

MEDINA CITY COUNCIL MEETING MINUTES OF NOVEMBER 1, 2005

The City Council of Medina, Minnesota met in regular session on November 1, 2005 at 7:04 p.m. in the Hamel Community Building. Mayor Workman presided.

I. ROLL CALL

Members present: Brinkman, Cavanaugh, Smith, Weir, and Workman.

Members absent: None.

Also present: City Attorney Ron Batty, City Engineer Tom Kellogg, Public Works Director Jim Dillman, Police Chief Ed Belland, City Planner Rose Lorsung, City Planner Consultant Sarah Schield, City Administrator Chad Adams and Recording Secretary Cheryl Felix.

II. PLEDGE OF ALLEGIANCE

III. ADDITIONS TO THE AGENDA

It was requested to pull item 6G from the agenda.

*Moved by Weir, seconded by Cavanaugh, to approve the agenda as amended. **Motion passed unanimously.***

IV. APPROVAL

A. Approval of the October 18, 2005 Regular City Council Meeting Minutes

It was noted on page 1, the 13th paragraph, it should be stricken: "It was noted...100 square feet."

It was noted on page 5, the 4th paragraph, it should state: "Smith stated she is not in favor...."

It was noted on page 6, the 2nd paragraph, it should state: "Workman stated... not ~~present~~ presiding at the...."

It was noted on page 6, the 3rd paragraph, it should state: "Smith stated... ~~respectively~~ respectfully disagrees."

It was noted on page 9, the 1st paragraph, it should state: "Cavanaugh... condemn- the area used by the road."

It was noted on page 9, the 7th paragraph, it should state: "Weir stated yes-, it will come to Council for approval."

*Moved by Cavanaugh, seconded by Smith, to approve the October 18, 2005 regular City Council meeting minutes as amended. **Motion passed unanimously.***

V. CEREMONIAL

A. Oath of Office for Police Officer John Vinck

Officer Vinck took the oath of office from Administrator Adams. Belland gave a brief history of Vincks' background.

VI. CONSENT AGENDA

- A. Resolution Approving Renewal of Gambling Permit to Loretto Fire Relief Association**
- B. Approval of Employee Recognition Policy**
- C. Approval of Wetland Permit Application – Ryan Companies US, Inc.**
- D. Ordinance Amending Sections 400.01, 400.11, and 400.13 Regarding Driveways**
- E. Ordinance Repealing Section 860 of the Medina Code of Ordinances – Heritage Commission**
- F. ~~Resolution Denying Application for Preliminary Plat for High Pointe Ridge Submitted by Mike Leuer~~**
- G. ~~Ordinance Amending Section 828.29 of the Medina Code of Ordinances – Construction Site Storm Water Runoff Control~~**
- H. Approve Acquisition of Drug Task Force Vehicle**
- I. Resolution Approving and Authorizing Mayor and City Administrator to Execute TH55/Co. Rd 19 Signal Agreement**
- J. Acquisition of Portable Sound System for Hamel Community Building**

Moved by Cavanaugh, seconded by Weir, to remove item F from the consent agenda. Motion passed unanimously.

Moved by Weir, seconded by Smith, to approve the consent agenda as amended. Motion passed unanimously.

F. Resolution Denying Application for Preliminary Plat for High Pointe Ridge Submitted by Mike Leuer

Mike Leuer respectfully asked to extend the application, amend it to have two lots, and to be removed from the moratorium. He added as the applicant he still wants to build and they do not want to work against the City. Batty stated the moratorium is in effect and there is nothing that can be done at this point unless Council modifies or repeals the moratorium. If Council chooses so, they can order Staff to prepare the documents and it can be brought back in two weeks. He added it is critical that there be a resolution to this item before the statutory deadline on November 9. A resolution is on the agenda tonight for closure on this matter.

Cavanaugh asked if Leuer could get an extension to allow time for a resolution and if voted on, make it effective one day after the moratorium is lifted. Batty replied the effect of the moratorium must be looked at; it is not for a particular subdivision, but rather for the rural residential area.

Cavanaugh asked if any Council members would entertain looking at it again. Brinkman replied Council must be committed to working through the moratorium as quickly as possible.

Workman stated he would like to figure out how to grant an extension and asked if there were reapplication time restrictions. Lorsung replied she is unaware of any timeframe.

