

MEDINA CITY COUNCIL MEETING MINUTES OF NOVEMBER 16, 2004

The City Council of Medina, Minnesota met in regular session on November 16, 2004 at 7:30 p.m. in the City Hall Chambers. Mayor Zietlow presided.

I. ROLL CALL

Members present: Brinkman, Zietlow, Smith, and Weir (appointed at 7:55 p.m.).

Members absent: Workman (with prior notice)

Also present: City Administrator Chad Adams, City Attorney Ron Batty, City Engineer Tom Kellogg, Public Works Director Jim Dillman, City Planner Rose Lorsung, Police Chief Ed Belland, City Planning Consultant Sarah Schield, and Recording Secretary Liza Weniger.

II. PLEDGE OF ALLEGIANCE

III. ADDITIONS TO THE AGENDA

Zietlow stated that he would like to add an item under the City Administrator Report as item C. for an Update on the Wild Meadows. Zietlow also included item 9B for Hamel Building – Equipment

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

IV. APPROVAL OF MINUTES

A. Approval of the November 3, 2004 Regular Council Meeting Minutes

It was noted on page 7, the second and third line of the first paragraph should state: "Smith stated that if the public/City did ~~not provide~~ have some benefit, then the dedication fee would ~~not~~ be reasonable ~~or~~ and justified."

*Moved by Smith, seconded by Brinkman, to approve the November 3, 2004 Regular City Council meeting minutes as amended. **Motion passed unanimously.***

V. PRESENTATIONS & INTRODUCTIONS

A. Introduction of Rose Lorsung, Medina City Planner

Adams stated Rose Lorsung started her position on Monday, November 15, 2004. Adams introduced her to the Council and public. Council expressed their welcome.

B. Presentation of Radar Equipment Award to Medina Police Department

Chief Belland Introduced Bob O'Brian and Susie Palmer from the Office of Traffic Safety. He stated Palmer and O'Brian were present to award the Medina Police Department with the award of Radar Equipment

Palmer commended the Medina Police Department. She stated that in September of 2004, a statewide crackdown on impaired drivers was performed by 400 agencies.

Palmer stated that Medina is one of nine departments that is receiving recognition and an award of a radar for the significant difference they have made.

O'Brian provided Council with information regarding the increased number of drivers on the road. He stated the most dangerous activity we as Minnesotans engage in is driving. The highest risk time period for driving is between the hours of three and seven at night.

Belland informed Council that the awarded radar is a top of the line radar, valued at approximately five thousand dollars. Belland commended his officers and department. He thanked Palmer and O'Brian for the award, and Council for supporting the police department.

VI. COMMENTS

A. Comments from Citizens on Items Not on the Agenda

Conrad Miller, resident of Medina, posed a question to Council in regard to the water treatment plant on Pinto Drive. He stated that he was concerned with the location of the water treatment plant and proposed that it be moved two blocks south to avoid sitting directly adjacent to Highway 55. He stated that by moving the plant, the City would minimize the unsightliness of the large building from the main travel thoroughfare of Medina. Dillman stated that the current proposed location of the water treatment plant is because it would be close to two wells and would be closer for distribution. Miller proposed an alternate route in order to provide a less expensive building cost. Zietlow explained that it is more cost effective to build the water treatment plant in the location currently being proposed.

Smith stated that the currently proposed location is a commercial area and the water treatment plant would be appropriately placed.

Zietlow explained that funding for the water treatment plant is not coming out of the general fund and would be paid for by the people that use it. Zietlow explained that the water costs will increase substantially for those that use it.

B. Park Commission

Dillman stated that work has begun on the playground equipment and proposed trail on Hunter Drive.

C. Planning Commission

Schild stated that Planning Commission is scheduling a special meeting on November 30, 2004 to review two applications on Hamel Road. She stated that the Commission is also planning on reviewing the Charles Cudd plat- Bridgewater at Lake Medina. She stated that the Cudd application, however, may not be reviewed until December, pending submittal status.

Schild stated that the Commission would be continuing a tabled hearing from Ryan Companies on December 14, 2004 to review outstanding issues.

Schild stated that an application will soon be in for a townhouse development, as well as a variance for a single-family housing development in the Independence Beach area.

