

MEDINA CITY COUNCIL MEETING MINUTES OF APRIL 6, 2004

The City Council of Medina, Minnesota met in regular session on April 6, 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, City Planner Josh Doty, and Recording Secretary Liza Weniger.

II. PLEDGE OF ALLEGIANCE

III. ADDITIONS TO THE AGENDA

*Moved by Lane, seconded by Workman, to approve the agenda as presented. **Motion passed unanimously.** (Smith Absent)*

IV. APPROVAL

A. Approval of the March 16, 2004 Regular City Council Meeting Minutes

It was noted on page 2, the first paragraph under **VII. COMMENTS**, the first line should state: "...he announce a Pioneer Sarah Creek Watershed Management Commission meeting..."

It was noted on page 2, the first paragraph under **VII. COMMENTS**, the last line should state: "...to clean up ~~the lake~~ Lake Independence."

It was noted on page 7, the third paragraph under **B. Alpine Farms**, the third line should state: "...~~enclosed~~ covered area or hay shed. ..."

It was noted on page 7, the third paragraph under **B. Alpine Farms**, the fourth line should state: "...have an ~~enclosed~~ covered hay shed. ..."

It was noted on page 7, the motion under **B. Alpine Farms**, the third line should state: "...to include ~~enclosed~~ covered hay shed, and..."

*Moved by Workman, seconded by Brinkman, to approve the March 16, 2004 regular City Council meeting minutes as amended. **Motion passed unanimously.** (Smith absent.)*

Smith arrived at 7:34 p.m.

V. CONSENT AGENDA

A. Ordinance Approving Re-Zoning of Alpine Farms, 2182 Homestead Trail, from Rural Residential (RR) to Rural Residential-2 (RR-2) Allowing for a Commercial Horse Stable

- B. Resolution Approving Conditional Use Permit (CUP) to Alpine Farms, 2182 Homestead Trail, for Commercial Horse Stable
- C. Resolution Approving Lot Combination to Farmers State Bank of Hamel, 145 Hamel Road
- D. Resolution Approving Site Plan Approval to Farmers State Bank of Hamel, 145 Hamel Road
- E. Approve 2004 Road Material Bids
- F. Approve Hamel Well No. 5 Award of Contract to L.T.P. Enterprises, Inc. for the Adjusted Bid Amount
- G. Approve Non-Intoxicating Malt Liquor On-Sale License to Hamel Athletic Club, Inc.
- H. Accept Resignation of Police Officer Jon Priem
- I. Appointment of Josh Doty as City Zoning Administrator

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

VI. COMMENTS

A. Comments from Citizens on Items not on the Agenda

There were none.

B. Park Commission

Adams stated that at the April Park Commission meeting discussion would include the Park Policy, which will appear before Council tonight. Commission is scheduling the annual tour of all the parks on May 19, 2004. Smith stated her interest to attend tour.

Workman asked Council to set a meeting date for all to attend the annual tour.

Moved by Smith, seconded by Lane, to approve a special meeting on May 19, 2004 at 7:00 p.m. Motion passed unanimously.

C. Planning Commission

Doty stated that Planning Commission will be discussing three items: variance on Lake Independence and front yard setbacks; proposed Keller Estates preliminary plat; and proposed ordinance changes for uptown Hamel.

Adams informed Council that Commission would also be discussing the concept plan for CSAH 29/Highway 12 intersection..

Elizabeth Weir stated that the amended uptown Hamel ordinance was not ready for tonight's Council meeting, but may appear before Council at April 20, 2004 meeting.

VII. OLD BUSINESS

A. Wright-Hennepin Electric Conditional Use Permit for Substation, South of Railroad Tracks on Willow Drive

Adams summarized his memo which provided an overview of discussion since the March 3, 2004 Council meeting. Adams stated that he has received letters from Great River Energy and from the attorney representing Richard Burke. Staff reminded Council that City has no authority to control where the transmission lines will be located.

Adams stated that Doty, Zietlow and himself met with representatives of Wright-Hennepin Electric and Great River Energy on Monday, March 22, 2004 to discuss the communication held with property owners on the proposed 69kV transmission line. The City encouraged Wright-Hennepin and Great River Energy to continue their discussions with property owners affected by the transmission line. The City requested that Wright-Hennepin and Great River Energy submit a letter to the City, addressing their progress in conversations with property owners. The City advised Wright-Hennepin and Great River Energy, that if Council decided to move forward with the CUP approval, that staff would be requesting authorization to prepare the Resolution for CUP approval. Thus, approval of the resolution would not occur until the April 20, 2004 Council meeting. Based on the timing of such possible approval, staff requested an additional thirty-day extension, of which Wright-Hennepin has submitted to the City, extending the approval deadline into May 2004.

