

## **MEDINA CITY COUNCIL MEETING MINUTES OF MAY 6, 2003**

The City Council of Medina, Minnesota met in regular session on May 6, 2003 at 7:30 p.m. in the City Hall Chambers. Mayor Zietlow presided.

### **I. ROLL CALL**

**Members Present:** Workman, Lane, Zietlow, Smith, and Brinkman

**Members Absent:** None

**Also Present:** City Attorney Ron Batty, Public Works Director Jim Dillman, City Engineer Tom Kellogg, Zoning Administrator Loren Kohonen, City Administrator Chad Adams, and Recording Secretary Jennifer Hennes.

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

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

Workman requested to add Ag Task Force discussion as item E2A under Administration.

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

### **IV. APPROVAL**

#### **A. Approval of the Board of Appeal and Equalization Minutes of April 9, 2003**

*Moved by Lane, seconded by Brinkman, to approve the April 9, 2003 Board of Appeal and Equalization Minutes. **Motion passed unanimously.***

#### **B. Approval of the April 15, 2003 Regular City Council Meeting Minutes**

It was noted on page 12, the 10<sup>th</sup> paragraph, it should state "...so that *item could* be moved.."

It was noted on page 7, the 2<sup>nd</sup> paragraph, it should state "...the preliminary plat for *PUD Block One* of Rolling Green Business Center."

It was noted on page 7, the 10<sup>th</sup> paragraph, it should state ". \$8.62 per 1000 gallons."

*Moved by Smith, seconded by Brinkman, to approve the April 15, 2003 regular City Council meeting minutes as amended. **Motion passed unanimously.***

### **V. CONSENT AGENDA**

#### **A. \$50.00 membership fee to the Uptown Hamel Inc. (Association)**

#### **B. Gambling permit for Uptown Hamel Inc. for July 13, 2003 Hamel Library event**

#### **C. Resolution granting preliminary approval to the plat of Rolling Green Business Center**

- D. **Resolution granting concept plan approval for PUD for Rolling Green Business Park, LLC**
- E. **Police Squad Car Purchase**

Lane asked to remove items C, Resolution granting preliminary approval to the plat of Rolling Green Business Center and D, Resolution granting concept plan approval for PUD for Rolling Green Business Park, LLC, from the consent agenda.

*Moved by Smith, seconded by Brinkman, to approve the consent agenda items A, B and E. **Motion passed unanimously.***

Lane stated there is a condition in both of the resolutions that refer to park dedication fees and property. He stated he would like clarification of the intent of the Council to impose a Park Dedication fee of 10%, to be calculated off of the entire property or only the property being developed.

Batty stated the Park Dedication fee should be associated with the plat. He stated that the property is further being developed is irrelevant because the time of determining value is immediately before the submission of the final plat. He stated it would be 10% of the value of the 40 acres instead of 10 acres, for the Rolling Green development.

Brinkman inquired if it was re-platted would there be more park dedication fees. Batty stated they have not required that. He stated what they have done is to spread the Park Dedication fee over the entire parcel and linking it to pulling building permits. He stated in Wild Meadow they determined the value of Park Dedication fees upfront and each phase that is represented as a whole is triggered by pulling each building permit in that phase. He stated the fees are being paid over time.

Batty stated in the Rolling Green Business Center the entire Park Dedication Fee will be triggered by the first building permit. He stated it has not been determined if it is for just that quadrant or for the entire property.

Batty stated it is up to the Council to decide if the entire Park Dedication Fee should be from first permit pulled from southeast quadrant or only the portion that area represents.

Audience member inquired if the Park Dedication Fee is attached to a parcel if it is sold.

Batty stated the Park Dedication Fee would always be collected on the issuance of a building permit on the property.

The Council agreed to charge the 10% Park Dedication Fee on the pre-developed market value of the 40-acre parcel as soon as a building permit has been pulled.

Batty stated he would modify the resolution.

*Moved by Lane, seconded by Workman to accept Consent Agenda items C and D as amended. **Motion passed unanimously.***

## **VI. COMMENTS**

### **A. Comments from Citizens on items no on the Agenda**

There were none

**B. Park Commission**

Dillman stated May 21<sup>st</sup> as Park Commission tour of parks and invited Council to attend.

**C. Planning Commission**

Adams stated there would be no Planning Commission meeting in May.

**VII. BUSINESS**

**C. Public Safety**

**2. Police Reserve Annual Report**

Chief Belland presented the annual report for 2002 and recognized the reserves for volunteering. Belland also introduced the newest reserve officers who have graduated from the Hennepin County Reserve School in April.

**3. Promotion of Reserve Officer Lundell**

Lundell was promoted to Sergeant of the Reserve Unit. A short ceremony of the presentation of his stripes took place. Chief Belland and the Council thanked him for his dedication to the department.