Cavanaugh asked if an extension is granted past the moratorium date would it save the development and they would not have to reapply. Batty replied if the moratorium results in significant changes to the ordinance, the application, even if continued, will need to be reevaluated.

Leuer stated this is the only plan that has gone through planning and zoning. He again requested the application be amended to two lots and extended, indicating this would be a win-win situation for everyone. Workman replied although gracious, at this point, Council has to follow procedures; therefore, unless there is a resolution from Council it cannot be changed at this point.

Cavanaugh asked what the options are. Batty replied approving what is on the agenda tonight, directing Staff to prepare an amended ordinance, or directing Staff to repeal the ordinance. He added if action is not taken tonight the concern is if an extension is given Staff may lose track of it and it will then be deemed approved. The moratorium prohibits future applications coming to the City.

Cavanaugh stated if the application is denied there is no chance of the City and the developer coming to some conclusion before the moratorium is lifted. Batty replied that is correct, unless the ordinance is modified.

Weir suggested the application be denied but they would not have to pay fees when resubmitted. Cavanaugh agreed, stating an applicant that has paid fees and is in the moratorium should not have to repay fees.

Brinkman asked if this applicant was the only one that has paid fees. Adams stated no there are a few others.

Moved by Brinkman, seconded by Smith, to deny the application and any applicant who has paid fees and resubmits an application does not have to repay them after the moratorium.

Adams stated there is no set fee, it is a deposit. He requested the motion be clarified that the developer would get credit for what they paid to date.

Brinkman clarified the motion. Smith agreed.

*Moved by Brinkman, seconded by Smith, to deny the application and any applicant who has paid a deposit and resubmits an application will receive a credit of what they have paid to date after the moratorium. **Motion passed. (Brinkman, Weir, Smith – aye; Workman and Cavanaugh – nay)***

VII. COMMENTS

A. Comments from Citizens on Items not on the Agenda

Martha Van de Ven, Director, Orono School Board of Education, briefed Council on the 2005 referendum. She added the referendum would cover costs associated with the operating levy, technology, and repairs to existing buildings.

Smith referenced the provided handout noting school expenditures per student are significantly less than other cities. She asked if the forward pass were added what would be the taxes payable. Van de Ven replied it would be \$257 dollars so a little over \$800 total.

Smith asked if an annual report could be provided to Council. Van de Ven replied yes.

B. Park Commission

Dillman noted the Commission is reviewing several items including snowmobile trails, construction, and 2006 projects.

C. Planning Commission

Lorsung stated at their next meeting there are several items including three minor subdivision applications and two ordinance revisions – sign and wetland. At the next Council meeting there will be resolutions for text amendments, Ace Properties Phase II resolutions, and sign and wetland ordinances.

VIII. OLD BUSINESS

A. Preliminary Plat, Rezoning to PUD-UC, PUD General Plan, Vacation of Phase I Easement, CUP Withdrawal for Ace Properties Phase II located at 5065 CSAH 101

Lorsung reviewed discussions at the last meeting, noting the applicant has amended the site plan and the footprint of the building. The building has increased by 10 feet on the north end, the drive-thru has been eliminated, the trash enclosure is inside the building, elevations have changed, and the wall sign has changed. All elements between Ace and Ryan have been finalized. She added Staff is looking for approval of the prelim plat and PUD general plan. The other items have a deadline of December 1 and Staff is looking for an extension from the applicant for these.

Smith asked about the visual impact of the trellis and bushes in winter when nothing is green or flowered. She suggested adding plants that hold their leaves in winter. Lorsung replied the applicant has stated there is a significant increase in landscaping since the last meeting and they are out of cash at this point.

Brinkman stated according to the landscaping plan the area looks pretty covered.

Steve Oliver, Ace Properties, stated some all-season plants have been selected.

Weir asked what the trellis is made of and will it last. Oliver replied a maintenance-free combination of wood and metal. He added it will last. Lorsung replied Staff can include the trellis material in the PUD.

Cavanaugh asked where is the sign going and is there any issues with it's' placement. Lorsung replied perpendicular to Clydesdale Trail and it meets current setbacks.

Moved by Brinkman, seconded by Cavanaugh, to direct Staff to prepare the Preliminary Plat and PUD General Plan with the stipulation landscaping be looked at.

