

## **MEDINA CITY COUNCIL MEETING MINUTES OF JUNE 3, 2003**

The City Council of Medina, Minnesota met in regular session on June 3, 2003 at 7:30 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 Bob Vose, Public Works Director Jim Dillman, City Engineer Tom Kellogg, Planning and Zoning Administrator Loren Kohnen, City Administrator Chad Adams, and Recording Secretary Jennifer Hennes.

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

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

It was requested to add item 2, Update on Cate's Property Development to Planning and to add item 3, Holiday Station Store Lights to Public Safety.

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

### **IV. APPROVAL**

#### **A. Approval of the May 20, 2003 Regular City Council Meeting Minutes**

It was noted on page 4, the last paragraph, it should state: "the Ag Task Force *and Education Committee*"

It was noted on page 5, paragraph 6, it should state: "wetland, *wet soils*, or open water."

*Moved by Smith, seconded by Brinkman, to approve the May 20, 2003 Regular City Council meeting minutes as amended. **Motion passed unanimously.***

### **V. CONSENT AGENDA**

#### **A. Gambling Permit for Twin West Chamber of Commerce for June 16<sup>th</sup> raffle at Rolling Green Country Club**

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

### **VI. COMMENTS**

#### **A. Comments from Citizens on items no on the Agenda**

Cindy Piper, Medina Horse Association, stated a letter had been sent out to every resident of Medina regarding the Medina Horse Association. She presented a brief history of the Medina Horse Association and how the Association plans to help educate new citizens moving in to the area who have horses and how the Association helps the

police if a horse were to become loose. She stated she would like to volunteer to be the educational arm for the City of Medina. She stated she would like to do the educating as directed by the City Council. She stated the Medina Horse Association would like to be the "policing group" to help educate other horse owners.

The City Council thanked Ms. Piper.

**B. Park Commission**

Adams stated the tour on May 21<sup>st</sup> went well. He stated there are some improvements yet to be made and the Trail Plan is almost ready to be submitted to the City Council. He stated Staff is currently working on the map portion of this. He stated comments were made on a Capital Improvement Plan for improvements and replacements for the parks and a fund should be created to track this.

Lane stated he also was at the tour and he felt the parks are in good shape and the needs are well known to the Park Commission. He stated the appearance of the parks are in very good condition. He expressed his compliments to Jim Dillman and stated he also supports the Capital Improvement Plan.

**C. Planning Commission**

Kohnen presented information regarding the Walter G. Anderson addition on the west side of the building. He stated variances would be requested from them.

Elizabeth Weir, Planning Commission, stated if metal was to be used on the building the ordinance at this time requires the metal to be copper. She stated she would like the City Council to look at the ordinance to possibly state the use of colored metal in addition to copper.

Lane inquired if it is necessary for the City to deed the vacated part of Willow Drive to Walter G. Anderson.

City Attorney Vose stated if a public right-of-way is vacated the City does not issue a deed and the adjacent property owner must take action to acquire an interest in the property.

**VII. BUSINESS**

**A. Planning**

**1. Uptown Hamel Development**

Adams provided a brief overview of the Uptown Hamel Development. He stated he has been talking with the developers and suggested hiring a Financial Consultant.

Adams stated this area would consist of a mix of retail and housing. He presented the infrastructure costs of this project and the newly generated tax revenue examples for the Uptown Hamel Development Projects.

Adams stated a housing action plan may need to be put in place to qualify for Livable Communities funding through the Metropolitan Council. He stated there may have to be some affordable housing in these plans. He noted it could be a year and a half before any funds could become available and a separate program may be necessary for updating the existing buildings in this area.

Adams stated CDBG is another possibility for some funding, although, the deadline for CDBG was in March. Adams stated he is looking for direction from the City Council whether or not to work with a Financial Consultant. He stated the Financial Consultant would help analyze the cash flow, use of TIF and financing options. He stated some informal open meetings may be necessary from the Uptown Hamel residents for feedback regarding costs and commitment. He stated he could retain a consultant by next week but may not have all the information back by the next City Council meeting.

Workman inquired about creating a TIF district. Adams stated he is checking out all the options available for funding.

*Moved by Lane, seconded by Workman, to authorize Staff to engage Ehlers and Associates as Financial Consultants for the Uptown Hamel Development but not to exceed \$5000.00. **Motion passed unanimously.***

## **2. Cate's Property Development**

Mayor Zietlow stated a presentation may be made to the Council the second week in June pertaining to a development proposal on the Cates property.

Discussion was held as to the type of building that should be erected on this land.

Discussion was held regarding different ideas for the development of this area and most Council Members expressed concern for a big box store in this area.

Lane stated some of the concerns are traffic management and congestion. He stated 8,000 new vehicle trips a day to that area seem to be too much.

Kohnen stated the property would be accessed by a new road off of Highway 55.

Smith stated a discussion should be held on what should be developed in that area. She stated she would like to know pros and cons of putting in a big box store.

Workman stated he felt there was a lot of support for this project from Uptown Hamel but a good traffic plan would have to be put into place.

