

MEDINA CITY COUNCIL MEETING MINUTES OF FEBRUARY 3, 2004

The City Council of Medina, Minnesota met in regular session on February 3, 2004 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 Ron Batty, Public Works Director Jim Dillman, City Engineer Tom Kellogg, City Administrator Chad Adams, Planning and Zoning Administrator Loren Kohlen, Police Chief Ed Belland, and Recording Secretary Liza Weniger.

II. PLEDGE OF ALLEGIANCE

III. ADDITIONS TO THE AGENDA

It was requested to remove item 9.B from the agenda.

It was requested to remove items C and D from the Consent Agenda to be discussed separately.

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

IV. APPROVAL

A. Approval of the January 13, 2004 Special City Council Meeting Minutes

Zietlow noted on page 2, the second paragraph under DMJ & Intermit Use Permit Policy should include a response by Kari Huhn. Ms. Huhn cited DMJ has locked their gates to west access from Pioneer Trail, they have instructed G&L contracting to use east entrance to access Trunk Highway 55, and included a right in/right out on north entrance on to TH 55.

Lane requested the following corrections:

Page 1, 11th paragraph, second and third sentences to state "He commented that the City should not be a lender/banker. Lane expressed his appreciation for the gift of money and spirit in which it was provided, but noted the gift now has a substantial funding contingency."

Page 2, under DMJ & Intermit Use Permit Policy, third paragraph, second sentence should state "...reclamation of land, truck traffic management, and length of permit..."

Page 2, under DMJ & Intermit Use Permit Policy, ninth paragraph, the motion should state "Brinkman moved, Lane seconded, to direct staff to prepare an amendment to permit interim uses. ~~permit policy~~."

*Moved by Lane, seconded by Smith, to approve the January 13, 2004 special City Council meeting minutes as amended. **Motion passed unanimously.***

B. Approval of the January 20, 2004 Regular City Council Meeting Minutes

Lane corrected Page 1, 8th correction to the January 6, 2004 Regular City Council Meeting Minutes, to state "special meeting at 6:00 p.m. on January 13.

Smith corrected Page 7, seventh paragraph, third paragraph, to state "Smith commented that the horse owners..."

*Moved by Smith, seconded by Brinkman, to approve the January 20, 2004 regular City Council meeting minutes as amended. **Motion passed unanimously.***

V. PUBLIC HEARING

A. NPDES Storm Water Pollution Prevention Program (SWPPP) – Annual Public Hearing

Mayor Zietlow opened the public hearing at 7:37 p.m.

Adams explained that a requirement of the permit is to conduct an annual public hearing to hear comments from the public on the SWPPP. The Council can also consider making any changes to the Best Management Practices at the meeting. Adams provided a broad overview of the City's 2003 accomplishments, as well as requirements for the annual report and initiatives for 2004 at the meeting.

Smith commented it is her understanding the system may change due to the MPCA being sued. Adams replied he has not received any notification of a change.

Lane inquired if there is any ditch and culvert work planned this coming year. Dillman replied there will be some smaller ditch projects done, but nothing major.

Zietlow closed the public hearing at 7:40 p.m.

VI. CONSENT AGENDA

- A. Gambling (raffle) permit for Wayzata Boys Basketball event at Medina Entertainment Center on Saturday, March 6, 2004**
- B. Gambling (raffle) permit for Holy Name of Jesus Church event at Holy Name of Jesus Church on Saturday, March 13, 2004**

It was noted that Items C and D had been removed from the Consent Agenda.

*Moved by Workman, seconded by Brinkman, to approve the Consent Agenda. **Motion passed unanimously.***

C. Driveway Variance Request for 2475 Morningside Road

Zietlow questioned if the neighbor has been notified of this variance, as it has not gone through the Planning Commission. Dillman replied the neighbor stopped in at City Hall and he does not have any problems with this. There was an issue about where the property line is. This has been addressed, as Mr. Weetman has had property surveyed.

