MEDINA CITY COUNCIL MEETING MINUTES OF MARCH 18, 2003

The City Council of Medina, Minnesota met in regular session on March 18, 2003 at 7:30 p.m. in the City Hall Chambers. Mayor Zietlow presided.

I. ROLL CALL

Members present: Workman (arrived at 7:34 p.m.), Lane, Zietlow, Smith, and Brinkman.

Members absent: None.

Also present: City Attorney Ron Batty, Public Works Director Jim Dillman, City Engineer Tom Kellogg, City Administrator Chad Adams, and Recording Secretary Carla Wirth.

II. PLEDGE OF ALLEGIANCE

III. ADDITIONS TO THE AGENDA

It was requested to add item VII, A2, Update on Hennepin Conservation District Letter of Support, and Item VII, A3, Compliance of City Hall Lights.

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

IV. APPROVAL

A. Approval of the February 25, 2003 Special City Council Meeting Minutes

Lane inquired regarding the timetable for the Hamel development. Adams stated staff would present additional information at the April 29th work session.

Moved by Smith, seconded by Brinkman, to approve the February 25, 2003 special City Council meeting minutes as presented. ***Motion passed unanimously.***

Workman arrived at 7:34 p.m.

B. Approval of the March 4, 2003 Regular City Council Meeting Minutes

Lane requested a correction to Page 1, Item 4A, second paragraph, to indicate: "...from the Hamel Legion Park fund."

Smith requested a correction to Page 3, 5th paragraph, to indicate: "Wolters indicated he has done some work with Rebecca Wolters at Dakota County Northern Service Center..."

Moved by Brinkman, seconded by Lane, to approve the March 4, 2003 regular City Council meeting minutes as amended. ***Motion passed unanimously***

V. CONSENT AGENDA

A. Gambling Permit for Crystal-New Hope-Robbinsdale Rotary Club at Rolling Green Golf Club

Moved by Lane, seconded by Workman, 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

Dillman stated the Park Commission continues work on the Trail Study.

C. Planning Commission

Adams stated the Planning Commission forwarded both projects to the City Council.

Planning Commissioner Ron Johnson stated the Agricultural Task Force information was reviewed but determined more work is needed by the Task Force.

VII. BUSINESS

A. Public Works

1. Storm Water Pollution Prevention Program (SWPPP)

Adams requested general discussion on the SWPPP and to provide comments. He noted the May deadline so it does not need to be acted on tonight. He stated the page changes were received today and will be forwarded to the Council for their review.

Mayor Zietlow stated a good discussion was held on this program and it was indicated that some changes would need to be made in program for Medina.

Lane asked about the cost. Smith noted that the City is currently spending money for some of these activities so it will not all be an addition to the budget. Mayor Zietlow stated the infrastructure maps are needed which he thinks is one of the most important aspects and will involve some dollars.

Adams stated documentation of current programs will be needed so logs or data bases will need to be created and that will take some time.

Smith stated she believes a good outcome will result from this program. She stated that Medina is minimally complying and, in addition, some educational items will need to be done with Medina residents.

Mayor Zietlow asked if Medina residents should be tested to see if anything useful comes from this program.

Smith stated area meetings were discussed so the number of residents attending could be tracked. She advised that some improvement to the water quality has been found in some of Plymouth's lakes. She stated that phosphorus fertilizer is no longer being used around Plymouth lakes. Mayor Zietlow stated Medina has adopted a similar ordinance related to fertilizer. Smith stated if the City wants to actually see if an improvement is being made, then testing is needed.

Smith commented that with a lake in Medina, the degradation is coming from the area of the hobby farms and that information can be presented to the Council, if desired. She stated the watershed district did the testing work but no one in Independence has changed their habits so improvement has not been noted.

Lane stated there as a lot of talk about the test results but he does not know who did the tests or what the results were. Smith stated she will call to get the test results.

Brinkman stated he would like to see the revised SWPPP document. Adams stated he will provide the Council with copies of the pages that had changes.