Kellogg and Mayor Zietlow recommended having the developer come to a City Council meeting and talk with the City to let them know why this would be a good development plan for the City of Medina.

Smith recommended asking the residents what they would like in this area.

Brinkman stated he has not heard of support for this type of project in that area. He stated a better project would be something that compliments the Uptown Hamel Area. He also suggested the developers bring forward their plans to the City.

Discussion was held as to the benefits of putting in a bigger store compared to putting in smaller stores.

Staff stated no public assistance has been offered for this area.

Kohnen stated they would have to rezone to PUD. He suggested listening to what the developers have to offer the City.

Lane inquired about the partnership participation from the developers.

Smith stated concern about selling out City's goals for what the City had in mind for that area. She recommended joining both sides of 55 together so they are more cohesive.

Workman stated if the City doesn't do anything this area could be split up and a lot of stores could be put in which he felt the City would not approve.

Adams stated staff would like to know how to respond to developers; he is unsure of what the City Council would like to put in that area.

Brinkman inquired about getting ideas on what the community would like in that area and getting a request for proposal.

Mayor Zietlow stated the developers have asked to come in for discussion and feels this is the way to start.

### **3. Land Alteration Permit – Gary Petrucci**

Kohnan stated Petrucci owns a 51+ acre parcel on Parkview Drive which is used for field crops. He stated a berm has been built on the north side of the property without a permit and Petrucci is requesting an after-the-fact permit for the berm plus a permit to construct a berm about 200 feet to the south. Kohnen stated the plans for the berms have been reviewed by the City Engineer and Minnehaha Watershed.

Kohnan stated the access to this property is by an existing driveway across the road and northeast of the entrance to Baker Golf Course. Kohnen noted the haul road on the property crossed a small wetland and the Minnehaha Creek Watershed has been out there. He stated there is an agriculture exemption on that area. He stated John Smyth from Bonestroo is currently working on this issue. Kohnen stated the berm to be built on the south side will have to meet all of the comments of the City Engineer.

Kohnen presented the 11 conditions needed for approval of the land alternations and a map of the area. Kohnen stated Petrucci would like to build this berm to beautify his property. Kohnen noted there is currently no house on this property.

Discussion was held as to the quality of material used in the already erected berm on Petrucci's property.

Lane stated both the type and quality of material should be identified as well as the amount of material used.

Smith recommended informing the public of the current ordinances now in effect for any development regarding the quality of the material being used.

Audience member inquired about silt fence not being put up by the construction on Highway 101 and stated concern regarding the runoff into the lake.

Brinkman stated this is a County project.

Dillman stated Jennifer Hillebrand has been out inspecting the County and City projects. He stated the jobs have been overlapping and the silt fence should be put back up.

Kellogg stated Hillebrand has been sending e-mails to Hennepin County regarding erosion control.

Workman stated concern regarding Petrucci not having applied for the first permit. He recommended a \$250.00 penalty and a new permit issued after penalty has been paid.

Mayor Zietlow directed Staff to change condition #2 to state: "the amount and quality of material is to be identified". The City Council wants to know where Petrucci purchased the fill from for the berm currently in place.

*Moved by Workman, seconded by Brinkman, to approve the Land Alterations Permit with 11 conditions and a \$250.00 penalty, to be paid by Petrucci before the next permit will be issued. **Motion passed unanimously.***

**4. Request for Sewer Service from City of Orono to Keller Estates subdivision**

Kohnen stated they have had several conversations with the developer, Mr. Dean Johnson, regarding the proposed project and he is aware of the concerns about this project and the letter that was previously sent to Medina. He stated the request for sewer from Orono has only been communicated by Mr. Johnson with no formal request from the City of Medina yet. He stated the City of Orono believes that rather than continuing discussions with the developer regarding this project, it is in the best interest of both Cities that any future discussions regarding this project are conducted between representatives from the two cities and communication between the Cities of Orono and Medina is necessary for this project.

Discussion was held regarding traffic safety at intersection of Willow Drive and County Road 6.

Kellogg stated there has been a Traffic Management Study done on Willow Drive and County Road 6 and the preliminary traffic counts indicate a traffic signal may be warranted. He stated the installation of a traffic signal will require cost participation.

Kellogg stated Hennepin County has jurisdiction on the east and west legs of the Willow Drive/County Road 6 intersection, and the City of Orono has jurisdiction on the north and south intersection legs but the northern leg is questionable. He stated the traffic on the northern leg of this intersection is from the City of Medina.

*Moved by Workman, seconded by Smith, to direct staff to continue talks with Dean Johnson and the City of Orono. **Motion passed unanimously.***

**B. Public Works**

**1. Vacation of Portion of Willow Drive – set public hearing date**

Kohnen stated a public hearing date needs to be set for vacation of a portion of Willow Drive. Adams stated this item was discussed in the past as the project was planned.

*Moved by Smith, seconded by Workman, to set a public hearing for the Vacation of Portion of Willow Drive on July 1, 2003. **Motion passed unanimously.***

## **2. Sewer Task Force**

Adams stated there are two issues to be discussed, one being the existing services along County Road 19, and the second is the existing businesses and future growth at the intersection of County Road 19 and Highway 55. He stated some of these items were addressed at a joint meeting with Corcoran on Thursday evening.

