

MEDINA CITY COUNCIL MEETING MINUTES OF MAY 3, 2005

The City Council of Medina, Minnesota met in regular session on May 3, 2005 at 7:00 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 Rose Lorsung, City Planner Consultant Sarah Schield, City Administrator Chad Adams and Recording Secretary Mary Pappas.

II. PLEDGE OF ALLEGIANCE

III. ADDITIONS TO THE AGENDA

None.

IV. APPROVAL

A. Approval of the April 19, 2005 Regular City Council Meeting Minutes

It was noted on page 4, the 3rd paragraph, it should state: "....was second in priority."

It was noted on page 4, the 4th paragraph, it should state: "Smith stated she had heard that both Camp Iduhapi...."

It was noted on page 7, the 5th paragraph, it should state: "Smith asked if the sign ordinance was met for buildings.

It was noted on page 7, the 7th paragraph, it should state: "Smith was concerned how the signage was indicated for partial public funding."

It was noted on page 7, the 11th paragraph, it should state: "...off-site monument signs."

It was noted on page 8, the 6th paragraph, it should state: "...trash inside the building..."

It was noted on page 9, the 3rd paragraph, it should state: "Smith stated that drive-thrus should meet residential setbacks."

It was noted on page 10, the 1st paragraph, first sentence, it should state: "...credit for boulevard trees, then the 307 caliper inches of tree..."

It was noted on page 11, the last paragraph, it should state: "...she does not think that the resolutions should be a part of the Consent Agenda..."

It was noted on page 12, the 8th paragraph, it should state: "...Adams stated that he has spoken..."

It was noted on page 15, the 4th paragraph, it should state: “...but there are not any sidewalk standards in place. If staff did not have time to do this, a consultant should be hired to finish the item.”

*Moved by Smith, seconded by Weir, to approve the April 19, 2005 regular City Council meeting minutes as amended above. **Motion passed unanimously.***

V. CONSENT AGENDA

- A. Resolution Approving Acquisition of Drug Task Force Vehicle and Forfeiture Funds
- B. Resolution Approving Crack Sealing Agreement with Bergman Companies
- C. Resolution Approving Seal Coating Agreement with Pearson Bros., Inc.
- D. Resolution Approving Temporary Sick Time Donation Policy
- E. Accept Resignation of CSO Gary Chaffins Effective April 4, 2005
- F. Postpone Public Hearing for Storm Water Taxing District – Keller Estates to June 7, 2005.
- G. Approve \$500 from Park Dedication Fund for Concrete Bench Pads in Hamel Legion Park.

*Moved by Smith, seconded by Weir, 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

Dillman noted on May 18, 2005 at 5 p.m. the annual Park Commission Tour of Medina parks will take place. The tour will help provide for long-range planning purposes. Attendees will ride a bus to the various parks and the tour should last until 7 p.m. Adams stated there will be an agenda showing the times of each park stop.

Dillman added the Park Commission has created a draft spreadsheet that outlines desired improvements in each of the City’s parks. The spreadsheet will be utilized on the Park Commission tour and likely amended. He added the June Park Commission meeting will involve prioritizing the improvements over the next 5-10 years.

C. Planning Commission

Lorsung stated the Planning Commission is in the process of discussing two plats and discussing the potential right-of-way with the Hamel road work. She added they will discuss the Cudd project and Ryan companies will be back to discuss the final plat.

She added at the June 7th Planning Commission meeting several projects will be discussed unless other items are received from individuals for discussion. She added there will also be an update on the results of the septic site reviews that have been completed. She noted all are in compliance and she has notes to review if City Council members would like to see them.

Lorsung added that Betsy Gilkerson went to Ultimate Equestrian and this meeting went well. She added the meeting regarding the wetland restoration and a manure management program went well.

Smith asked if there will there be a timeline for compliance.

Lorsung stated yes and added a timeline will be done with the CUP.

Workman asked for another update next month.

VII. OLD BUSINESS

A. Ryan Companies "Medina Retail" (including Target)

1. Ordinance Amending Zoning from UC to PUD

Adams stated attached are three ordinances/resolutions to approve the rezoning to PUD, Preliminary Plat and PUD General based on revision from the Council at the April 19 meeting. He explained staff is preparing to discuss the public improvements for the project and to seek direction from the Council on funding/financing mechanisms at the May 17th meeting.

