

MEDINA CITY COUNCIL MEETING MINUTES OF JANUARY 4, 2005

The City Council of Medina, Minnesota met in regular session on January 4, 2005 at 7:30 p.m. in the City Hall Chambers. Mayor Workman presided.

I. ROLL CALL

Members present: Brinkman, Cavanaugh, Smith, Weir, and Workman.

Members absent: None.

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

II. PLEDGE OF ALLEGIANCE

III. CEREMONIAL MATTERS

A. Oath of Office for Mayor Bruce Workman

Mayor Bruce Workman was sworn in for a two-year Mayor's term.

B. Oath of Office for Councilors Elizabeth Weir and Joe Cavanaugh

Both Councilor's Weir and Cavanaugh were sworn in for four-year Council member terms.

C. Recognition of Outgoing Mayor Phil Zietlow

Adams stated that on behalf of staff, a special thanks to Phil Zietlow for his years of service and leadership on the Planning Commission, City Council and as Mayor. Staff and committee members have enjoyed working with him.

Smith announced that an open house will be held January 18, 2005 (prior to the City Council meeting) to honor and thank Zietlow for his service.

Workman, Smith and Brinkman expressed their gratitude. Weir proposed presenting Zietlow with a plaque.

Zietlow passed the key to the City to Workman and proposed that Council take him up on challenges to have fun, let staff do their jobs as they are fantastic folks, and to keep the tax rate low.

IV. ADDITIONS TO THE AGENDA

*Moved by Weir, seconded by Smith, to approve the agenda as presented. **Motion passed unanimously.***

V. APPROVAL OF MINUTES

A. Approval of the December 21, 2004 Regular Council Meeting Minutes

It was noted on page 8, the last line of the fifth paragraph under agenda item 9A2 should state: "...to make the building more presentable technologically useable (i.e. electronics, microphones, etc.)."

*Moved by Smith, seconded by Weir, to approve the December 21, 2004 Regular City Council meeting minutes as amended. **Motion passed unanimously.***

VI. CONSENT

A. Acceptance of \$28,650 Charitable Gambling Fund Donation from Hamel Firemen's Relief Association to designate to the Hamel Volunteer Fire Department Equipment Fund

C. Designation of Crow River News as Official Newspaper

D. Resolution Designating Institutions to Invest in Idle Funds

E. Designation of Official Depositories

*Moved by Weir, seconded by Smith, to approve items A, C, D and E of the consent agenda. **Motion passed unanimously.***

B. Acceptance of \$2,000 Charitable Gambling Fund Donation from Hamel Firemen's Relief Association to designate to the Hamel Community Building

Adams pulled item B from the Consent Agenda for discussion purposes.

Adams stated that he would like to see a recommendation for where the \$2,000 donation should be allocated. Staff is seeking direction from Council.

Workman stated that he would like the item be sent back to the Park Commission for allocation determination.

VII. COMMENTS

A. Comments from Citizens on Items Not on the Agenda

None heard.

B. Park Commission

Dillman stated that the Park Commission meeting will be wrapping up the CIP and will be gearing up for the busy year ahead.

Smith stated that equipment and improvements to the parks will also need to be discussed.

C. Planning Commission

Schild stated that the Planning Commission is planning on discussing Gramercy and its preliminary plat, as well as addressing Cudd and its zoning, PUD and preliminary plat. A discussion will also be held in regard to the property at 185 Hamel Road from Darrel Farr Development.

Schild stated that the Planning Department is as busy as ever. Schild stated that Lorsung has been examining long term issues that will need to be addressed in the upcoming year.

VIII. NEW BUSINESS

A. Appointments

1. **Appointments to Park Commission for three-year terms**

Adams stated that the terms for Jeff Evanson and Gerald Dykhoff are expiring in January 2005. Dykhoff has been serving on the Commission since 1989 and Evanson was recently appointed to serve out the unexpired term of Theresa Richey. Both have expressed an interest to continue serving on the Commission. December 31, 2004 was the deadline to receive applications for the two positions.

*Moved by Weir, seconded by Brinkman, to approve the appointment of two existing members, Jeff Evanson and Gerald Dykhoff, to Park Commission for three-year terms.
Motion passed unanimously.*

2. **Appointment to Planning Commission for one-year term**

Adams stated that he has received new applications to serve on the Planning Commission. December 31, 2004 was the deadline to receive applications for two positions. One appointment is needed to complete the unexpired term of Bill Loe (through March 2006).