Dillman stated there have been meetings with surrounding counties regarding this issue. He stated the Met Council did a study and it appears the City of Independence would like more sewer on the west side.

Dillman stated the plan is to use Loretto's ponds and pump the overflow into the existing tanks in the City of Independence.

Dillman suggested he continue working with existing businesses and City of Loretto regarding the sewer. Dillman stated a solution would only solve the problem short term.

Kellogg advised he can not state cost at this point. Dillman stated this project would be paid for by the existing businesses.

Lane stated he would like to see the specific issues of the sewer problems identified.

Dillman stated the highway project is to start in 2004. He stated the current businesses all have onsite septic systems.

Mayor Zietlow directed Dillman to talk with the businesses about the issue and to find out the cost of the project.

## **C. Public Safety**

### **1. Policy Prohibiting Firearms at Work**

Adams stated a policy drafted by the League of Minnesota Cities was available for the Council Members to review. He stated he would like discussion on this issue.

Chief Belland was present to address questions.

Chief Belland stated the City can not prohibit people from carrying guns in a public area.

*Moved by Lane, seconded by Workman, to adopt a City policy prohibiting all employees, except sworn employees of the Police Department, from carrying or possessing firearms while acting in the course and scope of employment for the City. **Motion passed. 4/1 Brinkman opposed.***

### **2. Fire Service – Discussion of joint meeting with City of Corcoran**

Adams stated as a follow-up to Thursday's meeting with Corcoran it would be appropriate to discuss Medina's next step in the process which could be to continue discussions with City of Corcoran and Hamel Fire Department on a revised service agreement. He stated City should also discuss with them some long-term options for fire service. He stated he, along with Chief Belland and Council Member Lane (public safety liaison), have been working on this issue and are willing to move forward as desired.

Lane stated he has suggested Adams to go back to Hamel Fire Department and ask for their statement of revenues for 2002 and a summary of expenditures from 2000 to 2002.

Smith stated Staff should also be asking Loretto for this information.

Chuck Lymangood, City of Corcoran, stated there were no comments on response times or ISO standards from Hamel Fire Department. He recommended having a study done.

The City Council Members directed Lane and staff to continue working with the Fire Department on these issues.

### **3. Holiday Lights**

Chief Belland stated the Holiday Station Store is in violation of the lighting ordinance. He stated this has been a problem for over a year and the owner of the Holiday store was told to turn off the lights on the east side. Chief Belland stated the owner was complying with this for a while and now has turned the lights back on. Chief Belland is requesting direction from the City Council as to how to pursue this issue. He stated one option is to issue a fine to the Holiday Station Store.

City Attorney Vose stated the City can go for an injunction or criminal prosecution. He stated it is not an issue of the owner not knowing what the problem is or the ordinance, he is just not complying.

Chief Belland stated there is some construction presently going on next to the Holiday store and after the construction is finished the lights on the east side may come into compliance with the ordinance.

Workman suggested talking with Joe, the owner of the Holiday Station Store, and have the lights shut off until the road work is finished.

All Council Members concurred.

## **D. Administration**

### **1. Education Program for Best Practices for Manure Management, Pasture Management, and Wetland Protection.**

Adams stated the need for education is water quality, Best Management Practices and the manure generated. He presented the potential problems, the target audience, how to educate, and the Committee recommendations.

Zietlow suggested gathering more specific information on the Best Management Practices and bringing that information forward to the City Council.

Smith presented information regarding NEMO. She stated she would like NEMO and someone from the Hennepin County Conservation District to put a presentation together and come before the City Council with their information. She suggested having a kick-off meeting at a local farm hosted by the City and the Medina Horse Association.

Smith stated the City Council needs to learn what the Best Management Practices are.

Smith thanked the Council for reviewing this information.

2. **Appointment of Madeleine Linck to Elm Creek Watershed Commission**

*Moved by Lane, seconded by Workman, to appoint Madeline Link to the Elm Creek Watershed Commission. Motion passed unanimously.*

**VII. PRESENTATIONS**

**A. Chuck Lymangood, City of Corcoran – Presentation of Comprehensive Plan**

Mr. Lymangood spoke about the jurisdictions working together and sharing information to keep costs down. i.e., Medina sharing their information on Park Dedication Fees.

Smith stated she would like a copy of Corcoran's guide plan. Lymangood stated he would have some sent over.

Lymangood presented information from the City of Corcoran's Comprehensive Plan for Highway 55 and 19 and then presented the staging plan for the City of Corcoran.

The Council Members thanked Lymangood for his presentation.

**VIII. APPROVAL TO PAY BILLS**

*Moved by Workman, seconded by Smith, to approve the bills, order check numbers 25194-25244 for \$70,024.77, and payroll check numbers 18135-18157 for \$24,102.14. Motion passed unanimously.*

**IX. ADJOURN**

*Moved by Workman, seconded by Smith to adjourn the meeting at 10:30 p.m. Motion passed unanimously.*

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Phillip K. Zietlow, Mayor

Attest:

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Chad M. Adams, City Administrator