B. <u>Update on Hennepin Conservation District Letter of Support</u>

Smith stated she understood there would be a letter of support from Medina and asked if it was sent.

Adams stated there was a very short window of opportunity to send a letter but a letter was sent by Friday of last week and included the cities of Medina, Minnetrista, Independence, and Maple Plain. He provided a copy of that letter to Smith and reviewed what it included.

Smith stated it would have been nice if the Council had received a copy of this letter before it was sent out.

Adams stated this issue was discussed by the Elm Creek Watershed District and the City was represented and it would be difficult to get the Councilmembers from all cities involved to draft one letter. He stated he is still learning about these organizations and how important these items are and, over the past month, has come to realize the importance of the Hennepin Conservation District (HCD).

Smith stated the letter specifically asked for prioritization due to budget constraints and she wanted to know which programs would be maintained as a priority.

Mayor Zietlow asked Smith to review the letter that was sent and advise the Council if Medina should send out their own letter.

Smith asked if they did a presentation at the meeting. Lane stated he attended three different meetings, Adams attended two, and Dillman attended one so Medina was well represented. He stated the Elm Creek Watershed District decided to not prioritize for reasons Adams referred to. He explained that a general discussion was held but it did not itemize specific programs and services or begin to address priorities. He stated that Philip Eckert, Hennepin County Environmental Services Manager, came away from the

meeting with a clear understanding of how cities in this part of the County felt about HCD programs and services.

Lane pointed out that the number of man hours expended by the Council and staff shows it is an important issue of Medina. That was also shown by the attendance of Council and staff and discussions held.

C. Compliance of City Hall Lights

Smith stated that sometimes the outdoor City Hall lights are left on all night. She stated they are not in compliance with the City's lighting ordinance.

Mayor Zietlow stated that ordinance relates to commercial property, not residential.

Smith stated that a discussion occurred last year about bringing the City Hall lights into compliance. Batty stated he remembers that discussion but does not think a date for compliance was set.

Workman stated the lights should be on for a while in the evening since this is a public building.

Dillman informed the Council of the outdoor lighting and which are on timers. He mentioned that police officers have expressed concern that someone from outside the area cannot find City Hall so sometimes they turn on the timer to light up the building so it can be found. He stated that perhaps sometimes the timer is not turned back off.

Smith noted the City tells businesses and residents to regulate lighting and she thinks the City Hall should also be in compliance. Rather than lighting the building, she suggested that a Police Department sign be installed and lit.

Brinkman asked if neighbors have expressed objections. It was indicated that no complaints were received.

Dillman advised that the existing lights cannot be modified so they will be expensive to change. Smith stated there are five lights on the building. Dillman stated that three of those lights are needed. Brinkman stated that perhaps a new timer with a switch for the Police Department could be considered.

Staff was asked to review the current lighting and return with a recommendation on what can be done to bring the City Hall lighting into compliance.

B. Parks

1. Hamel Legion Park Community Building

Adams noted the information provided by the Hamel Lions regarding available funding. He stated that Council action is not needed tonight, but can determine where this fits into the scheme of things. He stated Bill Wolters has been meeting with staff and the Lions and a project budget will be prepared in several weeks.

Workman asked if all of these funds are available for the community building. Adams stated the information provided shows a low to high funding level.

Smith commented that $10,000 should be added to the $340,000 and she will work with Adams on that. Smith stated she thinks there is $350,000 plus some interest from the fund.

Adams stated he is not aware of the background and asked if the Council had agreed that all of the interest earned on that fund was to go toward the community building. He estimated there may be $430,000 available in that fund. However, he is unaware of $10,000 being in the wrong fund.

Workman stated the number in the year-end auditor's report would include allocated interest and that is the number that should be used. He noted that the auditor's figure would be up to December 31. He stated he does not think the City can go back to prior years and consider interest on money that was not allocated.

Adams stated staff may provide the Council with the project budget at the next meeting.

