

MEDINA CITY COUNCIL MEETING MINUTES OF MARCH 6, 2006

The City Council of Medina, Minnesota met in regular session on March 6, 2006 at 7:00 p.m. in the City Hall Chambers. Mayor Workman presided.

I. ROLL CALL

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

Members absent: Brinkman

Also present: City Attorney Bob Vose in place of Ron Batty, City Engineer Tom Kellogg, Police Chief Ed Belland, City Planner Rose Lorsung, City Planner Consultant Sarah Schield, City Administrator Chad Adams, Public Works Director Jim Dillman and City Recording Secretary Megan Leitner.

II. PLEDGE OF ALLEGIANCE

III. ADDITIONS TO THE AGENDA

None

IV. APPROVAL OF MINUTES

A. Approval of the February 21, 2006 Regular Council Meeting Minutes

It was noted on the fifth paragraph from the bottom on page 7 should read chronic "scrap" not scarp.

It was noted on page 17, paragraph 12, should read "...roads, bridges, and mass transit."

It was noted on page 17, paragraph eight, should read "... on the Council and will not have the same opportunity for air time."

*Moved by Smith, seconded by Weir, to approve the February 21, 2006 Council meeting minutes. **Motion passed unanimously.***

B. Approval of the February 25, 2006 Special Council Meeting Minutes

*Moved by Smith, seconded by Weir to approve February 25, 2006 Special Council meeting minutes. **Motion passed unanimously.***

V. CONSENT AGENDA

A. Resolution Granting Preliminary Plat Approval for Greg and Joy Fries for Property Located at 2845 Ardmore Avenue

B. Authorize Staff to Prepare and Distribute a Request for Proposal (RFP) for a Community Survey

C. Resolution Entering Into Traffic Signal Agreement

D. Approve Final Pay Request for Arrowhead/Hackamore Sanitary Sewer Crossing

E. Approve Raffle Permit to Crystal, New Hope, Robbinsdale Rotary Club for June 5, 2006 at Rolling Green Country Club

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

VI. PRESENTATION

A. Firefighter of the Year Awards

Awards for firefighter of the year were presented by Chief Ed Belland to Rick Perry from Long Lake, Denney Grenell from Maple Plain, Jeff Leuer from Loretto, and Rowdy Dorweiler and Tom Manning from Hamel. Mayor Workman congratulated the awardees with a plaque and certificate.

VII. COMMENTS

A. From Citizens on Items Not on the Agenda

Holly Leuer, 1522 Medina Road inquired about the timeframe and dates on the recommendations made regarding the moratorium. Lorsung stated that it will be on the March 14th Planning Commission Agenda and those recommendations will most likely be made to Council on March 21st. Leuer also inquired about the Community Survey. Adams stated it would be a survey as part of the city's comprehensive plan update and what the residents and businesses of Medina foresee future land use, as well as response to public services.

Brian Sullivan, 2400 Bantle Farm Road, asked that the ordinance for pool fencing be modified to allow safety pool covers in place of fences around pools. Lorsung stated that the City and Metro West Inspections will be working together to compile a list of the permits issued for pools in Medina, and fencing of pools will be on the agenda for March 21st because there has been a lack of compliance with the current pool fencing ordinances in place. Workman asked what the current required fence height is around a pool and Lorsung stated five feet. Smith inquired about safety and insurance requirements.

B. Park Commission

Lorsung stated the Park Commission will meet March 15th to discuss Request for Proposal of Open Space Consulting, and Open Space Task Force. Also on the agenda for this meeting will be County Road 19 regional trails. A meeting with Hennepin County regarding trails is scheduled for next week.

C. Planning Commission

Lorsung stated the Planning Commission will be meeting on March 14th and will be giving an update on the Wetland Protection Ordinance. Lorsung also stated the Planning Commission will be authorizing the recommendations to be made to Council regarding the moratorium and the recommendation will be made as to whether to adopt the by-laws.

VIII. OLD BUSINESS

A. Cherry Hill Neighborhood Sight Line Issue-Agreement with Ryan Companies US, Inc.

Schild stated that an agreement has been reached between Ryan Companies and the Cherry Hill residents. Since the concerns of the residents being able to see the structure

of the Target building surfaced, Ryan companies has met with the residents five times. The residents and Ryan Companies have worked well together in determining the outcome to camouflage the building rather than screen the building. Vinyl chain link fence will be used to prevent debris from blowing and landscaping of trees and plants to camouflage the structure so that residents have an enjoyable view. Ace Properties will be extending their wooden fence to fill the gap between them and the chain-link fence.

Schild stated that the plantings on the west side of the structure have been relocated to better suit the adjacent properties, and the plantings will have a five year warranty backed by Ryan Companies.

Weir inquired as to who would accept the responsibility for watering of the berm. Peter McEnery with Ryan Companies stated that a temporary irrigation system will be installed to get plantings established.

Schild stated that there is a phasing plan that will take place with the plantings. The plantings will be put in place first and then residents' individual needs will be met a couple of weeks after. Schild also stated the berm on the northwest corner and northeast corner of Outlot A will be increased.

David Ferrin, 287 Cherry Hill, stated he personally is very satisfied with the outcome between the residents and Ryan Companies. He stated that many of the residents concerns have been addressed.

Schild stated another Cherry Hill resident, Carol Wegner, although not present, stated she didn't have any concerns at this time. Schild stated that no other resident complaints/concerns have been heard lately by her or City staff.