Lorsung stated staff has met with MNDot and has reviewed and sent back comments to them. She added the final rendering will be back this week and the Planning Commission will have a final review with plan specs. She added things are moving rapidly with Clydesdale and 101 on that intersection improvement.

Lorsung explained some of the effected property owners requested information about the plan for Hwy. 55.

Smith asked about closures of roads and entrances.

Lorsung stated there are three access points that have been discussed on Highway 55. The eastern access point to Medina Ballroom will be closed, but the western Ballroom access will be restricted to right-in/right-out. The existing center access to the Oil Air business will be closed with a new frontage road being created and the access to Highway 55 will remain open with some restrictions and future right-in/right-out restriction. She pointed out this was decided at the meeting with MNDot.

Smith stated she would like to request a traffic study of this area on Hwy. 55 because this is a major issue in the City. She stated it does not flow properly and people cut through. She stated she would like MNDot to do a study on the lights, timing and speed limit. She added she would like guarantee that this would happen.

Workman stated this can be asked for, however he did not think MNdot can guarantee timing of traffic lights.

Lorsung stated staff can discuss this issue with MNDot. She added the county and MNDot are getting on board and things are moving forward for Hwy. 55.

Lorsung reiterated the county is being cooperative and is putting together information about 116 and the 101/Clydesdale intersections. They are also working on many other traffic improvements.

Smith asked about the resolution on the trees.

Schild stated there is a landscape report on this and staff is going to work on this before the final plats and plans are completed. She explained staff recommends that street trees be used and also more trees added. She noted currently they are 50 feet apart and traditionally trees are 35 feet apart. She added staff needs to have more conversations with the developer on this, and that there needs to be more of a buffer in commercial areas as they line up to residential areas.

Smith asked if on the streetscape 25 feet between trees is too close.

Lorsung stated staff is working on this and also working out the spacing of the luminaries and will work on this in conjunction with the trees.

Weir asked why in condition 11, the applicant has a choice that they “may provide public benches.” She added it seems the City is being awfully nice here and shouldn’t this say “shall provide public benches.”

Schild stated if this were to be within a trail easement, it would be worded differently.

Smith agreed with Weir and asked why shouldn’t it say “will provide” instead of “may provide,” especially since it is near a retail area where many people will be shopping, and walking near.

Lorsung stated the trails where benches would be located are far from the buildings.

Batty stated the language is permissive with regard to location. He added Schild’s point gives them permission to put benches in.

Workman asked if the City is requiring to put benches in.

Smith stated yes. She added benches would be helpful for people walking on the trails and they should be required. She added the developer should work with staff on where to put them.

Smith stated this is a new item and it needs to be clearly stated where they would be.

Workman stated he understood Smith’s point, however he asked who will maintain them – we don’t have the resources for this.

Smith stated they do not have to be maintained.

Workman stated there will be trash receptacles nearby and benches on a trail, this will need to be maintained. Trash needs to be emptied and the trails need to be serviced and the benches need to be kept in shape.

Workman asked Dillman about this from the public works standpoint.

Dillman stated that the City’s contractor picks up receptacles in the parks and it could be an option for this site.

Workman asked the developers about adding in trash receptacles and benches.

Peter McEnergy, developer landscape architect, stated his only concern is the space. He added it can be looked at as something on our site, but if it is off our site, it becomes a harder situation.

Cavanaugh asked the developers how they looked at this financially. Dick Brooks stated they could add in a few benches.

Workman stated the Council will change the language to "shall" from "may".

Weir asked what the total height of the parking lot lighting would be.

Dick Kopyy stated it will be 16 feet, with a decorative base.

Smith commented about the drive-thru discussion. She stated the Council had decided not to allow one, however she added there is still an open issue with the coffee shop drive thru and the bank drive-thru. She commented the Council should discuss the bank drive-thru, which will have a speaker and should meet the residential setback.

Workman asked if the setback is 400 feet.

Dick Kopyy stated it will be inside of 400 feet. He added he has asked the landscape architect to look at this.

Lorsung noted the way the ordinance is stated it is 400 feet to any residentially zoned property. She added the proposed bank drive-thru is about 250 feet to the residentially zoned properties to the north, and therefore wouldn't meet normal zoning requirements. However, this is a PUD and more flexibility can be provided.

Cavanaugh asked if there have been any complaints from neighbors.

Lorsung stated there have been no complaints from any neighbors and added that some neighbors were excited about the bank drive-thru.

Adams stated the screening that the developer is placing between the neighbors and drive-thru met some of the neighbors concerns.