Cavanaugh asked what the doors look like on the trash enclosures. Oliver replied the enclosure is not set in the building, just pushed into the building. Larry Palm, Ace Properties, replied it is cold space. He added it could be corrugated metal or metal doors.

Weir asked which type would be more visible. Oliver replied a flat hollow metal door would fade away more.

Smith asked if corrugated metal would get dented less easily. Oliver replied no.

Motion passed unanimously.

IX. NEW BUSINESS

A. Metropolitan Council System Statement

Lorsung stated the Met Council has asked Council to respond, if necessary, to the Systems Statement. The report provides a brief analysis of what is in the Systems Statement. She added Staff will be moving forward with a full analysis of the comp plan.

Weir referenced page W-2, "The diversified...not to exceed one unit per ten acres" and asked if that would make open space planning more difficult. Workman replied their intent is not to have too many small lots which would then become undevelopable for sewer in the future.

Smith referenced the map on page W-7, and stated if the City is going to be kept rural it should be one unit per ten acres overall. She asked if on page W-2 it implies strict or overall one unit per ten acres. Lorsung replied she could ask the Met Council if open space planning conflicts with one unit per ten acres and if it is strict or overall. She added she would ask whether one unit per ten acres means gross or net acreage.

Workman stated if the Met Council is not making any proposals they should not be questioned because last time the City was asked to change a lot.

Weir stated there are no suggestions on how to acquire green corridor space. Lorsung replied she believes this is part of open space planning. She added there are several different ways to acquire the space.

Smith stated she was asked if there would be support for a referendum to raise money to purchase land, which she replied she thought there would be support. Lorsung replied there is a meeting at the Science Meeting next week regarding open space planning.

B. Moratorium Task Force Appointments

Adams stated areas to discuss are the flowchart timeline, study areas, and appointments.

Lorsung reviewed the flowchart noting the dates on the schedule are tight and will be continually updated. She added there are two open forum discussions scheduled. Committee members are outlined in Adams' report.

Weir asked what the meeting time is. Lorsung replied which days to meet should be discussed and suggested the time be immediately after the workday.

Adams stated more details will be worked out at the Staff meeting.

Smith stated it is difficult to have participation if the meeting is at 3:00 p.m. She added if it is during normal work hours it does not look conducive to have the public show up; it looks closed. Workman agreed.

Dan Johnson, 2505 Willow Drive, stated he is appreciative of the opportunity for residents to participate. He suggested there be an alternate for Mr. Nolan.

Cavanaugh stated he would like to see clustering, permanent conservation easements/ dedications, and providing qualities above and beyond to be added to study areas. Smith replied regarding the permanent conservation easements, there is little difference between doing and getting paid for, and if someone gets paid would that be enough incentive above the requirements.

Workman asked if she was suggesting a bonus lot. Smith replied she does not know but there should be a difference between when a person donates versus someone who gets paid for it.

Cavanaugh stated he is more worried about open spaces that the City gets suggesting Council make a program that encourages it. Lorsung replied Staff is moving forward with open space planning which covers these issues. She suggested Council not broaden the focus too much because there are hefty goals to cover in six months.

Cavanaugh stated open spaces should be along the roads with clustering in the back so residents can appreciate it. Lorsung replied they need to figure out what to preserve before deciding where to cluster.

Adams stated members on each the Planning and the Park Commissions need to be considered. Smith replied there needs to be a backup for the Planning Commission.

Lorsung asked about an alternate resident. Workman replied one more needs to be added to make it fair – one from the lake area and one from the rural residential area.

Cavanaugh suggested Suzie Sween because she has lived in the rural area for years. Lorsung replied Dave Wessin has expressed interest to serve.

Workman asked when the first official meeting is. Lorsung replied the first meeting period is November 16 to 30 but can be moved up.

Smith stated no matter who requests it, all recommendations from the Committee comes to Council for final approval. She added sometimes they make recommendations that are not accepted. Workman replied if an effort is made to put a Committee together, Council should earnestly take their recommendations.

Weir stated the Committee will be recommending but Council does not have to endorse.

Smith stated the Committee needs to understand they are a recommending body and they provide options. Weir replied Council will deal with this when it comes up.

Adams named the proposed Committee members and asked if Council wants other alternates. He recommended a task force working group to focus on the issues, and even though public attendance is allowed, that because of time constraints the committee meetings may not allow for much or any public input (with exception of the open houses). He added members really need to be at every meeting.

