

MEDINA CITY COUNCIL MEETING MINUTES OF APRIL 4, 2006

The City Council of Medina, Minnesota met in regular session on April 4, 2006 at 7:07 p.m. in the City Hall Chambers. Mayor Workman presided.

I. ROLL CALL

Members present: Brinkman, Smith, Weir, and Workman. Cavanaugh arrived at 7:22 p.m.

Members absent: None.

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

II. PLEDGE OF ALLEGIANCE

III. ADDITIONS TO THE AGENDA

There were none.

IV. APPROVAL OF MINUTES

A. Approval of the March 21, 2006 Regular City Council Meeting Minutes

Weir noted that although she was not present at the March 21st meeting, the Park Commission section on page 2 should include a reference to County Road 19 in the first paragraph.

Smith noted on page 6, the third paragraph should read, "Dillman replied the sensors do not work very well in clay soils." She noted the sensors do work well in other places.

*Moved by Smith, seconded by Weir, to approve the March 21, 2006 Regular City Council meeting minutes as amended. **Motion passed unanimously.***

V. CONSENT AGENDA

- A. Resolution Naming Jim Dillman as an Honorary Resident of the City of Medina**
- B. Resolution Adopting Assessment Roll for Park Ridge Acres Improvements**
- C. Resolution Approving Renewal of Premises Permit to Hamel VFD to Conduct Lawful Gambling**
- D. Resolution Approving a Lot Division and Rearrangement for Elizabeth Goodman and Herbert Gardner for Property Located at 2495 Willow Drive**
- E. Resolution Accepting Resignation of Megan Leitner**
- F. Resolution Related to Tax Forfeiture Land, Property Identification Number 13-118-23-21-0015**
- G. Resolution Related to Tax Forfeiture Land, Property Identification Number 18-118-23-21-0075**
- H. Approve Agreement with Signature Lighting**

- I. Approve Addition of Publics Works Office to Classic Cleaning Co. Agreement
- J. Approve Roadside Mowing Agreement with Ken's Snowplowing and Bobcat Services
- K. Approve Weed Control and Fertilization Agreement with TruGreen ChemLawn
- L. Approve Road Material Bids
- M. Approve Wetland Permit Application – TH 55 South Frontage Road
- N. Approve 3.2 Malt Liquor On-Sale License to Hamel Athletic Association
- O. ~~Schedule Special Joint Meeting of Park Commission, Planning Commission and City Council for May 17, 2006 at 7:00 p.m. in Hamel Community Building~~

Weir asked to remove item O from the consent agenda.

*Moved by Smith, seconded by Weir, to approve Items A through N of the consent agenda. **Motion passed unanimously.***

Weir stated she would be happy for the joint meeting to go forward on May 17, but she will be absent. Adams noted it is scheduled during the Park Commission meeting, so all Park Commission members will be there. Adams stated the intent is to have a planned discussion with the three bodies before the open houses begin on the Comprehensive Plan in the following weeks.

Weir added she will be sure to closely review the minutes of the meeting.

*Moved by Weir, seconded by Smith, to approve the joint meeting of Park Commission, Planning Commission, and City Council on May 17, 2006 at 7:00 p.m., in Hamel Community Building. **Motion passed unanimously.***

VI. COMMENTS

A. Comments from Citizens on Items not on the Agenda

There were none.

B. Park Commission

City Planner Lorsung stated there is a limited agenda for the next Park Commission meeting.

Smith stated she would like the Park Commission to finish the capital improvement part of the plan for all the different parks that need additional equipment, et cetera. The trail plan is done, and that is a good thing, but the park plan was never finished. It is in draft form and needs to be completed.

Adams stated there are about 30 projects as part of that CIP. He noted there is the outstanding issue of the vending machines in the community building, so there will be a few additional items on the agenda.

C. Planning Commission

Lorsung stated for the next meeting there is a short schedule, including a concept plan by Charles Cudd Co. for residential multi-family near Arrowhead Dr. and Hackmore Rd.

The project would include a rezoning and Comprehensive Plan Amendment. She added there are a few other clean-up procedural items on the agenda as well.

