

## **MEDINA CITY COUNCIL MEETING MINUTES OF JANUARY 7, 2003**

The City Council of Medina, Minnesota met in regular session on January 7, 2003 at 7:30 p.m. in the City Hall Chambers. Mayor Zietlow presided.

### **1. ROLL CALL**

**Members present:** Workman, Lane, Zietlow and Brinkman

**Members absent:** Supel, Smith

**Also present:** City Attorney Ron Batty, Public Works Director Jim Dillman, Police Chief Ed Belland, City Engineer Tom Kellogg, Planning and Zoning Administrator Loren Kohonen, City Administrator Chad Adams and Planning and Zoning Assistant Sandie Larson.

### **II. PLEDGE OF ALLEGIANCE**

### **III. ADDITIONS TO THE AGENDA**

Dillman requested that item #H be tabled from the consent agenda. It was also requested to add computer purchase under Public Works. Belland requested to add the wild life issue at Holy Name Park and under Public Safety add the Maple Plain Fire Contract.

*Moved by Workman, seconded by Lane to approve the agenda as amended. **Motion passed unanimously,***

### **IV. CEREMONIAL MATTERS**

Mayor Philip Zietlow was given the oath of office by Sandie Larson  
Council member Randy Brinkman was given the oath of office by Sandie Larson

Mayor Zietlow thanked outgoing councilmember Tom Supel for stepping in when needed for the last year on the city council. Zietlow stated that Supel had been a great benefit to the City.

### **V. APPROVAL**

#### **A. Approval of the December 17, 2002 Regular City Council Meeting Minutes**

It was noted on page one, under Approval of Minutes, to change the 3<sup>rd</sup> paragraph to read: - subject to a development and operation and maintenance agreement between the Lions and the City.

It was noted on page two under Planning and Zoning, third paragraph, to add screening of the Wright/Hennepin substation on Willow Drive south of County Road 24.

It was noted on page 5, 11<sup>th</sup> paragraph, to change nert to NURP ponds.

It was noted on page 8, 1<sup>st</sup> paragraph, to add Shelly Eldridge of Ehlers & Associates.

It was noted on page 9 to change the motion under Maple Plain Fire Protection Service Agreement to read *finalizing the contract with the City of Maple Plain.*

It was noted on page 13, under Police Labor Negotiations to add: The City Council came out of executive session at 12:28 a.m.

It was noted to add the time under adjournment - meeting adjourned at 12:31a.m.

*Moved by Workman and seconded by Lane to approve the December 17, 2002 regular City Council meeting minutes as amended. **Motion passed unanimously.***

## VI. CONSENT AGENDA

- A. Resolution Granting Final Plat Approval for Christopher Dahl
- B. Designation of Official Depositories
- C. Resolution Designation Institutions for Investments
- D. Designation of Official Newspaper
- E. Resolution Designating Authorized Signers and Granting Certain Powers for Conducting Business at Farmers State Bank of Hamel
- F. Approve Date for Board of Review
- G. Prairie Drive Cooperative Agreement
- H. Equipment Purchase - Skid Steer Loader

Item H was tabled as previously requested.

*Moved by Workman and seconded by Lane to approve the consent agenda as amended. **Motion passed unanimously.***

## VII. COMMENTS

### A. Citizens on Items not on the Agenda

None

### B. Park Commission

Dillman stated that the last park commission meeting had gone well and the previous month there had been a joint meeting with the planning commission. He said the park commission was looking at a proposed subdivision and also at a High Wake level resolution from LICA.

Dillman also stated that the Hamel Athletic Club was looking at forming a fund raising committee to be able to put up a concession stand at the Legion Park. He said they would like to come to a future meeting and get the official blessing from the city council.

Workman said it would be helpful to get materials ahead of time from them for the council members to review.