Cavanaugh suggested the member group be a bit bigger. Lorsung replied minutes will be taken and people can catch up.

Workman suggested the list be left as discussed. Smith replied if the members get a list of meetings they will know up front.

*Moved by Cavanaugh, seconded by Weir, to appoint City Attorney Ron Batty, City Planner Rose Lorsung, Public Works Director Jim Dillman, City Councilor Elizabeth Weir, Planning Commission member Tom Crosby (with Mary Verbick as a second option), Park Commission member Robin Reid, Resident Charles Nolan and Resident Dave Wessin (with Suzie Sween as a second option) to the Moratorium Task Force. **Motion passed unanimously.***

C. Open Space Planning Committee Appointments

Adams stated Staff is looking for approval of Committee members for the Open Space Planning Committee. Staff is recommending the Park Commission be directed to take the lead on open space planning, with two liaisons from the Planning Commission and the Council liaison.

Smith stated there is no public member here. Lorsung added the public will be involved with several meetings.

Smith suggested Staff take note of a list of interested people. Lorsung replied it is already going; they have 20 so far.

Smith stated all meeting minutes/notes from the Park Commission should be put on the website. Lorsung replied yes, there will be a page devoted to open space planning.

*Moved by Weir, seconded by Smith, to move ahead with the Open Space Planning Committee. **Motion passed unanimously.***

D. Grading Excavation Export – Policy Decision

Adams stated there are two policy discussions; does Council want to see more hard data regarding exporting from a site at the preliminary stage or at the final stage, and what do those numbers mean.

Workman asked if export meant moving off site only. Adams replied yes, not specifically where it is going.

Brinkman stated on smaller sites percentages or some elevation should be looked at if it effects landscaping. He added if a numbers change comes up the Council should receive an email. Workman replied it sounds like a communication problem.

Workman stated regarding the Ryan project, they were always going to lower the site and the dirt needs to go somewhere. He added Council was told about 55,000 tons although it is now 80,000 tons. Schield replied there were several changes between the preliminary and the final plat and there were no engineers at the meetings

Smith stated she believes this is important because when how much the site is altered is known they have a better idea of what is going to happen on the site. She added the developer should provide calculations with the preliminary plat. Weir and Brinkman agreed.

Smith stated if the applicant is not truthful they should be checked. Lorsung replied the applicant is hesitant to provide numbers with the preliminary plat because items change. She added the City does not have a grading permit, which would have a list of items the applicant would need to provide.

Weir stated Staff could ask for an estimate.

Workman stated the size of the site is going to make a difference. He suggested Staff come back with recommendations. Lorsung replied perhaps a section could be added to the erosion control ordinance.

Smith asked about import of soils, suggesting export and import needs to be looked at. She added as a general procedure there should be some kind of checklist.

Cavanaugh stated there should be a checklist with the simple calculation.

Kellogg stated typically at the preliminary level it is very preliminary so he does not think Staff can hold the applicant to it. He added, however, Staff could ask for an earthworks balance at the preliminary stage.

Smith stated the significant issue is alteration of the site. Workman replied elevations are not understood and suggested developers bring in 3-D pictures.

Current Cudd project elevations were discussed. Brinkman asked for renderings. Schield stated Staff has checked and they are in compliance.

Cavanaugh asked if Staff gets a topographical map that shows changes in grades. Lorsung replied they get a 2-D plan.

Workman referred the issue back to Staff.

X. CITY ADMINISTRATOR REPORT

A. Community Building – Alcohol Policy

Weir asked if the present alcohol policy hinders or helps the Community Building earn its keep. She suggested keeping the current policy for an additional six months. Adams replied it is very subjective. He added there have been no incidences.

Smith stated alcohol cannot be stored on site.

Adams stated currently a person is allowed to bring in any amount of alcohol; however, if the City restricts it to 3.2 beer and wine only, they may lose some event reservations. Weir recommended leaving the policy as is because there have been no problems, and if problems do arise they can be addressed then.

Adams stated the policy is changing January 1, 2006 to 3.2 and wine only. Workman replied keeping the current policy could be a liability because it is a City building; therefore, Council should be on the conservative side. He added if a licensed peace officer was present he would be fine with the policy.

Cavanaugh suggested there be a section in the newsletter regarding the building being for rent. He added a motion should include the fact that the City will not provide the peace officer. Adams replied Staff has run information in the newsletter in the past and will try to include information again.