VII. OLD BUSINESS

A. Rural Residential Moratorium

- 1. Ordinance Amending Sections 820.17, 825.07 and 826.25 of the Medina Code of Ordinances.**
- 2. Resolution Authorizing Publication of Ordinance by Title and Summary**

Lorsung displayed the ordinance on the overhead screen and explained the Moratorium Committee recommended two things. The first is a 50-foot setback from all sides of the lot. Currently there are varying setbacks on front, sides and rear. The second recommendation is the minimum lot width. The Committee voted 3-2 in favor of 300 feet. The dissenting two supported 250 feet. The Planning Commission voted 4-3 for the 250-foot lot width. The ordinance as currently written has left that section blank, leaving it open for discussion this evening.

Lorsung noted lot width is measured at the building setback line. For a flag lot, it is measured a little bit differently. The lot width will be measured at wherever the flag portion of the lot begins. For a cul-de-sac lot, it is measured 50 feet back from any point. She added this ordinance does allow for creative ways to measure lot widths, unlike the existing ordinance.

Lorsung pointed out there are a number of different-looking lots in section 5 of the City. It may be difficult in this case to understand what are the front yards, back yards, side yards, which is why pictures were included in the ordinance.

Lorsung noted staff also provided some further analysis that shows some subdivisions that have occurred since the soils went from 2 to 5 contiguous acres. Since the ordinance change, there have not been any lots created at the existing 110-foot lot width. They have all been at least 250, if not 300 or 350-plus feet.

Workman noted the memo includes the overall change in density.

Council Member Cavanaugh arrived at 7:22 pm

Lorsung responded the math in the memo is not definitive work. Once the survey is completed and wetland delineations are completed, there may be changes that affect the analysis. The data in the memo is general.

Workman clarified the recommendation from the Planning Commission is 50-foot setbacks all around, and repeated the recommendations on the lot width from the committee and planning commission.

Workman invited public comment.

Kirsten Chapman, 1910 Iroquois Drive, stated she believes this issue directly affects the community in terms of the feel of the community. She is in favor of the setbacks because she is worried the City will become too dense. She stated a preference for the semi-rural feel of the community and is in support of the 50-foot setback and is

comfortable with the lot widths at 300 feet. She asked if the 50-foot setback applies for auxiliary buildings.

Lorsung responded that setback is for primary structures. There is a separate ordinance for accessory structures as long as it meets a certain size criteria. If the structure is over 120 square feet and under 500, it can be 10 feet off the property line.

Wally Marx, 2700 Park View Drive, stated he has previously provided a memo to the Council. Certain municipalities such as Minnetrista and Orono have 300-foot lot width minimums, and they considered them for a long time. A lot of thinking has gone into deciding on a 300-foot lot width. Secondly, the analysis done by the staff indicated a 300-foot lot width is not much of an issue because exceptions are made for cul-de-sac and flag lots.

Marx continued that third, he has had conversations over the last few months regarding the fact that permanent residents interested in preserving the rural character like the 300-foot lot width. Developers develop to make money, but then they are gone. Finally, the Moratorium Committee was put together to be representative of a diverse group of people.

Marx stated that when it was put together, Council Member Smith noted the Council does not have to adopt what is recommended by the Committee. The Mayor responded that makes this Committee an exercise in futility. Marx stated based on that statement, he expects the Mayor to adopt the recommendation of the Moratorium Committee.

Frank Mignone, 3316 Red Fox Drive, asked if the size of the rural lot is still 5 acres. Lorsung responded affirmatively.

Stan Cory, Parkview Drive, stated he has enjoyed the peace and quiet of Park View Drive because there has been little development until recently. He is in favor of the 50-foot setback and the 300-foot lot width requirement.

Wayne Popham, 2725 Hamel Road, stated he moved to Medina because it was unique and he did not give much thought to lot widths. When he first heard about 300-foot lot width, he thought it was a significant change. However, when he heard Orono, Independence and Minnetrista had 300, he decided Medina should be at 350 feet. It is important to keep the atmosphere and legacy of Medina. Maybe if the City does 300 feet now, it can consider 350 feet in the future.

Holly Leuer, 1522 Medina Road, stated lot width has not been a consideration for the last 16 years. This ordinance has been brought up because of the School Lake Development she and her husband are trying to develop. If this new setback requirement has to be done, the split vote of 250 is something to go with. She noted the only thing that has changed the character of Medina is Wild Meadows. Even though there are open spaces around it, it looks more like a Plymouth development.

