

MEDINA CITY COUNCIL MEETING MINUTES OF FEBRUARY 15, 2005

The City Council of Medina, Minnesota met in regular session on February 15, 2005 at 7:00 p.m. in the City Hall Chambers. Mayor Workman presided.

I. ROLL CALL

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

Members absent:

Also present: City Attorney Ron Batty, City Engineer Tom Kellogg, Public Works Director Jim Dillman, City Planner Rose Lorsung, City Planner Consultant Sarah Schield, City Administrator Chad Adams and Recording Secretary Liza Weniger.

II. PLEDGE OF ALLEGIANCE

III. ADDITIONS TO THE AGENDA

Weir requested an addition to the agenda be made called "Council Reports". Workman stated that the item would be added prior to the adjournment of the meeting.

*Moved by Weir, seconded by Smith, to approve the agenda as presented. **Motion passed unanimously.***

IV. APPROVAL OF MINUTES

A. Approval of the February 1, 2005 Regular Council Meeting Minutes

It was noted on page 3; a spelling correction should be made to Weir's name in the motion made under agenda item 8A2.

It was noted on page 3, the fourth line of the second paragraph under agenda item 8B1 should state: "...the approval was in case ~~that~~ the subdivision...."

It was noted on page 4, the second line of the eighth paragraph should state: "...along the north side of Hamel Road and would like...."

It was noted on page 4, the first line of the last paragraph should state: "Gronberg stated that in regarding to the horse trail..."

It was noted that on page 9, the second and third line of the sixth paragraph should state: "There is quite a bit of pressure on the existing parks ~~dedication~~, and there..."

*Moved by Weir, seconded by Smith, to approve the February 1, 2005 Regular City Council meeting minutes as amended. **Motion passed unanimously.***

V. CONSENT

A. Approve Electronic Proprietary Database (EPDB) License Agreement

B. Approve Environmental Systems Research Institute (ESRI) Inc. License Agreement

C. Approve Acquisition of Reserve Officer Equipment in the amount of \$2,600

D. Approve Road Material and Equipment Specifications and Set Bid opening for 10:00 a.m. on Friday, March 18, 2005

*Moved by Weir, seconded by Smith, to approve A – D of the consent agenda as presented. **Motion passed unanimously.***

Items E through H of the consent agenda were pulled for separate discussion per Schield as there was an error in the agenda item #5E resolution.

- E. Resolution Granting Preliminary Plat Approval to Bridgewater at Lake Medina**
- F. Ordinance No. 381 Approving General Plan of Developments and Rezoning to Planned Unit Development for Bridgewater at Lake Medina**
- G. Resolution Authorizing Publication of Ordinance No. 381 by Title & Summary**
- H. Authorize Preparation of Plans and Specifications for Bridgewater at Lake Medina Street and Utilities**

Schild stated that there was an error in the Bridgewater Resolution for Preliminary Plat item 4D, of which staff has changed to state that park dedication fees will be paid individually at the time each building permit is issued.

*Moved by Brinkman, seconded by Weir, to approve changing the \$2,000/unit park dedication fee to be paid at time of each individual building permit issuance. **Motion passed unanimously.***

*Moved by Weir seconded by Smith, to approve E – H of the consent agenda with noted change. **Motion passed unanimously.***

VI. COMMENTS

A. Comments from Citizens on Items Not on the Agenda

None heard.

B. Park Commission

Dillman stated the Park Commission will be discussing a rain garden park, addressing the trails at the Hamel Legion Park, and begin a special discussion on nature parks.

Workman asked Dillman if Park Commission is developing a short term/long term plan on capital improvements and if the Council would be seeing the cost plans soon. Dillman stated yes.

Smith requested Council be able to view plans by the first meeting in June of 2005.

C. Planning Commission

Lorsung stated that the Planning Commission is planning on a special meeting for February 22, 2005 to review two projects: David Truax, realtor, will be representing the landowner, to discuss the 1475 Willow Drive subdivision and a variance; Ace Properties Expansion on Clydesdale/101 for a CUP, preliminary plat and a site plan approval of a retail space spanning over 10,000 square feet.

