

MEDINA CITY COUNCIL MEETING MINUTES OF JANUARY 17, 2006

The City Council of Medina, Minnesota met in regular session on January 17, 2006 at 7:00 p.m. in the City Hall Chambers. Mayor Workman presided.

I. ROLL CALL

Members present: Brinkman, Cavanaugh, Smith and Workman. Weir arrived at 7:15 p.m.

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 Mary Pappas.

I. PLEDGE OF ALLEGIANCE

II. ADDITIONS TO THE AGENDA

City Administrator Adams requested to delete items H & I from the consent agenda.

Council Member Smith requested to add discussion to provide a car for the City Administrator to the Administration report.

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

III. APPROVAL OF MINUTES

A. Approval of the January 3, 2006 Regular City Council Meeting Minutes

It was noted on page 3, the 5th paragraph, the last sentence should be stricken from the minutes.

*Moved by Smith, seconded by Brinkman, to approve the January 3, 2006 Regular City Council meeting minutes as amended. **Motion passed unanimously.***

IV. CONSENT AGENDA

- A. Resolution Accepting Resignation of Public Works Director Jim Dillman**
- B. Acceptance of Donation for \$30,200 for Hamel Volunteer Fire Department Capital Improvement Fund**
- C. Acceptance of donation for \$2,000 for Fire Pit in Hamel Legion Park**
- D. Approve Raffle Permit for West Metro Turn in Poachers At Medina Entertainment Center on March 5, 2006**
- E. Approve Raffle Permit for North Memorial Community Foundation at Medina Entertainment Center on February 10, 2006**
- F. Resolution Granting Preliminary and Final Plat Approval for Leawood Farm 2nd Addition**

- G. Resolution Vacating Drainage and Utility Easement Dedicated to the Plat of Leawood Farm
- H. Resolution Granting Final Plat for Peter M. Schoon and Carla F. Schoon for Property Located at 4612 Balsam Street
- I. Resolution Granting Approval of Variances for 4612 Balsam Street
- J. Resolution Granting Final Plat for Stephen C. and Carmen A. Mann for Property Located as 2275 Cox Trail
- K. Approve Extension of EPDB Conditional Use License Agreement with Hennepin County
- L. Schedule Local Board of Appeal and Equalization Date for Wednesday, April 5, 2006 – 6:30 p.m.

*Moved by Smith, seconded by Cavanaugh, to approve the consent agenda with changes. **Motion passed unanimously.***

VI. COMMENTS

A. Comments from Citizens on Items not on the Agenda

There were none.

B. Park Commission

Dillman noted the Park Commission meets Wed January 18 and will continue discussion of open space.

C. Planning Commission

Lorsung stated the next meeting will discuss the concept plan for additions to LORAM, several ordinances and a wetland ordinance, and two new applications for lot combination in Independence and the Adam's Pest Control application.

She added the next City Council meeting will cover the site plan, and PUD final plan for Ace Properties Phase II, Cherry Hill discussion regarding the Target project and construction site runoff ordinances.

VII. OLD BUSINESS

A. Target Building Elevation/Cherry Hill Residents

Mayor Workman stated he knows there are discussions going on regarding the Target building elevation with Cherry Hill Residents. He added Ryan Companies is working on setting up meetings with residents as quickly as possible.

Schild stated Ryan Companies has been contacting residents and staff is verifying that communication is taking place. She noted she will update the Council on meetings scheduled. She added a handout has been given to the Council, which breaks down the points Ryan is addressing and states Ryan wants to meet with residents at this point.

Smith stated the concern is to have some kind of consistent look at some point. She added she is concerned that the meetings will be conducted with only some neighbors and not all. She added she hopes everyone will be involved at all the meetings and that there would be one common solution for all concerned parties.

Schild added that both staff and Ryan Companies agree with Smith on this point.

Smith suggested Schield or Lorsung, and the City's landscape architects should also be in attendance at these meetings. Schield stated she or someone else from staff would be in attendance.

Cavanaugh asked staff to notify him of the meeting dates and times.

Schild stated she will notify all Council members, but added only two Council members are allowed to be present at the meeting.

Workman stated he would like to give advance notice of this.

Smith added she would like to see some kind of resolution, even if not a final one. She added that at the last meeting, Chad Johnson was asking for staff to call him about the drain tile. She told Johnson someone from staff would call him.

Council Member Weir arrived at the meeting at 7:15 p.m.