Schild stated that Rose Lorsung is getting caught up on Planning related issues.

VIII. OLD BUSINESS

A. Accept Resignation of Councilor Jim Lane

Adams stated that Jim Lane's resignation was made effective after the Council approved the Local Canvass of Election results on November 3, 2004 as indicated in Lane's resignation letter. The Council tabled this item for discussion at tonight's meeting.

*Moved by Smith, seconded by Brinkman, to accept the resignation of Councilor Jim Lane, and to request Mayor Zietlow to send a letter on the behalf of the Council to express gratitude to Councilor Lane for his service. **Motion passed unanimously.***

B. Appointment to City Council Vacancy

Adams stated that there has been some discussion as to whether an appointment should be made to fill out the unexpired term of Councilor Lane.

Zietlow asked Batty for his legal recommendation in the proper method of filling the unexpired term of Lane. Batty stated that state statute requires that Council appoint a replacement. There is no time limit for the appointment; however, when vacancies occur, Council is to consider recommendations on how to fill the vacancy. The Council will need to make a judgment call in order to determine whether it is reasonable to bring in a new member for the remaining six weeks. (Medina City Council will have only two more meetings and a Truth and Taxation meeting).

Smith stated she is concerned Council may not be able to vote on a few agenda items tonight, as quorum will not be met. Smith recommends that Council look at election results and replace Lane's position with the number one vote getter, Elizabeth Weir.

Zietlow stated that Planning Commission is swamped for the rest of the year. He expressed concern that he did not want to overload the potential Council fill-in, as Weir will still be responsible for fulfilling her role on Commission as well as Council.

Weir stated that she would be happy to act as a fill in for Lane's position, as she is willing to do what is deemed best for the City. Joe Cavanaugh, second in votes for Council, stated that it only seems right to have Weir fill Lane's position, as she is the number one vote getter.

Zietlow stated that Weir would have to start tonight if she accepts the appointment. Weir stated she has read the packet and is up to speed and would be ready to start tonight.

*Moved by Smith, seconded by Brinkman, to appoint Liz Weir to the City Council effective at 7:55 p.m. this evening for the unexpired term of Jim Lane. **Motion passed unanimously.***

Adams swore in Elizabeth Weir to her newly appointed position on Council. Council welcomed Weir. Weir took her place as newly appointed Council Member at the front of the room.

Batty explained to the public the importance of a 4/5's vote and how the fraction was arrived at. He explained that in the case of a motion needing a 4/5 vote, with only three

members present at tonight's meeting, it would have been impossible to vote. Now, Council has four members and would now be able to make motions.

C. Resolution Granting Final Approval of Comprehensive Plan Amendment – Bridgewater at Lake Medina

Adams stated that staff has contacted the Metropolitan Council to receive clarification on the term "undesigned MUSA" in their letter addressed to the Council dated November 4, 2004. Upon review of the City's Comprehensive Plan, the term "undesigned MUSA" was a definition that originated from Medina. It refers to the 2000-2020 MUSA area as a more flexible option, rather than specifically "designating" specific areas of growth and density. The "undesigned MUSA" does not restrict Medina to specific densities in specific areas of growth, and is thus more flexible. If the Bridgewater project is approved, it will become a part of the "undesigned MUSA."

Batty clarified to the public and Council that this agenda item is an item that requires an affirmative vote and therefore, Council needs three affirmative votes for motion to carry.

*Moved by Smith, seconded by Weir to approve Resolution No. 04-63 Granting Final Approval of Comprehensive Plan Amendment – Bridgewater at Lake Medina. **Motion passed unanimously.***

IX. NEW BUSINESS

A. Public Hearing – Uptown Hamel Public Improvements

Zietlow opened the public hearing at 8:00 p.m. for all three sub-agenda items. He requested that all residents provide their name and addresses prior to speaking.

Kellogg reviewed the proposed street improvements of all three areas via overhead. Kellogg provided an overview of the complexities and costs of all three road improvement projects. \$111,000 is the estimated cost for improvements on Mill Drive. Approximately \$180,000 - \$222,000 (dependent on the decision of constructing a cast-in-place wall) is the estimated cost for improvements for Sioux Drive, contingent on funding from the railroad.