Lorsung stated that the Council will be reviewing the Farr site plan/variance resolution and the Creekview Townhome project on March 1, 2005.

Lorsung stated that nothing is scheduled for March 8, 2005 as of yet.

VII. NEW BUSINESS

A. NPDES Storm Water Pollution Prevention Program (SWPPP) – Annual Public Hearing

Adams provided a short presentation on the accomplishments of the SWPPP from 2004 and goals/objectives as outlined in the SWPPP for 2005.

Adams stated the City of Medina has done a good job of educating the public in regard to environmental concerns this past year and plans to continue the education for 2005.

1. Public Hearing

Adams stated that a public hearing is needed for this item to allow members of the public to provide comment or ask questions relating to the City's approved SWPPP. A copy of the plan is available at City Hall. Staff is also in the process of submitting the annual report to the MPCA by the March 10, 2005 deadline.

Workman opened the Public Hearing at 7:10 p.m.

No comments.

Public Hearing was closed at 7:11 p.m.

Smith asked if as part of educating the public, whether rainwater gardens and buffers would be on the agenda for 2005. Dillman stated that as part of the proposal that the Park Commission is looking at for the rainwater park, a consultant will be coming in to talk to the Commission and to demonstrate which plants are best to plant for this specific type of garden.

Dillman stated the Park Commission has been working with property owners of Lakeshore Avenue for the past two years in hopes of using it as a demonstration area.

Brinkman asked about status of educating the public on the benefits of using compost.

Smith stated that idea behind composting came from the Medina Horse Association, in which the plan would be to have a day for community members to pick up manure ("Medina Gold") from the local farms via the usage of a skid loader to load pickup trucks. The goal is to get some of the compost out into the community.

Brinkman stated that the City missed the opportunity with the Tom Tiller property as the improvement could have had the compost spread out on its lawns rather than black soil.

Smith stated that compost is an ideal landscaping material as it retains moisture longer than black soil. Weir stated that it is also organic and has natural fertilizers.

Smith proposed that she would present Adams with a one-page article that he could forward to the Park Commission, Planning Commission and Council on the significant benefits of using compost.

B. Water Treatment Plant – Hamel Water System

1. Resolution Granting Site Approval to City Water Treatment Plant

Lorsung reviewed her memo and presented documents via overhead for site approval to the facility. The City of Medina is proposing to construct a conventional water treatment facility at 780 Tower Drive, which is currently a vacant parcel of land (0.95 acres) and zoned Urban Commercial. The water treatment facility will help reduce radium, gross alpha, iron and manganese containment levels in the Hamel Water System.

Lorsung discussed Planning Commission's concerns, and presented revised plans with plantings along the rear of the building. The Commission approved the site approval at their February 8, 2005 meeting. Staff recommends approval of the site approval.

Chris Larson, of Bonestroo, stated that design plan of building does really fit the capacity of what is needed. The portion of the building with what looks like overhead doors is louvers that will be built to meet building standards. The building does hold mechanical rooms, and a lab area. The structure is primarily a masonry building with a flat roof. Larson confirmed that engineers did what they could considering the size of the building.

Smith stated that design is quite lovely, but is concerned with the lighter colored brick/block along the east elevation side and would like to see it blend better with the darker block. The two colors appear to be too much of a contrast.

Larson stated that plans are strictly an architect's rendering. He reassured Council that when it comes time to build the structure, the builder will be required to submit brick and roof colors for approval.

Weir asked if the tank could be sunk an additional foot so that it was only five feet above ground. Larson stated no, as the Health Department has determined the proper elevation due to its elevation to the water table.

Weir asked how the pollution agency felt about the substances that are taken out of the water and flushed down the sewer.