Zietlow stated that two City residents have expressed their need for further discussion with Wright-Hennepin. Zietlow stated that opposed City resident, Thomas Gubbins, is present to talk tonight if needed.

Wright-Hennepin representative, Wayne Bauernschmidt, discussed the progress and update on acquiring the ROW and easements. Bauernschmidt addressed the need for adequately serving the area for future growth, as well as meeting the current needs, are reasons for why an additional substation is required at this time. Dale Aukee of Great River Energy and Bauernschmidt have met with many of the City residents to date. Essentially, the majority of the route has been discussed with the residents and has been approved.

Aukee stated the majority of the landowners have either provided an easement, or a preliminary agreement has been initiated prior to easement documents being finalized. Aukee stated that both he and Bauernschmidt have met with Gubbins to discuss issues regarding the transmission line route, easement, tree mitigation and pole location. It is the intention of Wright-Hennepin and Great River to achieve an agreement with both residents Burke and Gubbins.

Thomas Gubbins, resident affected by pole placements, stated that he has indeed met with Aukee and Bauernschmidt. He stated that it was his opinion that the most sensible option for the pole placements was along the major corridor of Highway 55 in Medina. He stated that he didn't understand why Wright-Hennepin would choose to devalue his, and his neighbors, land by running power line poles through their land. He requested that Council vote nay on the CUP.

Brinkman asked for clarification as to whether Council had made it a requirement for Wright-Hennepin to acquire all easements from affected landowners before returning before Council.

Bauernschmidt stated that it was his understanding that Wright-Hennepin was required only to demonstrate progress. Wright-Hennepin had sent out letters on March 9, 2004 to twenty property owners in the areas affected by sightline issues. Wright-Hennepin has made efforts in keeping in contact with City Administrator Adams and Mayor Zietlow as to the progress.

Smith asked Bauernschmidt if there was a lot of wetland areas along Highway 55. Bauernschmidt confirmed, stating that the railroad tracks also had a lot of wetland area.

Aukee stated that the Highway 55 corridor was once perceived as a potential route; however, currently the Minnesota D.O.T. is in the very early, preliminary, planning stages of expanding Highway 55. The route did look inviting along Highway 55; however, Wright-Hennepin and Great River will run into issues as it intersects with Willow Drive. There are many utilities and traffic lights, which congests the intersection.

Zietlow asked Aukee if the proposed poles were to be of wood. Aukee confirmed.

Brinkman asked Aukee if there was a possibility to achieve a definitive plan/route from MN D.O.T. in regard to the expansion in order to achieve changing the location of the pole route along the Highway 55 corridor. Aukee stated no, due to the extreme early stages of MN D.O.T.'s plans.

Aukee stated that the railroad corridor is being used as extensively as possible. He clarified that it is not a feasible option to bury the electric lines underground, as Wright-Hennepin and Great River do not have the equipment, technology, or engineering resources in order to do so.

Bauernschmidt stated that Wright-Hennepin and Great River have made good faith efforts to achieve easements/agreements with property owners, met conditions required from City and staff, and have listened to the feedback at Council's meeting.

Zietlow stated that he expects that Bauernschmidt would continue to move forward in good faith.

Adams summarized for Council the conditions that need to be met per CUP approval.

Smith wanted to clarify that as part of the conditions, she desired a more specific definition of diversification of trees as opposed to the diversification of Spruce trees.

Bauernschmidt stated that the plan submitted to Kellogg reflects coniferous trees.

Brinkman stated that he has experienced first hand the placement of poles on his own property and further clarified to Bauernschmidt that even if Council approves the CUP, and the landowners don't come to an agreement with Wright-Hennepin, then Wright-Hennepin won't be allowed to move forward with the placement of the poles. Brinkman asked for more research on underground utilities.

Aukee stated burying electric is not a simple process. The process involves pulling the lines inside conduit and encasing it in concrete, which then must be cooled by oil. He further stated that burying electric weakens the power. Installing electric via poles, the lines are air cooled, and therefore a much more inexpensive option.