Zietlow asked if any other variances like this have occurred on Morningside Road. Dillman replied several similar variances have been granted.

*Moved by Workman, seconded by Brinkman, to approve the driveway variance request for 2475 Morningside Road. **Motion passed unanimously.***

D. Resolution Granting Final Approval to the Plat of Medina Parks Second Addition

Adams reported Rolf Erickson, City Assessor, has reviewed more sales of commercial land in Medina and the information supplied by Wright Hennepin Electric and property owner. Based on this, Erickson recommends the fair market value for this parcel be \$321,750.00. According to city ordinance, the park dedication for this plat is will be ten percent of this amount. Adams noted that title work also needs to be completed. Ron Batty advised he is comfortable with the resolution being passed contingent on title work being completed.

Moved by Smith, seconded by Workman, to direct staff to prepare the resolution granting final approval to the plat of Medina Parks Second Addition with the park dedication fee in the amount of \$32,175, and pending completion of the title work.

Lane questioned if this sum is acceptable to all parties. Adams responded in the affirmative.

Motion passed unanimously.

VII. COMMENTS

A. Comments from Citizens on Items Not on the Agenda

There were none.

B. Park Commission

Adams reported the Park Commission continues to work on the Park Use Policy for park fees. The policy will likely be before the Council in approximately two months.

C. Planning Commission

Kohnen reviewed the agenda for the upcoming Planning Commission meeting.

VIII. OLD BUSINESS

A. Uptown Hamel Development and Highway 55 Corridor Development

1. Report on SEH Site Coverage Inspections

Batty reviewed the report for the City Council. He explained this report gives a good indication of the ability to put a district together. This is an important first step in a number of steps that must be completed.

2. Approval of Donald Brauer as Project Planning Consultant

Adams presented the resume and experience of Don Brauer for the project planning consultant. He explained staff is seeking approval for Mr. Brauer's services.

Zietlow suggested the Council move on to the discussion of the pre-development agreement with Farr Development first.

3. Pre-development Agreement with Farr Development

Batty explained this pre-development agreement is fairly standard. It outlines how money the City is requesting from the developer will be spent and under what circumstances the developer could have the money returned. In this situation there are two potential developers, and they are each being asked to put up funding. Farr Development would like assurances they will be treated fairly and this has been dealt with in the pre-development agreement. If the Council is comfortable they may authorize the execution of this agreement. If there are any substantial changes the agreement would be brought back before the Council.

Brinkman stated he would like to see the completed agreement before voting on it. Lane concurred.

Smith suggested the agreement come back before the Council in a couple of weeks when it has been reviewed by everyone.

Lane inquired of the terms of the agreement. Batty replied he left the terms blank in the document. The terms are typically for a period of time such as six or eight months but can be extended.

Lane inquired if the initial deposit could be increased with subsequent extensions or renewals. Batty responded in the affirmative. He explained it appears based on the inspection report there is another step for the TIF analysis and there would be additional expenses.

Zietlow inquired if delaying this agreement two weeks would affect the TIF process. Batty replied there will be some delay unless the Council is comfortable going forward with the funding.

Lane requested staff to prepare a rolling budget projection of revenues and expenses for this project.

Smith commented delaying this agreement would delay the process. She noted the City Attorney has prepared the document and Farr Development is in agreement.

Zietlow questioned what the City's risks are with the funding for this project. Batty advised the City's funds would be more at risk with the \$10,000 for the planner than the \$16,000 for the TIF inspection. He stated the most critical thing is to have a planner in place for an open house in late March or early April.

Council consensus was to proceed with \$10,000 in funding for the planner, so as not to slow the process down.

Batty advised if the Council is more comfortable looking at this agreement after two weeks it would also give Farr Development an opportunity to review the agreement. He does not see a problem unless there is a delay with the planner.

Adams noted the physical TIF building inspections would not begin until after the February 17th Council meeting.

