

MEDINA CITY COUNCIL MEETING MINUTES OF NOVEMBER 3, 2004

The City Council of Medina, Minnesota met in regular session on November 3, 2004 at 7:30 p.m. in the City Hall Chambers. Mayor Zietlow presided.

I. ROLL CALL

Members present: Workman, Brinkman, Zietlow and Smith.

Members absent: Lane.

Also present: City Administrator Chad Adams, City Attorney Bob Vose (sitting in for Ron Batty), City Engineer Tom Kellogg, Public Works Director Jim Dillman, City Planning Consultant Sarah Schield, and Recording Secretary Liza Weniger.

II. PLEDGE OF ALLEGIANCE

III. ADDITIONS TO THE AGENDA

Zietlow added agenda item F. under the City Administrator Report to refer to a letter from Jim Lane in reference to his resignation.

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

IV. APPROVAL OF MINUTES

A. Approval of the October 19, 2004 Regular Council Meeting Minutes

It was noted on page one, the first line of the last paragraph should state: "...were once his neighbors and are good people."

It was noted on page three, the second paragraph should state: "Smith proposed that staff report bring back more information to Council with a resolution."

It was noted on page three, the second line of the tenth paragraph should state: "...he was confused with the Zoning Administrator's Planning Commission's decision to consider allow..."

It was noted on page four, the first line of the first paragraph should state: "...the issue of a north/south route County Road 116 running through the center of Medina..."

It was noted on page four, the last line of the fourth paragraph should state: "...pose restrictions on variances wetland setbacks in residential areas that were greater than those planned in commercial areas."

It was noted on page four, the fifth paragraph should state: "Lane stated that the applicant was willing to work with the City."

It was noted on page four, the first line of the sixth paragraph should state: "...the applicant had agreed asked for to a 100' wetland setback variance where possible,

~~which is a soft condition.~~ She stated that the condition was written in flexible (soft) language. Lane stated..."

It was noted on page four, the seventh paragraph should state: "Smith stated she would rather see an ordinance a variance with a variance of fifty feet rather than a one hundred feet setback at the will of the applicant."

It was noted on page five, the first and second line of the fifth paragraph should state: "...lot of problems in the Medina Morningside area of which have not been solved and she does ..."

It was noted on page five, the last line of the fifth paragraph should state: "...for fixing the existing problems created in Morningside."

It was noted on page six, the second line of the third paragraph should state: "A third sewer line was put in ..."

It was noted on page twelve, the third paragraph should state: "Smith stated she believes that if the City does have to not enforce some type of term limit, then Council is going to have to enlist new members. ~~which could make the position of Council Member more difficult.~~"

*Moved by Smith, seconded by Brinkman, to approve the October 19, 2004 Regular City Council meeting minutes as amended. **Motion passed unanimously.***

V. APPOINTMENT

A. Appoint Full-time City Planner Position

Adams stated that staff recommends Rose Lorsung for the position of full-time City Planner. In addition to the appointment of Lorsung, staff recommends that the City retain Sarah Schield and Landform as consultants on existing projects and on any future projects at the discretion of the City Planner and City Administrator, so long as the Department budget is not jeopardized.

Adams provided a background of Lorsung's experience as well as the selection and evaluation process. Adams recommends Lorsung to begin employment with the City of Medina on November 15, 2004 at a starting annual salary of 45,000 dollars.

*Moved by Workman, seconded by Smith, to approve the appointment of Rose Lorsung to the position of Full-time City Planner, effective November 15, 2004 with a starting annual salary (exempt) of \$45,000, and other benefits to be at the same rate as other non-union employees, in accordance with the City's Personnel policy. **Motion passed unanimously.***

Zietlow and Workman commended Adams for his diligence and timeliness in the interview, selection and appointment process.

Adams expressed gratitude to those involved in the interview and selection process.

