

MEDINA CITY COUNCIL MEETING MINUTES OF NOVEMBER 4, 2003

The City Council of Medina, Minnesota met in regular session on November 4, 2003 at 8:00 p.m. in the City Hall Chambers. Mayor Zietlow presided.

I. ROLL CALL

Members Present: Workman, Lane, Zietlow, Smith, and Brinkman

Members Absent: None

Also Present: City Attorney Ron Batty, Public Works Director Jim Dillman, City Engineer Tom Kellogg, Planning and Zoning Administrator Loren Kohnen, Police Chief Ed Belland, City Administrator Chad Adams, and Recording Secretary Jennifer Hennes.

II. PLEDGE OF ALLEGIANCE

III. ADDITIONS TO THE AGENDA

*Moved by Workman, seconded by Brinkman, to approve the agenda as presented.
Motion passed unanimously.*

IV. APPROVAL

A. Approval of the October 21, 2003 Regular City Council Meeting Minutes

It was noted on page 2, VI C, should state: "Maplewalk", not Mapleview.

It was noted on page 4, 4th paragraph from bottom, should state: "cited", not sited.

Smith arrived 8:05 p.m.

*Moved by Workman, seconded by Smith, to approve the October 21, 2003 regular City Council meeting minutes as amended. **Motion passed unanimously.***

V. CONSENT AGENDA

- A. Approving Transfer of Liquor License at 200 Highway 55 for Medina Liquor Incorporated**
- B. Approving Motherboard Upgrade to Outdoor Weather Alert Sirens**
- C. Approving Relocation of Water Main Line near Sioux Drive**
- D. Approving Change Order for Hamel Well No. 4**

Mayor Zietlow asked to remove Item A from the consent agenda for discussion.

Mayor Zietlow asked to delete Item C from the consent agenda.

*Moved by Workman, seconded by Smith, to approve the consent agenda items B and D.
Motion passed unanimously.*

Item A

Mayor Zietlow inquired about transferring a liquor license during a pending criminal case against the current owner.

Workman stated the issue of the criminal case should be resolved before the liquor license is transferred.

Batty stated even with a conviction it would take some time to go through this process.

Lane expressed concern about interfering with new owner's purchase of the liquor store.

It was noted the City's leverage is lessened if they approve the transfer of the liquor license at this time.

Batty suggested waiting until the transaction is laid out. He noted it is possible to give current owner a chance to admit guilt before the hearing and Council could levy a fine.

*Moved by Workman, seconded by Smith to have the criminal case resolved before the transfer of the liquor license. **Motion passed. Ayes: 4, Nays: 1 (Lane)***

VI. COMMENTS

A. Comments from Citizens on items not on the Agenda

There were none.

B. Park Commission

It was noted the next Park Commission meeting would be held on November 19, 2003.

Smith thanked Adams for his work on the park dedication fees report.

C. Planning Commission

Kohnen stated some items for discussion at the next Planning Commission are: A Concept Plan from Farmer's Hamel State Bank, Laurent Builders to subdivide at Evergreen and 101, and an update on the Jubert property development. It was noted the next meeting would be on November 12, 2003.

VII. BUSINESS

A. Planning and Zoning

1. Mother's Motors/Loretto Towing – Conditional Use Permit

Kohnen and Hennepin County Environmental Services (HCES) met on the property on Monday to examine violations or compliance with the crushing of vehicles and possible environmental effects, he noted they found none. Kohnen presented a letter from Mike Riess from Hennepin County, who stated that if the vehicle roofs are crushed down no further than the top of the seats, then there is not a problem with fluid leakage. It was noted Mother's Motors is not planning on crushing the cars any further than the top of the seats. Kohnen stated Hennepin County does not have a problem with any environmental concerns at this time.

Smith inquired who is licensed to remove the freon from the vehicles at Mother's Motors/Loretto Towing. Ron Converse stated he is licensed by the state. Smith stated Anoka County says the fluids are to be removed from the vehicles before any crushing.

Attorney Schiffert stated Mr. Converse is only flattening the vehicles to the tops of the seats for better storage until they can be hauled away.

Discussion was held regarding the removal of the fluids.

Staff noted Mr. Riess from the HCES, stated the fluids do not have to be removed if the roofs are only being collapsed to top of seats. Staff inquired about anyone else the City Council should contact regarding this issue.

Converse stated he has gotten the area cleaned up.

Brinkman inquired if the flattening of the roofs is an issue for Converse.

Converse stated this is not an issue for him and he is willing to continue running his business the way it has been running.

Smith read an excerpt from the memo from Hennepin County regarding the fluids collection. She stated she would like clarification on what is to be done with the fluids and she would like staff to contact Spencer Pierce from Anoka County Environmental services to clarify these issues.

Kohnen stated Converse is in compliance at this time and there was no contamination found on his property.