Leuer stated she is here to ask the Council to consider the fact that the Comp Plan is due and changes can be included in that regarding open space planning. The City does not need to specifically address changing the lot widths to appease a few people. There are flag lots and different types of lots. She asked the Council to please not vote to

change it from the 110 feet. However, if the Council does vote to change it, she recommended the 250 feet.

Glen Jeffrey, 2605 Willow Drive, stated he would like to commend the Council for approving a moratorium. He also commended the thoughtful approach to this issue by the Moratorium Committee and the Planning Commission. The vast majority of people who have moved to Medina in the last 25 to 30 years came because this is a special place and they wanted a rural character. Things are changing in Medina, which is inevitable. That is why it is important that this moratorium was put in place, to see what kind of change makes sense to sustain the kind of quality of life the residents want.

Jeffrey stated he would have like do see the Moratorium Committee and Planning Commission address ridge lot development. Also, he would like to see the Council to continue to hold the possibility of exercising judgment and discretion in future proposals. Everything cannot be reduced to a mathematical calculation. There will always be applications where a variety of factors need to be considered. If the objective is to preserve rural character, that kind of judgment will always be necessary.

Jeffrey continued thirdly, regarding neighboring communities, one of the purposes of this exercise was to establish a best practices model for Medina. He hopes Medina will always have leadership that will seek to make the community a model community that will make it a benchmark for the rest of the country about what rural communities can look like. He believes a very high standard should be set. Given the recommendations and surrounding communities, the 300-foot minimum should be the standard.

Mark Metzger, 4065 Shorewood Trail, stated the effort of the Moratorium Committee is to be commended. He attended the Planning Commission meeting and thought Mr. Crosby did a wonderful job. It came down to a close vote, and he took into account the dissenting votes on the moratorium issues and was concerned about property rights and individual rights. His concern was property owners in Medina have the opportunity to do with the property that they own the way they see fit.

Metzger recommended the Council take the Planning Commission's recommendations in hand tonight. He hopes they look for the best interests of the City of Medina and everyone in attendance tonight.

Suzie Sween, 2112 Holy Name Drive, stated she and her father are permanent landowner residents. Her dad wondered the reason for this 300-foot lot width because he has not heard a good reason yet. He questioned if it is being done simply because the City can do it. She stated she and her father believe the setback is taking away the landowner's rights and putting more restrictions on the landowners. Everyone wants to be the last one to move into the City of Medina. She stated the City is putting a burden on the landowners and would like the Council to reduce the lot width.

Tom Forester stated he represents two parcels of property just east of City Hall that have been in the family for about 85 years. He has only 265-foot widths on the property of 10 or 12 acres. It would present a problem for development, and building may not be able to occur. He would like the Council to consider the 250-foot setback as per the Planning Commission's recommendation.

Workman asked about an existing lot and if a new setback requirement would make Mr. Forester's land undevelopable.

Lorsung responded there is language in the ordinance addressing that issue.

Batty stated page 3 of the draft ordinance addresses this issue. There was discussion about this issue in the Moratorium Committee, and the issue was not to create any more nonconformities. The language currently says if it was a conforming lot on March 1st, then it will remain conforming even if the ordinance changes.

Lorsung stated if a resident owned 10 acres of suitable contiguous soils, he could potentially subdivide the property to meet the requirement. The 300-foot lot width would kick in if he subdivides the property. But keeping the way it is today, the lot width does not affect him.

Batty stated it only deals with lot widths. If he has a lot 110 feet wide and is otherwise a buildable lot today, the ordinance does not affect that.

Joe Cavanaugh, Plymouth, stated he has owned plots of land in Medina for 50 years. Land is land. Anytime the City starts changing things, it takes away from one owner and gives to another. If the City goes from 110 feet to 300 feet, it is a three times' greater restriction. A lot of people would be happy with 110-foot lot widths in Medina; this is getting carried away. The Council has done a wonderful job, but there needs to be caution not to grab someone's rights.

Charles Nolan, 2935 Willow Wood Farm Road, stated he was a member of the Moratorium Committee. He spent a significant amount of time studying the issue of lot width and hearing a lot of the arguments. In his study, he found some of the surrounding communities such as Independence, Orono and Minnetrista are consistently at 300-foot lot widths. Where someone finds 250 feet are communities where their rural zoning is 1 and 2 acres.