Lorsung stated there will be an increase in traffic, an increase in pollution, and an increase in noise with the speaker.

Dick Kopyy stated Smith was correct.

Smith stated she believed the developer thought this location would be great for a drive-thru coffee shop. She added there is no logic in having a drive-thru bank and no drive-thru coffee shop.

Weir commented to Smith they need to consider the traffic and drivability of this area.

Smith stated most of the traffic will be in morning hours before Target opens. She added she thinks traffic is a non-issue.

Cavanaugh stated he would agree to the drive-thru, if the opening and closing times were controlled.

Workman stated Cavanaugh was trying to create conditions that would be very difficult to control.

Smith made a motion stating if the Council is going to allow a drive-thru bank, they need to allow a drive-thru coffee shop also. There was no second.

Dick Kopyy stated the coffee shop drive-thru would be used in the morning, but not during evening commute hours.

Dick Brooks stated they will come back to the Council after they have something to present.

Smith stated she knows Caribou Coffee wants to be there and wants a drive-thru.

Schild stated the Council could use the PUD to say Block 1 or 2 will have a coffee shop and put in conditions. She added the Council could have another drive-thru discussion again later or the Council could decide to have a coffee shop drive-thru without a speaker and only a drive-up window.

*Moved by Weir, seconded by Cavanaugh, to accept the resolution with conditions.
Motion passed unanimously.*

2. Resolution Approving Preliminary Approval to Plat

Dick Kopyy and Peter McEnery presented the design plan. The area in discussion at the last meeting was the corner of the building. The architect stated they will be using rock, and carrying the rock face around the corner of the building.

Workman asked how far down the trellis goes on the building.

The developer stated it runs half-way down the building.

Smith asked for clarification as the bottom area shows brick and not stone on diagram.

Dick Kopyy stated they are using different materials, but this area has been updated since this diagram was developed and there is to be stone in that area now.

Smith stated she applauds the developer on their trellis work. She added when customers arrive from that side of the building, it will look very handsome.

Schild stated the Council needs the final project plans for the final PUD, and they need to be conditions for approval.

Dick Kopyy stated they want to be in agreement on the final plan with the Council.

Dick Brooks stated in Conditions 22 and 23 they do not want the Clydesdale/101 intersection outcome to slow down their approval.

Workman stated the Council may need to take this out and say the developer will work with us on this and not make it a condition.

Lorsung stated the engineers for Hennepin County have reviewed this and added they are getting close to final rendering.

Workman asked Lorsung when it is anticipated that this will be completed.

Lorsung stated early next week and then it will move forward within 10 working days.

Dick Brooks stated they do not have a problem with that, but they do not want to stall the process either.

Lorsung stated a portion of this does affect a portion of the plat, as the ROW may be relocated.

Schield stated it would be in City's best interest to nail this down sooner than later. She added the language in Conditions 22 and 23 allows for flexibility, but the Council will need to see what actually goes in before the final plat approval.

Dick Brooks stated they have no problem cooperating here, but they don't want the project to be held up. He added occasionally the county can hold things up and he is concerned if they don't get started building in July or August, they will be working on it over the winter.

Lorsung stated the Council could change this to say the developer will work with the City to replat the property if ROW changes. She added the resolution language might state "the developer shall work on improvements on 116 and the 101 section of Clydesdale Trail and work with the City on the final specification for realignment and replat...."

Smith stated she would like the 116 issue to be separate.

Lorsung stated they can revise Condition 22 appropriately for 101 and 116 specifically.

Dick Kopyy asked about Condition 41 and clarification on irrigation, from the pond. He noted that Dillman said a line could be run but he added they will have to supplement this with a private well and the developer stated they would rather have this be supplemented by a Medina well.

Adams stated that this will be untreated water.

Dick Kopyy asked about Condition 47 on the lighting and the problem of Xcel not having one of the lighting fixtures that is needed.

Workman stated the Council chose a new fixture at the last meeting.

Kopyy offered to put in a Cherry Hill fixture and maintain it themselves, however he added they haven't had a chance to discuss the cost issues.

Lorsung stated staff provided the developer the new light information. She added even though cost per fixture went up, the number of lights were reduced significantly and a plan was worked out for the parking lot area.

Workman stated the Council will want to stay with Xcel lights so as to maintain uniformity of lights for the entire city.

The developer stated they will work with the Council on this also.