Tom Crosby introduced himself and volunteered himself for a one-year term. He stated that he has been a resident of the same house on Willow Drive since 1965. He stated that he is a partner of a large law firm and was once a part of the City Council. He listed his life experiences and expressed concerns that he would like to see addressed.

Tom Supel introduced himself and stated that he has had experience in Planning and Zoning as well as City Council. He had moved to Medina in 1977 and enjoys the lifestyle of Medina.

Jeff Pederson stated that he has been a part of the Planning Commission in the past and has a lot of interest in the City of Medina. He stated that he has lived in Medina for forty years and is excited to use his background and experiences within his role as a member of Planning Commission.

Weir asked Pederson to expand on his desire to see Medina grow. Pederson stated that he had aided in helping form the comprehensive plan. He stated that he would only endorse Medina's growth to expand at the pace for which Medina can handle.

Cavanaugh asked Pederson and Supel if they would prefer one or three year terms. Both commented that they did not have a preference.

Workman proposed conducting a ballot format in a two-part process. He proposed voting on the one-year term first. Adams passed blank ballots to Council Members.

Adams stated that Tom Crosby won the one-year term position with four votes, with one for Tom Supel. Crosby is then appointed for the one-year term.

3. Appointment to Planning Commission for three-year term

Adams stated that the other appointment needed is for three years (Liz Weir’s term was to expire in March 2005). Ron Johnson’s term will also expire in March 2005 and can be addressed at a later date.

Adams passed blank ballots to Council Members.

Adams stated that Tom Supel won the three-year term position, with three votes and two for Pederson. Supel is then appointed for a three-year term.

Workman proposed that Jeff Pederson re-apply in March of 2005 for the three-year term position.

4. 2005 Appointments

Adams provided the list of appointments from 2004 for Council’s reference. Adams stated that he and Mayor Workman have been working on completing the list for 2005 by tonight’s Council meeting.

Adams stated that Council members contacted him or Mayor Workman for specific appointments, and that all positions had been filled except for two. Adams sought volunteers for the two remaining open committees.

The appointment list is as follows:

Acting Mayor	Carolyn Smith
Public Safety Liason	Bruce Workman
Public Works Liason	Joe Cavanaugh
Planning & Zoning Liason	Elizabeth Weir
Parks Liason	Carolyn Smith
Administration Liason	Bruce Workman
Finance Committee	Bruce Workman
	Randy Brinkman
	Chad Adams
City Attorney	Ron Batty
Prosecuting Attorney	Steve Tallen
City Engineer	Tom Kellogg
Building Inspector	Metro West Inspection
	Rose Lorsung & Loren
	Kohnen
Zoning Administrator	Sandie Larson
	Michelle Grassmann
	(alternate)
WH Recycling Commission Representative	Garry Spurlock
Lake Minnetonka Communication Commissioners	Randy Brinkman
(2) (non-officers meet quarterly - 3rd Tuesday @ 5	(alternate)
p.m.)	Chad Adams
Northwest Suburban (NWS) Chamber of	Bruce Workman
Commerce Representatives (2nd Tuesday @ 7:30	(alternate)
a.m.)	Loren Kohnen
Fire Marshal	Bruce Workman
Weed and Tree Inspector	Madeleine Linck
Elm Creek Watershed (2nd Wednesday @ 11:30	Carolyn Smith (alternate)
a.m., Maple Grove City Hall)	

Pioneer-Sarah Creek Watershed (last Thursday @ 4:30 p.m., Independence City Hall)	Donald Johnston
Minnehaha Creek Watershed	Randy Brinkman (alternate)
Northwest Hennepin League of Municipalities (2nd Wednesday @ 6 p.m.)	Phil Zietlow
Communities in Collaboration Council (1st Thursday @ 4:30 p.m.)	Carolyn Smith
Healthy Communities Committee	Chad Adams (alternate)
	Ed Belland - Police Department
	Elizabeth Weir
	Elizabeth Weir
Highway 55 Corridor Coaliton Joint Powers	Chad Adams (alternate)
Hamel VFD Relief Association (2nd Monday @ 9:00 p.m.) (need 2 elected officials as ex-officio members)	Carolyn Smith
	Joe Cavanaugh
	Carolyn Smith-Phil
Manure/Horse Management - Medina Horse Association Liaison	Zietlow
	Staff - Chad Adams

*Moved by Weir, seconded by Brinkman, to approve the 2005 appointments as presented in addition to the newly appointed volunteers. **Motion passed unanimously.***

B. Duane and Vicki Keskitalo – Variance for Rear-Yard Setback – 2874 Independence Beach

Schild reviewed her staff report stating that Mr. and Mrs. Keskitalo have requested a variance from the required thirty-foot rear yard setback to allow for the addition of a three-season porch to an existing single-family residence on a legal non-conforming lot.