Larson stated that radium is the only product removed from the water; and with a blending ratio factor of the radium, the radium is essentially lower than any health standard. Radium is a contaminant, and Iron and Manganese, which are aesthetic concerns, will also be flushed out. The quantities of radium will be very low.

Workman, Dillman, and Smith stated that they would like to use compost as a landscaping material at the site and even possibly use this as a demonstration site to illustrate the benefits of compost.

Lorsung stated that staff has done a lot of research on rainwater gardens and stated that there will be two rain gardens on site. Staff has also done research on how to be really diligent the first year to make sure the garden is a success.

Weir asked if the antenna would be located inside or outside of the building. Larson stated that the antenna is done by another company and is not quite sure of the details of the antenna's location. He does not believe that antenna will be significantly sized.

Batty informed Council that they are about to approve something on property that the City does not actually own, as the Council is well aware. This is the property that the Council authorized condemnation on. The filing was made at the end of 2004, and there will be a public purpose hearing on February 25, 2005. The hearing would allow a time for the public or a property owner to contest that the City does not have a public purpose for acquiring this property. The judge will invite the City to deposit its appraisal valuation; and the court will appoint the commissioners for the hearing. Batty stated that this leads to his point that the City is on schedule for the quick take process to get the title by April 1, 2005.

Workman asked if Batty would be handling these procedures. Batty stated yes.

*Moved by Weir, seconded by Smith, to adopt a Resolution Granting Site Approval to the City of Medina for a Water Treatment Plant. **Motion passed unanimously.***

2. Approve Plans and Specifications and Set Bid Opening Date

Adams stated that March 29, 2005 is the tentative bid opening date, and the Council will be awarding the project on April 5, 2005. Adams stated that the pre-qualification process is still a work in progress.

Kellogg stated that the pre-qualification process might extend the bidding process by a couple of weeks. Workman asked Kellogg if this process was to specifically only bring in qualified bidders.

Batty stated that for the pre-qualification process, a pre-bid meeting will bring in all interested parties who will then be required to complete a questionnaire asking specific qualification questions about their experience. Only those bidders who exceed the pre-determined experiential threshold will be allowed to bid. A variation of this process would be to allow everyone to bid, and then chose the lowest priced, best-qualified bidder after the fact. Unlike streets, water, and sewer, this project is a little bit of a special project, and the City really wants contractors who have had experience and are responsible for bringing in the project on-time and within budget.

Adams stated that on March 15, 2005 Ehlers and Associates will return to Council to provide a financial summary of the project.

Workman asked for the preliminary cost. Larson stated that 3.7 million dollars (not including engineering fees) was the estimated cost and stated that he felt that the numbers were still very close to the original estimate.

Adams stated \$4.2 million dollars to \$4.5 million is the total estimate for the project including engineering fees and land acquisition. The City is raising water connection fees and user rates to finance the water treatment plant. The City is also still considering a low interest loan financing program through the MN Department of Health.

Staff recommends approval of the plans & specs and recommends a bid opening date.

Moved by Smith, seconded by Weir, to approve plans and specification for the City Water Treatment Plant with monitored irrigation and set Bid Opening Date to as to be set by staff.

Kellogg stated that he thinks the planned bid opening date will stay true, however the pre-qualification process may delay it by a week of two.

Motion passed unanimously.

3. Approve Radio Feasibility Path Study from Instrument Central Systems

Adams stated that staff is recommending this study be approved and funded as it relates directly to the treatment plant facility. The cost is \$1,840 and will be paid through the treatment plant project. The study is needed prior to the completion of the specifications of the Hamel Water Treatment Facility. The proposed study comes from Instrument Central Systems, who will be named as the base bid contractor for the controls and ACADA (Supervisory Controls and Data Acquisition) system.

Workman asked if the study is strictly a feasibility study. Dillman stated yes, as the study makes it easier to have the information.

*Moved by Weir, seconded by Cavanaugh, to approve proposal from ICS for a radio feasibility path study in the amount of \$1,840.00. **Motion passed unanimously.***

C. Resolution Granting Preliminary Plat Approval and Variance to Leawood Farms

Adams stated that minor changes to the resolution have been made since the February 1, 2005 meeting.