Nolan continued every community needs ordinances or there would be a free-for-all. The question is what is reasonable. The most logical thing to begin the study was to look at neighboring communities, and the 300 was very consistent. The communities with 200 and 250 feet are typically zoned for 1, 2, and 2.5 acre zones. Medina should be a leader in this front. When looking at those ordinances for Orono, their zoning is 5 acres with 300-foot frontage and the setback is 100 feet, not 50 feet.

Nolan indicated Minnetrista's front and side yard setback is 100 feet. Independence's is 85 feet. When considering the 50-foot setback, which is more helpful in terms of preserving rural character, Medina is half of those communities. The other interesting thing was the study done by Lorsung looking back 5 years when the contiguous soils ordinance was changed. Every lot created in the last 6 or 7 years has met that standard, so this new ordinance is reasonable.

Nolan stated when the Committee's report went out to the Planning Commission, he was under the impression there was a 300-foot recommendation with a split 4-3 vote. However, the Planning Commission received two letters from the two dissenters, and not from the four people who voted in favor of 300 feet. So the Planning Commission did

not have the benefit of the reasoning in favor of the 300. He would like the Council to consider that. The question is regarding how the City sets a reasonable lot width.

Mike Leuer, 1522 Medina Road, stated he has lived in Medina for 17 years. He has developed a couple other parcels in Medina. He questioned how Mr. Nolan became a member of the Moratorium Committee.

Leuer stated people have bought this land, paid for this land, and they wanted to be treated fairly. He bought land based on the ordinance and got all the way through Planning Commission, and then this was stopped by some residents. This is wrong. One thing not being discussed is the 5 acres of contiguous soil. Medina has one of the toughest zoning regulations for rural residential there is. There are a handful of lots developed every year. For these people to come here because they have a lot of money and influence is wrong.

Leuer indicated that going from 110 to 300 feet is too much. A 250-foot lot requirement is too much. He asked the Council to do what is right and not let one development hurt a bunch of people that own land.

Floyd Schneider, 2170 Tamarack Drive, stated he owns a 5-acre lot. He expressed agreement with Mike Leuer. He indicated it seems people are being selfish and only looking out for themselves.

Martha VandeVen, 1765 Medina Road, stated she understands the importance of property rights as well as the importance of this wonderful community. She appreciates the thought that has been put into what has created Medina so far. She stated in terms of what Lorsung has found in the last six years regarding the change of 5 contiguous acres, she appreciates that information. She also understands the importance of a special kind of community. Medina is unlike Plymouth and some of the other rural communities around. She encouraged the City to adopt the 300-foot lot width.

Workman ended the public comments.

Smith stated she would like a clarification on paragraph 5, subdivision 3.2 of the ordinance. Lorsung clarified that is the existing ordinance. That language developed from when the change occurred from 2 acres to 5 acres contiguous suitable soils.

Smith stated this language is unclear.

Batty stated the way to read paragraph 3.2 is in 1999, the ordinance was changed to make 5 acres of contiguous soil the standard. That is in subdivision 2.a. Subdivision 2 says there must be the following characteristics for it to be a buildable lot. Those are the standards created in 1999 to make a lot buildable.

Batty continued that at that time, the same issue was what happens to the other lots buildable up to this point. The Council carved out an exception that says notwithstanding those characteristics, a lot is still a buildable lot if on July 1 it has at least 2 acres of contiguous soil and can show a primary and secondary site. It was an attempt to not create any more nonconformities.

Smith stated she understands that. However, she believes there is land in Medina with less than 2 acres of contiguous soils. She stated she lives next to someone with that situation. She would like to remove that and have 3.1 read "any lots of record on July 1, 1999."

There was further discussion regarding changing the language in this section.

Batty stated this language has been in the ordinance for eight years and no one has ever raised this issue. He suggested if the Council is interested in reconsidering this to give it some thought. He does not think the Council Members have had a chance to think or analyze this tonight.

Workman stated he agrees with Smith. The City could create some nonconformities if someone wants to build a house.

Batty stated it is a mistake for the Council to make a decision on this tonight without further review.

Smith recommended staff look into the section. She added her lot does not have 2 acres of contiguous soils and it was plotted in 1965. She does not want to see the City taking away lots.