Smith asked Kellogg if the cost of a whistleless stop for the railroad crossing at Sioux Drive was included in the estimate for the improvements along Sioux Drive. Kellogg stated it is not included in the cost. An additional cost would be needed for the stop.

Weir asked for the timing of the proposed construction of the project at Sioux Drive. Kellogg stated timing is expected for spring 2005 dependent on application process.

Brinkman stated he thinks the City should strongly consider a whistleless stop. Kellogg stated the accesses would have to be studied as well as how the residents located within 150' of the access would be affected.

Adams stated staff has addressed a trail that would abut along side the railroad tracks and questioned if stop arms would cross over the trail. If not, the trail has been determined to be a safety concern.

Kellogg stated that in consideration of a whistleless access, the City would have to look at stop arms and warning signs at the crossing. Kellogg stated if Council would like staff to look at stop arms or other safety measures, a directive would need to be made.

Brinkman asked if a representative from the railroad could come in and talk to Council about the crossing on Sioux Drive and the possibility of installing a whistleless stop. Kellogg stated the idea would be feasible.

Kellogg stated that to research the configuration of the sidewalks in conjunction with the railroad and the whistleless stops would also be a good idea.

Kellogg continued his review of the sewer improvements and ponding in the Uptown area. Kellogg demonstrated via overhead the TIF boundary that encompasses the Medina area. Cost of the project is estimated to be \$488,000 for option one, and the cost of option two is estimated at \$470,000. Kellogg stated that with either project, land acquisition would be a necessity.

Batty stated there is a gap in cost totals between the two options of which he reminded Council that there will be unassessed costs which will have to be ultimately funded by some other source. Zietlow stated that has been the understanding in past discussions and that the actual unassessed costs are unavailable and unknown at this point.

Robert Golin, 2151 Cherry Hill Trail, stated that he wrote a letter on behalf of his neighbors after speaking with his neighbors who are all annoyed by the excessive train whistles at Sioux Drive. He stated that twenty-two trains were counted between a short time period of 10 p.m. and 6 a.m. of the following morning. Currently trains traveling through the crossing blow their horns twenty-four hours a day, seven days a week. At night, the whistles are heard clearly. He requested that Council pass an ordinance forbidding train horns from blowing during sleeping hours or consider looking into a whistleless train stop for the sake of neighborhoods on both sides of Highway 55.

A concern was expressed about the safety of whistleless crossings. Belland stated that most deaths occur because drivers drive around the downed cross arms.

Shorty Dorweiler, 145 Hamel Road, stated that he would not be affected by the Sioux Drive improvements, however he would like to know if the whistleless crossing would be a larger area-wide assessment other than just properties abutting Sioux Drive since it would benefit everyone. Discussion ensued and direction was given to staff to follow-up on the design option for a whistleless crossing.

Marilyn Fortin, 365 Comanche Trail, asked for clarification on who the electric provider was for underground burial of lines on Mill Drive. Tom Kellogg clarified it was Xcel Energy, not Wright-Hennepin Electric.

Mark Bryant, 155 Hamel Road, asked Kellogg to put the transparency up on the overhead concerning the Mill Drive improvements. He pointed out where his property is located in relation to the improvements. He stated that he sees the improvements mostly benefiting the Community Center. When he bought the hardware store back in February of 2004, he stated that truck traffic caused a lot of the road damage at that time. He stated that he wanted to know if Council had considered the City's impact in relation to the related assessment for the improvements.

Zietlow stated that the City's impact and benefit of the improvements have been factored into the assessment of properties abutting Mill Drive, indicating that only a small portion of the Mill Drive cost is being assessed, the rest needs to be funded by the City or possibly TIF. Zietlow also clarified that if the City uses TIF, then additional tax revenues will not be generated to the general fund until public improvements are paid.

Weir asked how the public felt about a trail along the west side of Sioux Drive. She asked if perhaps a trail would be better along both sides.

Jerry Dykoff, member of the Park Commission, stated that the Park Commission would like to have the trail only along the one side not only for reasons of safety concern, but also because the west side would lead directly into the park.