Schild stated that there were quite a few questions for staff to research. Robert Bradley is in attendance to discuss the trails and buffers, as well as David Thill from Hennepin County.

Schild stated there were many concerns that needed to be addressed by the fire chief; however, no response from the fire chief to staff's latest phone inquiry has been made.

Lorsung stated that she believes that since the City is a LGU, Local Government Unit, a requirement can be made for a larger buffer.

Brinkman stated that the reason he has a concern for larger buffers is because when the subdivisions start moving in around the Bradley subdivision, there will be times of low and high water levels. A high water mark could occur and the City would want a large enough buffer in the area to prevent future problems.

Schild stated that there has been much discussion regarding the City possibly requiring an additional buffer; the City could take some of the park dedication fees to provide for additional buffers. If so proposed, the applicant has agreed to an average of twenty-five foot buffers.

Bob Bradley, 3000 Hamel Road, stated that when he originally laid out a fifty-foot buffer, he found that it took up quite a bit of property. The wetlands will not dry up, and his

concern is when an average of fifty feet is used, it takes up quite a bit of usable space. Bradley proposed twenty-five feet since the minimum was twenty feet.

Brinkman asked how long Bradley had owned the property. Bradley stated that he has had the property since the 1970s. Brinkman asked if he has seen high water on site. Bradley stated that there have been dry years where the wetlands have receded, but there has never been a time where they have flooded.

Smith asked if there is one particular wetland that was more of a concern than others.

Dave Thill, Hennepin County of Environmental Services, stated that there is one Minnesota reinvestment easement area that is a real ecological significant site. The site of concern is the wetland that is shared with another property owner. It is of particular concern that would need to be compromised.

Bradley stated that he has agreed to a fifty-foot buffer in that area. Thill stated that he recommends using dedications to increase buffers for this wetland as this is the green corridor of Medina and has the most ecological impact. The property values increase in relation to increasing buffers like these because the property owners still own the wetland areas.

Smith asked if the ordinance should have easements based on the type of wetland and significance of the wetlands. Smith stated that she would like Thill's recommendation of one hundred feet around the significant area of concern honored with a willingness to reduce easements to twenty-five (sliding scale) around the rest of the wetland areas.

Thill demonstrated to Smith the areas that will have fifty-foot buffers, seventy-five foot buffers and twenty-five foot buffers. Smith asked if Bradley would consider a one hundred foot buffer around the wetland area of concern.

Mark Gronberg, engineer for Bradley, demonstrated via overhead the varied buffers.

Workman asked what Bradley would be willing to do and asked if Council would be okay with tapping into the dedication.

Brinkman stated no, he was not comfortable with using dedication funds. Cavanaugh wanted to know if Bradley was willing to compromise increasing his land value.

Smith asked Bradley if whether he would compromise having the hundred foot buffer in the area Thill recommended if the City does not require him to have fifty-foot buffer around the other areas.

Workman requested a compromise from Bradley. Brinkman asked what the impact of the increased buffer would be. Bradley stated that useable area is being compromised, as the areas would strictly be just for looks, and could never be used.

Weir asked if Bradley was willing to do a seventy-five foot buffer around the northwest corner of the subdivision.

Smith expressed gratitude to Bradley for considering the compromise as he has set an example to other citizens of Medina for preserving wetland and appreciating Medina's natural resources. Smith then asked for clarification on what Bradley is willing to do.

Bradley stated that he is willing to maintain access throughout the area to the equestrian/pedestrian private trails.

Batty asked if the easements of buffers would be deeded to the City. Brinkman stated that it made sense. Weir proposed the Minnesota Land Trust have the easements.

Thill stated that in easements, the most important concern is the language and what is going to be allowed in the future. There is concern that future Council members could change the meaning/wording. Conservation easements cannot change.

