

## **MEDINA CITY COUNCIL MEETING MINUTES OF FEBRUARY 4, 2003**

The City Council of Medina, Minnesota met in regular session on February 4, 2003 at 7:30 p.m. in the City Hall Chambers. Mayor Zietlow presided.

### **I. ROLL CALL**

**Members present:** Workman, Zietlow, Smith and Brinkman.

**Members absent:** Lane.

**Also present:** City Attorney Ron Batty, Public Works Director Jim Dillman, City Engineer Tom Kellogg, Planning and Zoning Administrator Loren Kohonen, Police Chief Ed Belland, City Administrator Chad Adams and Recording Secretary Robyn Sauer.

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

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

*Moved by Brinkman, seconded by Smith, to approve the agenda as presented. **Motion passed unanimously.***

### **IV. APPROVAL**

#### **A. Approval of the January 21, 2003 Regular City Council Meeting Minutes**

It was noted on page three, first paragraph, should read Zietlow stated he'd rather see a permanent solution than an on-call policy.

Page three, need to add no action was taken on the on-call policy until the technical solutions are evaluated.

Page four, fourth paragraph from the bottom, should delete the sentence following Zietlow asked how much was in the environmental fund.

Page five, sixth paragraph from the bottom, should insert the word extra after \$18,000.

*Moved by Smith, seconded by Brinkman, to approve the January 21, 2003 regular City Council meeting minutes as amended. **Motion passed unanimously.***

### **V. CONSENT**

#### **A. Gambling permit for Holy Name of Jesus for St. Patrick's Day Party**

#### **B. Approve road material, equipment specifications and set bid opening date**

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

### **VI. COMMENTS**

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

There were none.

**B. Park Commission**

Nothing to report.

**C. Planning Commission**

Kohnen stated there would not be a Planning Commission meeting this week and indicated in March, the Woodhouse property would come back, Rolling Green Country Club would be in for an amendment to the CUP for a pool and mechanical building and Wright Hennepin would possibly be in also.

**VII. PRESENTATIONS****A. Robin Caufman – Metropolitan Council**

Caufman gave the City Council some background on herself.

Caufman stated she was a Senior Planner and had initiated a task force to look at sewer issues.

Caufman stated there would be a new met council member and noted there were six potential candidates.

Zietlow asked if all communities have their comprehensive plans finished. Caufman replied yes, Corcoran was the last one, but they're all done.

Caufman indicated Corcoran just adopted their comprehensive plan last month.

Smith asked when they could get a copy and noted a map would be helpful to see how the surrounding areas were zoned.

Caufman replied the met council had it on the GIS system, so it would be easy to do.

Smith asked about a letter from the met council for support of the DNR grant. Caufman responded she would put a letter together for someone to sign.

**B. Steve Tallen, City Prosecutor – Annual Presentation**

Tallen indicated it was a quiet year and noted with the safe and sober grant, it was Medina's year to sit out.

Tallen stated the workforce was maturing a little bit and noted fine revenue was down a little bit from last year.

Tallen commented there was some concern around the courthouse about closing the courthouse as a budgetary consideration and he would let the City know if anything comes of that.

**VIII. BUSINESS****A. Public Works****1. Appointment of Ivan Dingmann to full time position**

*Moved by Smith, seconded by Brinkman, to hire Ivan Dingmann for a full time position in the Public Works Department contingent upon him obtaining a Class B commercial drivers license, passing a physical and drug test. **Motion passed unanimously.***

## **B. Planning**

### **1. Request for rezoning, Tom Crosby, 1602 Willow Drive to Agricultural Preserve**

Crosby asked for action to be tabled until the next City Council meeting due to the fact he thought he qualified for Green Acres.

*Moved by Workman, seconded by Smith, to table action per the applicant's request. **Motion passed unanimously.***

Batty asked how they were with regards to the 60-day rule. Kohnen replied it was up on February 12, 2003.

Batty advised the City Council to send a letter to the applicant extending the 60 days.

Kohnen stated he would send a letter.

*Moved by Workman, seconded by Smith, to extend the 60-day rule for an additional 60 days. **Motion passed unanimously.***

Zietlow suggested putting Ag Preserve on the agenda at a later date, due to the length of the discussion it would create.

Kohnen showed an overhead as to what properties could qualify for Ag Preserve.

Smith stated it should be discussed because it was an important issue.

Supel asked if the criteria would apply to this case. Zietlow replied no, they would have to go by the rules currently.