David Ferin, 287 Cherry Hill, stated he was happy to see Ryan Companies and Mr. Ryan at the last meeting and added he did get Ryan's response to the Cherry Hill proposal. He noted, however, there is still a gap and Cherry Hill residents want this resolved. He hoped the meetings would be set up soon.

Workman asked Schild to keep him informed of the meetings and added he and Smith would be at the meetings to represent the Council. He added this item will remain on the Council agenda until it is resolved.

Bill Soule, 279 Cherry Hill Trail, stated he had seen the Mayor in a KSTP-TV interview stating that Ryan Companies and Target don't have to do anything about this situation and was this correct.

Workman stated Ryan had a building permit for this and added KSTP edits interviews.

Smith added the City has a commitment from Ryan to work this out and stated Ryan has spent a lot of time and money on this so their building would not be seen. She noted the Ryan CEO was at the meeting and that is a serious commitment from them. She also stated the Council is committed this will be taken care of.

Matt Corken, 283 Cherry Hill stated Ryan really missed it with the laser mark technology and asked what recourse does that City have.

Workman stated we will work on this until it is resolved.

Molly Carson, Ryan Companies, stated they are absolutely committed to make this work. She added the laser mark technology was actually switched to a higher technology, which obviously did not work. However, she added Ryan Companies will be there until the end and work to make everyone happy.

VIII. NEW BUSINESS

A. Resolution Vacating a Portion of Drainage and Utility Easements Between Lot 2, Block 2, Cox Brothers Farm and Outlot A, Phillip Woodland Terrace – Public Hearing

Workman opened the public hearing at 7:22 p.m.

A representative from Apostolic Lutheran Church asked what changes will be taking place here.

Schild stated she did not have a visual on this project, but explained the applicant will combine an outlot with his own lot in order to simplify the legal description of the land. She added with this lot combination, there will no longer be a need for a drainage easement and added there will not be any change to the church property.

Steve Mann, the owner, stated there will be no change to the Phillips Woodland Terrace and he will not make any grading changes. He stated he wanted to acquire the land for aesthetic purposes and only wants a formal combination of the land.

Smith noted this is a good way for the owner to protect his investment.

Workman closed the public hearing closed at 7:26

*Moved by Weir, seconded by Brinkman, to approve the resolution vacating a portion of drainage and utility easements between lot 2, block 2, Cox Brothers Farm and Outlot A, Philip Woodland Terrace, as requested. **Motion passed unanimously.***

B. Resolution Granting Approval of Multiple Lot Divisions and Rearrangements for Lot 1, Block 1, Cates Medina Addition and Lot 1, Block 1, Medina Clydesdale Marketplace

Schild reviewed the report showing pre-development conditions and approved roadway layout visuals. She noted Ryan Companies and Valvoline are the applicants.

She stated the Planning Commission held a public hearing at their last meeting regarding this item. She stated staff has looked at this again and feel it is a public benefit. She added there were some complications with the Valvoline piece, however staff assured Valvoline this would reduce a potential negative impact, allowing Valvoline to expand their store at a later time. She added staff recommends approval.

Schild stated because of the tight time frame, staff prepared the resolution for tonight's meeting with only one condition related to the legal descriptions.

*Moved by Smith, seconded by Weir, to approve the resolution granting approval of multiple lot divisions and rearrangements for Lot 1, Block 1, Cates Medina Addition and Lot 1, Block 1, Medina Clydesdale Marketplace, as requested. **Motion passed unanimously.***

C. Resolution Vacating a Portion of Clydesdale Trail and Various Drainage and Utility Easements

1. Public Hearing

Workman opened the public hearing at 7:31 p.m.

There were no comments from the public.

Workman closed the public hearing at 7:32 p.m.

*Moved by Smith, seconded by Weir, to approve the resolution vacating a portion of Clydesdale Trail and various drainage and utility easements. **Motion passed unanimously.***

I. Acquisition of Playground Equipment – Hunter Lions Park

Dillman stated he met with two vendors, both of which made presentations at the December 21 Park Commissioners meetings. He noted their bids were: MN/Wisconsin Playground at \$45,000 and E. F. Anderson at \$49,958.

He stated the Park Commission recommended approval of the E.F. Anderson proposal. He added since this approval, MN/Wisconsin resubmitted their proposal, which came in under \$40,000, but after the deadline for the original quotes.

He noted the Park Commission is recommending the Council approve the E. F. Anderson quote.