*Moved by Weir, seconded by Smith, to have a peace office present during rentals or allow only 3.2 beer and wine. **Motion passed unanimously.***

B. Park Commission and Planning Commission Appointment Process

Adams stated the Park and Planning Commissions liaisons will suggest appointments. He added there will be a somewhat-formal application.

Smith suggested criminal background checks be done. Adams replied checks could be considered.

*Moved by Weir, seconded by Smith, to follow Staff recommendations on appointments. **Motion passed unanimously.***

C. 2006 Health Insurance Rates

Adams asked for questions or comments regarding the proposed increase noting it would work within the budget. Adams reminded the Council that he was directed to prepare a report for summer 2006 on the various health options the City can consider for the future.

Workman stated discussion started two years ago regarding setting a pattern for controlling costs.

Brinkman asked if 12% is a reasonable increase. He added it is fairly competitive with other cities.

Smith asked if the employee could pay a small portion. She referenced the Staff report options stating she does not want to decrease employee salaries but suggested decreasing dental from 100% to 75%.

Workman asked if there should be more coverage selections. Adams replied employees currently have four different options; the City picks up the premium for the low option otherwise the employee pays a portion with the other options. Next year there will be a high deductible option with a low premium.

Cavanaugh asked if the total cost for the City is about \$160,000. Adams replied he thinks it is closer to \$100,000.

Workman asked if there has been any discussion with employees. Adams stated yes with Department Heads, but the dental option has been discussed with employees over the past few years as a possible cut.

Workman asked when the plan goes into effect. Adams replied in January.

Weir asked if the City could share the 12% increase with the employee paying 25%. Adams replied he does not think \$3,556 is too much to ask for, as it would keep us competitive with other cities.

Workman stated the City needs to control costs. Dillman questioned if work sessions, including budget considerations and compensating employees for retention purposes, with department heads should be held in fall.

Cavanaugh stated he would like to give money to employees by salary increases and have them get insurance from their spouse.

Smith asked if employees can take medical expenses pre-tax. Adams replied this is an option and they may have Staff starting next year that can oversee such a cafeteria plan, but those resources are not present. Outsourcing such a service would also involve expense.

Smith suggested the City cover the increase this year and discuss more options for next year.

Weir stated the increase is not a large amount and will fit within the budget. She suggested the City cover the increase this year and reevaluate it next year.

*Moved by Weir, seconded by Smith, for the City to pay the 12% insurance premiums this year and reevaluate them next year. **Motion passed unanimously.***

D. 2006 Budget Update and Truth In Taxation

Adams stated the hearing date has been scheduled. He suggested the utility budget be discussed at the next meeting. Workman replied energy prices are going up; therefore, dollars need to be reevaluated.

XI. MAYOR & CITY COUNCIL REPORTS

Cavanaugh asked if Council would be interested in moving the January 2, 2006 City Council meeting. Workman suggested it could be moved to January 9. Weir suggested it could be moved to January 3. This item will be discussed at a later date.

Weir stated Jan Tiffany, resident, asked if there is any recourse regarding a neighbor's berm which was built without a permit and blocks her view of the lake. She also asked if neighbors were notified prior to approval. Lorsung replied an application, after the fact, was submitted, reviewed, and approved.

Workman commented the City might need to have a land alteration ordinance. Lorsung replied the City has one. Adams replied Staff will discuss the issue tomorrow.

XII. APPROVAL TO PAY THE BILLS

*Moved by Brinkman, seconded by Smith, to approve the bills, order check numbers 028574-028628 for \$787,979.85, and payroll check numbers 019544-019573 for \$29,514.37. **Motion passed unanimously.***

Council recessed to closed session at 9:34 p.m. for attorney-client privilege to discuss right-of-way condemnation for a portion of Clydesdale Trail as it relates to the alignment for the Medina Clydesdale Marketplace development.

XIII. CLOSED SESSION

A. Discussion of Condemnation of Property for ROW Regarding Medina Clydesdale Marketplace

Council reconvened the meeting at 10:00 p.m.

Discussion was held on Comprehensive Plan Amendments and pressure for development.

XIV. ADJOURN

*Council consensus was to adjourn the meeting at 10:07 p.m. **Motion passed unanimously.***

Bruce D. Workman, Mayor

Attest:

Chad M. Adams, City Administrator-Clerk