as amended. **Motion passed unanimously.***

B. Approval of the September 7, 2010 Regular City Council Meeting Minutes

It was noted on page three, line 32, it should state: "...to ~~provide a break to~~ attempt to not increase City taxes for the residents" On page three, line 38, it should state, "staff should not receive ~~an~~ a salary increase and should be satisfied to simply have jobs at this time." On page three, line 50, it should state, "...is cut further there ~~will~~ may be..."

*Moved by Smith, seconded by Johnson, to approve the September 7, 2010 Regular City Council meeting minutes as amended. **Motion passed unanimously.***

V. CONSENT AGENDA

- A. Accept Donation to Police Reserves from Liberty Triathlon in Amount of \$3,360 and Authorize Distribution to Area Agencies
- B. Approve 2011 Lake Minnetonka Communication Commission Budget
- C. Approve First Amendment to Development Agreement (for Keller Estates Subdivision)
- D. Approve Well No. 3 Repair and Services Agreement with Bergerson-Caswell, Inc.
- E. ~~Approve Credit Card Services Agreement with Payment Services Network Inc.~~
- F. Approve Spray Injection Patching Services Agreement with RCM Specialties, Inc.
- G. Approve Equipment (Copier) Lease Agreement with Marco, Inc.
- H. Approve Equipment (Copier) Services Agreement with Marco, Inc.
- I. Resolution Certifying Delinquent City Charges for Services to the Hennepin County Auditor for Collection in 2011
- J. Resolution Canceling 2008A Improvement Bond Levy

Crosby asked to remove item E, Approve Credit Card Services Agreement with Payment Services Network Inc., from the consent agenda.

Moved by Johnson, seconded by Siitari, to approve the consent agenda. Motion passed unanimously.

- E. Approve Credit Card Services Agreement with Payment Services Network Inc.

Crosby stated that there are various costs and charges that the City is going to incur, and asked for further clarification.

Day explained that there is still an expense to the City to provide this service. She advised that savings would be provided for that service throughout the period of this agreement.

Smith stated that it seemed unfair that the additional cost should be spread across to all users rather than simply charging those who choose to use a credit card.

Day advised that the direction of the Council was previously not to charge a convenience fee and to instead use this method.

Crosby confirmed that the direction of the Council is still to not charge a convenience fee and continue in this method.

Moved by Johnson, seconded by Siitari, to approve credit card services agreement with Payment Services Network Inc. Motion passed 3-1. (Smith)

VI. COMMENTS

- A. Comments from Citizens on Items not on the Agenda

There were none.

B. Park Commission

Park Commissioner Bill Waytas stated that an Eagle Scout requested to build a shelter at Holy Name Park as a part of his final scout project and presented information to the Commission at the meeting. Eagle Scouts are required to raise funds for their projects and those projects should not be funded by the City.

Crosby expressed his concern with opening City projects to Eagle Scouts, unless regulated, projects within park plans requiring, among other things continuing maintenance might be costly.

Smith stated that this student was requesting funds from the City, approximately \$6,000, for a project that is not included on the CIP.

Johnson stated that he believed a policy and formal process should be developed to handle these types of requests.

Waytas reported that the County Road 116 Trail grand opening will occur this weekend. He provided an update regarding a development where park dedication was reviewed and noted that the Commission is recommending that the fee schedule remain the same for the ball fields, with the exception of an additional field house bathroom cleaning fee.

C. Planning Commission

Finke provided an update for the prior meeting including a public hearing which ending with the Commission recommending approval for a lot split within a development (Carlson), which would be discussed by the Council on October 5th. He reported a second public hearing occurred regarding an ordinance for the appeal process for conservation design, which was recommended for approval by the Commission. He summarized the items that would be discussed at the next meeting of the Planning Commission.

VII. OLD BUSINESS

A. Municipal State Aid Roadway Map Amendment

Adams stated that through discussions with MNDOT and Corcoran it was determined collaborating with Corcoran on MSA routes benefited both communities and noted proposed changes to the map.

*Moved by Smith, seconded by Siitari, to approve the amended MSA roadways route in Medina. **Motion passed unanimously.***

VIII. NEW BUSINESS

A. German Liberal Cemetery

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

Crosby provided background information on this item and how the City became involved in the discussion with German Liberal Cemetery. He summarized the discussions that the City has had up to this point regarding the cemetery.