VI. COMMENTS

A. Comments from Citizens on Items Not on the Agenda

Elizabeth Weir, resident on Hunter Drive, stated that while campaigning for Council Member, she met several of her neighbors from Cherry Hill. A couple that live behind the Ace Properties building expressed their anger and irritation in regard to the shoebox style lights that shine directly into their home. Weir stated that the building is vacant and asked what the City, or the couple, could do about posing a lighting restriction on the building (like the restriction being placed on the proposed Target building).

Smith proposed that a motion detection lighting system would be a more appropriate method of security and lighting for these type of buildings.

Zietlow proposed that the homeowner discuss their concerns directly with the builder/landowner.

Smith proposed that staff talk to the builder and verify that the lighting plan was approved. She stated that she did not think this was responsibility of the homeowners.

Zietlow stated that he was concerned that staff is already overloaded and thought it would be acceptable to have the homeowners handle the matter.

Weir raised concern and initiated a discussion on what it would take to eliminate the loud train whistles at the train crossing on Sioux Drive.

Dillman provided Weir with the name of the Sioux Line Representative for the purpose of raising a discussion in regard to the whistle crossings.

Weir asked if staff would pursue the matter or if it was something that she should take care of. Adams requested that Dillman follow up on the proper process.

B. Park Commission

Dillman stated that Park Commission is working on getting the playground equipment installed for Independence Beach. Dillman stated that the final grading would take place during the first week of November, followed by the installation of the equipment.

C. Planning Commission

Schild stated that Planning Commission is becoming very busy. The Commission plans to review the Dairy Queen conditional use permit and site plan, Medina Retail application (Ryan Companies for Target) for PUD rezoning and plat, and two additional plans from Darrel Farr Development, which include a retail condo development at 36-42 Hamel Road and a senior condo development at 185 Hamel Road.

Smith asked if the applications were complete. Schild stated no. Smith stated she did not agree with putting incomplete applications on agenda if they are not quite complete.

Adams explained the process and stated staff often has about a week to decide if items should be published. Adams also explained an application being legally complete versus an application not being adequate in staff's opinion.

VIII. OLD BUSINESS

A. Resolution Granting Final Approval of Comprehensive Plan Amendment – Bridgewater at Lake Medina

Adams stated that the Metropolitan Council approved the City's Comprehensive Plan Amendment for the Bridgewater project on October 27, 2004 with conditions. No changes were made to the conditions that were discussed at the October 26, 2004 Special City Council Meeting. Staff also received clarification from Charles Cudd Co. regarding the compensation method for public improvements and received an additional deposit for administrative review. Both are sufficient.

Workman excluded himself from the discussion, as he is personally involved with the project.

Adams stated that with Lane's absence, the Council should understand the affect on quorum. Approval of the resolution will require a 2/3 vote of the full Council, with quorum now being at three members with Lane's resignation and Workman's recusal.

Zietlow stated that he is concerned on the timing of the approval. Adams stated that timing is not relevant, as the official controls of the Comprehensive Plan will not be placed into action until the plat and rezoning are approved by Council. Vose clarified that State Statute states that Council is to comment after the Met Council has made its decision.

Brinkman stated that he would like to make sure that the Planning Commission is able to do their job if the project moves forward. He stated that when Council originally agreed to approve the project, it was approved as a total package and the total package has now changed after coming back from the Met Council. Brinkman stated more housing is being requested than the original submitted plan.

Adams explained that the initial application submitted in February 2004 included a higher density of homes. A change was made to the design in May/June 2004 by Charles Cudd Co., which was presented to Council with a lower density per Council request at the same time the Comprehensive Plan amendment was reviewed. The changed design was not reviewed by the Planning Commission and needs a new public hearing.

Adams stated that from the Council's perceptive, the City got what it negotiated and requested with the Met Council. The Met Council has approved the plan amendment only if the density in the overall City's MUSA could be achieved with an eventual goal of an average of three units per acre. Adams stated the developer's application has not changed in substance since the Council conditionally approved the Comprehensive Plan amendment in June 2004.