Supel noted the City council was the decision maker and was empowered to grant or deny it.

Smith suggested a proposal of guidelines/criteria and commented Supel was good at research and asked if he could work with Adams to ensure Ag Preserve was not being abused and that it benefited the City.

Workman stated if Green Acres moves ahead, this discussion might not happen but indicated it should be a staff job.

Picard asked if the new request would go back to the Planning Commission. Workman replied no, the county makes that decision for Green Acres.

*Moved by Smith, seconded by Workman, to suggest a target date of March 25, 2003 for the work session. **Motion passed unanimously.***

Crosby asked that those in Ag Preserve be notified of the meeting. Workman responded the public would be notified if there would be any changes.

Supel stated they would have to notify the whole community if they notified anyone. Workman replied they're not notifying anyone.

**2. Request for subdivision of property from Rita Jubert, 1355 Hamel Road**

Kohnen reviewed the request for the City Council and showed the lot on the overhead.

Laurie Karns, attorney for the applicant, stated the right-of-way added up to almost three acres. Batty replied statute 462 allowed the City to require right-of-way without compensation.

Karns stated an easement might make more sense.

Workman noted that was the only place they could build the road.

Batty stated there wasn't a distinction between right-of-way or easement and noted maybe the issue was it should be an outlot instead, which would provide potential right-of-way when further subdivided.

It was noted the outlot option was viable for a private road.

Smith commented they shouldn't treat this property differently than other properties.

Batty stated the applicant would have to petition the City to build the road as a public road.

Batty stated if they wanted it to be a private road, they could plat it with an outlot and enter into a private road agreement, or they could require dedication of right-of-way to build a public road.

Zietlow indicated the City already owned sixteen feet of the right-of-way.

Batty noted if the City owned it, the applicant would get a petition to build a public road and assess costs back to them.

The applicant asked if the City could vacate it. Smith asked if the City were sure they would never want to take Tamarack through.

Ms. Jubert's daughter Katherine asked if it could be addressed when the property was further subdivided.

Smith commented she would like to keep the option open for either a public or private road and stated she didn't want to do something different for the applicant than the previous applicants. Dillman replied there were some differences between the two landowners.

Zietlow noted he wanted to stay the course and it should be a public road.

Zietlow asked about the county. Dillman replied an 80-foot right-of-way was standard. Karns replied the county had no plans to build a road there anyway.

Batty indicated coming in for a plat was the only way to pick up right-of-way.

Karns stated the City was asking for park fee and land in Medina.

The applicant stated theoretically, the trail could be built the next day and asked if the trail could go away until they do ghost plots.

Katherine noted the trail goes within 20 feet of her mother's house.

Dillman stated they could compromise and widen the shoulder on the property.

Smith stated the trail wouldn't be able to be as off-road as they would have liked.

Smith suggested a widened shoulder for a trail, but when the property was divided, they could put the trail wherever they want. The applicants concurred that would be fair.

Batty stated this City Council intends not to put the trail in.

Workman reiterated the trail would be by the road, not all the way back where it could be.

Smith suggested a gentleman's agreement.

Batty noted there was an intention of this City council that if the trail was constructed while the house was still there, there would be a good faith attempt to construct the trail by the right-of-way, not up by the house.

Katherine requested the City not take the trail now. Workman replied the City has to take it now.

*Moved by Smith, seconded by Brinkman, to approve the preliminary plat with the stated conditions recommended by the Planning Commission. **Motion passed unanimously.***

*Moved by Smith, seconded by Brinkman, to send a message to the Park Commission that this City Council prefers park trail improvement take place along side the road as long as Mrs. Jubert was there. **Motion passed unanimously.***

**3. Hamel Legion Part plat – final approval. Authorize City Attorney to draft resolution**

Batty stated the final plat resolution was ready to be prepared and needed authorization.

*Moved by Smith, seconded by Workman, to authorize the City Attorney to draft the final plat resolution. **Motion passed unanimously.***

**C. Parks**

**1. Park Commission Appointment**

Robin Reid introduced herself to the City Council and stated she moved to Independence Beach in September of 2000.

*Moved by Smith, seconded by Workman, to appoint Robin Reid to the Park Commission. **Motion passed unanimously.***

## **2. Community Building**

Adams reviewed the memo for the City Council.

Batty stated the idea of the development agreement came up at the December 3, 2002 meeting, but it was not a binding commitment on either part, it would just allow each side to incrementally arrive at the end point.

