

MEDINA CITY COUNCIL MEETING MINUTES OF OCTOBER 5, 2004

The City Council of Medina, Minnesota met in regular session on October 5, 2004 at 7:30 p.m. in the City Hall Chambers. Mayor Zietlow presided.

I. ROLL CALL

Members present: Workman (arrived at 7:31 p.m.), Lane, Brinkman, Zietlow and Smith (arrived at 7:38 p.m.).

Members absent: None.

Also present: City Attorney Ron Batty, City Engineer Tom Kellogg, Public Works Director Jim Dillman, City Administrator Chad Adams, City Planning Consultant Sarah Schield, Police Chief Ed Belland, and Recording Secretary Liza Weniger.

II. PLEDGE OF ALLEGIANCE

III. ADDITIONS TO THE AGENDA

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

Workman arrived at 7:31 p.m.

IV. APPROVAL OF MINUTES

A. Approval of the September 21, 2004 Regular Council Meeting Minutes

It was noted on page 2, the last line of the last paragraph should state: "Zietlow explained that several years ago chemicals were used to kill..."

It was noted on page 3, the first line of the first paragraph should state: "...weeds. Costs were very high and made little impact over two million dollars and only makes a small impact on weed control, and..."

It was noted on page 3, the second line of the first paragraph should state: "~~which~~ may possibly cause more harm than good. Zietlow stated that the City now mows the..."

It was noted on page 3, the first line of the second paragraph should state: "Zietlow stated that most the Dutch Elm trees are a private property issue,..."

It was noted on page 3, the second line of the second paragraph should state: "...many Dutch Elm on its..."

It was noted on page 3, the fourth line of the second paragraph should state: "...is to treat trees every year day."

It was noted on page 3, the first line of the seventh paragraph should state: "Zietlow stated that a big meeting was held..."

It was noted on page 3, the second line of the seventh paragraph should state: "...has had a ~~lot~~ ~~ten~~ of issues ~~requests~~ resulting in..."

It was noted on page 3, the final line of the seventh paragraph should state: "...the developer was conforming to the development agreement ~~granted the bonus lots.~~"

It was noted on page 4, the last line of the second paragraph should state: "...training on the care of prairie yards. Meldrum..."

It was noted on page 4, the first and second lines of the fourth paragraph should state: "Last year, the developer ~~is trying to~~ addressed the issues related to the mud coming over the roads."

It was noted on page 5, the last line of the last paragraph should state: "...Gramercy met Medina's ordinance on building heights ~~was granted a variance.~~"

It was noted on page 8, the final line of the fourth paragraph should state: "to be made in 2008 ~~2000.~~"

It was noted on page 12, the first line of the eighth paragraph should state: "...two different developments zones butting up..."

It was noted on page 15, it was noted that a separate heading should be added between the sixth and seventh paragraphs that should state: "**2. Hamel Fire Protection**".

*Moved by Lane, seconded by Workman, to approve the September 21, 2004 Regular City Council meeting minutes as amended. **Motion passed unanimously.***

V. CONSENT AGENDA

- A. Resolution Granting Final Approval to the Plat of Rolling Green Business Center Office Condominiums**
- B. Resolution Approving Preliminary Plans for Trunk Highway 55 and CSAH 19 Intersection**
- C. Reschedule November 2, 2004 Regular Council Meeting to November 3, 2004 at 7:30 p.m.**
- D. Approve Appointment of General Election Judges for November 2, 2004**

*Moved by Workman, seconded by Brinkman, to approve the amended Consent Agenda. **Motion passed unanimously.***

Smith arrived at 7:38 p.m.

VI. COMMENTS

A. Comments from Citizens on Items Not on the Agenda

Elizabeth Weir, Planning Commissioner, stated that while on her commute into Medina, she stopped west of Uptown Hamel, and noted the prominent amount of drainage going into the creek. She stated she believes there is a considerable amount of hardcover causing excessive drainage. She asked Dillman if current drainage meets standards. Dillman stated drainage west of Uptown Hamel has always been this way.

Weir stated that she had hoped that the drainage would improve.

Sue Van Cleaf, reporter for the *South Crow River News*, stated that she would like to remind all candidates to submit their pictures and bios to the newspaper office. Posting bios and photos is the best way for *South Crow River News* to remain impartial and yet educate the public on the candidacy race.

B. Park Commission

Dillman stated that Park Commission meeting was short. After touring the Community Building and Donor Wall, the group returned to City Hall at 7 p.m. to meet.

Lane asked when openings for Park Commission positions would be reappointed. Adams stated there may be an appointment on October 19, 2004.