Workman stated there are sections of the City with some 2.5 acre lots or less and there are sections with huge parcels. The Council is trying to adopt an ordinance that covers everything that is not sewerred. He would prefer this to be done in the Comp Plan. He would like to make the policies consistent.

Workman stated he likes the direction this is going, but all the pieces to the puzzle have not been put together. Accessory structures have to be looked at. It is all part of this whole puzzle. Piecemeal planning does not serve the City long-term. The most important thing as a landowner or future landowner in this City is what the long-term plan is of the City.

Weir stated there is a moratorium; therefore the Council needs to act.

Cavanaugh commented one thing that is troubling is the map showing quite a few properties that will be specifically affected. This is a big impact on these lot owners. He inquired if the City has contacted these specific people.

Lorsung stated the map was created based on an inquiry by a Council Member. The map is not finite. She stated she looked at 150 different variables and broadly looked at how different lots may be affected. However, there can be flag lots, lots in a pie or a triangle shape. Any of that can still be done to fully utilize the property.

Cavanaugh stated he realizes this. However, this is the City's best estimate of how these people may be affected.

Lorsung responded those people can subdivide because they do have enough contiguous soil.

Cavanaugh stated this is the City's best estimate of people that may lose lots.

Smith stated not everyone on the map may lose lots.

Lorsung stated as an example the Leuers could create a cul-de-sac and still create three lots. The only way to stop that development is to create three long, linear lots. There are other ways to subdivide the property.

Lorsung stated one thing to be understood is every subdivision, since the 5 acres contiguous soil ordinance, has created lots at 300 feet or more for the lot width.

Smith stated there are so many wetlands in this City. Her house on Hamel Road had 15.9 acres and could not be subdivided. It was a very nice piece of property, but because of the soils could not be subdivided. She would like to address the 110 feet. She believes that was an oversight during the last Comp Plan.

Smith continued there was an intent to not make some of those smaller existing lots nonconforming. That is why the 110 was in there.

Workman stated that did not matter when the 5 contiguous acres was put in there; that is the number that drove the process. He stated he would be happy to do the 300 feet if the contiguous soil requirement was removed.

Smith asked why the City is not requiring sprinkler systems in the large homes being built.

Lorsung stated the Building Fire Code, which the City adopted, requires that a structure over 10,000 square feet has a sprinkler system.

Workman stated that number should be reduced.

Smith stated in Medina the fire departments do their best to save lives, but the bottom line is the house will probably not be saved without sprinkler systems.

Workman stated the biggest problem in rural residential is the water. There will not be adequate water for a sprinkler system.

Cavanaugh again stated this is the best estimate of lots that will be affected. It is easy to say the City has published this and let the residents know, but chances are they may have missed it. He would like a letter to go out indicating this could affect them.

Smith stated postcards, newsletters and notices have been sent, along with a letter by residents.

Workman asked some members of the audience if they received postcards or the resident letter. A number of residents responded they did not receive it.

Cavanaugh stated Lorsung's memo indicates there are four lots that show they did not meet the 250-foot lot width.

Lorsung responded those are cul-de-sac lots. That is because there is not a clear definition of lot width right now. She explained why it is difficult to measure cul-de-sac lots.

Lorsung stated to get 5 acres of contiguous suitable soils, there generally has to be a 10-acre lot.

Lorsung stated in 1998, the City went from 2 to 5 acres of contiguous soils, but no other official control was changed. The other numbers do not jive with the 10-acre parcel. This City missed the opportunity, and this is the City's opportunity to fix it.

Cavanaugh stated it appears that most lots in Medina will not be affected except for School Lake.

Lorsung responded School Lake has 19 acres of contiguous soils and therefore there are lots of imaginable ways to draw lots. Several cities do not allow flag lots, but Medina does allow those.

Weir stated the way of measuring lot width is very flexible and allows more development than one might imagine. Three hundred feet is not that prescriptive the way this is written. She added that School Lake can get three lots.

Workman questioned whether it makes sense to make the ordinance so restrictive.

Smith stated if this ordinance is not changed, it sets up people to have an unreasonable expectation. Someone who is not a developer like the Leuers may assume he can create a huge number of lots, which will not be reality if he thinks he can have 110-foot lot widths. If the City goes with 250-foot lot widths, that would actually be increasing density based on the data from the last 7 years.

Cavanaugh asked why density will be increasing should the ordinance change from 110 to 250 feet.