**A. Parks**

**1. Hamel Athletic Club Non-Intoxicating Malt Liquor On-Sale License**

Adams presented a revised Non-Intoxicating Malt Liquor On-Sale License for the Hamel Athletic Club.

Rick Groth, Hamel Athletic Club President, was available to answer Council questions.

Mayor Zietlow inquired about the probability of a child's ballgame being played during the same time as an adult event.

Mr. Groth stated games could be scheduled simultaneously for adults at Paul Fortin Field and for children at the Four-plex fields, but adult and child's games would not be scheduled together at the Four-plex fields. He felt there would not be an issue.

Lane inquired about the insurance certificates.

Adams stated the insurance certificates should arrive tomorrow.

*Moved by Smith, seconded by Lane, to approve the revised Hamel Athletic Club Non-Intoxicating Malt Liquor On-Sale License. **Motion passed unanimously.***

**2. Hamel Legion Park Community Building**

Bill Wolters presented cost estimates, derived from architect's specs, and which are incomplete at this time, but are far enough along to provide good estimates. He stated the probable cost of the building is \$761,399 and the probable cost for site work and

utilities would be \$129,795. He stated this does not include architect fees and expenses for furnishings. He stated these estimates do carry a 10% design fee.

Mayor Zietlow inquired about architect fees. Wolters stated they could be up to 9%.

Lane inquired about engineering costs. Wolters stated this could be an additional 15%.

Adams stated he worked with Hamel Lions Club to determine their potential funding for building. Adams presented information to the City Council regarding available Hamel Legion Park Building funds and Lions Club funds that have been discussed previously.

Mayor Zietlow inquired about the next step in this project.

Lane stated the project is currently short by about \$220,000.

Adams stated that is correct. He stated he has talked with Eric Jungels from the Lions about the Lions giving more funds in the future. Adams stated options at this time are to postpone the project for at least six months and/or wait until the 2004 budget planning. He stated this type of project should be budgeted and it has not been budgeted for 2003.

Smith inquired about surveying public for input on where the City should go with project.

Adams recommended a commitment from the Council now for a financial contribution so the Council would not have to rediscuss the City's commitment again in six months.

Lane stated concern about the current funds still being too short for the project.

Jungels stated the Lions have income from pull-tabs and the flea market.

Mayor Zietlow inquired if the Lions should wait on their project.

Eric stated he has financial projections and feels they will not change in next six months.

Workman inquired about scaling back the size of the project.

Mr. Wolters stated the building is already stripped down but there are ways to cut back and add parts as alternates.

Tom Dykhoff inquired about the funds in the Park Dedication Fees and if the City would be willing to loan/advance some of those funds to the Lions with the understanding the Lions would reimburse the money over time.

Mayor Zietlow stated that might be a possibility. He stated the need to talk with Park Commission.

Smith stated if there were Park Dedication Fees available from the renovation of Uptown Hamel the funds may be able to go to the new building.

Workman inquired about the Lions ability to commit and replace funds over a few years.

Eric stated the Lions might be able to pay back the loan over a five-year period. He stated it could possibly be done sooner. He stated the Lion's annual income is \$25,000 from the flea market and \$25,000 - \$50,000 from the pull-tabs.

Workman stated the city might not collect as many Park Dedication Fees in the future.

Smith stated she sees an effort from the Lions. She inquired about the length of the pull tab license. Eric stated the license is valid for one more year.

Smith stated the value of buildings has risen and inquired about the rising cost of waiting and putting up the building in the next couple of years.

Workman stated concern about a non-profit company making a financial commitment to the City. He stated with the Lion's being a non-profit organization there are no tangible assets for collateral.

Adams inquired about getting charitable contributions to help get the building up.

Workman stated he is more comfortable staying with the \$120,000 the City has already agreed to and possibly giving another \$100,000 as an advance.

Brinkman inquired if the Lions are planning on working on the building themselves by doing painting and landscaping.

Workman stated the landscaping is going to be done by the City.

Mr. Wolters inquired about the exact amount the City is providing for this building.

Adams inquired to Mr. Wolters if bids were accepted, but rejected, would this decrease the chances of contractors bidding on the project again. Mr. Wolters stated it would probably not affect contractors bidding again.

Smith stated she is in favor of a \$100,000 advance plus \$129,000 for site improvements.

Mayor Zietlow stated he is opposed to an advance.

Brinkman stated the commitment from the City started at \$50,000 and is now up to \$129,000. He stated he does not want the City to take on debt, he is opposed.

Smith stated this advance would be from Park Dedication Fee money.