Brinkman asked for clarification on action number 4C in the letter dated November 4, 2004 from the Met Council. Adams stated that the City's overall residential density, should, post the year of 2000, attempt to meet the density requirements of three units per acre. Smith asked if the City had negotiated this item. Adams stated yes.

Brinkman stated that the City needs clarification on the term "undesignated area". He stated that he is nervous that the City will be making a commitment to only areas that involve post 2020 development.

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Bob Leistikow and Charles Cudd, from Charles Cudd Co. stated that they thought the term “undesigned MUSA” was a typographical error.

Smith stated that Council would need the Met Council to clarify and correct its letter.

Adams stated that Council does not have to act on the proposed resolution until the City receives a clean letter or interpretation from the Met Council.

Leistikow stated that he feels that there has been some success with Met Council in its response to the City’s concerns.

Staff was directed to contact Met Council to clarify the language of the document prior to approval of a resolution.

Vose asked when the sixty-day expiration date would appear. Adams stated that the City has until the first week in December.

*Moved by Smith, seconded by Brinkman, to table approving the Resolution Granting Final Approval of a Comprehensive Plan Amendment for Bridgewater at Lake Medina until clarification is made from the Met Council in relation to its approval of the City’s Comprehensive Plan Amendment. **Motion passed unanimously.** (Workman not voted)*

IX. NEW BUSINESS

A. Canvass of Municipal Election Results

Adams stated that per his staff memo, the results are in for the November 2, 2004 elections. Adams read the results aloud: Mayor, Bruce Workman won 1,914 of the votes, and for Council, Joe Cavanaugh won 967 of the votes whereas Elizabeth Weir won 1,495 of the votes. James Lane received 860 votes and Douglas Meldrum received 503 votes.

Adams stated a total of 2,695 citizens voted giving Medina about an 87% voter turnout.

*Moved by Brinkman, seconded by Smith, to accept the election results. **Motion passed unanimously.***

Smith stated that she feels that Jim Lane needs to be thanked for his service.

Zietlow stated that the City should thank those that helped in the election. Volunteers began at 6:00 a.m. and worked until as late as 10:00 p.m.

Consensus was made to thank Sandie Larson, Chad Adams and volunteers for their hard work, efficient organization of Election Day, and expediency in getting out voting results.

B. Application for Preliminary Plat and Variance to allow a 9-lot subdivision on the property located at 3000 Hamel Road – Robert Bradley

Schild reviewed her report on the property located at 3000 Hamel Road. Robert Bradley has requested approval of a preliminary plat to create nine lots from the existing 212-acre parcel located at Section 9, north of Hamel Road.

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Schild stated that the Planning Commission has reviewed the request and has recommended approval with noted conditions. Staff is seeking Council direction to prepare a resolution for preliminary plat approval and variance approval.

Schild presented the preliminary plat via overhead. At the Planning Commission public hearing on October 12, 2004, an avid discussion included several questions for the applicant and David Thill, Natural Resources Specialist, Hennepin County Department of Environmental Services. Thill answered questions and concerns about the environmental issues on the site.

Schild stated that the applicant's engineer has since met with Thill and has submitted a revised preliminary plat. The revised preliminary plat allows for less intrusion into the Maple/Basswood forest by realigning the roadway. The roadway realignment readjusts some of the lots. All lots still meet the minimum acreage for suitable septic soils.

Schild stated that upon staff's recommendation, the Planning Commission discussed the possibility of requiring an easement for right-of-way for a future road extension to the north line of Lots 4 and 5 on the revised preliminary plat. The Planning Commission was not in favor of this and stated that the north/south road connections were a large issue that should be discussed at a later date, perhaps upon revision of the Comprehensive Plan.