Lane asked if soil testing has been done. Dillman answered in the affirmative. Lane stated the construction manager will need to see that information so it can be reviewed and assured there will be no cost for soil correction.

Bill Wolters, Construction Manager, stated he has not seen the transcript but knows they are aware of soil conditions. He asked if there has been a City financial contribution for site work. Smith stated it was discussed but never approved. Adams stated some site work estimates were prepared but the Council has not established an amount.

Wolters stated the architect is on hold and the soonest it can be built, if released now, is mid-June. He stated there are building costs and site costs and they talked about what would be included in the site work. He stated he will talk to Kellogg tomorrow about what will be in the design so he knows what the range is. Wolters stated the issues included in site work are the parking lot, curb and gutter, sidewalk beyond five feet of the building, plaza, paths, and landscaping. It is being assumed that the Lions will be responsible for the building development within five feet of the building.

Workman stated that cost estimate is important for the Council to know.

Smith stated discussion is needed on what will be eliminated, such as the trails that are not really part of this. Wolters stated items can be bid out as an alternate so it can be accepted or not accepted. Wolters stated a scope of what will be included needs to be determined. He suggested they work on this issue and present the Council with what the numbers are.

Smith stated she thought a plan had been approved that included the parking lot. Wolters stated a plan was submitted for approval but there have been subtle changes to the building, such as relocating the garage doors which results in needing to revise the paving. There was also discussion of the size and location of the plaza area. He stated it costs to prepare plans so the proper approach is not to design something and then find out the Council does not like it. Instead he suggested a dollar amount be

established so they can design a plan to reach that target. Wolters stated the Lions will have their own problems in fitting the building into their budget.

Smith suggested the Council look at the plans along with the staff memorandum of where the money will come from. She agreed that a dollar amount is needed prior to preparing plans.

Wolters stated he heard a figure of $140,000, which is on the low end, for site improvements not including the road. Kellogg asked if that would include site lighting. Wolters stated the site lighting would be separate.

Adams stated that on February 11, staff presented a memorandum on site improvements and Council asked what would be park site improvements versus building site improvements. The total number was $226,150, the building site improvements were $75,000, and the rest was for park site improvements. He stated that the design changes will affect those numbers.

Mayor Zietlow asked staff to provide additional details at the next Council meeting.

2. <u>Ordinance Amending Section 820.31 Regarding Park Dedication</u>

Batty stated park dedication was discussed several times and this is the existing ordinance with a few fixes. He stated it is not for adoption tonight but to determine if this fix is something the Council would consider, or if there should be a more complicated amendment with charts and sliding scales based on density. Also, this draft ordinance has not been reviewed by the Park Commission.

Mayor Zietlow asked if the top end should be at 15% instead of 10%. Batty explained that if the City is legally challenged on this, the City will be asked how they came up with their number. He stated that most cities feel that 10% is a “safe harbor.” He explained that under the best circumstances, the City would have a comprehensive park and trail plan. Staff could then determine how many more lots there will be, how many residents there will be, the cost of land acquisition and park costs, and then do the math. He stated that in knowing the potential growth and population increase, you will be able to determine how much park space you will need. That determination will prove the number is reasonable; however, the current approach just grabs a number out of the air.

Adams stated the more difficult variable is the expected number of parcels or units that will be developed, but that may be determined off past trends or the Comprehensive Plan. He stated that could provide a better basis and staff can return with some options or a recommended number. He stated that can be presented at the next Council meeting.

Mayor Zietlow noted that developing 100 units on 10 acres would require a lot of park space and, in that case, a 10% park dedication fee may not be adequate. Batty stated that is correct for that multi-family scenario which is why the words “but not less than” are included in the ordinance. He stated he prefers percentages since the Statute allows you to get land or an equivalent amount of cash. Given Medina’s land values, it will be cheaper for the developer to give cash instead of land. However, if a percentage is used, then the market tends to balance that out.