Smith requested a discussion to clarify why the Park Commission does not abide by the nine-year maximum service term as the Planning and Zoning Commission does.

Zietlow proposed that the discussion be brought back to the Park Commission in order to have them make a recommendation on the rule. Brinkman and Smith both stated that the Park Commission has already discussed the ruling, and both Brinkman and Smith don't think it is right for the Park Commission to make a recommendation.

Workman stated that a couple of committee members have been known to retire after a nine-year maximum term period, and return a few years later to re-serve on the board.

Adams suggested the term discussion of each commission be placed on next agenda.

C. Planning Commission

Schild stated the 3000 Hamel Road for Bradley subdivision of 200 plus acres into 9 lots was on the Planning Commission agenda for October 12, 2004.

Smith stated that when Josh Doty was acting as City Planner, he was requested to research if there were any restrictions on the development addition due to ponding on the property. Schild stated that staff is looking into the matter with Hennepin County.

VII. OLD BUSINESS

A. Water Treatment Plant – Hamel Water System

Adams stated that there are a number of agenda items to be addressed tonight on the project. A preview of each of the items was discussed. The Federal Environmental Protection Agency (EPA) and MN Department of Health Guidelines have caused the City to perform a water study to review options of reducing levels of radium and gross alpha from the Hamel Water System. Upon reviewing options and holding public meetings, a feasibility report was prepared for a conventional water treatment plant which will also reduce aesthetic contaminant levels of iron and manganese.

1. Water Rate Study

Adams reviewed the memo and rate analysis from Ehlers & Associates. The study includes an analysis of expected rates and fees for the Hamel Water System, through future capital improvements such as the Water Treatment Plant, wells, supply lines, etc. There are two growth scenarios' to review: current and alternate growth. Based on the Medina City Council Meeting Minutes October 5, 2004

analysis and assumptions, staff is recommending a Trunk Connection rate increase of 100% effectively immediately. The increase would raise the rate for new development connections from \$1,790/unit to \$3,580/unit. The increase is being proposed by ordinance under Agenda Item VII A4.

Jessica Cook of Ehlers & Associates made a presentation to summarize and clarify the rate analysis report. She commended Adams and staff for their diligence and analysis of the rate study. She explained that the water system consists of two parts financially: The operating fund where user fees are responsible for bringing in the revenues, and the connection/trunk fund where its revenue draws from a one time fee that developers pay as they pull a building permit. The fees are used over time to expand the system, drill new wells and etc. Cook explained that the role of the City is to decide how to allocate those costs between the two funds.

Cook further clarified the two growth scenarios mentioned in the introduction of the agenda item, which were used to measure the impact of the study. Cook explained that all assumptions were put into a model and were used to measure impacts of the rates. She also stated that smaller improvements would be most efficient if paid in cash, leaving large improvements, such as the water treatment plant, to be financed.

Cook stated that the study found that the connection fee tends to be less in Medina than surrounding communities; and Medina does not charge an area fee.

Cook explained that user fees will necessitate an increase, and how raising the increase is arbitrary. As a Council, there are some policy decisions about funding that need to be weighed in. The study makes a recommendation that the City maintains a prudent level in both user and connectivity funds. The Council would need to determine the "prudent level"; however the goal would be to fund 50% of depreciation.

Cook stated that another role for Council is to make sure that connection fees are used under law for appropriate purposes. The third important role is to get the consultant fees back. The fourth duty would entail that Council set rates annually. Now that a model is built, it should be updated annually and rate increases set accordingly.

Zietlow proposed that Council first set the rates conservatively, and then assess the fees after monitoring the growth.

Adams stated that design and construction costs were all factored into the water study.

Lane asked Adams how the numbers were arrived at with respect to the accelerated growth scenario. Adams stated that conversations with staff and expressed interest in development from potential developers were all considered as part of the assumption. The numbers do not assume a lot of commercial growth, and staff was very conservative in the growth of the commercial district. Adams explained that whatever growth there is commercially will help with the connection fees.

Lane stated that it is his opinion that the growth numbers prior to 2020 seem very aggressive and recommends modeling off the conservative or current growth model.

Adams stated that it had been staff's intention to underestimate the growth scenarios, and referenced the conservative number for units in Uptown Hamel which may only be about a third of what could be developed.

Adams stated that to keep with the schedule, an adoption of connection fees will need to be approved tonight, and would then return in December for review of the user fees.

Lane asked Council Members how they felt about the rate increases currently proposed versus what was discussed back at the public hearings in June of 2004. Lane asked Adams if there should be a discussion, or an informational newsletter sent out to the public, informing them of the increased proposed rates. Adams stated that he would put together a newsletter informing residents of the proposed user fees.

