

## MEDINA CITY COUNCIL MEETING MINUTES OF JANUARY 18, 2005

The City Council of Medina, Minnesota met in regular session on January 18, 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:**

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

### II. PLEDGE OF ALLEGIANCE

### III. ADDITIONS TO THE AGENDA

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

### IV. APPROVAL OF MINUTES

#### A. Approval of the January 4, 2004 Regular Council Meeting Minutes

It was noted on page 5, the second and third lines of the second to last paragraph should state: "...porch when it is heated ~~with heat~~. She stated that she feels that this addition should be considered a building addition that will be used all year round ~~through~~."

It was noted on page 6, the first and second lines of the third from the last paragraph should state: "...Smith asked Batty ~~stated that she was concerned~~ 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 ~~any necessary changes would need to be made~~."

It was noted on page 7, the first and second line of the last paragraph should state: "...to be improved and ~~hopes~~ that the City of Medina will require ~~allow~~ the developer...."

It was noted on page 8, the last line of the second paragraph should state: "...of ~~strictly~~ the plans and specs."

It was noted on page 9, the last line of the fourth paragraph should state: "...10:00 p.m. deadline with the ability to extend with majority vote."

It was noted on page 9, the last line of the fourth from the last paragraph should state: "...and have staggered ~~staggering~~ three year terms."

It was noted on page 10, the eighth paragraph should state: "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 as the boundary of the City to be studied."

*Moved by Weir, seconded by Smith, to approve the January 4, 2005 Regular City Council meeting minutes as amended. **Motion passed unanimously.***

## **V. PRESENTATION**

### **A. \$2,200 Donation from Hamel Lions to Medina Police Department for Defibrillator**

Robert Hed stated that the Hamel Lions Club is donating \$2,200 of charitable gambling funds to the City of Medina. The Police Department desires to use the requested funds for the acquisition of a defibrillator.

Belland accepted the donation from Hed explaining that the defibrillator is going into the reserve unit for when there are occurrences of heart attack out on a call.

Adams stated that Staff recommends acceptance of the \$2,200 for the acquisition of the defibrillator.

Workman thanked the Lions for their generosity, which has been displayed time and time again.

*Moved by Smith, seconded by Weir, to accept the \$2,200 Donation from Hamel Lions to Medina Police Department for Defibrillator. **Motion passed unanimously.***

### **B. Wild Meadows – Annual Report to Council**

David Newman of Bancor Development presented Kim Chapman of Applied Ecological Services, Inc. (AES) stating that he is present to provide Council with an annual report and to answer questions. Copies of a memo from Paul Robinson, Development Manager of Wild Meadows, which represents their responses to citizen concerns on the project, were provided to Council Members for their reference.

Chapman presented a PowerPoint presentation of the Wild Meadows progress dated 2002-2004. The planning started five years ago, and the first plantings began in 2002. Chapman provided explanations for the plantings (i.e. cover crops) in the prairies and wetlands, restoration (seeding, brushing, and prescribed burning) activities in 2004, the planned restoration activities for 2005, non-native species, tree plantings, improved ponds and water quality, watercourses, and management plan and education activities.

Chapman presented the as-built/restoration plan to demonstrate that his firm is keeping the plan current and up-to-date. He also presented the Planting & Maintenance Schedule for 2002-2010 explaining that Wild Meadows is the second largest restored prairie in the state. He discussed what his firm and the City has learned from the entire planting process.

Weir asked who would be responsible for maintaining the prairie after AES has completed its work. Newman stated that the (HOA) would be responsible for the care.

Chapman explained why AES is substituting further plantings of bare root trees for the RPM (root production method), as explained in the memo from Paul Robinson.

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Weir asked if the new trees would be babied (in care) during the next few years. Chapman explained that the trees will be mulched, and during the times of drought, the trees would be watered.

Newman stated that at the initial discussion of the project, it was agreed that the employment of a part-time ecologist would be necessary. He stated that he was originally concerned that it could be risky to hire the part time person from the same firm who originally did the work. However, upon further research and discussion, hiring AES would be sensible as they are the most qualified in maintaining the prairie and planting related activities.

Weir asked if it would be the responsibility of Council to check in on the HOA in order to verify whether they were keeping up with the maintenance of the prairie.

Newman stated that The Minnesota Land Trust will be granted a conservation easement over about 200 acres of open space that has been restored with native prairie grasses, etc. (The City of Medina now holds that conservation easement). The developer gave this easement as part of the City's development agreement. Once conveyed to the Land Trust, it will monitor the conservation easement and will have the authority to enforce the easement terms. The HOA and developer will be responsible for the areas outside of the conservation easement area. If the developer or HOA do not follow through on their enforcement (or restoration) provisions, they are in default of the developer's agreement with the City.