Workman asked whom the easement would be deeded to. Batty stated that if the City has the easement, then the City would have the right to change the wording and meaning of the easements in the future, of which is true with all easements. The Minnesota Land Trust would need to be consulted and willing to take the easements, as they are very clear on what they want, which is generally only large tracts of land. The City cannot decide upon their behalf on whether to grant them the easements. Batty asked Council if whether the City would be willing to take the easements if the Minnesota Land Trust was not willing to take the easements.

Workman stated that Council believes they have the easement parameters figured out, however some aid on the wording would be needed.

Gronberg stated that the conservation easement has been done with other cities and stated he could bring in examples of the wording.

Batty stated that he would be happy to review the wording. He is slightly familiar with the process through his work with Minnetrista. He stated that Council would be approving preliminary plat and the documents for the easements would need to be executed by Mr. Bradley prior to final plat approval.

Adams asked Batty if a change would be needed to the resolution. Batty stated that staff needs to make sure that a condition is added that includes the details of the specific easements footages.

Smith stated that the wording should include "withstanding where existing buildings are standing on lot 2".

Gronberg stated that there is a small wetland in the middle of lot three that he and Thill have agreed on a twenty-foot easement.

Batty requested that Gronberg provide him with legal description of the area.

*Moved by Smith, seconded by Weir, to approve Resolution Granting Preliminary Plat and Variance Approval for Robert H. Bradley for Property Located at 3000 Hamel Road with the easements as discussed: twenty-feet around the small wetland area in Lot 3, twenty-five feet around most areas and one hundred feet around the significant area identified by David Thill. **Motion passed unanimously.***

Weir stated she was thankful to Bradley. Smith encouraged Bradley to speak to his neighbors about what he has done for the City and about maintaining access to the horse paths.

Bradley stated that he would identify the trail easements.

D. Site Plan Approval and Variance for Argent Parc, Darrel A. Farr Development – 185 Hamel Rd.

Schild reviewed her staff memo that proposes a site approval and a variance approval for the project at 185 Hamel Road with conditions. The requests are to allow for the redevelopment of the Bouley site into a three-story, eighteen-unit for-sale condominium project designed for seniors. The project, known as “Argent Parc” will be the first approved under the new Uptown Hamel zoning district. Staff is seeking direction to prepare the resolution for site approval and variance.

Schild presented an analysis of the request. She prefaced her comments by saying that the Fire Marshall has expressed concerns with the development regarding density.

Schild stated that the fire access road is not a condition for approval, as each of the properties of Uptown Hamel will have issues of no setbacks, and no access. In researching the fire code, it is stated that there is no need for a fire access for a building such as this (less than four stories). The applicant is aware of the issue.

Schild apologized for presenting the issue to Council this late in the process. She stated that she felt however, that the Fire Marshall’s comments really need to be looked at for the rest of the Uptown Hamel area and a discussion needs to take place.

Schild stated that another item not included in the staff report is the park dedication for eighteen units (18 x \$3,500) of which the applicant is also aware.

Schild stated that site plan did meet the standards until the fire access issue came up.

Schild stated that another item of concern is relating to the driveway location. The driveway does not meet code, and for a waiver, the Council must determine that driveway location does not impede on public safety. Staff feels this could be waived.

Schild reviewed the conditions and stated that item number eight has been negotiated and it has been determined that the applicant has met this condition. Condition number 16 needs to be removed; however there should still be thirty conditions, as there is an added condition for park dedication fee that must be paid up front in amount of \$63,000.

Workman asked if the Fire Marshall was requesting a structure to be built on Mill Drive for fire engine access. Schild stated no, that a nine-ton driveway was requested to be built on Mill Drive for a fire access.

Schild stated that Hamel fire chief has stated that fire trucks cannot access gravel roads. The proposed cost for the construction of the driveway is \$4,000-7,000.

Smith asked if it was the fire chief who had requested the driveway. Schield stated that both the fire chief and the Fire Marshall have requested the driveway. Smith asked if Schield was aware that buildings, three-stories or less, do not need to be sprinkled.