*Moved by Workman, seconded by Smith, to authorize preparation of the resolution for Conditional Use Permit approval regarding the Substation contingent on approval of landscape plan. **Motion passed. Ayes – 3, Nays – 2 (Brinkman and Lane).***

Lane stated that he hoped that each of the parties would work out an agreement.

Smith stated that she appreciated Wright-Hennepin for making good efforts in working with the property owners and keeping the lines as far away from homes as possible.

VIII. NEW BUSINESS

A. Hamel Community Building- Review of Bid Tabulations and Discussion of Project Budget

Adams summarized his memo, which outlines the staff recommendation for the project. Adams stated that staff has received an updated project budget, bid tabulations from Bonestroo, and a memo from Bill Wolters. He reminded Council that the City has sixty days to award the contract beginning from the date of opening the bids. Therefore, the City has time to wait in order to get additional funding. The City has received confirmation that the MN Lions Charitable Foundation has approved the \$88,000 grant request, but the grant check will not be received for yet another week to ten days. Adams stated that with the \$88,000 grant and appropriate Lions contribution, the City will have surplus money to fund the building, all administrative and contracted services, equipment and furnishings, and the site work.

Adams stated that staff noted that the bids for the site work came back higher than the budgeted amount of about \$130,000.

Adams stated that staff recommends tabling the award of contract to Ebert Construction until the April 20, 2004 regular Council meeting, contingent upon funding being secured from the grant as well as the appropriate fund transfer from the Hamel Lions for the building project, administrative expenses, equipment and furnishings, and site work. Upon review of the scope of the site, work, staff does not feel that the City can complete the site work at a more reasonable cost, at the same level of quality. Based on the project budget, staff will also review options for construction consultant services and will have recommendation to Council on April 20, 2004.

Adams stated that the grant would come to the City from the Foundation, not the Lions. The Lions don't have any control over the grant monies.

Zietlow inquired as to who would be watching over the construction and progress of the project.

Lane stated that he has heard three options discussed. The City would have the option of the project architect, Bonestroo, Rosene, Anderlik & Associates, or an independent party acting as the construction consultant, or the City's building inspector. Lane stated that he advocated using an independent party as the City's construction consultant because Bonestroo has a potential conflict because it also is the Lion's architect, and the building inspector would be wearing two hats as inspector and construction consultant as well.

Smith and Workman requested that staff research the independent party option.

Zietlow stated that he advocated the building inspector, Loren Kohnen, as the acting construction consultant.

Brinkman also advocated the building inspector as the acting construction manager based on fact that Loren Kohnen is already familiar with the project and using his services could possibly save the City a little money.

Motion made by Brinkman, to authorize City attorney to research whether using the services of Loren Kohnen, City Inspector, as the construction manager would present to be a conflict of interest.

Lane stated that since the City didn't hire the architect, the architect would not be liable to the City. Workman suggested that the City change the contract in order to indicate that the architect is contracted through the City.

Workman requested that Council table the issue regarding the construction consultant in order to move forward with approving the other items on the agenda.

Zietlow requested that Brinkman withdraw the motion. Brinkman withdrew the motion.

Workman clarified to the Lions that the City accepts the bid process.

Jungels asked for clarification from Council as to whether City would plan to move forward with project as soon as the funds have been forwarded. Consensus was yes.

Smith expressed gratitude to Lions for their patience and diligence regarding project.

Adams stated that Ebert Construction was the lowest bidder with the add alternates and clarified that the City has sixty days from the bid date, March 30, 2004, to award the construction contract.

*Moved by Smith, seconded by Brinkman, to table item for two weeks for return at the April 20, 2004 Council Meeting, in which staff will present recommendations regarding the position of construction consultant. **Motion passed unanimously.***

B. Charles Cudd, LLC; Property Located North of State Highway 55, North of Chippewa Road, and East of Arrowhead/Hackamore Road; Request for Comprehensive Plan Amendment, Re-Zoning, and Preliminary Plat

- 1. Comprehensive Plan Amendment to Re-guide Site from Rural Residential – Urban Reserve (RR-UR) to Residential Planned Unit Development (PUD) on the City's Land Use Guide Plan Map**
- 2. Rezoning from Rural Residential – Urban Reserve (RR-UR) to Residential Planned Unit Development (PUD)**
- 3. Preliminary Plat to Allow a 142-unit Subdivision, including 76 Single-Family Homes and 66 Twin Homes**

Doty reviewed his memo and packet which outlines the applicant's request and information, as well as the staff recommendations. The Charles Cudd Company is requesting three items for approval in regard to a submitted rough plat of a 123.7 acre property located north of State Highway 55. The Planning Commission at its March 9, 2004 hearing voted 4/3 to recommend approval of the comprehensive plan amendment, and 6/1 on the rezoning request.