Workman asked if the connection fee would be per unit. Adams stated yes, per living unit for residential and equivalent residential unit for commercial.

Adams stated that typically when the City raises the user fees, it also raises the sewer fees. The City will not be doing that here because the City has a strong fund balance already in the sewer fund.

Zietlow commended Cook for her report stating it was easy to read and understand.

2. Resolution Authorizing and Directing the Use of the Power of Eminent Domain to Acquire Certain Property for the Purpose of Constructing a Water Treatment Facility

Adams stated that at the last Council Meeting, staff was advised to send an offer letter to John and Jack Day for acquisition of their parcel. They responded promptly by declining to sell the property. Therefore, the next step for the City is to consider is condemnation.

Adams identified a parcel of land at 780 Tower Drive as the piece of property to be acquired through the Power of Eminent Domain.

Jack Day introduced himself to the Council.

Batty stated that the resolution in packet is straight forward and authorizes City to acquire the property through condemnation using April 1, 2005 as the goal date for acquisition. This resolution allows City to legally acquire the land under "quick-take".

Day asked Council how the City arrived at selecting his lot for acquisition.

Adams stated that obviously the City wanted a location that was close to the water tower, wells, and existing supply lines. Since the City intends to have a Water Treatment Facility, and there are not very many vacant lots in the area, the Day's property was found to best fit the water treatment plant.

Adams stated that the City did look at other properties but the selection was very limited. With the cost of purchasing or condemning properties, especially properties that already house buildings, the City had to be concerned for the budget as the project has increased considerably over the last year due to the price of steel and other materials in the project.

Smith stated that the City does not own any land anywhere, with the exception of parks, and is not able to offer land in exchange for the quick-take.

Lane stated that it is not the City's interest to invest in commercial property in anticipation of projects such as the Water Treatment Facility.

Zietlow informed Day that Council needed to move forward as both the Federal EPA and MN Department of Health Guidelines requires the City reduce contaminant levels of radium and gross alpha in the immediate future.

Smith stated she wishes City had an alternative plan and had done some long term planning to have seen the current circumstance. She stated that for the sake of the City, the condemnation will have to occur. She stated that she felt empathy for Day as the City has removed his ability to make a choice on what to do with his land.

*Moved by Smith, seconded by Lane, to approve Resolution No. 04-54 Authorizing and Directing the Use of the Power of Eminent Domain to Acquire Certain Property identified at 780 Tower Drive for the Purpose of Constructing a Water Treatment Facility. **Motion passed unanimously.***

3. Authorize Preparation of Plans and Specifications

Adams reviewed BRAA's memo explaining the recommendation of the Steel Gravity Plant Option. Adams also stated that staff recommends that Council authorize preparation of plans and specs for the Steel Gravity Plant option. By taking action tonight, City will keep on schedule with the timeline outlined in the Feasibility Report.

Adams presented the schedule via overhead.

Miles Jensen of BRAA stated that he would be happy to answer any questions that Council may have.

Zietlow stated he recalled at the last meeting, there was discussion in an attempt to negotiate the engineering costs. Jensen stated that there is not a standard design, and unfortunately the engineering costs reflect the time and detail that go into each design.

*Moved by Workman, seconded by Smith, to authorize preparation of plans and specifications of the Steel Gravity Plant. **Motion passed unanimously.***

4. Ordinance Amending City Fee Schedule – Hamel Water System Truck Connection Rates

As discussed earlier in the introduction of this agenda item, staff is recommending approval of the connection rate increase from \$1,790 to \$3,580 per unit. Adams stated that staff is not seeking approval of the proposed user rate increase until its effective date of January 1, 2005.

*Moved by Smith, seconded by Workman, to approve the Ordinance No. 375 Adopting an Amended Fee Schedule. **Motion passed unanimously.***

B. Preliminary Plat to Allow a 21-lot Subdivision to be know as Keller Estates for Property Located at 1255 Willow drive and the Adjacent Property to the West – Dean Johnson Homes

Schild stated that this item was tabled from the September 7, 2004 meeting. Schild reviewed the revised staff report that addresses conditions of the plat and project. Following the September 7, 2004 meeting, staff advised the applicant to consider working on conditions of the plat and other items.

Schild presented a site plan via overhead.

Dean Johnson, applicant from Dean Johnson Homes, stated that he had been hoping to meet with staff prior to tonight's City Council Meeting but was unable to due to unavailabilities, however he has received a voicemail since the last City Council meeting that detailed items to be working on. Johnson inquired as to staff's decision on the road extension to the west.