Schild reviewed the Park Commission's recommendations as she used the Metro Greenway Corridor map (as posted on the back wall of Council Chambers) to illustrate the concerns. Schild provided a detailed analysis of the Bradley request, as well as a summary of staff's recommendations.

Smith asked if the trail easement would be a public or a neighborhood trail. Smith stated that the City does not expect the trail to be a public trail. However, if the trail is strictly a private neighborhood trail, a concern of the horse rider's association is that a homeowner would move in and close off sections of the trail.

Smith stated that Wild Meadows has private trails within the development, as well as a public trail that runs along Hamel Road.

Bob Bradley, 3000 Hamel Road, stated that Planning Commission discussed a possible easement, which would eliminate some of the developer's flexibility. He stated that it was his feeling that he would like to keep the trail open, and would like the covenants to allow for the homeowner to adjust the trail if it was to get in the way of what they are trying to do on their own property.

Workman asked who would be responsible for the care of the trail. Bradley stated that the Horse Owners Association would perform the maintenance.

Vose stated that Batty was trying to make a point that the path could be offset through park dedications. Smith stated that if the public/City did have some benefit, then the dedication fee would be reasonable and justified.

Bradley stated that there is a concern for conservation; however the Greenway is not set in stone. The number of easements on the trail is not determined as he is unsure how many lots are going to be affected.

Bradley stated that he has lost some trails because the neighboring properties did not want them for some reason or another.

Smith stated that trails along roadways are not a good idea for horses. She encouraged getting the public to talk about private trails.

Workman stated that some type of internal trail should be manifested; however, if the City gets involved then it should be a public trail.

Weir stated that the City should favor a covenant.

Zietlow proposed adding a condition number 17 which would designate private horse trails to be maintained through a covenant.

Schild stated that Park Commission would like a 15' easement over the existing trail.

Brinkman asked if future developments adjacent to this property could be required by the City to be a covenant as part of the plat.

Vose stated that Brinkman's concern is a separate issue. He stated that (for example) the cul-de-sac, as a private road, would not be platted as a road as long as it remained a private road. In concern to the trail, there are ways for the City to get an easement or a covenant without depicting it on the plat.

Brinkman stated that he feels it is important to work together with all willing parties for the future of the City, to figure out how the trail will be maintained.

Zietlow proposed that Council look at considering changing the property to an outlot.

Mark Gronberg of Gronberg and Associates explained the process behind making a condition designating an outlot for a private road. Brinkman suggested that the same action be taken for the trail.

Bradley stated that he would look to see if any existing trails would interfere with potential home sites. He stated that in the event that there will be a problem, he would consider rerouting the trail. In Independence, he did create, or made sure, there was a trail that went through the development.

Bradley stated that the main goal is to have a trail that runs through the development, with the ability to have access to other trails.

Schild summarized the rest of her report stating that her report is based on the cul-de-sac being proposed as a public street; hence the reason her report elects for the road to be listed as a condition of approval. She prompted Council for discussion.

Zietlow stated he is concerned how residents would feel if road is changed from public to private or vice versa. Gronberg stated it would be an outlot built to City standards.

Schild stated staff is not recommending condition number 10 to require the property owner to allocate a road easement if they need to work with the neighboring property.

Schild stated that the revised plan indicates that there is some property that could have access from the cul-de-sac.

Workman asked Schild if staff wanted to prohibit them from having access to the cul-de-sac. Schild stated yes.

Bradley stated that he does not resist the idea for the prohibited access, however, there is a road (old tractor road) in place already.

Brinkman asked for the reasoning behind considering a prohibited access. Workman stated that the area is a wetland.

Dave Weigman, drafted a letter which is posted in Schild's report, stating that he is concerned with how the City would propose the owners of the two lots to work out the maintenance, insurance and plowing of the access.

Bradely stated that there is a foot sixty easement over the driveway.

Smith asked if proposed arrangement would be better for wetland. Bradley stated yes.