Lorsung responded part of the regulations do not work with other parts of regulations. It is mathematically impossible to have a 110-foot lot width in order to have the 5 acres of contiguous soil. The result of the 5 acres contiguous is generally about a 300 foot lot width.

Cavanaugh stated choosing 250 would not increase density, given the 5 acres of contiguous requirement and the fact that it is a mathematical impossibility.

Weir stated she is in support of the 300-foot lot width. It helps to address the issue of proportionality in long, narrow lots. The requirement is the same as surrounding communities comparable to Medina. Also, the Met Council requires the City to develop rural residential to 1 unit per 10 acres. Currently the City is at .095 units per acre, which is just under 1 unit per 10 acres.

Weir stated the Met Council keeps a fairly good eye on that figure. Also, the City needs to have ordinances that make sense, and the 110-foot lot width does not make sense with the 5 acres of contiguous soil requirement.

Brinkman commented the moratorium gave the Council a chance to look at how to maintain rural character. His mission was to take a look at what was reasonable and made sense. There was some discussion about 500-foot lot widths, which would be more in keeping with what exists out there. The average is about 478 feet. The setbacks have been looked at, but the 50 feet seems to be what people want.

Brinkman continued this makes sense for Medina. The map in front of the Council is a worst-case scenario, because someone could get creative and increase the number of lots. This creates more of an opportunity to get rural character.

Cavanaugh again stated the Council has its best estimate of who is directly affected. He is not comfortable with this ordinance as it is written without sending a letter first.

Workman stated he has trouble taking adverse action against someone's property rights without informing them of it.

Smith asked if people will look at the letter.

Workman suggested perhaps the headline of the letter read "Your Property Rights Could Be Affected."

Smith stated that insinuates the City is taking away people's rights. Going to 300 feet means Mr. Leuer cannot have those long, skinny lots but can still have three lots. The City is not telling him he cannot have three lots. As a current proposal, this takes into consideration the fact that none of the lots created since 1999 have been less than 300 feet. The letter should not be a scare tactic letter. It should consider the 5 contiguous acres is the marker. This letter should not presume this is a bad thing.

Smith suggested everyone with a concern should bring in the map and look at the lots. That might be a better solution, to let people come in and see how their property may be affected. It will be an estimate, but it might take away people's fears. There may be some people who say Mr. Leuer should be able to anything he wants. If the Council wants to help people understand, there should be a session where people can come in and staff can help show them.

Workman stated Mr. Leuer is a sophisticated real estate investor and he can take care of himself. What he is worried about are citizens not aware of the changes and how it may affect them. Those people need to be informed. This should take a lot of time. He would like to make it as easy for existing property owners to have rights. Every time a change is made, rights are taken away.

Smith responded that is why a letter should be sent out, inviting residents to come in instead of sending out a scare tactic letter.

Lorsung stated every person on that map can still subdivide today. If someone were to draw a square on map, that could not be the lot. However, there are still 100 ways to meet a mathematical model and still meet suitable soils. A creative test can be used on every one of those lots.

Moved by Cavanaugh, seconded by Workman, to table consideration of the ordinance until the next Council meeting on April 18 and to ask staff to send out an unbiased letter to residents who may potentially be affected by the ordinance change.

Cavanaugh asked if there are projects in the pipeline that will be affected by this. Lorsung responded it depends on how they want to subdivide their property. That number is mathematically impossible to calculate.

Batty added the last day of the Moratorium is April 24. Therefore, on the 25th it will no longer be there. The last opportunity to adopt something would be two weeks from tonight. If the Council waits until two weeks before night, it would have to be adopted and have it published that next Monday. Sometimes newspapers miss deadlines, and this ordinance has to be approved and published.

Brinkman stated 300 feet is actually making it to where there can be more density in the City of Medina. This will give someone more ways to cut up and shape land to get more lots, with the flexible measurement.

Lorsung stated Mr. Leuer has 19.51 acres of suitable contiguous soil, which is 3 lots plus some left over.

Workman stated he understands the change. The concern, however, is this has not been driven by a complete, concise plan review.

Smith called the question on the motion.

Cavanaugh said these property owners may not fully understand the full implications of this change. A vote next meeting will still be acceptable.

Brinkman asked if a lot that is conforming prior to the change in the ordinance will be affected following the change.