Adams stated that staff has not come to a conclusion and would refer to Council's interpretation to how this matter should be treated. A unique concern is that the three properties are already served by a cul-de-sac; if they were landlocked, then the City would require a road access.

Smith stated that if this was subdivided, the three properties would have to obtain sewer. The adjacent homeowners are not paying money to acquire sewer from Orono, therefore Medina should not require the developer to construct a road extension.

Adams proposed a trail easement to the trail system in Orono, if a road is not required.

Steve Bohl, of Bohland Development, stated that he has aerial photos of the land as it shows that there are lowlands in the discussed area, therefore it does not appear to make sense or necessary to bring in a road to the three homes along the westerly area.

Johnson stated that easement splits through the low spots and drains off to the west.

Bohl stated that they are building houses along existing drainage. Workman asked if he has talked to the three homeowners. Bohl stated that he did not think that it would make sense to ask the three homeowners if they would sell the back half of their lots.

Dillman stated that because of the elevation, it would be difficult to have the lots subdivided in order to get a road through there from the existing cul-de-sac.

Smith asked if the three homeowners would have to have sewer and water. Dillman stated that the City would have to draw up the agreements.

Smith stated the landowner to west of these three parcels would be taking the property out of Agricultural Preserve. Smith stated that if the three homeowners would want to share in the \$200,000 to get the road and sewer and water connection fees, then it would make sense.

Zietlow stated that if the three property owners were interested in dividing their property, they would have been present at tonight's meeting.

Lane asked if the City would at least need an easement. Dillman stated yes. Lane stated that he is in favor of an easement, but the road does not seem fair. Protecting the access in the form of an easement would be appropriate.

Workman stated that the City should ask for an easement in order to protect the City's future planning.

Bohl stated that he foresees a compromise. If there was an easement, the developer could use the easement to create a wetland within.

Batty listed two options for defining the easement area: the definition could include dedicating Right-Of-Way (ROW), or the City could allow some part of the dedicated or unbuilt ROW to be dedicated to the pond.

Bohl presented the aerial photos to Smith and Zietlow.

Johnson stated that he would like Council to consider thinking about possibly allowing for a retaining wall to the wall (only one wall) instead of around the pond. He stated that these are things he could bring back to his engineer to work on.

Batty stated that instead of having a sixty-foot ROW, there would be a piece of the ROW for either a pond or a slope that precludes the ability to use the road. He stated that it would be unknown how much of an incursion this would be.

Dillman stated that the three homes are zoned SR. The Park Commission has been discussing a trail to Old Crystal Bay Road, and one of the things discussed with the homeowners was an exchange for a trail easement.

Workman stated that he is okay with the easement. He stated that he feels that everything has to be self-contained in the development and is still concerned that the development is too dense. Zietlow stated that density does meet zoning requirements.

Smith referenced rules from City of Plymouth that would not allow water to run-off and has to be self-contained.

Kellogg stated that the purpose of the pond is to hold the run-off, and referenced the self-containment of run-off on site has always been the philosophy in Medina.

Smith asked the developer how they were solving the wetland mitigation.

Bohl stated that his firm has done some investigation of their own on how to mitigate land within the community. There are a couple of parcels in the community; however the mitigation will have to take place offsite.

Smith stated that if the City was to have a policy to mitigate within the City, then Council would need to have a discussion and create a policy.

Lane stated that he remembers that Zietlow required mitigation within the watershed in the City of Medina, and if not in Medina, than within the same watershed district. Lane stated that although it is not the law, it is Medina's policy.

Lane asked Bohl if the mitigation will be done within the same watershed. Bohl stated yes, but this is part of the negotiation. His firm would propose a boundary around Medina, or within the watershed that serves Medina.

Lane asked how the other Council Members would feel about exhausting the efforts within the remaining parts of Medina before going elsewhere in the Watershed district. Workman stated that he would like it identified before approval.

Lane asked Batty for his clarification on the minutes from September 21, 2004 and a reference that was made to an old agreement with the City of Medina. Batty stated that a 1997 agreement, which he has reviewed, was an agreement entered into when the City was trying to fix some drainage issues along the part of the development along the west. In regard to parcel A, it was the area that the City was taking material out of in order to have material to work with on the property to the west. The City, in the agreement, stated that it would improve the wetland and make it a wetland. As far as the City is concerned, the City could use it as storm water retention, have a dual use of wetlands and storm water retention. If the two uses do not work together, than the property owner would get to choose which method they would prefer and then would have to be mitigated at the City's cost and effort.