Converse stated he could store approximately 75 cars in the fenced area.

Batty inquired if Converse had another site to store extra vehicles because of the uncertainty of how many cars are coming in at one certain time.

Converse stated he does not have other property for storage.

Schiffert recommended resolutions for the problems that are existing. He noted if the Council is not interested in the flattening of the vehicles Converse can go back to his original way of storage.

City Council directed Converse to stay within the original CUP agreement and to check back in 6 months.

2. Preliminary Plat Approval for Subdivision, Wright Hennepin Electric Willow Drive Substation

Kohnen stated Wright-Hennepin Electric wishes to combine the three properties owned by Medina Parks Partners, with a total of 94.57 acres. He stated the property is zoned Business Park and the property on the east side of Willow Drive is open farmland and wetlands. He noted there are no buildings on the property except the City's water tower on the west side of Willow Drive. Kohnen presented the sizes of the lots to be subdivided. He stated the Business Park zoning requires a minimum lot area of 5 acres which Lot 1, Block one will have. He stated this lot will be owned by Wright-Hennepin

electric and they are requesting a conditional use permit. Kohnen presented a memo from Kellogg requesting that a 10' drainage and utility easement be provided along the north property line of the plat. Kohnen stated Wright-Hennepin is also requesting a conditional use permit to construct a new substation and transmission line on the 5.85 acre parcel of the plat. It was noted Staff recommends approval of the requested conditional use permit with conditions.

Kohnen presented information from the Planning Commission meeting he noted the Planning Commission recommends approval with conditions. Kohnen presented an overhead of the area.

Batty stated the preliminary plat should be considered first and then the conditional use permit on one lot.

Lane inquired about the significance of outlots.

Batty stated outlots are remnant pieces that cannot be developed individually, or it is going to be a staged platted area. He stated any area that is unsure of how it is going to subdivide can be put under an outlot.

Batty inquired about a previous proposal showing Willow Drive to the west and putting more of the good land on the east side.

Kohnen presented the area of where Willow Drive had been proposed to be developed and he noted the residents in that area were against the extra traffic.

Lane inquired about Tom Kellogg's report, regarding gaining more right of way or easement. It was noted the right of way is dedicated.

Lane inquired if the transmission lines going along the railroad right of way are east and west. It was noted in the affirmative.

Wayne Bauernschmitt stated Wright-Hennepin Electric is proceeding to the site from the west with the tap point on Chippewa and Pioneer. He stated it will go approximately one-quarter mile on the road right of way and then proceed to the railroad right of way. Bauernschmitt explained the purpose of the substation.

Batty stated the City only has an easement over the property of the water tower. He suggests the City own the property where the water tower is located.

It was noted Great River Energy is part owner with Wright-Hennepin Electric.

Bauernschmitt stated they would prefer to have Willow Drive left as is because of community ponding and felt the sight worked well.

Discussion was held on the location of Willow Road.

*Moved by Smith, seconded by Workman to authorize staff to prepare resolutions for preliminary plat with four conditions, including park dedication fee of \$38,025. **Motion passed unanimously.***

Mr. Hovland inquired about the park dedication fee and inquired if there are any ties in the ordinance regarding the use of the land. It was noted the park dedication fee is based solely on the value of the land.

Zietlow inquired about how many poles are to be installed along Pioneer.

Kohnen presented an overview of the area of the power line poles and an overview of the substation. It was noted high voltage is not available to be underground.

Discussion was held regarding the placement of the poles and working with the property owners in that area.

Mr. Bauernschmitt stated Great River Energy owns and operates the power lines and this issue would need to be addressed with them.

Discussion was held regarding different routes for the placement of the poles.

It was noted Great Rivers has sent letters to those homeowners who would be affected and are planning discussions with them individually. He stated the homeowners would be paid for their easement.

Batty stated a condition could be put in the CUP regarding the placement of the poles.

It was noted Great Rivers does not need a CUP to put transmission lines in.

Bauernschmitt stated Great Rivers can place the poles in the City's right of way. He stated during Planning Commission meeting there was discussion regarding the poles.

Batty stated the City could grant themselves another 60 days, which gives Wright-Hennepin time to look at the poles.

Brinkman inquired if the pole issue could be resolved in 30 days.

Hovland stated he is unsure but they would work on that issue with Great Rivers.

*Moved by Lane, seconded by Workman to extend the initial 60 days by another 60 days and to table the CUP until the issue of the transmission line poles is cleared up. **Motion passed unanimously.***

Lane inquired about the driveway access into the substation, he noted concern regarding safety issues with it being placed too close to the railroad tracks. He also noted he would like to see up to three rows of trees placed on the south and east side of the fenced area, giving a natural effect and greater degree of site line protection. He noted he would like a landscaping plan brought forward.

Bauernschmitt stated they felt they were meeting the City's ordinance. He stated as long as the trees do not interfere with the overhead lines he didn't feel planting more would be a problem.