*Moved by Weir, seconded by Smith, to authorize resolution to approve preliminary approval to plat. **Motion passed unanimously.***

3. Resolution Approving Planned Unit Development (PUD) General Plan

*Moved by Weir, seconded by Smith, to approve the resolution approving planned unit development general plan. **Motion passed unanimously.***

B. City Hall Facility Space Planning

Adams stated Maureen Bellows was directed at the April 25th work session to prepare an updated scope of services/cost estimate for upcoming services.

Workman asked if Smith had seen the justifications on this.

Smith stated she has some concerns here. She stated she knew there had been a resolution for space planning but her concerns are the \$600,000 proposal with no public input to date.

Smith added she believes this is a great place for a city hall, however, possibly not for public works. She also stated it may be a good location for police, but maybe some other options should be explored.

Smith commented possibly they should spend \$5000 more and do two things immediately: 1.) give groups that use the City Hall basement 30 days notice and have staff and police use the basement areas instead and 2.) deal with the water issue as it is a health issue for employees. She added then the Council should look at the long-term, and ask should we be at this location or move somewhere else. She added she is not sure about spending \$600,000 at this location. Smith explained she is not sure this is reasonable or in the best interest of Medina residents.

Workman stated he understands Smith's concerns, but if the Council looks at other options, they may not get anything done. He added he does not see giving up this site, and that it will be used for some city purpose, however, the Council has to take some action in moving ahead for the administration, police and council chambers.

Brinkman added the staff needs to remodel this space and make it more workable here at this site.

Smith commented the roof has already been fixed.

Weir agreed and added the building has already been invested in.

Smith asked what if the police don't stay here and we put a large sum of money into it. She added she does not think the Council is willing to sit here and not do anything about this, however, she pointed out, we don't want to do the wrong thing. She added she does not think staff would want the Council to spend too much on this project.

Adams stated staff recommended setting aside money to get through the next 2-3 years and then looked at the concept of a different site. He commented staff has a good list of priorities that should be considered as immediate approvals. He added money can then be set aside for future long-term improvements.

Adams noted at this site there is enough space for administration, planning, and police for long-term needs, but not including public works. He added the priority list could come in under \$100,000, plus 2005 approved budget items. Also, he stated the roof has already been done, so that is a priority that is completed.

Workman stated over a year ago the Council approved this and they already spent \$20,000 for the roof. Now there is a need to do some things immediately and it would take 2-3 years to go through the planning process for a Master Plan.

Smith stated the Council should give staff authorization to do the basics, then they can accomplish their priority list and the Council can plan for the future of the facility.

Cavanaugh stated he does not think this is the right site, or the best location for City Hall. He added it is government too far away from the people and this land could have other uses, such as a park. He stated putting \$600,000 into the building is a mistake.

Workman directed staff to come back with a plan in the next 90 days for City Hall immediate needs.

Cavanaugh stated meetings may need to move to the community center and the police need more space also. He added there should be a long-range planning committee set up for this purpose also.

Workman stated, in the past, the City Council has supported the spending of immediate money on items for City Hall.

Adams stated he will come back with a staff needs analysis and recommendations report for a 10-year plan by the end of May. He stated staff will also come back with a plan for immediate needs, and will then begin working with a committee to study long-term Master Planning needs. Adams asked for any objections to this strategy. None were noted.

C. Update on Arrowhead Dr./Hackamore Rd. Public Improvement

Adams stated staff has been meeting with residents along the roads to work out details of the road/trail location, in response to the Cudd project.

Kellogg stated they do not have the desired ROW here and this has become a problem when designing the construction of the road.

Workman asked if the trail is completed in the city and added this should be kept on the long-term plan.

Kellogg stated staff told the residents this also. He added the City need to get plans submitted to watershed and work these issues through.

Kellogg added that surveyors will be out there soon and in summary, there is the ROW issue, the watershed approval, sewer, water and approval on the north part of Hackamore. He explained the bid date will be possibly at end of June adding they are trying to be as expeditious as they can.

Workman asked Kellogg if the developer was able to get a grading permit.

Bruce Smith, representing Charles Cudd Co., stated they are working on this. He added the utility work for the site will be bid out, but they cannot do the utility work until a pipe is added underneath Hwy. 55.

Workman stated the Council will ask Kellogg to continue to work with the developer.

VIII. NEW BUSINESS

1. Authorize Hiring Process for Two Part-time CSO Positions

Police Chief Ed Belland stated the police department had two part-time CSO's prior to having the CSO Chaffins. He explained having the two positions was actually a better fit and he requested going back to the two part-time positions. He explained this will mean a higher turnover, however, it will allow the police force an opportunity to review more candidates and promote from within.