Dorweiler expressed his agreement with Dykoff.

Zietlow closed the public hearing at 8:41 p.m.

1. Resolution Ordering Improvement and Preparation of Plans and Specifications Regarding Mill Drive Improvements.

Adams stated that upon conducting the public hearing, the Council would need to order the improvements and authorize staff to prepare plans and specifications for the Mill Drive improvements. The Council previously has reviewed the improvements through the Feasibility Report. A 4/5th vote is needed to approve the resolution.

*Moved by Smith, seconded by Brinkman, approve Resolution No. 04-64 Ordering Improvement and Preparation of Plans and Specifications Regarding Mill Drive Improvements. **Motion passed unanimously.***

2. Resolution Ordering Improvement and Preparation of Plans and Specification regarding Sioux Drive Improvements

Adams stated that the Council would need order the improvements and authorize staff to prepare plans and specifications for the Sioux Drive improvements.

Moved by Brinkman, seconded by Weir, approve Resolution No. 04-65 Ordering Improvement and Preparation of Plans and Specification regarding Sioux Drive Improvements.

Smith asked if Staff had clear direction in regard to performing the research for the crossing at Sioux Drive. Kellogg stated that it is number one on his priority list. He stated that he will research the whistleless configuration and pricing.

Brinkman stated that he would really like to see someone from the railroad come in and speak to the Council. Kellogg stated that he would also check into Brinkman's request.

Zietlow stated that he is assuming Council is siding with the cast-in-place wall option. Brinkman stated no. Zietlow asked if Council was opting for the more expensive option. Brinkman stated that he would like to stay away from the look of a modular wall.

Adams stated that he and Kellogg have discussed an option for the developer of the adjoining property who could share the expense of the retaining wall. Kellogg stated that

he has not had that discussion with the developer yet, but would like to pursue the concept of sharing the expense, especially at an early stage of the design.

Brinkman asked if TIF could help with the construction of the wall. Zietlow stated yes.

Kellogg stated that he would try to get the info about the railroad by the December 7, 2004 Council meeting.

Zietlow proposed tabling the vote for a motion until further research and information was made available.

Batty informed Council that with the motion, they were only directing Kellogg to prepare the plans and specs, and providing authorization to do additional research. He informed Council that they would still need to authorize and okay his work. He summarized that by voting to move forward with the resolution, Council would be allowing Kellogg to do his work and would not be holding him back schedule-wise.

Kellogg proposed that during the bidding process, the bidding documents request a base bid for the modular wall system with an alternate add for a cast-in-wall poured wall. This way, the City would have the option of voting on going with the extra expense.

Smith stated that the aesthetics of the wall is what is most important.

Zietlow stated that he hears Council is okay to proceed with voting for the motion.

Kellogg stated that the drawings would be drawn to reflect both the modular and the cast-in-wall options.

Motion passed unanimously

3. Resolution Ordering Improvement and Preparation of Plans and Specifications regarding Uptown Hamel Storm Water and drainage Improvements

Adams and Kellogg updated the Council pertaining to the two options for storm water improvements.

Moved by Smith, seconded by Weir, approve Resolution No. 04-66 Ordering Improvement and Preparation of Plans and Specification of option number 2 regarding Uptown Hamel Storm Water and drainage Improvements.

Zietlow stated that Council would need more clear direction on which option the City should go with. Weir asked for the price of each of the two options. Zietlow stated that he is not as concerned about price, but the condemnation of land under option one.

Adams stated that a significant amount of option two is not within the TIF District.

Batty stated that the reason Kellogg pointed out the Tax increment district is to illustrate how each of the options would pan out in regard to TIF spending. Deciding upon which option is best for the City is a little complicated as while Council is not deciding upon Tax increment, there is a limitation stating that 75% of the increment must be spent within the tax increment part of the district.

Batty stated that the most expensive option would result ultimately in fewer assessments than the other less expensive option.

Kellogg stated that 79% of the total estimated costs for option one were within the TIF boundary and 38% of option two are within the TIF boundary.