Doty stated that the proposed site is located outside the 2020 MUSA. According to the City's adopted comprehensive plan, this site will not receive public sewer and water and

other services needed for urban development until after 2020. Consequently, development of this site at this time is inconsistent with the City's Land Use Guide Plan. Doty summarized that the City adopted the current comprehensive plan in November of 2001. State law requires cities to update their comprehensive plans every ten years. The next plan update would not be due until 2009. Therefore, the City is under no legal obligation to update the plan until that time.

Doty explained that the developer had a meeting with City staff on March 29, 2004, after the public hearing at the Planning Commission. At the meeting, the applicant submitted a new plan that would include 98 total single-family lots for the development. The change was an attempt by the applicant to address a number of the issues raised at the public hearing. However, the revised plan has not received a public hearing at the Planning Commission. Therefore, staff recommends that the City Council have no discussion on the revised plans. In addition, staff recommends that the Council move to approve or deny only the request for the Comprehensive Plan amendment, which requires a $\frac{3}{4}$ vote. If the Council chooses to approve the Comprehensive Plan Amendment, staff recommends that Council require the applicant have another public hearing at the Planning Commission for the rezoning and preliminary plat request.

Workman excused himself from discussion, as he owns a small amount of land along the proposed development. He stated that he wishes to represent himself as a citizen.

Doty explained that since application is subjective in nature and involves a major policy decision for the City, Staff has listed both reasons for approval and denial in its packet.

Rick Denman, of Charles Cudd, LLC., introduced himself and the proposed development area. He stated that that Charles Cudd, LLC. has had a good working relationship with the City of Medina. The proposed development has received support from Met Council, Loren Kohlen, City Building Inspector and cautious support from City residents. Based upon studying the City's comprehensive plan, the plan indicated that unless a proposed development doesn't improve the City, then the City doesn't have to approve the proposed development. He stated that Charles Cudd, LLC. is requesting that City Council recognize the benefits that the proposed development would provide the City. Charles Cudd, LLC is proposing to improve roads paid for with no assessment, solve existing water problems with no assessment, increased revenue for City through taxes, provide a pristine park at no cost, and provide lower density as well as a higher quality neighborhood. Denman stated that Charles Cudd, LLC is a proven performer that attracts luxury homebuyers, while providing beautiful architecture.

Denman stated that Charles Cudd, LLC. is promoting manageable growth by building thirty-six homes per year. The first home wouldn't be built until 2005, with an expected build-out in 2009. If Council does not approve the proposed development, he stated that City would be turning away an opportunity to have improved roads, a city park and improved water conditions.

Zietlow reminded Council this wasn't a public hearing before leading the discussion.

Lane stated that Council has been informed by Charles Cudd, LLC., on behalf of City residents, that there is a consensus of cautious support for the proposed development. Lane asked if any residents present at the meeting, who lived North of Highway 55, would disagree with the statement.

Bill Freeland, 4290 Arrowhead Drive, stated his fellow neighbors had been caught by surprise when a notice was received via mail indicating that the item would be addressed at a Planning Commission meeting. He stated that it was his concern that if the development doesn't get approved, then somebody else will move in, possibly resulting in losing the residential preserve. He and his wife had attended a dozen neighborhood meetings, and would like to be involved in the planning of the development to ensure that the lighting and the overall appeal of the development is desirable to all involved. He further stated that he felt this type of development is a great product and the developer has listened to the residents' density concerns.

Smith stated that most developers aren't as concerned about improving the City as Charles Cudd, LLC. appears to demonstrate.

Chris Sundin, 1525 Hackamore Road, stated that he lives along the north side of the proposed development and is concerned about the increase, or the amount, of traffic that will be traveling along his neighborhood.

Conrad Miller, 2475 Holy Name Drive, stated that he lives south of the proposed development and is concerned as to where the traffic will be routed.