*Moved by Cavanaugh, seconded by Weir, to authorize hiring for two part-time CSO positions. **Motion passed unanimously.***

2. Resolution Recognizing Clean-Up Day Volunteers

Workman stated it was a great day and an opportunity and he thanked the staff of the Public Works department.

Smith stated that Adams and other city staff were there also.

Smith stated there is a lot of reuse that goes on. She added she has items in her car that she will take to Goodwill. She added there was an incident and she stated all service providers need to know the City is making use of reuse.

Weir added it is wrong to throw useful items away. She added it can be used for charities and for bridging services.

Smith added she would rather it were reused than going into a landfill.

Workman added most of police department was there also.

Belland added the Boy Scouts did a great job helping with the road-side cleanup.

*Moved by Smith, seconded by Weir, to pass a resolution recognizing clean-up day volunteers. **Motion passed unanimously.***

IX. CITY ADMINISTRATOR REPORT

Adams recommended the next meeting should have a work session at 6 p.m. to discuss Ryan/TIF public improvements and regular meeting at 7 p.m. He added box lunches could be provided.

Adams stated staff has met with Orono regarding the Townline Road issue and there is a hold up here because Orono desires the project to be lower density. He noted there is a need to resolve this and the Orono council has not acted on the needed joint cooperative agreement. He added Orono had a work session last week, but he hasn't heard an update yet.

Adams stated if Orono doesn't respond there may be a need to pull together a meeting of our Council members and theirs in a joint meeting.

Weir commented she would prefer a cooperative session and not a confrontive session with their council.

Brinkman stated possibly Workman should call the Orono Mayor first.

Batty stated Orono has had this joint agreement for review for several months.

Adams stated there are still some questions about notification of the project and he will update their staff and prepare a formal memo to them. It will go to Independence, Orono and Medina city officials.

Batty stated he believe Medina is in a strong position.

Workman agreed.

Smith stated Adams is diplomatic, and yet to the point.

Adams continued that City of Corcoran officials will be attending a Medina City Council meeting to formally request sewer extension to their southwest corridor. He added Corcoran came back from their Council meeting with the Metropolitan Council very positive and that Medina has ultimate discretion here.

Workman stated Corcoran wants to develop this corner and wants Medina to extend our sewer. He added Medina faces a dilemma here in technical language, so this will need to be addressed.

Adams stated Corcoran would pay for the extension, but indicated the possible affect on development pressure on Medina.

Workman stated there is a concern here as we connect to other cities and other developers will come after our connection.

Adams stated a logical solution may be to provide a comprehensive plan amendment to 2010. He added the Metropolitan Council did not seem to be opposed to this.

Smith questioned if the problems with Medina business existing systems will be solved.

Dillman stated some improvements may be needed with existing establishments.

Adams stated even if the comprehensive plan amendment pushes this back to a 2010 reserve, the Council will need to decide as a policy that no Comprehensive Plan amendments would be allowed.

Smith asked about having more time until the Comprehensive Plan is done.

Adams stated the Comprehensive Plan will be under review in the next few years.

X. MAYOR & CITY COUNCIL REPORTS

Weir stated the owner of Deziel Floral in Hamel wants to add flowers on the street in front of her store. She added the owner wants to take out the bushes and stone and put in a seasonal garden. Weir noted it will not take up part of sidewalk.

Lorsung stated she will check in with the owner of Deziel Floral.

Weir commented Dillman had mentioned Rainwater Park is on hold and has not been seeded as yet.

Dillman stated it has been seeded and will be on the park tour.

Workman stated he and staff will try to keep communication open with Medina's sister cities. He added there are not a lot of new projects coming before the Planning Commission, so it will be nice to have a little lull.

Workman stated this summer, with no special meetings, he would like the meetings done by 9 p.m.

XI. APPROVAL TO PAY THE BILLS

*Moved by Smith, seconded by Weir to approve the bills, order check numbers 27862-27909 for \$71,534.84, and payroll check numbers 19228-19250 for \$25,260.46. **Motion passed unanimously.***

XII. ADJOURN

*Moved by Smith, seconded by Weir, to adjourn the meeting at 8:30 p.m. **Motion passed unanimously.***

Bruce Workman, Mayor

Attest:

Chad M. Adams, City Administrator-Clerk