Workman stated that the City must go with the interpretation of the Fire Marshall, however he would want everyone assessed who would be using the road.

Schild restated that again, this is what the Fire Marshall is requiring, and that is why this would have huge implications on the future of Uptown Hamel.

Workman stated that he would like to hear what the developer has to say on the topic.

Ben Schmidt, of Darrel A. Farr Development, stated that he was just made aware of the fire access information as of Monday, February 14, 2005. He stated that moving hydrants is not a problem. The access road to Mill Drive for fire truck access seems to make sense, but to be feasible for future development, he may have to sell the rest of his properties. Schmidt asked if the ordinance is being reworked.

Smith stated that she was disappointed in that the Fire Marshall did not provide this information until now. She stated that she was concerned that Council is not getting good information from the Marshall and chief.

Adams stated staff has changed their policies to ensure that the Fire Marshall looks at all site plans from now on.

Workman stated that staff is not coming up with a firm recommendation.

Schild stated that staff is recommending that the plan be forwarded, but staff needs direction on where to go with the fire access information and also recommends staff to continue work with Farr and Fire Marshall on this matter.

Lorsung stated that staff would need to address the rear access issue.

Cavanaugh stated that Council needs to come up with a consensus.

Smith proposed that the City use some of the TIF money to help offset the cost.

Workman asked Batty how he felt about Council going ahead with approving the project while not addressing the fire lane.

Batty stated that he is struggling with this issue as well and asked Adams if he was clear in this matter with the fire chief and Marshall. He asked for the type of language Adams used and further stated that the Marshall can approve as he/she sees fit.

Adams explained that the fire chief and Marshall may make requirements as they see fit. Batty asked how the fire access would be enforced. Adams stated he was not sure.

Schild read aloud the fire code.

Schmidt stated that he believes that there is a section in the code stating that the Fire Marshall can make the ultimate determination based on their discretion, but that is only dealing with the building permit and not the site plan.

Batty stated he is not clear on the fire code either and whether if this is a recommendation that Council has to comply with and how it would affect future actions.

Lorsung stated that when she reviewed the Gramercy project, she reviewed the case with the State Fire Marshall, City's Fire Marshall, and Hamel Fire Chief and was informed they can determine the sake of a project based on their discretion for safety.

Brinkman asked Schmidt if the southeast corner of the building was to code. Schmidt stated yes and that it is within the requirement of being within ten feet of the road. He stated that he is two feet from the property line and does not need a variance.

Brinkman stated that he agreed with Smith in that Mill Drive, no matter who pays for it, will be well utilized.

Workman stated that he agreed; however the road does not need to be paved. He stated that he is for going forward with the project and leaving Mill Drive alone for now.

Workman asked if there was anything other than the road issue that would prevent approval of the plans. Council stated no.

Dillman stated that Mill Drive is somewhat of a City maintained road.

Schild stated that from the information she received from the Fire Marshall, the fire truck is the heaviest vehicle on the road.

Schmidt stated that the fire issue is a big concern in the Uptown Hamel area and stated that as a group, it would be smart to figure this issue out now.

Workman asked Dillman for his estimate on how much the City could build this road for. Dillman stated that he did not think that building the road would be a problem, and explained the process of building a twenty-foot nine-ton road.

Schmidt proposed that instead of building a road, perhaps working together to build an access for fire trucks. Schmidt proposed keeping the construction access well maintained and then turning it into an access for fire trucks without curbing.

Schild, reading the fire code, stated that grass, dirt or gravel are not allowed as a suitable fire access.

Smith proposed approving the site plan and directing staff to work out the fire access issue. The City needs to talk to its Fire Marshall.

Workman stated that Council should make the approval, upon condition that the fire access road is further investigated.

Adams informed Council that they would only be authorizing staff to prepare the resolution. Therefore, this would not be ready for full approval for another two weeks.