Lane asked Batty with whom the 1997 agreement was between. Batty responded that agreement was held between the City and the landowner.

Fred Keller expressed his frustration with the property along the north side of County Road 6, as it was a property that was created for the purpose of being filled in with mound systems. The process has taken thirty-five years. He stated that in his opinion, the residents along the proposed development have been held "hostage" as the City of Orono has taken its time in filling in the area.

Doug Sorenson, resident on Morningside Road, stated that Medina issued a permit for a landowner to build a house back in the development. In result, the ditch was narrowed and the water has washed away a lot more soil. He stated that the three lots in question are not Medina Morningside lots, they are Beasley Bluffs.

Keller stated that past city engineer designed this development to hold forty houses.

Smith asked why the City would not consider looping the easement around so that it did not end in a dead end road. Zietlow stated that someday when the area is developed into five additional lots; it would make sense to have an easement for a future road. Zietlow stated that Council needs to figure out how to mitigate the land for easement.

Lane asked how the drainage issues would be addressed if the City was to create a road easement. Zietlow stated that if the City had an easement, the pond could be lowered, and the pond could be reduced with a larger slope so that it gradually slopes onto the easement.

Batty suggested that the plat be dedicated to the easement. The easement would be an encroaching drainage easement which would provide the City a provisional mechanism of corrective action if the road would go through.

Lane stated that would be a condition for a development in the future.

Zietlow stated that he senses a compromise. Bohl agreed.

Zietlow stated that City would like more information on how the rain gardens and pond (both located on somebody else's land) were going to be maintained.

Batty stated that in order to create a special taxing district, an adoption of an ordinance (2/3 vote) and a public hearing would need to occur. The City would establish a district for as small, or as large, as deemed necessary and only of which would be used as a last minute measure to tax those benefited, and if the pond was not being maintained.

Bohl stated that his firm would have the homeowners association agreement as part of the final documents submitted for approval.

Zietlow stated Medina would need documentation or proof of developer's agreement with Orono for sewer and water. Bohl stated that agreement has already been through Orono's Council and the proper documentation will be presented to Medina.

Smith asked if the City was going to use term "storm water retention pond" instead of "wetland". Kellogg stated yes.

Smith asked if City would have to pay to mitigate the wetland. Kellogg stated that is what he had understood Batty to say. Bohl re-instated his firm will work with City.

Zietlow asked for clarification on the wording of the seventeen conditions and whether the only noted change was the request for an easement for a road.

Smith asked if the change would require an added condition number eighteen for an addition of an easement. Adams stated staff would work on wording of condition.

Brinkman stated that after hearing the history from Keller and despite the fact that there will be fewer lots, if the City could get the land mitigated and worked out, than he would be willing to change his original vote. He acknowledged that the developer has been working hard on making the development work.

Zietlow asked for clarification from Brinkman on whether he was willing to change his vote with an additional condition for the easement for the road. Brinkman stated yes.

Lane asked where the condition discussing the special 444 district was. Batty stated that the tax district was not a condition for approval, however is a condition of control for the City.

Lane proposed changing condition number seventeen to include City authorization of setting up a district 444 tax district.

Bohl asked if the tax district condition would be a fail-safe method that would be set up in addition to the homeowners' agreement. Zietlow stated yes.

Zietlow asked Council if the members felt comfortable approving the preliminary plat with the conditions as is, or if they wanted to take additional time to solidify the wording.

Workman stated that he would like to see everything ironed and written out.

Zietlow stated that the developer is going to need some type of a guarantee from the City that it is okay to precede with the next step.

Adams stated that the process would simply authorize staff to prepare a resolution.

Moved by Smith, seconded by Brinkman, to authorize staff to prepare a resolution for the preliminary plat with conditions 1-17 with the modifying of condition 17 to set up district 444 tax district and creating a new condition #18 for the addition of a road easement.

Motion passed 3 – 2 (Workman and Lane opposed).

VIII. NEW BUSINESS

A. Conditional Use Permit Amendment and Site Plan Amendment to Allow a 42,080-square foot Building Expansion for Walter G. Anderson located at 4535 Willow Drive – Olson General Contractors

Schild reviewed the memo from staff, which provides an overview of the request and recommended conditions. Olson General Contractors is requesting approval of a conditional use permit amendment and a site plan amendment to allow a 42,080-square foot building expansion for Walter G. Anderson. The expansion would include a 38,400-square foot manufacturing/warehouse addition on the west side of the existing building. The expansion would also include a 3,680-square foot office addition on the south side of the existing building. Walter G. Anderson is requesting the building expansion due to the growth of their business. The Planning Commission, with noted conditions, has approved the CUP and Site Plan.