Schild presented the Certificate of Survey of the property via overhead and provided an analysis of the request.

Schild also stated that Planning Commission has recommended approval of the variance. Staff is seeking Council direction to prepare the resolution if approved.

Workman proposed that an entirely new set of zoning standards be issued for this area/neighborhood; currently, the lot sizes are so small that a variance request needs to be made each time a permit is brought forth to Planning and Zoning. He requested that the Planning Commission or staff go back and address the setbacks for the area.

Mrs. Keskitalo stated that the proposed addition is to allow for a window and a fireplace, as well as provide a uniform appearance of the rear of the house.

Smith stated that she does not feel comfortable calling the addition a three-season porch when it is heated. She stated that she feels that this addition should be considered a building addition that will be used all year round. She further stated that the City Assessor would not call the addition a three-season porch.

Cavanaugh asked if any neighbors had raised any questions or concerns in regard to the addition or variance request. Mrs. Keskitalo stated no.

Moved by Smith, seconded by Weir, to authorize staff to prepare the resolution to approve the variance for a rear yard setback with the recommendations of the Planning Commission with the exception of condition number one.

Weir and Smith debated on the proper rear setback definition. Weir stated that she thought condition number one should stand as is. Smith stated that the wording is confusing.

Motion passed unanimously.

C. Charles Cudd Co. request for City Engineer to Prepare Plans and Specifications for Public Improvements

Adams stated that staff has received another request from the developer to authorize the City Engineer to prepare plans and specs for public improvements now that the Comprehensive Plan has been approved. The City Council considered this item on August 17, 2004 and chose not to authorize the City Engineer to move forward. Staff at that time recommended not proceeding forward because the Metropolitan Council had not approved the Comprehensive Plan Amendment and because the Planning Commission had not voted on the rezoning to PUD and preliminary plat.

Adams stated that even though the Metropolitan Council has approved the Comprehensive Plan Amendment and the developer is willing to front the costs, staff remains opposed to proceeding forward since the Planning Commission and City Council has not reviewed the rezoning request to PUD and the preliminary plat. Staff would support proceeding forward with plans and specs after Council approves the preliminary plat.

Brinkman stated that he feels uncomfortable with the expediency and rush of events of the approval/authorization process being pushed by Cudd Co. Brinkman stated that he is offended that the developer is making this request as there is still quite a bit of work to be done.

Charles Cudd of Cudd Co., stated that he is offended that Brinkman is offended. The developer stated that his argument for making the request was because he thought the planning process would be easier and more accurate if the plans and specs were drawn up for the public improvements.

Smith asked Batty about liability and responsibility issues if Cudd was permitted to move forward with the work, and who would be responsible to pay for any necessary changes which might need to be made.

Brinkman stated that he has requested to see submittals from Cudd Co. and has not yet seen anything.

Adams stated that he has correspondence for the public improvements, with dollar amounts, as well as how the improvements would be paid for and that this information would typically be brought forward again during formal Council review.

Weir asked what the "normal" procedure would entail. Workman stated that there is no normal procedure, and he would endorse following staff's recommendation.

Kellogg stated that a feasibility study has been performed with the Hackamore Road and its related public improvements.

Adams stated that the preliminary plat is going before Planning Commission in a week.

Cavanaugh asked for clarification on who would be responsible for paying the burden if anything would go awry on the project. Adams stated that the developer would be responsible for paying any necessary changes. Charles Cudd concurred.

Workman stated that there is a chance that the plat and the rezoning may not happen. He asked if the City has any liability with concern to the rezoning and plat.

Batty stated that this is a unique situation and there is no precedence. There is no financial risk to the City because the developer has money in escrow. Batty stated that the arguments have remained the same; however he does remember that a May 2005 timeline has been discussed.

Brinkman stated that he feels this project is being rushed.

Weir asked how the developer would be affected if Council chose to go with staff's proposed course of action.

Adams stated that the staff is recommending a preliminary plat and rezoning review by Planning Commission and Council and under the best-case scenario, preliminary plat could be approved by Council at the second meeting in February. Staff would then feel comfortable authorizing preparation of plans and specs for the public improvements.

Kellogg explained the survey process (the survey will take up to two to three weeks to perform) as well as the design process. Kellogg stated that from start to finish, three to four months will be the time period to get the survey, design and planning process completed.