A resident of 1475 Hackamore Road, stated that he and his wife live along north side of the proposed project and fully support the project, noting that change is eminent. He further stated that it was his opinion that Charles Cudd, LLC. is a good developer and believes that the proposed development will not de-value surrounding land.

Bruce Workman, 2212 Chippewa Road, stated that that proposed development proves to be a value in long term. He stated that he understands that timing and control issue is important in relation to the City's growth and adhering to the comprehensive plan. He stated that he feels the timing is right and he supports the proposed project.

Doug Dunlay, 4292 Arrowhead Drive, stated that he moved to the area five years prior and that it had been his understanding that proposed land for the Cudd development was not to be developed until 2020. He stated that he foresees a significant change to the area therefore cautiously supports the development. He stated that if the project receives approval, then he and his wife would like to have a say in the type of trees that would be planted. He also expressed concern that his land would decrease in value, and would have difficulty developing on his property in the future.

Karen Eide, 1555 Hackamore Road, stated that she felt Charles Cudd, LLC. was intruding upon her lifestyle. She has lived at her address for twenty-three years and stated that she felt the developer should be benefiting the community for which they propose to develop within.

Zietlow reminded Council that the next comprehensive plan update is set for 2009.

Lane asked Denman if Charles Cudd, LLC. is proposing to pay for the road in its entirety. Denman responded in the affirmative.

Council members discussed the area's needs for water, sewer and new roadways. Lane asked for Kellogg's recommendation in relation to the proposed development and surrounding areas in ten years. Kellogg stated that he would recommend a lift station.

Lane expressed that he would like to hear additional discussion from each of the Council members in order to help him form an opinion. He stated that he is also concerned with the water supply issues and it was his understanding that the City Engineer is conducting a study about the anticipated quantity and quality of the City's water. Lane asked Kellogg if a preliminary workup of the study would be ready by the next regular Council meeting.

Kellogg stated that the study will illustrate what ultimate demand is expected to be based on assumptions from current comprehensive plan and future development. Nothing specific will relate to the Cudd project.

Lane stated that he was concerned that Council may choose to move forward with discussion when there hasn't yet been a clear understanding of the demand on water system in future. Lane explained that since study is only month away from completion, he felt that it would be a reasonable delay to return to the issue at that time and he would be able to hear the reaction from the rest of Council on comp plan amendment.

Brinkman stated that he felt tabling the item was not such a good idea. He stated that Council is five years ahead of its time. As members of Council, each needs to see that the proposed development is a benefit for the City. Brinkman noted that if Council forges ahead that the area and proposed development needs to be looked at cautiously when considering traffic, water, wetland, trees, lights, too soon of a change, neighbors concerns, etc. He further stated that if development is to occur in future anyway, and the City holds out by not taking advantage of what developer proposes to provide, then City could possibly lose out on what is going to be equally as nice as anything else that would come along. He expressed that the proposed Village development is mechanically a strong plan. Brinkman proposed that Council act as a team, rather than table the item, and discuss real problems behind the policy change.

Lane asked Brinkman if he was in favor of addressing and approving the items before Council has had a chance to request a comp plan amendment. Brinkman stated that since Met Council has reviewed proposed development, he would feel comfortable in allowing Council to move ahead in a legal manner.

Lane stated that staff suggested that Council could ask for a plan amendment. Again, he offered to make a motion to table the agenda item for thirty to forty-five days.

Brinkman stated that he really wanted to provide Charles Cudd, LLC. and City residents with a strong indication as to the direction Council will proceed.

Lane stated that he believed Council should use discretion in moving the comp plan amendment request forward by tabling the matter for thirty to sixty days and using the timeframe accordingly.

Doty stated that the deadline for the application is set for June 9, 2004.

Smith stated she was on the Met Council Advisory Committee and the goal at the time was to keep development out of the center of the City. However, the land will be developed sooner or later; and with Cudd's proposal, a PUD, Met Council and the comp plan, all will provide the City with the opportunity to forge ahead with development. She stated that her concerns are mainly with the water system, and Cudd is proposing to pay for the placement of a new well, which is a major benefit for the City. She stated that she likes the type of homes that Cudd is proposing to build, which is a more attractive, desirable option in comparison to the look of commercial or industrial buildings. She stated that she would like to make sure that the benefits of allowing Cudd to develop far outweigh the disadvantages of amending the comp plan. She stated that she would like to hear more about the water study, and that Council owes it to the residents to get more information.