Weir asked if Council is still holding the letter of credit from the developer. Workman stated that there is a time limit on the letter of credit which requires that the specifications on the public improvements have been met.

## **VI. CONSENT**

- A. Approve Independent Contractor's Agreement for Snow Removal Services – Lindsley Lawn & Snow, Inc.**
- B. Resolution Granting Approval of Final Plat for Gramercy Club at Elm Creek**
- C. Resolution Granting Approval of Variance to 2874 Lakeshore Avenue – Keskitalo**
- D. Set City Council Retreat/Goal Setting Session for February 12, 2005 at 11:00 a.m. at Hamel Community Building**
- E. Set Board of Equalization Date for Wednesday, April 6, 2005 at 6:30 p.m. at Medina City Hall**
- F. Approve Gambling Raffle Permit to Minnesota Motorcycle Riders Association Inc. for February 5, 2005 at Medina Entertainment Center**
- G. Approve Gambling Raffle Permit and 3.2 Malt Liquor License to Holy Name Jesus Church for March 12, 2005 at Holy Name of Jesus Church**
- H. Approve Gambling Raffle Permit to Turn In Poachers West Metro for March 6, 2005 at Medina Entertainment Center**
- I. Approve Protective Signaling System Monitoring Agreement with Wolf Protection Agency, Inc. for Hamel Community Building**
- J. Authorize Staff to Sign Agreement with Retailers Protection Association**
- K. Approve Change Order No. 2 for Well No. 5 project**

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

## **VII. COMMENTS**

### **A. Comments from Citizens on Items Not on the Agenda**

None heard.

### **B. Park Commission**

Smith stated that the Park Commission will be meeting Wednesday, January 19, 2005. A packet with an agenda has been delivered to Park members and deems it to be very helpful in preparation for the meeting.

Adams stated that he is not sure that staff will always be able to provide a packet and agenda prior to Park Commission meetings.

### **C. Planning Commission**

Lorsung stated that the Planning Commission is planning on discussing Ryan Companies newly revised Target plan, Creekview Town Homes at 500 Hamel Road, and the City's water treatment plant at the February 8<sup>th</sup> meeting.

Lorsung stated that a Special Planning Commission meeting will be held on February 22, 2005 to discuss an application for 1475 Willow Drive involving a ten acre parcel looking to be split into two five acre parcels. Lorsung stated that there is a portion of the property that is set out onto Willow Drive and is not technically ten acres after the City acquires the ROW. Ace Properties also has an application on the February 22<sup>nd</sup> meeting to add on to their existing building.

Smith stated that several Council members have been contacted individually to meet with Ryan Companies to look at their revised plans. Workman stated that he has already discussed this matter of invitation with several Council members, and has reminded each member that they have the right to decide whether they want to look at the plans for the purpose of asking questions.

Smith stated that she would like to remind Council members, that they are simply expressing personal thoughts on the project and should not be representing the City.

Adams stated that a specific discussion in relation to developers' personal invitations will be brought forward to the special workshop held on Saturday, February 12, 2005.

## **VIII. NEW BUSINESS**

### **A. City of Independence Request for 75 Sanitary Sewer Unit Connections to Medina System**

Adams stated that the City of Independence has requested 75 additional sanitary sewer units into Medina's System, which runs south along CR19 to Maple Plain. Adams reviewed Dillman's memo that addresses the request in detail. An amendment to the existing Tri-City Agreement would be needed to accommodate the request. With the revising of the Tri-City Agreement, flow meters will be installed at locations that will provide more accurate flows and should satisfy staff's suspicion that Medina's share of the total billing is incorrect and exceeds actual use. Staff is seeking Council direction.

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Adams presented a map (via overhead projector) of the area to indicate where meters would be located.

Adams stated that the City of Independence has not seen the list of recommendations made by Medina staff.

Workman asked if whether both existing homes as well as new homes would be affected by the new system. Adams stated yes.

Workman asked if the City of Medina would need to get involved with the Met Council and whether that would also involve the MUSA.

Batty stated that Independence would need to get a comp plan amendment if connections were to change the area. However, Medina would not likely have to be involved.

Smith stated she is concerned about the affects on the water quality of Lake Independence. She stated she was not interested in expanding the neighboring City's sewer system if a discussion was not made on improving the overall water quality. Smith stated she has concerns and suspicions that farms have been dumping into the lake; therefore the water quality of the lake needs to be discussed. She stated that the Inflow and Infiltration (I&I) is critical and does not want a reduced effort with I&I.

Workman stated that he is willing to look at the sewer agreement as long as the City of Independence takes action to improve the water quality of the lake.

Smith stated she agrees with Workman and yet would like to see a map of the forty units in relation to how the sewer would be set up and septic shut off.