Batty explained as currently written, the ordinance says despite the fact the lot standards are changing, a conforming lot on March 1 is still a conforming lot. However, the ability to subdivide will be affected by this ordinance. Someone with a 258-foot lot is still a conforming lot, but the lot could not be subdivided.

Brinkman added he believes the mandate has been met with regard to residents knowing what the Council is doing.

Smith restated postcards were sent out, newsletters, and a letter(s) was sent residents.

Smith stated if the City does send an additional letter, she wants a work session where people can come in and see how the ordinance can affect their property. She added the measurements of the ordinance are very permissive, particularly with cul-de-sac lots.

Lorsung stated there can be a work session, but all she can tell property owners is they can subdivide and make one lot or two lot or three lots. There is no way to tell them every mathematical way to subdivide with 15 or 20 acres of contiguous suitable soils.

Brinkman questioned whether the City has done a poor job notifying residents of the ordinance. He does not believe this should be prolonged.

Holly Leuer stated a letter does need to go out. There are a lot of people who do not do this for a living and do not understand this.

Weir stated Lorsung's memo concludes there are eight parcels that cannot subdivide with the new lot width requirement. Lorsung clarified that is with a rectangular shape, and there are very few lots in the City shaped like that.

Workman stated it is difficult to represent everyone. There are large landowners here on both sides of the issues, but other residential citizens and how this will affect them is also a concern. He suggested this issue should be considered as a comprehensive planning change rather than a zoning change to react to a situation. He would like the voters to be able to vote on this as well.

Adams suggested the letter encourage residents to contact City staff and perhaps set up a meeting with questions.

Smith added an urban reserve should not be included. Urban reserve will be sewered in 10 to 15 years.

Brinkman stated the City did not have to include urban reserve. Batty added there was a logical connection among those districts.

The motion on the table passed unanimously.

Mayor Workman recessed the meeting at 9:11 p.m. The meeting reconvened at 9:19 p.m.

B. Lawn and Landscape Irrigation Systems

1. Ordinance Regulating Lawn and Landscape Irrigation Systems; Addition new Section 710.75.

2. Resolution Authorizing Publication of Ordinance by Title and Summary

Adams reported the draft before the Council incorporated comments from the March 21st meeting.

*Moved by Weir, seconded by Cavanaugh, to approve an Ordinance Regulating Lawn and Landscape Irrigation Systems, as requested. **Motion passed unanimously.***

*Moved by Weir, seconded by Cavanaugh, to authorize publication of the ordinance by title and summary, as requested. **Motion passed unanimously.***

VIII. NEW BUSINESS

A. Award Contract for Medina Retail and TH55 and Clydesdale Connection Project

Kellogg reported the bids opened last Wednesday, and the three bidders for the Clydesdale project are included in the letter provided to the Council. The low bidder was Ryan Companies at \$1.7 million. The next highest bidder was Park Construction Company at \$3.2 million.

Smith stated she is concerned about the difference between the low bidder and the next two bidders.

Cavanaugh stated the City is safe with Ryan because it is in their best interests to get the project done quickly. It is likely a lower bid because their stuff is already there.

Batty stated this is a complicated deal. There was the financing part of it, and the tax increment amount was decided on a while ago, and then there is this portion. The Council said the tax increment amount was fixed regardless of what the bid came in at.

Smith stated she would like assurances that Ryan would not come back and ask for more money.

Workman stated they have to post performance bonds just like any other City contract.

Brinkman asked if they are aware they are the low bidder. Kellogg stated yes, they have seen the bids.

Cavanaugh stated if the bid was higher, they would be picking up more of the tab.

Batty stated even if it costs them more than \$1.7 million, they will do the work.

*Moved by Cavanaugh, seconded by Brinkman, to award contract for Medina Retail and TH55 and Clydesdale Connection Project to Ryan Companies US, Inc., in the amount of \$1,724,291.07, as requested. **Motion passed unanimously.***

B. Award Contract to TH55 South Frontage Road

Kellogg reported there were seven bidders on this project, and Ryan came in substantially lower than the others at \$107,311. The next bid was over \$373,000.

*Moved by Brinkman, seconded by Smith, to award the contract for TH55 South Frontage Road to Ryan Companies US, Inc., in the amount of \$107,311.06, as requested. **Motion passed unanimously.***

Workman explained the City will pay \$407,000 even if Ryan does it for \$107,000 because that is the way the development agreement was written.