Dillman stated that in the development, as it is proposed, the water main will be linked from Highway 55 to Foxberry. There will be minimum expense from the trunk fund due to Cudd's contribution, so trunk fees from Cudd could fund other improvements. He clarified that the City will benefit from the development fairly well. He stated that the City's biggest problem is that the water contains radium and in 2006, the City will have to pay for the water treatment. Dillman stated that he has spoke with Cudd and the DNR, and has proposed that Cudd would have a separate well for the sprinkler system so as not to use the City water. Therefore, the development wouldn't be placing any additional demand on the City's system. He further clarified that Tom Kellogg's water study wouldn't address anything specific in relation to Cudd's development.

Kellogg clarified that the general study will address the strain on the water system over the next twenty to thirty years. However, the study will not be specific in addressing how Cudd's development will be affecting the City's water system.

Lane stated that there isn't any disagreement that the looping of the water system is a benefit. Council and residents are concerned about the water demand.

Zietlow stated that he is in the favor of slow consistent growth, which is the purpose behind the comp plan. The comp plan is to be reviewed and changed every ten years. He stated that the League of Minnesota Cities reports that Medina is one of the fastest growing communities. He stated that he would not vote for the comp plan amendment change or the development. He expressed that even though the applicant's plan contains good ideas, he is more in favor of the comp plan. He stated that he isn't against PUDs; he is only against making changes to the comp plan.

*Moved by Lane, seconded by Brinkman, to table addressing the applicant's, Charles Cudd, LLC., three items: Comprehensive Plan Amendment to Re-guide Site from Rural Residential – Urban Reserve (RR-UR) to Residential Planned Unit Development (PUD) on the City's Land Use Guide Plan Map, Rezoning from Rural Residential – Urban Reserve (RR-UR) to Residential Planned Unit Development (PUD), Preliminary Plat to Allow a 142-unit Subdivision, including 76 Single-Family Homes and 66 Twin Homes, for return at the May 18, 2004 regular Council Meeting. **Motion passed. Ayes – 3, Abstain – 1 (Workman), Nays – 1 (Zietlow).***

Smith asked Council members if it was necessary to set up a special meeting in regard to the proposed comp plan amendment.

Lane stated yes being that there will be more than a half of dozen issues to address.

Zietlow recommended to Council that if a comp plan amendment were being proposed, then Council would need to provide strict criteria for developers to meet, as Charles Cudd, LLC. has set high standards.

Workman stated that his main concern was whether Met Council would force the City to develop. Lane echoed Workman's concern.

Zietlow recommended setting Tuesday, April 27, 2004 as the date for the special meeting. Adams stated that that date was open but proposed that Council wait until after the public meetings regarding Hamel water treatment.

Denman asked if the meeting was open for Charles Cudd, LLC. to attend.

Zietlow stated that the works session is a public meeting but not a public hearing.

Beth Peterson, 1295 Hackamore Road, stated that she doesn't have a problem with the proposed development. She stated that she however disagrees with paying for the water and sewer hook-up. She doesn't want the development on her land and would only be willing to pay for service to her house.

Anthony Sundin, 1525 Hackamore Road, asked Council for clarification on the process and cost of paving the road after installation of the new water system, only to tear up the road again to later install sewer.

Zietlow clarified that the water and sewer would be placed together and water would connect at Foxberry to Highway 55. The proposed lift station is strictly for the sewer.

Zietlow called for a two-minute recess at 9:40a.m.

C. Park Use Policy

Adams stated that a draft of the Park Use Policy has been produced as recommended by the Park Commission. The Commission has been reviewing and drafting such a policy for several months. The intent of the policy is to control future usage of the park facilities. Staff still needs to discuss if a policy, such as this one, will be sufficient, or if ordinance changes are needed. However, before staff gets too far in drafting formal changes, staff is seeking Council comment on the nature of the policy itself. Staff is seeking direction to send the policy back to staff or Park Commission for final revisions or ordinance amendments.

Brinkman stated that he likes staff's recommendations. Workman echoed Brinkman's comment.

Zietlow asked Adams for clarification on who would police the park policy. Adams stated that policing is one of the issues that will need yet to be addressed.

Zietlow asked if the Hamel Athletic Association would be willing to implement the policy. Adams stated yes.