Adams questioned if the pedestrian/bike trail would be included in preparation of plans and specs. Kellogg answered in the affirmative. Adams questioned how staff would know where to locate the trail in the plans and specs if the planning commission, park commission and Council did not have an opportunity to review and provide comments on the preliminary plat and rezoning to PUD. Adams also stated that the citizens have not had an opportunity to provide comment on this project through a public hearing and questioned moving forward with public improvements before their input.

Weir asked if Council would be setting precedence for other developers by following through with preparation of plans and specs. Brinkman stated absolutely.

Smith stated that the road needs to be improved and that the City of Medina will require the developer to pay for the improvements.

Moved by Weir, seconded by Brinkman, to support staff's recommendation to not proceed with plans and specs for public improvements until the preliminary plat was approved by Council.

Smith asked if the process could be expedited. Kellogg discussed a possible compromise could be made to have the survey work be approved in lieu of the approval of the plans and specs.

Moved by Weir, seconded by Smith, to amend previous motion to include authorizing Bonestroo to conduct the survey work.

Motion passed 3-1-1, (Brinkman opposed) (Workman abstained)

D. Agreement and Contract for Fire Protection with City of Maple Plain

Adams stated that staff has negotiated the final terms of the agreement and recommends approval. The agreement is still subject to City of Maple Plain review.

Adams explained the highlights of the contract.

*Moved by Smith, seconded by Weir, to approve the agreement and contract for Fire Protection with City of Maple Plain. **Motion passed unanimously.***

Brinkman requested that Workman call for a revote of the previous motion made under agenda item 8C. He expressed his concerns conveying the negative repercussions by approving the survey. Weir asked Batty to comment on calling for a revote. Batty stated that this comes down to a judgment call and that Brinkman would have to make a motion to withdraw.

Moved by Brinkman, seconded by Weir, to reconsider the vote.

Smith stated that she is in support of the survey process, and questions Brinkman's motive for questioning Cudd's integrity in front of the Council audience. Smith stated that she does not think that the City is jeopardizing itself by allowing the developer to pay for the survey process.

Weir asked Adams if moving forward with the survey would compromise staff's position. Adams stated that staff does not recommend moving forward with the survey, even though some benefit could be provided.

Smith stated that she feels uncomfortable re-voting on the motion after the people affected by the vote have already left the room.

Workman called for a vote to reopen the discussion.

Motion failed 3-1-1, Cavanaugh, Weir, Smith opposed (Workman abstained).

E. Ordinance Amending City Code Section 200 – Council Procedures

Adams stated that he has been asked by a few Council members over the past few months to consider revising the Council procedures regarding the time of Council meetings, and a requested change to 7:00 p.m. instead of the current 7:30 p.m. Adams provided a revised ordinance with the suggested change and has also revised a few other sections, as noted, to make the ordinance more consistent with current practices. Staff supports the changes to the ordinance.

Discussion ensued amongst Council members about moving minutes to end of agenda.

Workman stated that he also proposes that the Council meetings do not go any later than 10:00 p.m. He stated that he and Adams would review the agenda to predetermine if the meeting would run late and make the appropriate changes.

Cavanaugh proposed that a change be made in the ordinance that would reflect the 10:00 p.m. deadline with the ability to extend with majority vote.

Batty stated that he has worked with a City that has placed a deadline; however, he proposed that Council practice the process before changing the ordinance.

*Moved by Weir, seconded by Smith, to approve Ordinance No. 378 Amending Section 200 et. Seq. of the Code of Ordinances Regarding Various Amendments to Council Procedures. **Motion passed unanimously.***

F. Resolution Affirming the Adoption of the 2000-2020 Comprehensive Plan

Adams stated that the Metropolitan Council is requesting that the City submit its resolution that approved the 2000-2020 Comprehensive Plan for the purpose of Metropolitan Council to review the Tier II Sanitary Sewer Improvements. The Council never approved a formal resolution, and approved the Comprehensive Plan by motion. Adams provided a resolution, which should be sufficient for Met Council's needs.

*Moved by Smith, seconded by Weir, to approve Resolution No. 2005-02 affirming approval of 2000-2020 Comprehensive Plan. **Motion passed unanimously.***

G. Ordinance Adding Section 520 to the City Code Establishing a Park Commission

Adams provided a proposed ordinance for the establishment of the Park Commission. An ordinance was needed for preparation upon the discussion of establishing the same term limits for the Park Commission and Planning Commission. Staff recommends approval of the ordinance.

Batty stated that the terms of the Park Commission were proposed to begin January first and have staggered three year terms.