Batty asked for confirmation from Kellogg on the cost of land easement acquisition in option two. Kellogg stated that \$90,000 was the estimated cost for land easement; however the estimated number has perhaps tripled by now. Kellogg has been informed by a third party that the person with the land of interest is not interested in selling; so it may be an issue of condemnation.

Zietlow asked for clarification on the costs and TIF for option number two.

Batty stated that only up to 25% of the increment received could be spent outside of the TIF boundary. The 25% is the unknown factor as the 25% represents the percentage of total TIF collected, which is an unknown at this point. Batty stated that however, the City has discussed making other public improvements in this area for the future.

Smith stated that her motion stands with option number two.

Motion passed unanimously.

B. Simple Subdivision – Charles Cudd Co.

Schild reviewed her report on Charles Cudd, LLC who is requesting approval of an exception to the platting requirements to allow a simple subdivision per ordinance 820.03. The property is 77.65 total acres and is proposed to be split into two parcels.

Schild stated that staff has reviewed the application and found that the application is consistent with the standards with conditions. This item did not require Planning Commission review.

*Moved by Smith, seconded by Weir, to approve Resolution No. 04-67 for the simple subdivision subject to conditions. **Motion passed unanimously.***

C. Resolution Accepting Feasibility Report for Park Ridge Acres Streets and Utilities

Kellogg reviewed the Feasibility Report created by his firm Bonestroo, Rosene, Anderlik & Associates. This development refers to the "Kearin/Rudd subdivision," now known as Park Ridge Acres. Adams reminded Council that the public improvements for the project need to be awarded by a deadline in June to secure funding from the State for a portion of the project (in coordination with the Highway 12 improvements). Staff is seeking acceptance of the report.

Kellogg stated that MnDot has again proposed to contribute to this project however the construction would have to begin in 2005.

Zietlow asked if any wetlands would be affected. Kellogg stated no. Dave Kearin stated that no wetland filling would take place.

*Moved by Smith, seconded by Weir, to approve Resolution No. 04-68 Accepting the Feasibility Report for Park Ridge Acres Streets and Utilities. **Motion passed unanimously.***

D. Resolution Granting Final Plat Approval to Park Ridge Acres

Schild stated that it has been a few years since the Council addressed the conditions of approval from the preliminary plat. Staff is still sorting out the details of the conditions that needed to be sufficiently resolved.

Batty stated that staff put this item on the agenda in hopes that staff would have acquired a final plat in formal format by tonight's meeting. The final plat has not been received; therefore this agenda item needs to be tabled.

*Moved by Weir, seconded by Smith, to table the approval of a Resolution Granting Final Plat Approval to Park Ridge Acres until the December 7, 2004 Council Meeting. **Motion passed unanimously.***

E. Conditional Use Permit Amendment and Site Plan Amendment to Allow Building Addition for Dairy Queen located at 752 Highway 55 – BA-JO Holdings, LLC.

Schild reviewed her report on the CUP and SUP requests as well as provided an analysis of the request. Schild stated that BA-JO Holdings, LLC. is requesting approval of a conditional use permit amendment and site plan amendment to allow the construction of a 442-square foot building addition to the Dairy Queen at 752 Highway 55. The building addition will be used for dry storage and a freezer.

Schild stated that the Planning Commission reviewed this project at the November 9, 2004 meeting and voted to recommend approval of both the conditional use permit amendment and site plan amendment. Staff is seeking authorization to prepare the resolution for the amendments.

Schild stated that staff did not have time to review the newly revised landscaping plan.

Zietlow stated that he did not see anything listed as part of the conditions from Planning Commission in regard to the width of the driveway.

Smith stated that she has noticed that there has been some remodeling on this building for a long period of time and was wondering why this was a concern at this time. Schild stated that the applicant had filed for a permit earlier in the year to do remodeling, however, in the process, staff noticed that there were quite a few things that needed to be met in order to meet conformity issues that triggered the CUP amendment. The issues of non-conformity are what is in front of Council tonight.

Smith stated that she had one concern and that was for lighting. A concern is for security lighting and she would like the City to require a motion sensor light as a standard on all new construction, instead of allowing lights to remain on all night.

Schild stated that signage has been reviewed, and the conditions require that the lighting of signage must be turned off between the hours of 10 p.m. and 6 a.m. depending on closing/opening hours.