Smith stated she would like to see more diversity in the trees planted.

Dillman stated they would review the driveway issue when the plans are submitted. It was noted a separate driveway permit would be needed.

Kohnen stated he would work with Wright-Hennepin on a landscaping plan with diversity.

B. Parks

1. Hamel Legion Park Community Building

Adams presented an updated budget for the Hamel Legion Park Community Building Project. He noted a few items have been changed that include possible deductions for the project. He stated Bill Wolters had previously reviewed and estimated the amount of deductions in August. Adams stated the Hamel Lions are also considering a public fundraising campaign to help fund the project.

Eric Jungels, representative from the Lions, presented the information regarding the reduced numbers from Bill Wolters. Tom Dykhoff, representative from the Lions, stated their goal is to be able to get approval from the Council to go forward for the bidding process. It was noted it would take five to six months to build.

Lane inquired about verifying the availability of the foundation money.

Jungels stated they do have a letter from them stating they would like permission to send the monies to the city.

Lane requested Jungels to forward a copy of check and statement to Adams.

Jungels requested if Adams could be made available to help work on a fundraising brochure. No objections were noted.

Smith inquired about the length of the charitable gambling license.

Jungels stated he was unsure if it was a two or three year license. He stated the gambling has gone down slightly but the flea market has gone up.

*Moved by Workman, seconded by Smith, to direct the Lions to prepare the bid documents. **Motion passed unanimously.***

C. Administration

1. Concept Plan Review Ordinance

Batty presented a draft of the concept plan review ordinance discussed recently by both the City Council and Planning Commission. He noted this is an amendment to the zoning ordinance. Batty stated one of the most important points in the ordinance is what type of applications should be eligible for concept plan review. He stated eligible applicants are limited to those requiring a legislative decision by the City Council, projects necessitating a significant investment in public infrastructure and possibly planned unit developments over a certain size, however, in all cases, concept plan review is optional.

Batty stated the list of required items for the application was intended to be sufficient to provide adequate information about the project while not overwhelming the applicant or reviewer with details. Lastly, he noted, it is essential that all parties, particularly the applicant, understand that there is nothing binding about a concept plan review.

Batty stated this ordinance will be reviewed for public hearing by the Planning Commission at its meeting on December 9, 2003.

Adams stated he has put together a procedural list for this process. He inquired how this affects the Uptown Hamel concept plan. It was noted this does not supersede the Uptown Hamel concept plan, but more clarification may be a good idea.

Workman suggested adding projects including 10 acres for PUD.

*Moved by Workman, seconded by Smith to forward the Concept Plan Review Ordinance to the Planning Commission with changes. **Motion passed unanimously.***

2. 2004 Employee Wages and Benefits

Adams presented an updated analysis of the health insurance option(s) that were primarily discussed last Tuesday. He stated upon reviewing IRS and cafeteria plan options, it appears the City is limited in creating a medical savings account, flex spending accounts, etc. if the City uses pre-tax dollars.

Adams also presented an analysis of dental options and life insurance.

Workman recommended informing the employees ahead of time of these changes. He stated he would like to stay under the 10% cover and increase life insurance to \$30,000.

*Moved by Workman, and seconded by Smith for all single plan rates, employee spouse plan rates at \$713.02/month, employee child plan rates at \$637.57/month, and family plan rates at \$847.00/month, in addition, the City will pay for the rates of a \$30,000 life insurance plan and lastly, dental insurance may be one of the first items to be reduced or cut in 2005 if significant rate increases continue next year. **Motion passed unanimously.***

Adams recommended closing City Hall on December 26th, being the day after a holiday, if employees take a vacation day. Smith also suggested closing at 12:00 noon on December 24th. There were no objections.

Smith suggested looking into the vacation days given.

3. Schedule Work Session for 2004 Budget and Personnel Policy Discussion

Adams is requesting a work session be scheduled for November 14, 2003 from 6:00 p.m. to 8:00 p.m. to discuss some 2004 budget items that have changed since the preliminary approval. He noted as part of this discussion, he would also have an updated Capital Improvement Plan for 2004 and there are a few personnel and policy issues that he would request to receive some direction on.

*Moved by Smith, seconded by Workman, to schedule a work session for Thursday, November 13, 2003 at 6:00 to 8:00 p.m. **Motion passed unanimously.***

VIII. APPROVAL TO PAY BILLS

*Moved by Smith, seconded by Brinkman, to approve the bills, order check numbers 25798-25834 for \$97,583.63 and payroll check numbers 18366-18387 for \$22,232.54. **Motion passed unanimously.***

IX. ADJOURN

*Moved by Workman, seconded by Smith to adjourn the meeting at 10:38 p.m. **Motion passed unanimously.***

Phillip K. Zietlow, Mayor

Attest:

Chad M. Adams, City Administrator