Adams illustrated the major changes in the Ordinance.

Smith stated that trails should be included in Subdivision number one. Batty stated that the dedication of trails is included already in the wording of the ordinance.

*Moved by Smith, seconded by Weir, to approve Ordinance No. 379 adding Section 520 to the City Code Establishing a Park Commission with the addition of the word "full" of the majority vote of Subdivision 3. **Motion passed unanimously.***

IX. CITY ADMINISTRATOR REPORT

A. Acquisition of Administrative/Planning Vehicle

Adams stated that he and Chief Belland had the opportunity to test drive several used State of Minnesota vehicles that are available for sale. Adams stated he and Belland recommend the acquisition of a 2001 Ford Taurus for \$4,300. The funds would come out of the equipment fund, which is under the \$5,500 budgeted in the 2005 CIP.

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*Moved by Smith, seconded by Brinkman, to approve the purchase of the 2001 Ford Taurus for \$4,300 plus taxes and licensing. **Motion passed unanimously.***

B. Uptown Hamel Traffic/Road Study

Adams stated that staff has been receiving a number of comments and concerns regarding traffic safety and future road design for development of Uptown Hamel from citizens, Planning Commission members and Councilors. Staff recommends that a formal traffic study/future road plan be provided to assist the Planning Commission and Council with development decisions for the area. Cost of the study could be funded through the TIF District. Staff seeks discussion/direction on this matter.

Workman asked for additional specific on the facts of the study. Adams stated that the cost for the study would be up to \$5,000 base on initial scope, and Bonestroo would perform the study. Kellogg stated that their Transportation Department has preliminarily identified nine different concerns for the Sioux Drive/Hamel Road intersection.

Workman asked why the City has waited so long to address the need for the study. Weir stated that the situation has only just come up. Weir stated that she would suggest that the ordinance include a rear access to the large developments.

Workman stated that the traffic study should look at what is happening at Sioux Drive, Hamel Road as well as Mill Drive.

Kellogg stated that scope of the project would need to be better defined before defining the cost of the study. Therefore, staff needs to know what Council's issues are so that a study area can be developed.

Weir stated that she would like the south side of the railroad easement in Uptown Hamel to be studied for possible rear access to future development on the North side of Hamel Road.

Workman asked Council if the traffic study was necessary and suggested that the goals first be outlined, and requested that the price be brought forth based upon the stated goals.

Workman proposed that the scope would include the future development north of the Hamel development.

Belland stated that five accidents within ten years have occurred at the intersection of Hamel Road at Sioux Drive.

Brinkman stated that the traffic study will be of an aid to the developers in the area.

Workman asked that Kellogg include in the traffic study the development for the next five to ten years (as described in the comp plan) as well as the intersections around the Hamel area, and on/off street parking.

*Moved by Smith, seconded by Weir, to authorize staff to perform a traffic study for the Uptown Hamel area. **Motion passed unanimously.***

Kellogg summarized his future steps and asked for clarification on how far west the study should examine.

Workman asked Kellogg when Council would know more about the whistleless railroad crossings. Kellogg stated that he would hesitate on the design of Sioux Drive if the traffic study recommends Sioux Drive be redesigned. The whistleless railroad crossing will be delayed until the traffic study can be performed. He proposed moving forward with the storm water design and getting it approved by the Railroad as it will not likely have a lot of changes. However, Sioux Drive should be delayed as it could possibly change due to the results of the Traffic Study.

C. Council Retreat/Goal Setting Session

Adams stated that there is interest in conducting a retreat/work session with the Council to determine goals, strategies, and plans for the next few years. A February meeting is suggested, possibly for an all-day Saturday. The Council has budgeted \$2,000 for such a retreat/session, if needed.

Workman stated that he would like Council to discuss priorities for the year, and proposed that Adams put together an outline of the meeting.

Adams stated that the session would be from 11 a.m. to 5 p.m. on February 12, 2005.

X. APPROVAL TO PAY THE BILLS

Adams stated that an additional check for the purchase of tables and chairs for the recreation building would also need to be approved.

Moved by Smith, seconded by Weir, to approve the bills order check numbers 027389-027437 for \$92,209.41 and payroll check numbers 019036-019054 for \$24,459.47.

Motion passed unanimously.

XI. ADJOURN

*Moved by Smith, seconded by Weir, to adjourn the meeting at 9:49 p.m. **Motion passed unanimously.***

Bruce D. Workman, Mayor

Attest:

Chad M. Adams, City Administrator-Clerk