### C. Planning Commission

Kohnen stated that there were two items coming up at next weeks planning commission meeting. The first one was a rezoning request from Rural Residential to Agriculture Preserve and the second one was a minor subdivision of about 77 acres from 1 lot to 3 lots.

Elizabeth Weir, Planning commission chair, wanted to know how the council felt about the agriculture preserve and also wanted to know how the Agriculture Task Force report was coming.

Lane said the Agriculture Task Force report was in his hands and was not yet complete. He said he felt the majority of the Task force members feel that the agriculture preserve zoning is a good land use and planning technique. He said that he personally supports agriculture preserve zoning and also stated he would see if he could be at the planning commission meeting to address this.

## VIII. BUSINESS

### **Added item: Wildlife Issue at Holy Name Park**

Belland went over the issue of wildlife at Holy Name Park. He stated that a trumpeter swan had died. An Orono resident, John Hollander, had reported that the bird was ill and the DNR was called. The bird was taken to the U of M but was so sick that the bird had to be put down.. Belland stated that Jim Conrad, the local DNR Conservation officer had recommended that we stop the feeding of the birds by people who leave feed at the park for them. Belland stated that he had temporarily closed the park until he could bring the issue to the city council. He said he had also talked to the US Fish and Wildlife people plus the DNR and both recommended the stopping of the feeding and scaring the birds away until the lake could freeze over so the birds would go south. Belland said that Mr. Hollander does not feel we should scare the birds away and is upset at what is being done. Belland said that the swans have not been back, but there are other wildlife still there. Brian Luther from the DNR was here tonight to comment.

Luther handed out brochures that referenced water fowl feeding etc. Luther stated that St. Paul had passed an ordinance regarding the feeding of wildlife. He said the discontinuance of feeding is the #1 recommendation. He stated that the State of Minnesota does not directly prohibit the feeding of wildlife, but city governments do use the tool of prohibiting feeding.

Belland asked for city council approval to maintain the closure of Holy Name Park until the lake freezes over and the birds disperse.

Lane asked Belland if he was prepared to issue citations for violations.

Belland said yes, if they are in the park feeding the birds.

*Moved by Lane and seconded by Workman to adopt the police chiefs recommendation to continue the closure of Holy Name Park and to prohibit the feeding of waterfowl and also give the police department the authority to enforce the prohibition of the feeding of waterfowl. **Motion passed unanimously.***

### **A. Planning and Zoning**

#### **1. Presentation by Steve Apfelbaum and Dave Newman/Wild Meadows**

Dave Newman of Restoration Development introduced his partner Mark Anderson. He stated that in their agreement when Wild Meadows was first approved they agreed to come back yearly to give an update on the progress of the restoration of the prairie areas. Newman then said that Steve Apfelbaum was present to give an overview of the progress. Louis Armstrong, the onsite manager was also present tonight.

Apfelbaum said that in 2002 twenty acres of buckthorn had been removed and 45,000 live plants consisting of wildflowers and native grasses had been planted. He also stated that substantial areas had been seeded of the phases that are completed.

Apfelbaum also stated that some 500+ trees had been planted, ones that had been moved from the trail areas to other areas of the development. He said they are not planted like your usual street trees, but are more random. He said that some are not perfectly planted and some will not survive. He then had a power point presentation showing past and more current pictures of areas of native plantings, etc. Apfelbaum said that in the spring of 2003, some 800 store bought trees will be planted.

Newman stated that there had been considerable problems with drainage during the summer/fall when there was so much rain and they had used much silt fence and other measures to control it. He stated that now that the county has 101 all torn up, he sees no silt fence and it must be that they had bought it all to use earlier!

Newman said that this development is new for them and issues and questions will come up but all in all they are very pleased how things are going. Newman said that come spring he would like the park commission, planning commission and city council to come and hike through the development.

Apfelbaum apologized for not making the 4 o'clock meet this afternoon, but had forgotten about rush hour traffic here, and asked if there were any questions. Apfelbaum talked of the trees that they had cut down to the stumps and then moved and re-planted them.