Zietlow asked for clarification on how the City supports the Hamel Hawks. Adams stated that the City doesn't charge the Hamel Hawks a fee for use of the parks and that is how the City demonstrates support to the Hamel Hawks.

Zietlow asked whether other organizations would expect similar treatment or support.

Kim Groth, Hamel Athletic Association, stated that the City would have to look at grandfathering the Hamel Hawks, however the policy could be changed. Adams responded that again, this would be another area that would need to be addressed.

Smith suggested that signs be posted at each park with a contact phone number that is to be used for reporting a problem or concern.

Zietlow proposed the parks maintain a bulletin board on-site that would be updated according to reservations and scheduled activities.

Smith proposed posting the parks' schedules and reservations on the website. Adams stated that the City doesn't have the resources to maintain a website as of yet.

IX. REPORTS

A. City Administrator Report

1. Appointment of Police Officer – hiring update

Adams introduced Chief Belland's memo, which addresses the status of appointing a new officer to the department.

Belland updated Council on the hiring status of an additional police officer stating that he had three top candidates. From the three that he interviewed, he selected Thomas Gregory from the Deephaven Police Department and offered him a conditional job offer pending the results of the physical and psychological exams, and the City Council's Approval. Gregory has been a part of the Deephaven Police station for six years following his education at Bemidji State and has all the qualities Belland has been seeking. Gregory is very community involved, is looking for expansion opportunities, and passed his physical and psychological tests last week. Gregory is at the top pay scale at Deephaven, and Belland seeks Council's approval to bring Gregory in at Step 3 pay scale.

Moved by Smith, seconded by Workman, to authorize hiring and paying Thomas Gregory at the Level 3 pay scale based on Belland's recommendations.

Motion passed unanimously.

2. Modification to Lift Station Generators

Adams summarized Jim Dillman's memo, which addresses an alternative option to the generators the City intended to purchase as part of the 2004 Capital Improvement Budget. Cost estimates for the generator acquisition exceeded the budget by \$15,000 (\$40,000 vs. \$55,000). Dillman's recommendation is more cost effective, and upon discussion with him, staff supports the option as it meets the long-term needs for improvements to the stations.

Zietlow asked how the gas tanks had originally fit into the budget and how the lift station generators would now affect the budget. Adams stated the gas tanks were a part of the capital improvements as well as a generator, and since the lift station generators

improvement prove to be a better savings than budgeted, the burden on the budget will be alleviated.

*Moved by Workman, seconded by Smith, to approve improvement funding for Lift Station Generators. **Motion passed unanimously.***

3. Acquisition of Salt Storage Shed

Adams introduced Jim Dillman's memo which details the acquisition of a salt storage shed behind the public works building. This item was approved in the 2004 Capital Improvement Budget, and the estimate for the acquisition should be under budget. Staff forwarded Dillman's memo to Josh Doty for review of zoning compliance.

Doty recommended going through the CUP approval process as code requires.

Adams asked Dillman for the City's history of the CUP approval process.

Dillman stated that when City added onto the Public Works buildings, it had deemed odd that Council would approve a permit on itself, so the CUP process was eliminated.

Zietlow asked Council members for their opinion on whether it was important to have a public hearing on the matter. Workman stated that it seemed to make sense that the City should have a public hearing.

Workman asked if the location of the salt shed would be where the existing south sand pile is now. Dillman confirmed.

*Moved by Smith, seconded by Workman, to authorize the CUP process for the construction of a salt/sand storage structure located where the existing salt/sand pile is located. **Motion passed unanimously.***

Workman stated that the CUP process would require staff to mail letters to its neighbors to inform them of the public hearing.

Zietlow stated that even though the City is issuing a permit on itself, it at least provides an opportunity to receive input.

Doty reaffirmed that the CUP process is an opportunity to receive input, and this will provide the City a chance to do that.

X. APPROVAL TO PAY THE BILLS

*Moved by Workman, seconded by Smith, to approve the bills, order check numbers 26348-26409 for \$138,807.88, and payroll check numbers 18593-18617 for \$29,367.34. **Motion passed unanimously.***

XI. ADJOURN

*Moved by Workman, seconded by Smith, to adjourn the meeting at 10:09 p.m. **Motion passed unanimously.***

Philip K. Zietlow, Mayor

Attest:

Chad M. Adams, City Administrator