Schild stated that staff and the Planning Commission is recommending approval with conditions. Two outstanding items include the dumpster enclosure and lot combination.

Batty asked for clarification on whether the lot combination would be needed for the dumpster enclosure.

Smith stated that condition number 13 should be changed to "must" in lieu of "is strongly encouraged to". Batty stated he recommends that applicant apply for lot combination.

Weir stated that the remodel and addition is a great improvement.

Batty stated that a variance requires consideration from Planning Commission before going forward for approval from Council. Schild stated that a public hearing is not required, only a meeting. Weir proposed addressing the variance at the November 30 2004 extra meeting. Schild stated that she is not sure if a ten day notice is a requirement of the public meeting. Batty stated that the statute requires that a notice must be given per the ruling of local statutes.

Schild stated that she is not sure if the applicant will be able to meet their January 1, 2005 deadline if the application is not approved tonight.

Ed Johnson, owner and applicant, asked for the variance measurements.

Weir stated that the variance is not necessary because this was a preexisting lot. Schild stated that this was an error on the part of the Commission which was not realized until after the meeting. Schild stated that upon her review, the City would be setting precedence for future restaurants by requiring enclosed dumpsters.

Johnson asked how the law reads pertaining to enclosing a dumpster. His understanding was that the law requires that the dumpster is contained inside a "structure".

Weir clarified "inside a building". Smith stated the dumpster should not be outside storage.

Johnson stated the dumpster is not outside storage, as it would be contained inside a building.

Jim Janeksela, applicant and co-owner, stated his franchise would be pulled if the restaurant is not up and running by January 1, 2005. He informed Council that 1.2 million dollars is already involved in the remodeling project.

Adams stated that staff was initially told last spring that August 1, 2004 was the franchise deadline and that deadline has come and passed without franchise revocation.

Johnson stated that they have a ton of hurdles to overcome before they can get the plans drawn up and approved by the Health Department.

Batty stated that Schild has to determine if a variance is required and determine if a ten day notice is required for a meeting.

Schild stated that Council could move the item forward to the November 30, 2004 extra Commission meeting upon the prompt receipt of plans.

Johnson stated that it was his observation that the neighboring oriental restaurant does not have garbage stored inside or outside, it is in a dumpster out in the open. Johnson asked Council if his restaurant is being made an example of.

Batty asked Schild if the garbage has to be inside a "principal" building or strictly inside any building. Weir asked if it mattered whether the building was already pre-existing.

Johnson stated the building will be stuccoed to match the main restaurant building, complete with a roof and steel doors. The structure will also be built on a concrete slab to meet code.

Schild stated that she is not aware of the Health Department's codes.

Johnson stated that the addition they are building to the main restaurant building will not allow enough room for him to store the dumpster.

Janeksela stated the reason they wanted to put the addition on was because the rear of the building, which stored the freezer, was an eyesore. Also, their storage was in a metal storage building which did not match and was also an eyesore.

Batty stated that Council may not be able to resolve this tonight; however Council could still authorize staff to prepare a resolution. If the owners do need a variance, it would be wise for the owners to apply right away and review the matter at the extra Planning Commission meeting on November 30, 2004 and then again before Council at the December 7, 2004 meeting.

Schild stated that she found the specific verbiage on the code for proper trash containment which reads, "Trash and Recycling Facilities – All storage of trash or materials to be recycled and their containers shall be stored within the principal building or in an enclosed area, composed of material consistent with the materials and architecture of the principle building and which is screened from view and adjacent to and abutting the principal building."

Weir proposed moving the garbage storage to parking spaces 17 or 18, which would abut the storage adjacent to the building. Smith proposed moving the storage to be adjacent to the addition.

Smith instructed that the applicant get their plans in immediately to allow ample time for planning staff to review.