Zietlow asked what kind of trees does that kind of cutting and re-planting work on.

Apfelbaum said most native hardwoods work well.

Kohnen said that he still had some concerns, but will wait until spring and see how things are.

Apfelbaum said they expect about 10-15% of the re-planted trees on dying - he said the goal is to achieve the density we desire.

Zietlow asked about the phosphate monitoring program.

Apfelbaum said they had some interesting preliminary results and when the site was tilled there was a 10% phosphate reduction. He said now there is more phosphate than anticipated because of the type of soils, but they seem to be on target for the water quality they want.

## **2. Dean Johnson - Conditional Use Permit for Lot 1, Schlosser Addition**

This matter came before the City Council as an application by Dean Johnson for a Conditional Use Permit (CUP) to construct an office/warehouse storage building on Lot 1, Schlosser Addition, southeast of the intersection of State Highway 55 and County Road 19.

Kohnen went over the application with the city council. He stated that this had been discussed at a previous meeting and was back for approval. Dean Johnson was present to answer any questions.

Kohnen stated that the items in question from the planning commission had been addressed and plans show the changes. He also stated that the city had received a letter from Dave Zetterstrom of Hennepin County and they have approved an entrance about in the middle of the lot coming off of County Road 19.

Lane asked how far from Highway 55 this entrance would be.

Kohnen said he guessed about 500'. He also stated that the Highway 55/County Road 19 intersection plans were on hold. He also stated that when the property is further developed the 60' on the south property line would be addressed.

Lane asked Dean Johnson his legal position on this property.

Johnson said he was the purchaser and the purchase is contingent on city approval. He said he has purchase agreements on both of the Leonard Schlosser properties.

There was discussion of the 60' easement which is a private road at this time and what would happen if and when it became a public road.

Lane wanted to confirm that the properties to the east are not tied to the conditional use permit request.

Kohnen said that was correct.

Kohnen said that staff recommended approval of the conditional use permit request.

Zietlow said with the 10 planning commission recommendations and not #11.

Kohnen said yes.

Lane asked Ron Batty if the road agreement was not relevant to the CUP.

Batty said yes, it was not.

There was some discussion on the driveway location. Zietlow said that our condition #9 states that the placement of the driveway must be approved by Hennepin County.

*Moved by Workman and seconded by Lane to authorize the city attorney to prepare the resolution approving the conditional use permit for Dean Johnson for a commercial office/storage building on Lot 1, Schlosser addition at County Road 19 and Highway 55 with the first 10 conditions set by the planning commission. **Motion passed unanimously.***

### **3. Appoint Planning Commissioner to Replace Randy Brinkman**

Zietlow stated that this was an appointment to replace Randy Brinkman who has been elected to the city council.

Larson stated that she had advertised in the paper and has received two responses and both candidates were present tonight.

David Ferin, 287 Cherry Hill Trail, said he and his family had lived in Medina since 1991. He stated he had been involved in the Hamel baseball program for years and had a hand in the planning of the Legion park.

Zietlow asked if he had any experience pertaining to being a planning commissioner and Ferin said no.

Marilyn Fortin, 365 Comanche Trail, said she had lived in Medina since 1959 and that she and her husband ran Hamel Electric. She said she was very interested in the development of the Uptown Hamel area and had been very active in the meetings leading up to the new Uptown Hamel ordinance. She said she would like to see the plan for Uptown Hamel implemented.

*By secret ballot, Marilyn Fortin was appointed to fill out the term of Randy Brinkman that will expire in March 2004*

## **B. Public Works**

### **1. Watershed Boundary Issues**

Dillman put up an overhead and explained the areas that had been omitted from watershed boundaries. He explained that Elm Creek Watershed would like these areas added to their jurisdiction.