Adams noted that action is not expected tonight on this item and advised the action would instead occur at the October 5th Council meeting. He summarized the changes, including those proposed by legal counsel, and asked for Council input.

Crosby confirmed that certain language was added to the document by legal counsel.

Batty explained that the cemetery is excluded from some statutes because of the age of the cemetery and clarified the added language.

Johnson stated that he would like tiered pricing for residents and non-residents.

Batty explained how language from the two statutes (306.15 and 306.29) could be added into the ordinance.

Adams asked for input regarding the decoration policy.

Crosby reviewed the decoration policy and compared the proposed policy to that of four other cemeteries.

Smith stated that although she has sympathy for those who spoke before the Council, as to their desire to leave items for their loved ones, she also believed that the City has a responsibility to the residents that live near the cemetery.

Adams stated that the new language does allow additional flexibility and more accurately reflects the intent of, and what is occurring at, the cemetery today.

Johnson stated that he believed the rules from the Oakland Cemetery did a good job, as the rules provided flexibility to the families but also give authority to the cemetery.

Smith stated that she believed standard size of a plant stand should be further defined.

Crosby stated that solar lights and lanterns should not be permitted, along with balloons, and confirmed that the Council was in agreement. He believed that there should be a combination of the previously drafted policy and this proposed policy.

Jim Lane, 2605 Hamel Road, stated that he lives immediately east of the cemetery and applauded the City for its willingness to take the cemetery over from the current association. He suggested that things such as decorations be reflected in rules and regulations of the cemetery rather than committed to ordinance. He believed the City should consider traffic safety, parking for cemetery events, and consideration of governance policy. He also suggested establishing a Board which could be composed of neighbors, previous association members and families of the cemetery, and stated that he would be open to providing his input should the City be interested.

Batty stated that the ordinance should set general direction and advised that further specifications could be laid out in regulations. He explained that items in the regulations could then be tweaked without an ordinance amendment.

Jim Lane stated that he would also encourage the City to address the responsibility of the City to address damage to private property which occurs during cemetery events.

After discussion the Council agreed that the major operating points of the cemetery should be included in the ordinance.

Bob Franklin, 4819 Lakeshore Avenue, stated that German Liberal is a beautiful cemetery. He confirmed that the cemetery is small and parking is an issue. He suggested that the Council be as permissive as the current association to respect the families of those buried at the cemetery. He stated that the City may gain additional volunteers, from those families, to care for the cemetery if freedom for some decoration is given. He also believed that the decorations may allow additional benefit to the grieving families. He stated that funerals are often called celebrations of life and stated that the celebration does not necessarily have to stop at the church. He suggested that the City be reasonable and if problems arise the regulations could be tweaked in the future.

Kent White, member of the German Liberal Cemetery Board, stated that when the members voted to approve the transfer of the cemetery to the City it was believed that the transfer should be almost invisible and the members should not see huge changes to day to day management, such as decorations. He advised that most people chose the cemetery because of the current management practices, including decorations. He stated that the current decoration policy has worked for the past five years and noted that the Board put a lot of work into that policy. He stated that GLC is very small and did not believe that a very restrictive policy would fit with this cemetery, as it would for a larger cemetery. He did not believe that mowing should be the main concern when considering decorations. He noted that the cemetery is screened on all four sides and believed that the City should be more sensitive to the needs of the families who have members buried at the cemetery. He advised that the metal plant stand is the standard model sold at stores and noted that the cemetery has not had any problems with unusual stands. He asked that the Council respect the decoration policy in place.

Smith questioned if he had a copy of the decoration policy from when his lot was purchased.

Crosby stated that he is quite familiar with the cemetery and has been involved in clean-up crews at the cemetery. He stated that the City must think this process through because of the unique location and proximity to neighboring landowners.

Adams noted that staff would compose a draft which would be posted on the City website in the next few days, and reviewed the changes suggested by the Council for the draft document. He noted that this item would come back before the Council at the next meeting, October 5th.