Workman stated Park Commission should help plan use of Park Dedication Fee Funds.

Smith stated the Park Commission is supportive of this project. She stated most of the Park Dedication Fees have come from that part of town.

Batty stated it is a matter of how much larger of a contract the City is willing to enter into.

Lane stated the amount of funds that the Lion's are currently short is about \$400,000 and he finds that troubling.

Mr. Wolters stated a 10% design contingency is currently in the bid. He stated the architectural fees, inspection fees, legal costs and carpet are not in the bid and these costs can run up to 35% of the original price.

Lane stated there is still a \$210,000 shortfall even if the City does advance the Lions the extra \$100,000.

Workman stated he would like to see solid numbers come in from the Lions, Wolters and staff before a decision is made.

Smith recommended working on a smaller building or waiting until the Lions could afford the building they want to build.

Adams offered to be more involved in the planning and felt they could come back with a different proposal.

The Council Members took a straw vote with Workman and Smith supporting a \$100,000 advance and Lane, Mayor Zietlow and Brinkman opposing an advance. They would like to see private fundraising ideas and more solid numbers before considering an advance.

Brinkman stated he would be willing to sit down and work with the Lions on this project.

Gerald Dykhoff commented on how much money the Lions have already donated to the City and asked the Council to reconsider the advance.

Adams, Bill Wolters and the Lions were requested to work on an alternate proposal.

### **3. West Metro Lutheran School Football Practice at Hamel Legion Park**

Adams stated the West Metro Lutheran High School, located in Plymouth, and is requesting to use an area of the Hamel Legion Park for their 2003 fall football practices.

Workman stated he is in agreement for the West Metro Lutheran School to use the Hamel Legion Park for their practice if the rental fee goes into the park fund.

Smith stated she would like to see all repairs done by the West Metro Lutheran School.

Adams stated a damage deposit has been discussed with the school.

Brinkman inquired about any community activities becoming a scheduling conflict. Upon discussion with the Hamel Athletic Club, staff felt there would not be a conflict.

*Moved by Workman, seconded by Brinkman to authorize Staff to prepare a formal rental agreement with West Metro Lutheran School for the use of the Hamel Legion Park for Football Practice with maintenance included. **Motion passed unanimously.***

### **4. Park Dedication Fees**

Adams presented four options on mixed-use developments for Park Dedication Fees.

He stated the first option would determine the amount of habitable space by square feet of the proposed project, either commercial or residential, and the larger of the two would determine the commercial or residential based fee. He stated the second option would

determine the amount of habitable space by square feet of the commercial and residential use, but a fee would be charged on both the commercial and residential by using the percentage of the habitable square feet.

Smith stated she is in favor of option 2.

Brinkman stated he was in favor of keeping a rate of 10% for commercial and a rate of 8% for residential if the City doesn't take land.

Brinkman stated he felt this is a reasonable fee.

Council members agreed on option number 2 for the mixed-used development park dedication fee.

Smith stated she felt there needs to be a minimum and a maximum on the fee. She stated a \$3,500 minimum and a \$8,000 maximum.

Council members agreed on option number 2 for residential developments, with an 8% fee to include a \$3,500 minimum and a \$8,000 maximum.

Adams advised Ron Batty would draft an ordinance for the next City Council meeting.

## **B. Planning**

### **1. Final Approval of Wild Acres of Medina**

Adams stated the Council needs to authorize Attorney Batty to prepare resolutions for final approval of Wild Acres of Medina.

*Moved by Workman, seconded by Lane, to authorize Attorney Batty to prepare resolutions for final approval for Wild Acres of Medina. **Motion passed unanimously.***

## **C. Public Safety**

### **4. Sergeant Job Description**

Chief Belland presented the Sergeant job description to be posted internally next week.

## **D. Public Works**

### **1. Inflow/Infiltration Repair**

Kellogg presented quotes to the Council for the Inflow/Infiltration repair work. He stated these quotes are to complete a project, which dates back to 2001. He stated as a result of this project there is work that needs to be done in Baker Park and that the Park District will reimburse the City for any and all costs.

Kellogg stated the City needs to perform work in order to receive the \$23,000 loan from the Met Council, which ultimately turns into a grant after five years if all inspections pass.

*Moved by Brinkman, seconded by Smith, to approve the project budget for the Inflow/Infiltration Repair. **Motion passed unanimously.***

### **2. Hamel Well #4 Upgrade**

Dillman stated the Council has previously approved the upgrade of Hamel Well #4. He stated this upgrade would increase the pumping capacity from 400 gallons to 800 gallons per minute that will meet the anticipated short-term demand. He stated work is proceeding to develop plans for Wells #5 and #6 and Pump House #3. He stated the engineer's estimate for the upgrade of Hamel Well number four is \$130,000.