Workman stated that the two owners would need a private driveway agreement. Wigman stated that he would like to see that as part of the conditions.

Schild stated that staff feels that the private driveway agreement is not part of the City's responsibility.

Zietlow proposed condition number 10 to be revised to include private road agreement.

Vose questioned if an easement was filed of record. Weigman stated yes.

Schild stated that staff would look into this to see if there is an existing private roadway agreement, and would change the condition accordingly.

Schild explained the reasoning behind condition number 16.

Workman asked Schild how many feet is being requested for the right of way. Dillman clarified that 66' is standard; however, the City in the past has approved more ROW, such as in the Hamel Road area involving the Jubert development.

Zietlow asked Dillman if he wanted to make a recommendation that the County have a wider right-of-way. Dillman replied that staff will look into this more.

Workman and Zietlow proposed removing condition number 16.

Schild asked for direction. Adams stated that staff would seek more information.

Schild reviewed the wetlands issue as listed in the staff report as well as summarized the wetland topic as it relates to condition item number 5.

Zietlow asked for the meaning of significant wetland areas in condition number 5.

Gronberg stated that he has met with Dave Thill and discussed creating easements to avoid impact to the natural areas. He asked for permission to continue to meeting with Thill to work on the plan and seek the approval of the Natural Resource Specialist.

Schild stated that condition number 5 has stated that the applicant must continue to work with staff and Thill to come up with the proper buffer.

Weir stated that the language needs to be better defined in the condition. Zietlow stated that the language reads unclear and is very general.

Sarah reviewed the Variance Standards as listed in the staff report.

Discussion:

Smith stated that she is concerned about the drip line of significant trees. Bradley asked if she was speaking in reference to the easement of the road. Smith stated that she would like people to be aware of the concerns for trees.

Schild stated that throughout the report, she listed each of the conditions and how they had changed due to Planning Commission's discussion. She stated that her report is fairly straightforward.

Zietlow asked for further clarification on how to proceed with the vote. Adams stated that the vote tonight would simply authorize staff to prepare the resolution.

Condition numbers 5, 10, and 16 would be revised. A condition number 17 would be added and condition 9 would be shown to include an outlet.

Brinkman asked if the developers were aware that there are significant trees in the area. Bradley stated that his firm has done a tree analysis and have avoided significant trees.

*Moved by Workman, seconded by Brinkman, to authorize staff to prepare the resolution for the preliminary plat approval for this project. **Motion passed unanimously.***

Moved by Smith, seconded by Workman, to authorize staff to prepare the resolution to approve the variance with the reasons stated in staff's memo and the Planning Commission for the variance to allow a 4,400' length cul-de-sac

C. Resolution Granting Final Plat Approval for Hamel Legion Park Second Addition

Adams stated that as indicated in the staff report, putting this resolution on the agenda is purely a housekeeping item. Staff would typically place this item on the Consent agenda but it has been almost two years since the Council last reviewed this item through preliminary plat approval. The final plat combines nine lots into one in the park.

*Moved by Workman, seconded by Brinkman, to approve Resolution No. 04-62 Granting Final Plat Approval for Hamel Legion Park Second Addition. **Motion passed unanimously.***

IX. ADMINISTRATION

A. City Administrator Report

1. 2005 City Employee Benefits

Adams stated that November is open enrollment month for City employees and staff is seeking Council approval of the Medica health plans being offered to the City. Adams reminded Council that the premiums will not be changing in 2005 and staff recommends the same level of City funding as in 2004. In addition to the health insurance, dental insurance premiums will remain unchanged and life insurance premiums will be decreasing slightly. Staff is seeking approval of the premiums.

Workman asked if the employees would pay the same premium amount across the board. Adams stated that employees do not personally pay the premiums, however he clarified that the premium rates are based on age.