Schild stated staff recommends approval of the conditional use permit amendment and site plan amendment to allow the expansion subject to conditions of approval.

Zietlow asked if Council had any questions. Workman stated that he has a question pertaining to the condition of approval on the new overhead door and why the Planning Commission had removed the condition.

Schild stated removal of the condition had to do with the interior layout and ease of movement. Schild stated that applicant clarified the reason was due to production layout and ease of moving in large pieces of equipment

Smith stated that the addition and the windows are a great improvement.

Wally Gervais, representing Walter G. Anderson, stated that he is concerned about the amount of glass proposed for the addition. He stated that the ordinance does allow for stucco panels and yet the Planning Commission would not allow for the stucco panels without providing reasons for denial. He stated that glass is a safety hazard along west side of building, which is the manufacturing side. He stated that approximately thirty-five people work in that area, ten thousand dollars worth of equipment is in that area, and with weather as a concern, the glass along the southwestern side of the land does not seem to make sense. He stated that if City will not allow for stucco panels, then he would go with glass. He stated that he would like it noted that he would prefer stucco.

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Smith stated that natural light creates a healthier work environment. Gervais stated that the windows will increase his heating and air conditioning costs.

Brinkman stated he was part of the Planning Commission when the application was first looked at. He stated that the applicant was barely meeting the current code. Brinkman stated that the glass makes the building look good and smart. He stated that he wants to see the addition and improvements as presented before Council today.

Zietlow stated that his addition makes for a classy looking building which will attract other classy businesses.

Gervais stated his building is a manufacturing business, and glass will be raising the cost of manufacturing and will jeopardize jobs.

Gervais stated that he will build the addition as required, however, as a manufacturer, it does not make sense and feels that he will be wasting money.

*Moved by Workman, seconded by Smith, to authorize staff to prepare resolution approving the conditional use permit amendment and site plan amendment to allow a 42,080-square foot building expansion for Walter G. Anderson located at 4535 Willow Drive, subject to conditions of approval. **Motion passed unanimously.***

B. Conditional Use Permit Amendment and a Variance to Allow Construction up to a 700-square foot Chemical Storage Building at the Baker National Golf course located at 2935 Parkview drive – Three Rivers Park District.

Schild reviewed memo from staff that provides detail on application with conditions. Three Rivers Park District is requesting approval of a conditional use permit amendment and a variance to allow up to a 700-square foot accessory building. The accessory building would be used to store and mix chemicals used by golf course. Three Rivers Park District currently has a 144-square foot wood-frame building that is used for storage of chemicals. The mixing of chemicals is currently performed on an existing concrete pad adjacent to existing accessory building. The applicant is proposing to remove existing wood-frame building and replace it with up to a 700-square foot building in same location. Since building is larger in size, building would be located on footprint of existing building and over current outside mixing area. The Planning Commission has approved and forwarded the application to the City Council.

Schild presented plans and photos of the proposed project. Schild stated that staff recommends approval of the conditional use permit amendment and variance.

Gary Klingelhoets, Maintenance Supervisor at Baker National Golf Course, stated that the chemicals are mainly fungicides. The golf course does not hardly use any pesticides. Baker also stores chemicals for Glen Lake and Eagle Lake who store their remaining chemicals over the winter.

Zietlow asked if fertilizers were stored in building. Klingelhoets stated he is required to hold two hundred pounds of weed and feed fertilizers, as well as a three hundred pound sprayer. The fertilizers will be mixed inside building which will be able to contain up to 1,500 gallons, which is way more than Golf Course needs. He stated that in his history

of employment, he has never had a spill of over five gallons. Klingelhoets stated that during the 2004 season, the Golf Course did not have any insecticides.

Klingelhoets stated building size will not change amount of chemicals golf course plans to store.

Loren Kohnen, City Fire Marshal, will need to be provided with chemical data sheets of all chemicals used and stored within the building.

Klingelhoets stated there will be an eye wash and shower located in building. He stated this building is state of the art modeled after State of Illinois guidelines for chemical containment. Klingelhoets stated building will be protected with alarm system.

Brinkman stated he would like building painted brown or green. He stated he has concerns with other businesses storing their chemicals in this building. Brinkman stated he is concerned there will be a lot of traffic coming in and out of property.

Marjorie Walz, Director of Park Operations Services, stated there is a small percentage of chemicals from other companies, as they only bring over what has not been used upon the end of the Fall season.

Brinkman asked for clarification on whether 80% of the chemicals being stored in the building are used strictly for Baker Park. Klingelhoets stated yes.