Moved by Weir, seconded by Brinkman, to approve the Site Plan and Variance for Argent Parc, Darrel A. Farr Development – 185 Hamel Rd with the additional conditions of paying park dedication fee upfront, and contingent upon staff resolution of the Mill Drive fire lane access.

Motion passed unanimously.

Cavanaugh asked how fire access requirement would affect buildings across the street.

Workman stated that Council may need to amend the ordinance to make this work again, as this may need to be addressed several times this year.

Adams stated that he would like to check with the Fire Marshall about what his general requirements may be for the future.

E. Ordinance No. 382 Amending by Substitution Section 410 of the Code of Ordinance; Establishing and Ordinance Relating to the Administration and Regulation of public Rights-Of-Way in the Public Interest, and providing for the issuance and regulation of Right-Of-Way Permits

Dillman reviewed the ordinance that will replace Medina's existing ordinance. The ROW ordinance is recommended for adoption to provide for the issuance and regulation of ROW permits. The new ordinance will be beneficial to the City to regulate ROW for various utilities and franchises.

Dillman stated that with all the utility underground companies coming into the area, this ordinance would be for the purpose of "just in case".

Smith stated that she thinks this is a great move, as it will be used as a preventative tool before the use of ROWs becomes a problem.

*Moved by Weir, seconded by Smith, to approve Ordinance No. 382 Amending by Substitution Section 410 of the Code of Ordinance; Establishing and Ordinance Relating to the Administration and Regulation of public Rights-Of-Way in the Public Interest, and providing for the issuance and regulation of Right-Of-Way Permits. **Motion passed unanimously.***

F. Resolution Authorizing Publication of Ordinance No. 382 by Title & Summary

Adams stated that due to the ordinance's length, staff recommends publication of the ordinance by title and summary.

*Moved by Weir, seconded by Smith, to approve Resolution Authorizing Publication of Ordinance No. 382 by Title & Summary. **Motion passed unanimously.***

VIII. CITY ADMINISTRATOR REPORT

A. Part Time Office Assistant Appointment

Adams stated that Staff has reviewed applications and conducted interviews of the applicants. Staff, including Chief Belland, has been in the process of conducting a background check for the top applicant. Michelle Graftsman submitted her notice of resignation as of mid-January, 2005.

Staff recommends appointing Jillian Spore at twelve dollars an hour, no benefits, as a temporary position to start Tuesday, February 22, 2005. This spring/summer, staff will be looking to hire a full time person for replacement of Sandie Larson, who is retiring at the end of 2005.

*Moved by Smith, seconded by Weir, to authorize the temporary position of a Part Time Office Assistant at twelve dollars an hour without benefits. **Motion passed unanimously.***

B. Reschedule February 17, 2005 Special Meeting

Adams stated that staff is recommending the special work session on February 17 at 5:00 p.m. to discuss the potential use of TIF for public improvements related to the Ryan Companies application be rescheduled for a later date. The Open House for Traffic would still be held at 7:00 p.m. The original intent was to have this meeting prior to the March 1, 2005 Ryan Companies review, but Ryan Companies has suggested moving their land use application to the March 15, 2005 Council meeting instead of March 1. This also allows more staff time to prepare for the work session. In addition, Ehlers & Associates is unable to commit key representatives to this meeting; and, staff has not been able to focus much time on this work session due to planning for the February 12, 2005 retreat and the somewhat full February 15, 2005 agenda.

Adams proposed several dates in February, or even postponing to it to March 29, 2005 and pushing the land use application to April 5, 2005.

Cavanaugh asked how Ryan Companies felt about pushing the land use application back. Adams stated that Ryan Companies does not know of the change as of yet, and Council has discretion to postpone as long as the extended deadline for review is not exceeded.

Smith stated that she has a lot of questions that she would like addressed and this would allow staff more time to gather information.

Workman stated that Council and staff need to be very thorough and sees no problem with changing the date to March 29, 2005.