Cavanaugh stated he would like to see the letter from City of Independence clarified. He questioned the thirty potential connections along Lindgren Lane. He stated that he felt it was important that the City of Medina be friendly neighbors, and cautioned Council that the City should be careful of what it dictates to other cities. Cavanaugh stated that the lift station failed three or four years ago and proposed that a condition addresses that it does not happen again.

Adams stated that he and Dillman are the only staff members that have been in discussion with Independence.

Brinkman agreed with Smith in stating that it would be prudent that Medina request that the City of Independence look at improving the quality of water for the lake.

Adams proposed that Council not move forward with the agreement or take any action, however, request more information from the City of Independence.

Cavanaugh proposed that the annual upkeep be split three ways by the three cities. Adams stated that perhaps there might be reasons for why the City of Medina should maintain its upkeep on its own.

Adams clarified that staff is not looking to move forward on the agreement, simply asking for direction from Council.

Workman stated that forty-five of the additional connections exist in Independence and Medina would have to provide capacity for those units. He would like the City Engineer to look into performing a study which the City of Independence would reimburse.

**B. Uptown Hamel Transportation Planning**

Adams stated that a scope of services provided by Bonestroo provides a cost estimate of \$5,300 for the analysis of the Uptown Hamel transportation. Staff recommends approval of the study and seeks Council direction on the level of Planning Commission and public input desired. A "Town Hall" meeting at the Hamel Community Building may be one method of gaining public input.

Weir asked Kellogg if he knew what the scale/scope of the study would entail.

Kellogg stated that the study is all based on current zoning. The bottom line is that the study will look at existing conditions, future conditions based on future development, determine whether other roadways are necessary, and determine that if there are no problems today, will there be any problems in the future. Task number one requests that city staff meet to better define the various study parameters.

Workman stated that he wishes the study had been done a couple of years ago as it is an important study.

Smith asked if a radius affected by the proposed Ryan development would be accounted for in the study. Kellogg stated yes and Ryan has shared this information with him and will be expanded to fit the parameters of the study.

*Moved by Weir, seconded by Smith, to approve the Uptown Hamel Transportation Planning study for \$5,300 plus the cost of meeting expenses.*

Brinkman asked if Council would be able to get a copy of the existing traffic study before it goes before Planning Commission.

Workman stated that the City is strictly looking at the Uptown Hamel area and how the traffic will be affected.

Adams stated that Brinkman was welcome to stop by the office to check out the existing traffic study, as it is comprehensive.

Kellogg stated that with discussion with staff will direct the scope of the study. Workman stated that the motion is not the end all, as the study could possibly expand to additional studies.

***Motion passed unanimously.***

Kellogg stated that the study would take four to six weeks.

Workman stated that the City could not have a meeting without the projections and dollar numbers from the study.

Kellogg asked Adams if the meeting date could be set at the next Council meeting. Adams stated yes.

**IX. CITY ADMINISTRATOR REPORT**

**A. Agreement and Contract for Fire Protection Services with City of Maple Plain**

Adams stated there might be some changes to the contract that the Council approved at the January 4, 2005 Council meeting. Staff met with Maple Plain representatives to negotiate possible changes. Adams provided the update on the changes.

Adams stated he is disappointed with negotiations. There has been some miscommunication and lack of data pertaining to what services have/will be paid for.

Workman asked if the City has fire coverage still. Belland and Adams stated yes by written commitment.

**Other Information**

Adams stated that City staff has received a lot of pressure lately to bring in additional options for high speed Internet. City residents are unhappy.

Workman stated that he thinks it is crucial to get high speed Internet for the in-town residents. He stated that residents are requested to make inquiry calls to Qwest or Mediacom to let them know they desire the service in Medina.

Adams stated that there are bills being proposed in State legislature addressing possible property tax freezes again. Workman stated that the increase could possibly affect Medina's school districts.

Smith proposed that Council and staff meet with its school districts and let them know that the City is not in favor of tax freezes. Workman stated that the school funding is not an issue to take sides on, as this is more of a political issue, not a City issue.

Adams stated that as part of one same tax freeze proposal, there will be a condition requiring that the City cannot raise any new fees for goods and services.

Adams stated that he has been in contact with Dave Thill of Hennepin County to perhaps join forces to receive a grant for open space preservation planning in Medina. More detail will be coming back to Council requesting Council support.

**X. APPROVAL TO PAY THE BILLS**

*Moved by Smith, seconded by Weir, to approve the bills order check numbers 027438-027495 for \$119,280.78 and payroll check numbers 019055-019078 for \$26,558.42. **Motion passed unanimously.***

**XI. ADJOURN**

*Moved by Smith, seconded by Weir, to adjourn the meeting at 8:29 p.m. **Motion passed unanimously.***

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Bruce D. Workman, Mayor

Attest:

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Chad M. Adams, City Administrator