*Moved by Smith, seconded by Brinkman, to authorize staff to prepare a Resolution to grant Conditional Use Permit Amendment and Site Plan Amendment to Allow Building Addition for Dairy Queen located at 752 Highway 55 – BA-JO Holdings, LLC with conditions, and changing the verbiage for condition number 13 to "must" in lieu of "is strongly encouraged to". **Motion passed unanimously.***

IX. ADMINISTRATION
A. City Administrator Report

1. Hamel Community Building – Operating Agreement

Adams stated that he has been meeting with the Hamel Lions to discuss their Request for Proposal (RFP) to provide operational and maintenance services for the facility. Adams has arrived at a conceptual agreement for the services. Staff is seeking authorization to prepare an agreement with the Hamel Lions for operational and maintenance services to the facility

Adams reviewed the broad terms of the agreement. Adams introduced the Lions and asked if they have any questions or comments. No questions or comments noted.

Adams stated that January 1, 2005 is the targeted opening date.

*Moved by Weir, seconded by Smith, to authorize staff to prepare an agreement with the Hamel Lions for operational and maintenance services to the Hamel Community Building. **Motion passed unanimously.***

B. Hamel Building – Equipment

Adams provided a background of the building budget to date. He stated that currently through the Ebert contract, the City may have a \$400 credit. The projected surplus was \$7,300 giving the City a total of \$7,700. When combining the credit with the equipment budget, the City may have up to \$17,700 dollars to spend. The Lions have proposed that the City move forward with a change order with Ebert for \$6,500, not including four hours of construction management time and two hours of the architect's services.

Adams stated that the Hamel Building would still need tables, chairs, podium, and other furnishings for operation. The warming house, coat racks, and some landscaping have not been addressed yet and are to be completed by the Lions after Ebert is finished.

Smith proposed staff check into a second hand office supplier for tables and chairs. Adams stated that he will discuss the option with the Lions; however discussion has already taken place to acquire light plastic tables which would match the building colors.

*Moved by Smith, seconded by Weir, to approve change order for kitchen quarry tile and FRP on kitchen walls in the amount of \$6500 plus construction management and architect fees, and to use remaining surplus building funds to purchase equipment and furnishings for the building. **Motion passed unanimously.***

C. Wild Meadows

Zietlow stated that this agenda item is to update concerned residents who were concerned with progress occurring at Wild Meadows development. BRAA inspected the development and concurring agreement over the past couple of weeks and details of the study has been posted in a report that is currently open for review.

Adams stated that an annual meeting with the developer is scheduled for December 21, 2004 with Council on the status of the project.

Adams stated that timing has been an issue and the reports from the citizens and BRAA are very thorough. He commended the citizens for being involved with the progress issues.

Smith asked how the City can take measures in making sure that the developer is doing what they are supposed to be doing.

Dillman stated that BRAA has people that are keeping track of Wild Meadows. He confirmed that there is a lot of dialog between the developer and BRAA.

Adams stated that the City is not really supposed to be getting involved with the some of the items, such as private trails, at Wild Meadows.

Adams stated that the City is protected by the letter of credit carried by the developer. Zietlow proposed that Council wait until the developer meets with Council before making a determination of how to act on the letter of credit.

Smith stated that she is really unhappy with the Gramercy project. The landscaping has gone forward, however landscaping plans and grading plans have not been submitted and reviewed by staff and Council. Brinkman asked what recourse the City would have with the developer.

Adams stated that the plans regarding Gramercy will be addressed again at a Council meeting on December 7, 2004.

X. APPROVAL TO PAY THE BILLS

Adams stated that he has also requested that the Council approve pay request #6 to Ebert Construction for the Hamel Community Building in the amount of \$150,089.55.

*Moved by Smith, seconded by Brinkman, to approve the bills order check numbers 027191-027252 for \$270,267.58 and payroll check numbers 018951-018990 for \$26,822.26. **Motion passed unanimously.***

Lil Jungels, President of Lions, stated that the Lion's would like to see the Community Center opening ceremony be scheduled for Saturday, January 29, 2005 to coincide with the sledding and skating party. She informed Council that if the City needed financial assistance with the fireworks presentation, their budget and finance committee would be meeting on Wednesday, November 17, 2004 to discuss a possible donation.

XI. ADJOURN

*Moved by Brinkman, seconded by Smith, to adjourn the meeting at 10:25 p.m. **Motion passed unanimously.***

Philip K. Zietlow, Mayor

Attest:

Chad M. Adams, City Administrator