Brinkman asked for clarification as to why the chemicals are brought to the building. Walz stated that this building is heated and therefore the chemicals will not freeze. The other facilities do not have heated storage.

Klingelhoets stated a lot of the stored chemicals are wettable powders versus liquids.

Klingelhoets stated they would like to paint the building white to match their other buildings and shop. He clarified golfers will not see the building from the course.

Brinkman asked that material data sheets be forwarded to the Fire Marshal, including those from the other two facilities as well. Brinkman also requested that the Golf Course clearly post signage on the building indicating that it is for chemical storage.

Workman stated that it is his opinion that the building is a great improvement and commended the applicant for moving forward with the project.

*Moved by Workman, seconded by Brinkman, to authorize staff to prepare the resolution to approve the conditional use permit amendment and variance to allow construction up to a 700-square foot chemical storage building at the Baker National Golf Course located at 2935 Parkview Drive. **Motion passed unanimously.***

C. Uptown Hamel Public Improvements

Adams stated that after accepting the Feasibility reports at the last meeting, the next step is to move forward with calling for a public hearing on the public improvements. Staff is suggesting November 16, 2004 for the public hearing. Prior to that date, staff will need to make a recommendation on the storm water design options of which staff will be doing in coming weeks. Another item to be addressed will be how much to assess and

against whom for the public improvements; all of which can be discussed at an upcoming meeting as well as prior to the public hearing date.

Kellogg stated that he had nothing to add.

Lane asked Batty for at what point does City determine assessment of these projects. Batty stated assessment hearings would not be until a year from now in keeping with schedule. The notices that have to go out with these hearings have to be accompanied with estimates of the cost of improvement. The notice must describe the methodology in determining the most suitable option, which will be presented at the public hearing. Council will have to have thought it out thoroughly enough so that people have a reasonable guess as to how much improvement will cost. If any additional questions or issues are raised, Council will have two more meetings to address those. Batty stated Council had special meeting in June and staff will review notes to prepare something that will be in agreement with what was discussed back then.

1. Resolution Calling for Public Hearing on the Improvement of Mill Drive

*Moved by Lane, seconded by Workman, to approve Resolution No. 04-55 Calling for Public Hearing on November 16, 2004 the Improvement of Mill Drive. **Motion passed unanimously.***

2. Resolution calling for Public Hearing on Roadway and Sidewalk Improvements on Sioux Drive from Hamel Road to Vicinity of the Railroad Tracks south of T.H. 55

*Moved by Lane, seconded by Brinkman, to approve Resolution No. 04-56 calling for Public Hearing on Roadway and Sidewalk Improvements on Sioux Drive from Hamel Road to Vicinity of the Railroad Tracks south of T.H. 55. **Motion passed unanimously.***

3. Resolution Calling for Public Hearing on Uptown Hamel Storm Water and Drainage Improvement Project

*Moved by Smith, seconded by Brinkman, to approve Resolution No. 04-57 Calling for Public Hearing on Uptown Hamel Storm Water and Drainage Improvement Project. **Motion passed unanimously.***

Zietlow asked Batty whether City would have option of choosing option number two in future for storm water. Kellogg stated that even though option number one is more expensive, for purposes of the public hearing, it would be better to indicate the highest cost option. The City can change its mind; and if the options do change, then it will appear to be good news for the public.

Batty stated that an option would need to be decided upon in order for staff to order specs and plans.

D. Brady Wetland Mitigation – Approval of Agreement

Dillman reviewed his report on the Brady wetland mitigation project and agreement. The agreement outlines the process and responsibility of Brady's to create a new wetland for mitigation purposes. Staff is seeking Council approval of the agreement.

Smith asked if the manure being used to enrich the soil around the pond would be composted or raw. Dillman stated the manure would be composted.

Zietlow stated that the key here is to approve mitigation of wetlands. Smith stated she agreed and simply wanted to express her opinion against using raw manure.

Zietlow stated City would be providing most of the front work which would consist mostly of engineering costs in which landowners would have two years to pay it back.

Moved by Workman, seconded by Smith, to proceed with the process to create a new wetland for mitigation purposes for Patrick and Diane Brady at 4700 Covey Trail.

Motion passed unanimously.

E. Lakeshore Park Boat Ramp to Lake Independence

Adams stated that upon receiving two quotes, staff is seeking a recommendation to proceed with the project. The quote is for \$18,200 for a ramp going into the water. The project was budgeted for \$15,000. Even though project will be over budget, the playground equipment project came \$10,000 under the budget. This item is a capital improvement project planned and budgeted for 2004. The Park Commission has been reviewing and discussing options for Council approval over the past several months.