B. Conservation Design and Open Space Report

Finke advised that this item had been recently discussed and provided background information. He advised that the appeal process had not previously been included in the ordinance and summarized the proposed process. He noted an addition suggested by the Planning Commission, which was more specific language, and advised that staff would not be in favor of the more narrower application of the ordinance.

Crosby stated that he agreed with the staff recommendation of not using the more specific language, and confirmed that the Council agreed with that language.

Finke advised that another ordinance would follow which would address the fee schedule for this appeal process.

Jennifer Haskamp, representing Stone Gate Farms, confirmed that a resident who finds the information on the composite map to be incorrect can dispute that information with staff. She suggested better placement for that item within City ordinance, such as near the wetlands ordinance.

Finke commented that while the item could be better located in another location the item is located most logically in the proposed location and serves the purpose at the present time.

Batty commented that anytime a decision is made which someone does not like an appeal could be made to the Board of Zoning and Adjustment.

Jennifer Haskamp questioned what specific information could be appealed, and whether the natural resource data could be appealed, as that information fuels the composite map.

Finke explained that information is already specifically addressed in the ordinance, the composite map and the information contained in the map can be appealed.

Jennifer Haskamp questioned how agencies which use the information from the composite map would be notified should errors be found in the data.

Finke stated that there is not a clear answer to that question. He advised that the composite map is map 7.2 within the comprehensive plan. He advised that the zoning map, 7.1, and CIP map, 7.3, are amended regularly but those changes are not updated into the comprehensive plan. He stated that the composite map is a reference in the comprehensive plan, and noted that the City could send an updated composite map to the Metropolitan Council, which could be included in the plan.

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.

Jennifer Haskamp stated that without updating all of the agencies which received and commented on the comprehensive plan there is no tangible benefit for someone to go through the appeal process rather than going through a comprehensive plan amendment process. She stated that while she agreed that a reasonable application fee should be set, she did not think that the applicant should be liable for the fee for a consultant. She commented that the applicant should not be liable for a mistake made by the City.

Crosby stated that the cities use their best judgment to collect this information and did not believe that mistake was the correct term. He confirmed that the evaluation work was done not by the City, but by an independent professional. He used the example that a map is presumed to be correct and if someone has a different belief it can be funded by that person to appeal the decision and make that change.

Johnson agreed that if an applicant chooses to appeal that appeal would be funded by the applicant.

1. **Ordinance Related to the Process of Appealing Information Within The City's Open Space Report Related to Development in the Conservation Design District Adding New Section 827.60**

*Moved by Smith, seconded by Johnson, to approve the ordinance related to the process of appealing information within the City's open space report related to the development in the conservation design district adding new section 827.60, with the language of "Applicant" rather than "Conservation Design Applicant". **Motion passed unanimously.***

Crosby briefly recessed the meeting at 8:57 p.m.

Crosby reconvened the meeting at 9:03 p.m.

C. Discussion of 2011 Proposed Budget Flyer

Adams reviewed the proposed budget flyer.

The Council discussed the flyer and suggested a number of changes to the document.

Adams clarified he would make the changes and distribute to the County for insertion with the Truth in Taxation statements.

D. Schedule Special Meeting for October 5, 2010 to Discuss Employee Compensation

*Moved by Smith, seconded by Siitari, to schedule a special meeting for October 5, 2010, at 5:30 p.m., to discuss employee compensation and possible use of a building for City facilities. **Motion passed unanimously.***

IX. CITY ADMINISTRATOR REPORT

X. MAYOR & CITY COUNCIL REPORTS

Crosby reminded the City that the trail dedication would occur at 3:00 p.m. Saturday, with Medina Celebration Day following at 4:00 p.m.

XI. APPROVAL TO PAY THE BILLS

*Moved by Johnson, seconded by Siitari, to approve the bills, EFT 000827-000838 for \$28,467.20 and order check numbers 035970-036018 for \$87,878.66, and payroll checks 020256-020257 for \$962.59 and payroll EFT 503010-503035 for \$42,808.86. **Motion passed unanimously.***

XII. ADJOURN

*Moved by Johnson, seconded by Siitari, to adjourn the meeting at 9:28 p.m. **Motion passed unanimously.***

T.M. Crosby, Jr., Mayor

Attest:

Chad M. Adams, City Administrator-Clerk