*Moved by Workman and seconded by Brinkman to approve the two resolutions 03-5 and 03-6 enlarging the boundaries of the Elm Creek Watershed Management Commission to include land within the City. **Motion passed unanimously.***

### **2. Public Works Computer**

Dillman explained that the computer that he uses is quite old and needs replacing. He would like to get into the city's mapping system which will be needed for Phase II of NPDES and also be able to do GIS mapping. Dillman stated that he would need a new computer and printer to do so. He is guessing that it will be an approximate cost of \$2000.

*Moved by Workman and seconded by Lane to approve the purchase of a new computer and printer for the Public Works Department. **Motion passed unanimously.***

## **C. Administration**

### **1. Engineering Fees for 2003**

Kellogg stated that the 2003 fees reflect an average of a 3% increase.

Lane thanked Tom and Bonestroo for the good job that they do for Medina.

*Moved by Lane and seconded by Brinkman to approve the 2003 Engineering Fees. **Motion passed unanimously.***

### **2. Appoint Acting Mayor**

*Moved by Brinkman and seconded by Workman to appoint Jim Lane as acting Mayor for 2003. **Motion passed unanimously.***

### **3. 2003 Appointments**

*Moved by Zietlow and seconded by Workman to table the 2003 appointments until the next city council meeting. **Motion passed unanimously.***

#### **4. Appoint City Clerk-Treasurer**

Zietlow stated that legally the city needs to appoint a clerk-treasurer and recommended that Chad Adams be so appointed.

*Moved by Lane and seconded by Workman to appoint Chad Adams City Clerk-Treasurer and Laura Sulander Deputy Clerk-Treasurer. **Motion passed unanimously.***

#### **5. Clarification of 2003 Salaries**

Larson stated that Laura would like clarification of the increase for salaries for 2003 so that the correct information could be added to the payroll information..

It was clarified that it was 3% for all employees not covered under a collective bargaining agreement and also not the administrator.

Larson asked for clarification of the temporary raise for Laura and herself.

*Moved by Workman and seconded by Brinkman to keep the temporary raise for Larson and Sulander in place until January 31, 2003. **Motion passed unanimously.***

Workman did say that there needs to be reviews of the employees, maybe in the 2<sup>nd</sup> quarter.

#### **D. Public Safety**

Belland put a map on the overhead explaining the Maple Plain Fire Department boundaries. He stated that there were parts of Baker Park that were in the Loretto Fire Department and part in the Maple Plain Fire Department. He recommended for ease of dispatching that all of the boat launch area and beach area be included in the Maple Plain Fire Department area.

*Moved by Workman and seconded by Lane to approve the resolution for the area covered by the Maple Plain Fire Department. **Motion passed unanimously.***

#### **IX. APPROVAL TO PAY BILLS**

Zietlow questioned the check for the Hamel Fire Department for \$24,750.

In checking the backup it showed that it was gambling money.

Belland said it is pass thru pull tab money.

Lane asked Ron Batty about the limitations for where charitable money can or cannot go.

Batty said there were lots of limitations but he would have to check to see what they were.

*Moved by Workman seconded by Lane to table the payment to the Hamel Fire Department for further information. **Motion passed unanimously.***

Zietlow asked about the Holy Name costs.

Batty said that there were 4 parties that have not signed easements for the sewer project. He said he has written letters to them and one of the four has produced an easement, but 3 others have not, so his fees are for the continuing process of trying to obtain the easements from those 3 parties.

*Moved by Workman and seconded by Lane to approve the bills, order check numbers 24617-24671 for \$103,653.83, less check #24632 in the amount of \$24,750 and approve the payroll check numbers 17914-17928 for \$18,487.43. **Motion passed unanimously.***

**X,      ADJOURN**

*Moved by Workman and seconded by Brinkman to adjourn the meeting at 9:00 p.m.  
**Motion passed unanimously.***

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Philip K. Zietlow, Mayor

Attest:

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Chad Adams, Administrator/Clerk-Treasurer