Dillman explained layout of boat ramp as it slopes into the water focusing on possible problems with the design and consumer misuse. Due to slope of hill, these boat ramps can last anywhere from a year to a couple of years depending on abuse and use.

Moved by Workman, seconded by Brinkman, to approve the project and funding for the Boat Ramp. Motion passed unanimously.

F. Open Candidate's Forum

Adams stated that Smith had asked for this item to be added to the September 21, 2004 Council meeting agenda, which it was, but then was forgotten.

Smith stated she has a belief that best way to know one's candidates is to allow them to speak. She stated she did call the Minnesota League of Women Voters to ask for their assistance in moderating; however they are very busy at this time.

Smith stated general rule of a forum requires that moderator not be a person from the City, or from a business within the City. Smith stated there would be an allotted time period for a presentation by the candidates. She stated she would be willing to find a moderator as she knows of a person who was part of MN League of Women Voters.

Zietlow stated he would be concerned that nobody would show up and does not want to see this forum as a waste of time.

Smith stated that nobody would show up if the City did not allow the candidates or residents an opportunity to appear. Lane stated that he too would be concerned that nobody would show up, but is willing to give the forum a try anyway.

Zietlow asked the four present candidates for their opinion.

Doug Meldrum stated that he is okay with the forum but also agrees that he does not think many people would be present.

Batty stated that the City should not be involved in the forum other than providing the space. The forum is not an official City event. He stated that involving a member of the League of Voters is perfect, as another entity should organize the event.

Zietlow asked if a motion should be made. Batty stated no, as the City would not be providing any money or assistance in the event. He proposed however that a motion be made in order to allow Smith to proceed with contacting a forum moderator.

Zietlow proposed targeting Tuesday, October 26, 2004 as the date for the forum.

Batty stated that the Council might need to have a special meeting on October 26, 2004 anyway (as discussed under the Administrator Report).

*Motion by Brinkman, seconded by Smith, to authorize Councilor Smith to find a moderator for the forum to take place in late October of 2004. **Motion passed unanimously.***

IX. ADMINISTRATION

A. City Administrator Report

Adams provided updates on the following:

1. Hamel Community Building

Adams stated that there will be a progress meeting on October 6, 2004. He stated that there are two agents that are interested in operating the building. Staff has just sent out the RFP and neither one of the agents provided a complete proposal. The RFPs will need to be clarified a little more.

2. City Hall improvements

Adams stated that he has met with the consultant today and received a draft plan of three improvement options. Staff is focusing on the middle approach and wants to take it to staff first for comments before forwarding it to Council.

3. Met Council discussions for Bridgewater Amendment

Adams stated he and Dillman met with staff to clarify some of the conditions of the amendment. The Met Council Community Development Committee (CDC) met Monday and discussed general policies for urban development using Medina as examples for the discussion. The conversation with Met Council staff following the CDC meeting included a discussion of wanting to take these policy guidelines to full Met Council October 13, 2004 for approval and for the City of Medina to defer the Bridgewater discussion to October 27, 2004 as to not confuse the policy discussion. They talked about dropping the fourth condition. Staff also talked with the Cudd Development, and Cudd is acceptable with putting it off upon receipt of an extension.

Adams stated that Medina's letter was effective in demonstrating its standing and believes it may have made an impact on Met Council.

Lane stated that in his opinion, it sounded as if Met Council is trying to establish their policy framework before addressing Medina's amendment. There is room or opportunity
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to work with the Met Council in regard to the amendment before Met Council finalizes their decision.

Lane asked Batty if it was inappropriate to work out a stipulation ahead of time with Met Council. Batty stated that it may not be necessary for Medina to formalize the process of making provisions with Met Council as Adams is doing all that he can to predetermine what the committee is thinking.

4. Special Meeting

Adams stated that a number of deadlines are approaching that may warrant a special meeting due to their timeliness, namely the City Planner search, Uptown Hamel special assessments, Cudd project, Hamel Community Building operational agreement, and space planning for City Hall.

X. APPROVAL TO PAY THE BILLS

*Moved by Workman, seconded by Smith, to approve the bills, order check numbers 027034-027075 for \$48,091.05 and payroll check numbers 018887-018909 for \$23,973.04. **Motion passed unanimously.***

XI. ADJOURN

*Moved by Workman, seconded by Smith, to adjourn the meeting at 10:31 p.m. **Motion passed unanimously.***

Philip K. Zietlow, Mayor

Attest:

Chad M. Adams, City Administrator