*Moved by Smith, seconded by Workman, to adopt the rate schedule for the 2005 health, dental and life insurance premiums. **Motion passed unanimously.***

2. Hamel Water System Treatment Plant – Engineering and Administration Fees

Zietlow stated staff and the Finance Committee met this week to address Bonestroo's proposed engineering and administration fees for the water treatment plant project.

Zietlow stated that Bonestroo's normal fee is 6.44%, but has been negotiated down to six percent of the project construction bid. The negotiation consisted of agreeing to split out the construction services portion of the project, as it was agreed that compensation would be on a hourly basis, consistent with Bonestroo's municipal hourly rate schedule, with a budget cap of 6% of the construction bid. Bonestroo appreciates working with the City and was willing to negotiate.

*Moved by Workman, seconded by Smith, to approve the negotiated Design and Construction Fee agreement. **Motion passed unanimously.***

3. Police Services Agreement with the City of Loretto

Adams stated that he has worked with Jim Lane and Chief Belland and the City of Loretto regarding a renewed and revised police services agreement. Staff is seeking Council's authorization for staff to prepare a new contract.

The contract promises to benefit each city. Highlights of the contract include a five year contract beginning in 2005 at \$35,000, accepting the CPI range of 3% to 5%, and requesting that Loretto consider a one-time contribution to the West Metro Drug Task Force at the City of Loretto's final budget meeting on December 14, 2004.

Workman stated that the contract appears to be reasonable. He asked if the City would keep the income collected from all fines. Adams stated that he did not know and would ask Belland for clarification on the matter.

*Moved by Workman, seconded by Smith, to authorize staff to prepare a formal agreement with the proposed terms for an agreement with the City of Loretto. **Motion passed unanimously.***

4. City Hall Space Planning – Update

Zietlow stated that he was looking at the new community building and had a vision. Zietlow proposed that the Council meetings be moved there which would allow for the space utilization of the current location to be a lot easier.

Zietlow stated that his fear is that nobody will use the new community building; therefore it seems to make sense to have the City Council meetings there. Zietlow suggested that staff talk to the city space planner to see if it could work.

Smith stated that the City should talk about allocating more money for AV equipment. Workman stated that staff would not have what they needed out at the new community building, i.e. a computer, copier, etc.

Adams stated that he is concerned that the move would be an additional burden to staff, however feels that it may be worth testing for a few meetings to promote the building.

Workman stated that the City does need to move forward with the space planning of the current building in order to make the building workable for staff. The current City offices are not real workable or functional.

Adams stated that the space planner is working hard and is trying to work with the current workstations and equipment, which are still in good condition.

Workman stated that he would like to be involved in some of the ideas and planning as he has not seen any plans as of yet.

5. Schedule Special Meeting

Adams requested Council set a work session to be held right before the November 16th meeting. Adams proposed a 6:00 p.m. meeting.

*Moved by Workman, seconded by Smith, to approve scheduling a special meeting to hold a work session for the 2005 budget for 6:00 p.m. on November 16, 2004. **Motion passed unanimously.***

6. James Lane Resignation Letter

Zietlow asked that the letter be tabled for discussion at the next Council meeting.

*Moved by Workman, seconded by Brinkman, to table discussion of the agenda item for James Lane Resignation Letter. **Motion passed unanimously.***

7. Newly Elected Council Members

Adams stated that he is planning to have a newly elected Council orientation meeting to review the process and update on current agenda items. Adams asked that the incoming and outgoing Mayors be involved in the orientation. The orientation will likely occur in December.

X. APPROVAL TO PAY THE BILLS

*Moved by Smith, seconded by Brinkman, to approve the bills order check numbers 027140 -027190 for \$200,068.09 and payroll check numbers 018928-018950 for \$23,781.62. **Motion passed unanimously.***

XI. ADJOURN

*Moved by Workman, seconded by Smith, to adjourn the meeting at 9:37 p.m. **Motion passed unanimously.***

Philip K. Zietlow, Mayor

Attest:

Chad M. Adams, City Administrator