Lane commented Mr. Brauer comes highly recommended and has a wonderful recommendation. The City would be lucky to acquire him as a planner.

*Moved by Lane, seconded by Workman, to accept the staff recommendation that the City retain Donald Brauer as Project Planning Consultant. **Motion passed unanimously.***

Council consensus was to discuss the pre-development agreement with Farr Development at the next Council meeting.

4. Set Date for Open House

Adams recommended the Council consider scheduling an Open House for mid-to-late March. He noted the original Q&A Newsletter was prepared for a January 27th Open House. The amended Q&A Newsletter can still be distributed with the City's *Medina Message* newsletter in February, if desired.

*Moved by Smith, seconded by Workman, to direct staff to schedule an Open House on April 3, 2004, with a second choice of March 20, 2004. The date set not to occur during spring break at the schools. **Motion passed unanimously.***

5. Discussion of Request for Proposals

Adams noted the Council had discussed the possibility of considering an RFP process for the Urban Commercial area in the Highway 55 and CSAH 101 area. Ryan Companies has submitted a new concept plan for the Planning Commission and it will come back to the Council on February 17, 2004.

Workman expressed concern that Ryan Companies is bringing forward another plan because the Council did not like the first plan. He stated Ryan Companies should not be allowed to come back with a third plan.

Batty advised this is not a contingency the Council has discussed. The City does have provisions in other sections of the ordinance that state if a developer is turned down they cannot come back for a specified period of time.

Brinkman commented the Council was polled by Ryan Companies, questioning if they would be interested in another proposal the night they made their first presentation. He stated he does not like considering a second presentation. Smith stated the Council never responded to that question from Ryan Companies.

Smith suggested staff prepare an ordinance amendment to address the timeline for development proposals.

Lane commented he agrees this should not be allowed to become an exercise unto itself, but it should be determined if common sense on both sides produces a solution.

Smith expressed concern that the City is going forward with a process that is contingent on having a stoplight. She is uncomfortable doing that until they have an assurance there will be a stoplight.

Kellogg reported MnDOT has indicated they would entertain the idea of the stoplight.

Adams explained Mr. Brauer will look at traffic issues and make contacts regarding these issues in the scope of his planning services.

Batty indicated he, Adams, and Jim Prosser have discussed the issue of the stoplight. They have identified this as a significant issue that needs to be discussed soon.

B. Hamel Legion Park Community Building

Adams reviewed the meeting that was held last week to discuss some of the concerns of the project, and what options are available for moving the project forward. Following that meeting, Bonestroo and the Lions have been reviewing the plans to incorporate any design changes requested by the City and Bill Wolters, in an attempt to have the project meet the available funds. Adams recommended that the project and plans be turned over to the City for coordinating the remainder of the process and to assure the project meets a budget and the park's/public's needs. It would be staff's vision to create a small working group to make any final design changes to the existing plans that meets a budget consistent with funds currently targeted for the project, and that would also attempt to meet the original needs and functions as recommended by the Lions in the existing plans. Because this will be a public building, staff would seek more public input on the project, and possibly allow for future building expansion if determined needed.

Workman stated he agrees with this recommendation. If the building completely becomes a City project the issue of financing seems to go away. Staff can then take over the planning, building and development issues. The City can then obtain cost structures they are comfortable with. The building will be what the City wants and what is good for the citizens. This needs to come down to a City building that is built through Lions donations.

Tom Dykhoff, representative of Hamel Lions, reported he met with Bonestroo. They reviewed Bill Wolter's recommendations and all recommendations received from staff. Bonestroo was given specific instructions to incorporate all the components into the drawings. He has three sets of drawings that will be delivered to Mr. Wolters tomorrow. He hopes they have done enough cost saving measures to bring the costs in line.