*Moved by Brinkman, seconded by Smith to approve plans and specs for Hamel Well #4 Upgrade, advertise for bids for Hamel Well #4 Upgrade and set bid-opening date for 10:00 a.m. on June 3, 2003. **Motion passed unanimously.***

## **E. Administration**

### **1. Slow No-Wake Zone during time of High Water on Lake Independence**

Adams presented answers to questions he had presented to Hennepin County Sheriff's Department Water Patrol, Three Rivers Parks District and DNR Boat and Water Safety regarding the Slow No-Wake Zone during time of High Water on Lake Independence.

Staff will attempt to receive more response from Three Rivers Parks District.

*Moved by Smith, seconded by Brinkman, to direct staff to work with the City Independence on the Joint Powers Agreement and Ordinance. **Motion passed unanimously.***

### **2. Agriculture Preserve – fiscal effects**

Adams stated e-mails were passed on regarding Agricultural Preserve and that Council had requested this item be added to this evening's agenda.

Workman recommended a proposal be made thanking all the people on the Agricultural Task Force for their work with recommendations to cancel any future meeting or future recommendations. He recommended letting the Council talk about the issues and recommendations they have at this time.

Brinkman stated he does not want to be involved in setting more agricultural regulations.

Smith stated the Agricultural Task Force is not complete and would like a few more meetings to be able to finish the work they have started. She stated part of the plan is protecting our natural resources.

*Moved by Workman, seconded by Brinkman, to disband the Agricultural Task Force.*

Discussion:

Smith stated she feels it would be a big mistake to not let the Agricultural Task Force finish their work they have started. She noted if the Agricultural Task Force is voted down how would the issues be addressed.

***Motion passed with Mayor Zietlow and Smith opposed.***

Smith excused herself at 10:20 p.m.

**3. May 19<sup>th</sup> City Council Special Meeting**

Adams stated in the event that more than two Council Members attend the tour, a meeting should be posted. He stated the tour begins at 4:00 p.m. and will start at the intersection of Lythrum and Wild Meadows in the south.

*Moved by Workman, seconded by Brinkman, to approve a May 19<sup>th</sup> City Council Special Meeting. **Motion passed unanimously.***

**4. May 29<sup>th</sup> City Council Special Meeting**

Adams stated Kevin McGinty, Fire Chief in Richfield, would be conducting a presentation on fire services and districts at the Corcoran City Hall at 6:30 p.m. He stated the meeting should be posted and is being held with the Corcoran City Council and Medina City Council. He noted this special meeting would help the City of Medina and City of Corcoran review alternatives for long-term fire services, in possible cooperation with the City of Corcoran, Hamel Fire Department and Loretto Fire Department.

*Moved by Lane, seconded by Brinkman to approve the May 29<sup>th</sup> City Council Special Meeting. **Motion passed unanimously.***

**5. Cabin Social**

Adams stated Staff has not begun planning for this event and is seeking direction from the Council on whether to hold the event, set a date and promote the event.

Dillman inquired on how much money is going to be spent and stated he would not be involved in the planning.

Adams stated the amount budgeted is around \$5,000.00.

Workman stated running this event should be done by volunteers. He inquired if the police reserves would be interested in helping this year. He stated he is willing to help.

*Moved by Workman, seconded by Brinkman, to authorize Staff to begin planning the Cabin Social event for June 19<sup>th</sup>. **Motion passed unanimously.***

**6. Training Room – tables and chairs**

Chief Belland stated the training room has new carpet and storage space. He stated the tables and chairs requested would put the project over budget and is therefore seeking additional funds from the Council to purchase the table and chairs.

*Moved by Workman, seconded by Lane, to approve \$3,500 additional funds for tables and chairs for the City Hall training room. **Motion passed unanimously.***

**7. City Administrator Computer**

Adams stated he has referenced problems with his computer in a past meeting memo and he stated he is prepared to purchase a new computer upon Council approval. He noted this item has not been specifically identified for purchase during 2003.

*Moved by Workman, seconded by Brinkman, to approve the purchase of a new City Administrator computer for \$2,500 - \$3,000. **Motion passed unanimously.***

**VIII. APPROVAL TO PAY BILLS**

*Moved by Lane, seconded by Workman, to approve the bills, order check numbers 25060-25132 for \$189,336.41 and payroll check numbers 18096-18117 for \$22,571.74.*

***Motion passed unanimously.***

**IX. ADJOURN**

*Moved by Workman, seconded by Brinkman to adjourn the meeting at 10:28 p.m.*

***Motion passed unanimously.***

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Phillip K. Zietlow, Mayor

Attest:

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Chad M. Adams, City Administrator