Batty indicated they had also talked about an operations and maintenance agreement between the City and the agent.

Batty provided a detailed term sheet and noted they needed to advertise for proposals. Once the agent was selected, they could enter into an agreement.

Zietlow stated Lane was concerned that the City should have a construction manager.

Workman concurred and thought the City should bear the cost of that.

Workman commented a construction manager would be in the best interest of the Lions also.

Adams commented he thought \$3000 was low for a construction manager.

Smith asked about Bonestroo. Kellogg thought it should be a disinterested third party and noted they don't have a construction manager.

*Moved by Workman, seconded by Brinkman, to find a construction manager within reason.*

Batty suggested maybe they were using the wrong term.

Workman noted Lane thought the City Council didn't have the experience to make that decision.

Brinkman indicated he thought they were looking at someone to look at the bids and evaluate the specs.

Kohnen stated this person would keep change orders down to a minimum.

Adams stated they needed to define what the person would be doing.

Smith commented she wasn't comfortable hiring the only person they spoke to.

Batty stated how quickly they needed the person depended on how close they were to having construction documents to go out for bids on. Jungles replied the documents would be ready mid to end of March.

Smith suggested two or three people come forward with proposals at the next meeting.

Jungles thought it might be beneficial to have the person on board during the preparation of bid documents.

Batty asked if they wanted the City council or staff to make the recommendation. Smith replied she would like to have a recommendation from staff.

It was noted they wanted the person to review bid documents and specs before it goes out to bid and also be involved in bid opening.

Batty suggested Kohnen and Brinkman talk with Adams.

Zietlow called for a vote on the motion. **Motion passed unanimously.**

Zietlow stated the City spending \$250,000 was too much without asking for input from citizens and it was not something he could vote for.

Zietlow suggested sending out a questionnaire.

Workman asked why they had a park fund if they were not going to do improvements and commented they were here to make decisions.

Smith noted in the survey, 19% of the citizens stated they used Hamel Park.

Workman stated it was a little late in the game to back out now. Zietlow responded he thought it was going to be \$50,000 needed from the City.

Brinkman indicated he was under the same impression.

Smith stated trail connection was something Dillman wanted to do, so that was \$16,000 they could take out.

Workman noted they have made no other commitments for that money.

Belland stated the environmental fund was to come into compliance with the uptown Hamel ordinance.

Smith suggested parking where the skating rink was in the summer as overflow parking.

Workman noted this would be the first development in the uptown Hamel ordinance.

It was noted asphalt and curb was the ordinance up there.

Workman noted the City agreed to do the parking lot, electrical, and sewer and water.

Workman stated Dillman needed to pare back to what was needed for the project.

The City Council concurred they would follow the ordinance.

It was noted the parking lot was to remain the original size.

Jerry noted the new development was coming in the northeast corner of the city and he thought they should do all of the things on the list.

*Moved by Workman, seconded by Smith, to go forward with the Developer's Agreement. **Motion passed unanimously.***

*Moved by Smith, seconded by Workman, to approve the solicitation of proposals for operation and maintenance based on the attached term sheet. **Motion passed unanimously.***

*Moved by Smith, seconded by Workman, to authorize staff to prepare a policy for use of the building. **Motion passed unanimously.***

#### **D. Administration**

##### **1. Agricultural Task Force Recommendations**

Ann Thies, co-chair for the Agricultural Task Force, stated they sent six recommendations for City Council consideration.

*Moved by Smith, seconded by Zietlow, to authorize Batty to prepare a package of amendments to the zoning ordinance and bring it back to the March 11, 2003 Planning Commission meeting. **Motion passed unanimously.***

##### **2. Allocation of \$3,000.00 donation from Woodridge Church**

Smith stated the City Hall was out of compliance with the lighting ordinance and the lights needed to be replaced or covered in some way.

Adams mentioned option of contacting the church and asking if they have any suggestions as to what to do with the donation money.

It was noted the money would be put towards the improvement of City Hall.

#### **IX. APPROVAL TO PAY THE BILLS**

*Moved by Workman, seconded by Smith, to approve the bills, order check numbers 24733-24775 for \$175,170.45, and payroll check numbers 17950-17964 for \$20,870.04. **Motion passed unanimously.***

#### **X. ADJOURN**

*Moved by Workman, seconded by Smith, to adjourn the meeting at 10:51 p.m. **Motion passed unanimously.***

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Philip K. Zietlow, Mayor

Attest:

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Chad M. Adams, City Administrator