Eric Jungels, representative of the Hamel Lions, presented the Council with survey results regarding the Hamel Legion Park Community Building. He reported 213 cards were received back, which is approximately 14 percent. 42 percent use the park, 28 percent use it less than once per month, and 5 percent use it more than once per month. 74 percent said there is a need for the community center, 56 percent indicated the City should use existing park funds to get the building underway. 57 percent indicated they would rent the community center. He noted \$2,225 in donations was received from the mailing.

Park Commissioner Galen Bruer reported the Commission addressed if this building should go out for bid. The Commission agreed they think the building needs to move forward and bids should be obtained. A large majority, if not all of the Park Commission members feel it is a fantastic opportunity that needs to go forward. A majority of the commissioners feel strongly that because of the nature and the opportunity, the Council should look at funding the difference to make the building happen. The City needs to

look forward and determine if there is a need for a structure like this in the future. If so, they need to take advantage of it. Regarding the size of the building, it is bigger than originally anticipated, and the Park Commission takes a lot of the blame for that. The commission discussed what the needs are and wanted it big enough for 100 people rather than 80, as well as the garage. He personally does not have to have the building that size; if it can be resized he would agree with that.

Workman thanked Bruer for his input and stated this building should move forward.

Zietlow indicated the Council wants to move ahead and advised the architect and consultant try to get on the same page.

IX. NEW BUSINESS

A. Variance Requests for Rear, Front and Side Setbacks at 2895 County Road 19

Kohnen reported Brad and Laura Kvanbek would like to add to their existing house and garage. The addition to the garage would be so they could park two vehicles in the garage and store boats and/or snowmobiles in the westerly addition to the garage. The applicant would like to add an entry to the front of their home and also to enlarge the living room and dining area. He explained the property is zoned Urban Residential with all of their lots having been combined. The setbacks are 50 feet in the front yard, 10 feet in the side yard, and 30 feet in the rear yard. The existing house was built at an angle to the property line, parallel to the driving surface of County Road 19 in the 1950's or sooner.

Kohnen explained variances one and two are for the front garage addition. An 8.3 foot variance is requested for variance one and an 8 foot variance is requested for variance two. The Planning Commission recommended approval of variances one and two. The addition would line up with the existing setback. Kohnen explained variances three and four are for the large addition to the existing garage on the west side. A 3.9 foot variance is requested for variance three and a 10.1 variance is requested for variance four. The Planning Commission recommended approval of variances three and four with the hardship that the addition is reasonable for a two car garage.

Kohnen explained variance number five is for the addition to the front of the house. A 13.4 foot variance is requested. The Planning Commission recommended approval of variance number five with the hardship of the livability of the house. The house is very small and other variances have been granted in the area. Staff recommends approval.

Zietlow stated he thought the Planning Commission had more creative hardships than livability, and he is uncomfortable with this as a hardship. Kohnen replied the hardship of livability was agreed upon by the Planning Commission. The house itself is only about 26 feet wide. In addition, there is no entry due to the positioning.

Planning Commissioner Elizabeth Weir explained the two setbacks in the front of the house met patterns of existing housing, and some of them are much nearer the road.

Smith stated variances are continually granted in the Lake Independence area. The Council has discussed changing the ordinance so it truly fits an area where the lots are

so small. The lots in this area are more like city lots than suburban lots. A special zoning district may be needed to eliminate the need for variances in this area.

Kohnen advised an additional hardship for front yard variance would be the soil conditions, as the adjacent lot is not buildable, and there are many trees on property.

*Moved by Smith, seconded by Workman, to approve a variance request for rear, front, and side setbacks at 2895 County Road 19. Additional hardships include the topography and soil conditions making the adjacent lot unbuildable, the house would be consistent with the existing housing in the area due to similar variances, and the positioning of the house for entry. **Motion passed unanimously.***

Smith requested staff develop an ordinance that would create the Lake Independence area as a specific district with smaller lots, which would eliminate the need for the continual variances that keep coming forward in this area.

Workman suggested this ordinance be addressed by the Planning Commission.