Batty stated that again, the work session is to Council's discretion, as it is their agenda. He warned that Council must not go past the review period. The information packets will be out by Friday, March 18, 2005.

Workman encouraged a good discussion, requesting Council to do their homework prior to the meeting.

Batty stated that ultimately as policy, the memo aids staff in helping Council to focus on the important issues. Ultimately, Council will need to do their homework prior to the work session.

*Moved by Weir, seconded by Smith, to Schedule a Special Meeting (Work Session) for Urban Commercial Public Improvements and TIF at March 29th at 6:30 to 8:30 at the City Hall. **Motion passed unanimously.***

Adams stated that staff is still working on land use problems, and the goal is to get the packet for the April 5, 2005 meeting out to the attendees early.

Smith stated that she does not like the developer speaking on the behalf of, or for, MnDot or Hennepin County. She stated that she would like to see a halt put on this type of speaking.

Workman stated that he agrees with Smith.

Adams stated that the March 1, 2005, Council Meeting may hear a request from staff for more improvements to the Hamel Community Building, as there is a potential need for additional funding for several items that were not in the original design: gutters, water softener, signage, etc. The items could be paid for by funds taken from park dedication or through more donations.

Workman asked who is responsible for sodding the building. Dillman stated that it is to be seeded by the contractor.

Dillman stated that the Park Commission would be determining how the paths would meet/end at the building.

Council Reports

Weir stated that the Uptown Hamel meeting was today and the group was trying to determine if there should be a formal survey on the Ryan Companies proposal. Weir stated that as a discussion item, she would like to hear from Council what questions the survey would include and how they felt about conducting a survey.

Workman stated that he gets questions about what to do with Uptown Hamel and the Ryan Companies project everyday. He stated that there is not enough time for a citywide survey.

Smith stated that she thinks that the City should have performed a survey first to determine what the people think needs to be done in the City. If the City did perform a survey, it would be smart to acquire a scientifically prepared survey.

Workman stated that he personally does not think the timing is right for the survey. Smith stated that if there is a need to conduct a survey, it would be smart to do it now but there should be careful consideration on how to draw up the questions.

Workman stated that there has been adequate time to monitor people's thoughts.

Batty stated that he would be careful about using surveys in regard to land use. The law is pretty clear that Council should make these types of decisions on its own via workshops, public hearings, etc.

Weir agreed.

Smith stated that she disagrees that the residents know about the Ryan Companies development. Residents may have been led on and skewed on the project proposal.

Schield stated that she weighs-in people's concerns from phone calls and public hearings. She stated the phone has been ringing off the hook wondering why the Planning Commission disapproved the project.

Workman stated that he and Adams attended the NW Chamber "State of the City" meeting this morning, in which Mayors from neighboring communities updated chamber members and other cities on an annual report of each city as well as directions for the future. The biggest concern shared amongst Mayors was traffic. Other Mayors have approached him to ask him how the City of Medina was able to maintain control of development and traffic. The City of Medina is and will be a model for development.

Weir stated that she wanted to have a discussion on Uptown Hamel and whether the Council should consider writing an ordinance on affordable living, as well as on how many story levels on the backside of a building. She asked which ordinance has trump on driveways.

Workman stated that the City would have to tweak ordinances in order to make them work; however he would like to set some sort of pattern. A TIF district has already been approved for the area.

Adams reminded Council of the Council/Staff Goal Setting Session set for Saturday, February 12th from 11:00 a.m. to 5:00 p.m. He stated that staff would be distributing the workshop notes.

IX. APPROVAL TO PAY THE BILLS

*Moved by Smith, seconded by Weir, to approve the bills order check numbers 027557-027614 for \$147,541.46 and payroll check numbers 019099-019121 for \$25,332.81. **Motion passed unanimously.***

X. ADJOURN

*Moved by Weir, seconded by Smith, to adjourn the meeting at 9:10 p.m. **Motion passed unanimously.***

Bruce D. Workman, Mayor

Attest:

Chad M. Adams, City Administrator-Clerk