Workman requested this type of neighborhood and level of staff involvement could be used as a model for the future.

Smith stated the City needs to be involved in future planning and issues like these and technology isn't always best. Smith suggested a list of vegetation recommendations be provided to residents.

*Moved by Smith to approve changes involving agreement with Ace Properties, seconded by Weir. **Motion passed unanimously.***

IX. NEW BUSINESS

A. Ordinance Related to Construction Site Storm Water Runoff Control

Lorsung stated this ordinance spent two meetings at the Planning Commission with representation by Bonestroo to answer questions. Lorsung commented the Planning Commission was thorough and the purpose of this ordinance is to meet statutes and make sure we are in compliance with the Storm Water Pollution Prevention Program (SWPPP).

Kellogg stated the ordinance works hand-in-hand with the SWPPP.

*Moved by Cavanaugh, seconded by Weir to approve the ordinance. **Motion passed unanimously.***

B. Resolution Establishing the Role of the Parks, Trails, and Open Spaces Task Force

Lorsung stated this was brought forward in response to the goal setting session and there would be a total of ten members on the committee. The committee will be comprised of 3 citizens, 2 Park Commission Members, 2 Planning Commission Members, 1 Council Member, and selected staff members.

The committee will be in existence for approximately a one year commitment starting in April with one meeting per month and about four open houses for a total of about 16 meetings. Anyone interested in serving on this committee needs to provide a 1-sheet submittal and have at least two years of residency.

Adams suggested the committee be an odd number, rather than the current eight.

Smith commented it was good to have three citizens.

Weir stated that she would like to see one of the citizens be a developer.

Lorsung commented open house meetings would be led by a consultant.

Workman questioned how the process of open space planning came to the Council. Lorsung said it is a way to put residents in the driver's seat and increase property value.

Workman commented that he doesn't want to see a process move forward if the recommendations will not be accepted.

Weir stated the Council endorsed open space planning and moving forward at the February 25th work session.

Workman stated that everyone has different concepts of open space planning.

Smith stated Medina did not want to develop like Plymouth, but instead with a goal of preservation.

Lorsung stated many studies show that open space planning provides benefits to properties, and the intent is not to limit property rights.

Cavanaugh stated he is for open space planning with defined objectives and benefits to land owners needs to be a balance between rural and "clustering". Cavanaugh stated that to create open spaces should be without loss or hardship to landowners.

Smith stated that residents need to be aware of the options available for planning and make decisions as to what they want to see happen in the City. She added there are misperceptions of open space planning being a taking.

Moved by Weir, seconded by Cavanaugh, to approve the resolution with the addition of an eighth condition that includes "to create open spaces without causing hardships or loss to landowners." **Motion passed (Workman opposed).**

Cavanaugh was designated to serve as Council representative on the Open Spaces Task Force.

Council liaisons will assist the Planning and Park Commission chairs to recommend appointment of members to the task force.

C. Municipal Eminent Domain Authority

Adams stated this is a follow up to the goal setting session and includes an example resolution of support, legislation proposed by the League, and an anti-eminent domain proposal.

Cavanaugh stated after reviewing the documents that the resolution is not helpful and doesn't give any recommendations. Cavanaugh also stated this bill doesn't stop eminent domain for roads, but does stop eminent domain for economic development.

Adams stated the proposed bill does put higher restrictions on eminent domain for roads, etc., which will result in increased costs of purchasing necessary property. Adams added the Johnson/Bakk bill may also prohibit or limit the City and landowner negotiations to use eminent domain to purchase property as a tax incentive.

Workman stated the Johnson/Bakk bill makes cities work harder to be able to take property; there must be a good cause and adequate compensation for property which he is in support of.

Smith stated this resolution would be good because it would allow us to allocate money in the budget and plan ahead for any necessary negotiated acquisitions. Smith also stated that she feels it would be good to have on record that the city supports the resolution to be used for municipal infrastructure but not as a redevelopment tool.

Adams stated he would draft a letter endorsing the views of the city.

X. CITY ADMINISTRATOR REPORT

Adams reported that the new Finance Director Jeanne Day would be starting on Wednesday, March 8. Adams also stated that the deadline for the Publics Work Superintendent applications is on Friday, March 10; to date there have been approximately 7 or 8 applications received.

Cavanaugh asked about contact made on a future library facility in the community. Adams stated he has left a message w/ Library staff, but may try to contact Hennepin County Commissioner Penny Steele instead.

XI. MAYOR AND CITY COUNCIL REPORTS

Workman stated he had nothing to report.

Weir wanted to follow up on wanting to know if Independence requires failing septic systems to hook up. Dillman stated that the sewer lines going through would inspect the systems and if the system was failing they would be connected.

Bob Vose stated that there is a current failing septic that is being dealt with in Independence, but is unaware if the city will require the hook up since the nature of the

failure has not yet been determined. Weir stated it would be nice to have a firm follow up. Workman stated he would like to see the audit from the testing.

XII. APPROVAL TO PAY BILLS

*Moved by Weir, seconded by Cavanaugh, to approve the bills, order check numbers 029088-029141, for \$22,153.59, and payroll check numbers 019773-019798 for \$29,066.72. **Motion passed unanimously***

XIII. ADJOURN

*Motioned by Smith, seconded by Cavanaugh. **Motion passed unanimously.** Meeting adjourned at 8:24 pm.*