Mayor Zietlow noted the draft ordinance includes two top ends since it includes both the percentage and dollar amount. Batty stated it would be the greater of those two. In the past the ordinance said 10% but sometimes the City reduced that percentage and considered an exception for large lots. Batty reviewed the proposed changes and stated with this draft there would be a per unit minimum of $3,500. He noted that with this ordinance, the City would prefer land but if taking cash in lieu, it will be a minimum of $3,500 per unit. He noted this addresses residential property.

Mayor Zietlow asked about a situation that involves a trail easement of 2% of the land. Batty stated the City could take the rest (8%) in cash. He advised that the value is based on prior to final plat approval.

Lane asked staff to advise what other similar cities are doing and what kinds of dedications or burdens on the land (i.e., drainage easements, park easements, trail easements, road easements, and road right-of-way dedications) should be entitled to a credit. Batty stated the statutes indicate the City can require those dedications and also addresses recreation facilities. He stated his opinion that four of the five easements mentioned would not count; only the trail easements would count towards dedication.

Batty stated there is generally no impact fee authority in Minnesota law and advised that the draft ordinance list conforms to the State statute.

Lane asked staff to address the ten acre exception issue that has sometimes been applied. Adams stated he will provide more information on those issues.

Smith stated staff previously prepared a list of what other cities are charging for park dedication. Lane suggested that list be updated.

C. <u>Planning</u>

1. <u>Ordinance Regulating Construction Site Storm Water Runoff</u>

Batty stated this is part of the SWPPP application and is an ordinance that now conforms to Medina's standards. Smith noted this has been reviewed by the Planning Commission and recommended for approval.

Moved by Smith, seconded by Workman to adopt Ordinance No. 350 Regulating Construction Site Storm Water Runoff. ***Motion passed unanimously (Lane was not present for the vote).***

D. <u>Public Safety</u>

1. <u>Resolution Opposing the Closure of any Suburban Courthouse and Requesting Hennepin County District Court to Share Information and Cooperatively Examine Possible Solutions for State Funding Cuts</u>

Adams asked the Council if they have objections to this draft resolution.

Mayor Zietlow commented that if Ridgedale is closed it will cost Medina more money so he supports the resolution.

Workman stated he does not think Medina can tell them how to spend their money or where to make budget cuts. Mayor Zietlow stated this is making a suggestion to them, not telling them.

Lane stated it is a well used facility but the budget cuts raise a “not in my backyard” attitude.

Smith stated she works with County Commissioners and understands how programs are changed; if they think no one cares about a program, you can guarantee it will be cut. She stated she supports the Medina City Police Chief sending a letter.

Moved by Smith, seconded by Brinkman, to authorize the Chief of Police to submit a letter addressing the City's concern with the closing of the Ridgedale court.

Motion passed with Workman abstaining.

VIII. APPROVAL TO PAY THE BILLS

Lane asked about Bonestroo's Hamel Legion Park building expense of $13,900 and asked if it is for services to the City or to the Lions Club. Kellogg stated it is not for his time on that project; however, there is a City project number.

Lane reviewed details of the claim and stated it is for design of the park building and is a Lions Club expense. He suggested that Bonestroo & Associates be asked to send that bill directly to the Lions Club. Smith stated the Council requested redesign of the parking lot and garage doors. She noted that a portion of that bill may be the responsibility of the City.

Workman stated his concern with the expense to design this building since $15,000 had been previously spent.

Moved by Smith, seconded by Brinkman, to approve the bills excluding check number 24898 to Bonestroo & Associates, order check numbers 24891-24948 for $73,785.61 and payroll check numbers 18001-18024 for $22,392.86. ***Motion passed unanimously.***

IX. ADJOURN

Moved by Workman, seconded by Smith, to adjourn the meeting at 9:01 p.m. ***Motion passed unanimously.***

_____
Philip K. Zietlow, Mayor

Attest:

_____
Chad M. Adams, City Administrator/Clerk-Treasurer