B. Keller Estates Subdivision – Signalized Intersection at Willow Drive and County Road 6

This item was removed from the agenda.

C. City Comprehensive Water Study

Adams explained there has been interest expressed at past Council meetings to consider conducting a comprehensive water study of the City to meet the existing and future water infrastructure needs. He stated he met with Dillman and Bonestroo representatives and requested them to prepare a scope and cost to review projected populations of the areas discussed. The population and area will affect supply, storage, and water treatment data. The area initially defined include the Hamel water system, Highway 55 corridor from Hamel to Loretto, City of Loretto, area surrounding Loretto, Independence Beach area, and southwest area of Corcoran. Staff recommends moving forward with the analysis at an estimated cost of \$4,500.

Zietlow inquired if this water study will be in conjunction with cities of Corcoran and Loretto. Adams replied the three cities can work together in future, but this study will address Medina's immediate and future needs, and the data will be valuable now.

Workman commented the cities could develop some kind of a shared water system, and this could actually drive down costs. Medina will address their needs first and then decide how they will work with the other cities.

Adams explained if a water treatment plant is built it might be able to supply Loretto for a few years. As the population grows the second phase might include another water treatment plant somewhere in that area.

Zietlow questioned what fund the study would come from. Adams replied the costs would be paid from the Water Capital Fund.

*Moved by Workman, seconded by Brinkman, to approve the City Comprehensive Water Study at the estimated analysis cost of \$4,500 to come from the Water Capital Fund. **Motion passed unanimously.***

D. Lighting Ordinance Enforcement

Belland reported a study was done of the lighting of the 18 businesses within the City that abut residential property between the hours of 6:00 p.m. and 8:00 p.m. on Monday, January 30, 2004. Of the 18 businesses there were two businesses that were slightly over the limit, the rest were under the ordinance requirements. He requested direction from the Council on how to approach enforcement.

Workman commented there are businesses that leave their lights on all night. Brinkman suggested businesses turn their lights off at 11:00 p.m.

Smith commented there are energy issues associated with this and conservation should be considered. She suggested enforcement be addressed by Planning and Zoning. A meeting could be held with the businesses to start addressing this issue in a user friendly manner.

X. REPORTS

A. 2003 Budget Report

Adams presented the 2003 Budget Report to the Council.

Workman directed staff to present the Council with information regarding the City's outstanding obligations to determine if some of the debt could be retired early. Adams replied this was looked at in August, however, it can be considered again.

B. City Administrator Report

1. DNR Local Grant Application

Adams reviewed that the City applied for a local trail grant for Sioux Drive last year but did not receive approval. The Park Commission recommends that the City resubmit the application, with revisions, for 2004.

*Moved by Smith, seconded by Workman, to direct staff to update and resubmit the local trail grant for Sioux Drive. **Motion passed unanimously.***

2. All-Star Community Award Application

Adams noted the summary of the All-Star Community Award program and proposed the City submit an application for the Horse Management Best Management Practices program since it meets many of the criteria desired for an application including innovative and collaborative efforts to meet challenges. He requested direction from the Council.

*Moved by Brinkman, seconded by Workman, to direct staff to submit an application to the All-Star Community Award Application for the Horse Management Best Management Practices program. **Motion passed unanimously.***

XI. APPROVAL TO PAY THE BILLS

Moved by Smith, seconded by Brinkman, to approve the bills, order check numbers 26141-26187 for \$75,461.08, and payroll check numbers 18493-18510 for \$22,231.90.

Zietlow questioned if expenses for the Hamel Legion Park Building are separated from the Park Fund. Adams noted the Hamel Legion Park Building is under the Hamel Park Fund, not the Park Dedication Fund, and has a specific account code.

Motion passed unanimously.

XII. ADJOURN

Moved by Workman, seconded by Smith, to adjourn the meeting at 9:27 p.m. Motion passed unanimously.

Philip K. Zietlow, Mayor

Attest:

Chad M. Adams, City Administrator