Cavanaugh asked the Park Commission if they are approving the higher bid for the exact same thing.

Dillman stated no, adding the two bids were not the same at all as the equipment was not comparable between the two companies.

Smith stated both companies were allowed to come in with a proposal for the site. The E.F. Anderson proposal was specifically designed to the site and item specific. MN/Wisconsin spoke in general terms about the equipment and had no real specific equipment plan. MN/Wisconsin also rebid and came in with the rebid after the due date. Smith added they can't do that and stated the bottom line was the E.F. Anderson came in with a site and equipment plan designed specifically for the site. She added she felt the E.F. Anderson plan was superior.

Weir noted E.F. Anderson has a good history also.

Dillman added both companies have a good reputation.

Cavanaugh asked Dillman if E.F. Anderson is truly \$5,000 better than MN/Wisconsin Playground. He added the Park Commission has been happy with E. F. Anderson equipment at the City's other parks.

Cavanaugh asked if we spent a sizeable amount at Hamel Legion Park to get playground equipment, would it be better to get the bids together for both parks.

Dillman stated no as the Hamel Legion Park won't be ready for new equipment for three years.

Adams added the equipment for Hamel Legion Park will also be more expensive, possibly over \$100,000.

Smith stated the real concern is that MN/Wisconsin Playground didn't do their homework. She added they only wanted to get their foot in the door with Medina, but that their design was inferior for the site.

Lorsung added E. F. Anderson's playground equipment looked much more fun, and had all sorts of fun items for the development of kids that age.

Smith added there was a safety issue with MN/Wisconsin, stating their platforms had bigger holes and presented more of a hazard for children who might get their fingers caught in the platforms.

*Moved by Weir, seconded by Smith, to approve the E. F. Anderson bid for the Hunter Park Play Structure, as requested. **Motion passed unanimously.***

IX. CITY ADMINISTRATOR REPORT

A. Reschedule March 7, 2006 City Council Meeting

Adams stated there are two options for the meeting, one for Monday, March 6 or Wednesday, March 8. He noted the caucuses are on March 7 preventing the scheduled meeting. City Attorney Batty is not available for the March 6 meeting date, but will send another attorney if needed.

*Moved by Smith, seconded by Cavanaugh, to reschedule the March 7, 2006 meeting to March 6, 2006. **Motion passed unanimously.***

B. Schedule Special Meeting (Annual Retreat)

Adams asked if the Council could meet on February 18 or the 25, 2006.

After discussion, the Council decided the annual retreat will be held Saturday, February 25, starting at 9 a.m. until 2 p.m. and will be held at the Community Building.

C. City Hall Renovation Update

Adams stated the budget is getting tight and they are having more change orders. He noted some items were missed in the original plans and some things are being added. He stated the remodel was to be completed by December 20, 2005 and it is still in progress.

Workman suggested Adams ask for more funding at the next Council meeting.

Adams also stated staff has narrowed down the applications for Finance Director to two finalists. Staff is targeting a start date of March 1, 2006.

X. MAYOR & CITY COUNCIL REPORTS

Smith passed out an article for the Council, Planning Commission and Park Commission regarding Betsy Gilkerson, of the U of M Extension Services, who works with Medina residents on composting. She noted it was commendable to have the article on Gilkerson's composting project published in Biocycle, a national magazine.

Lorsung noted the moratorium open house will be held on March 31, 2006 at the Community Building at 6 p.m. She noted ordinance revisions will be started after that

time to be completed by the end of April. She added notices went out city-wide regarding this item.

Workman asked if hits on the City web site are tracked. Adams stated there are over 1000 hits per month.

Lorsung added she and the intern have been working on updating the City's website under the planning and zoning section.

Smith added she would like to see the City Administrator provided with a car and allowance and would like to see how this would work.

Workman noted there may be some tax implications on this and asked the City Attorney to research this in detail and report back to the Council.

XI. APPROVAL TO PAY THE BILLS

*Moved by Cavanaugh, seconded by Smith, to approve the bills, order check numbers 028878-028942 for \$842,423.77, and payroll check numbers 019672-019698 for \$30,394.15. **Motion passed unanimously.***

XII. ADJOURN

*Moved by Cavanaugh, seconded by Weir, to adjourn the meeting at 8:00 p.m. **Motion passed unanimously.***

Bruce D. Workman, Mayor

Attest:

Chad M. Adams, City Administrator-Clerk