C. Approve Second Amendment to Contract for Private Development with Ryan Companies, US, Inc

Adams stated this amendment involves amending some of the improvement dates on projects around the City.

*Moved by Weir, seconded by Cavanaugh, to approve Second Amendment to Contract for Private Development with Ryan Companies, US, Inc., as requested. **Motion passed unanimously.***

D. Appointments to Open Space Task Force

Weir reported four people were nominated to the Open Space Task Force. Two candidates, Mark Metzger and Kirsten Chapman, received three votes each. Two

candidates, Mike Sherer and Jim Lane, received two votes each. Weir stated she and Smith recommend Jim Lane for the third position.

*Moved by Smith, seconded by Weir, to approve Kristen Chapman, Mark Metzger and Jim Lane, to be on the Open Space Task Force, as requested. **Motion passed unanimously.***

Smith stated she was pleased with the quality of the applications that came in and had a hard time deciding her top three candidates. Those not selected should be encouraged to apply for the Commission. She asked Adams if there can be alternates on the Task Force.

Adams responded it is difficult from a functional standpoint if someone has to come in and vote when another member is gone. He added the format will be altered to invite more involvement so it is more of a workshop format.

Weir stated she spoke with Sharon Johnson and asked her to attend the meetings. Adams clarified she would not have voting rights.

Smith suggested they could be ex officio members. There were two Park Commission members, so hopefully they can go back and give wrap-up presentations at the meetings.

E. Wetland Functions and Values Assessments

Adams stated the memo includes a couple different quotes for conducting the assessments. The Minnehaha Creek Watershed District has essentially done one-third of the City, and now the City will do the remaining two-thirds. The City has gotten two quotes, but now staff is requesting that a formal RFP be issued that further defines the scope and services.

Adams noted Hennepin County is willing to provide \$15,000 of in-kind services and stated the County can help lead the process with the RFP selected services. He recommended capping the budget at a limit of \$40,000, in addition to the in-kind services by Hennepin County.

*Moved by Smith, seconded by Weir, to direct staff to prepare an RFP for a wetland functions and values assessment, with the budgeted item not to exceed \$40,000 and to be taken from the environmental fund, as requested. **Motion passed unanimously.***

IX. CITY ADMINISTRATOR REPORT

A. Appointment of Public Works Superintendent

Adams recommended the appointment of Joseph Paumen to the position of Public Works Superintendent. Adams introduced Paumen to the Council and noted his background is detailed in the memo provided to the Council. Adams noted there was a very strong applicant pool during the selection process.

*Moved by Weir, seconded by Brinkman, to appoint Mr. Paument to the position of Public Works Superintendent with a start date of April 24, 2006, and a starting salary of \$65,000 with benefits, along with other requests listed in the memo. **Motion passed unanimously.***

B. Services and Rate Schedule with Bonestroo, Rosene, Anderlik and Associates - Engineering

Adams reported he met with three Bonestroo representatives as a follow-up to the last discussion from December. They have requested a 3 percent increase. He noted staff is pleased with Bonestroo's response and commitment to the City of Medina.

Moved by Cavanaugh, seconded by Smith, to approve the 2006 Services and Rate Schedule with Bonestroo, Rosene, Anderlik and Associates - Engineering, as requested.
Motion passed unanimously.

Smith stated she is very impressed with Bonestroo's efforts and thanked them for their work.

Adams noted the agenda will include oral updates from the City Engineer at future Council meetings.

Workman asked for an update on Sue Drive.

Kellogg responded the retaining wall is being excavated and everything possible is being done to keep one lane of traffic open. Backfilling will begin and footings will be poured. He estimated that weather permitting, the project should take about one month to complete.

Workman stated he is concerned with the sidewalk and the safety issues. There could be a pedestrian problem if the roads are slippery in the winter. He asked if there is a way to create barriers to protect pedestrians.

Kellogg responded there will be a minimal barrier with a curb where there is not one today. The traffic closest to pedestrians will be southbound going up the hill. The sidewalk will be 8 feet wide, which is wider than the average sidewalk.

Smith asked for details about the retaining wall. Kellogg responded there were some suitable soil problems, so it is a little exaggerated.

Kellogg stated he met with Adams and Dillman today to talk about the Hunter Drive trail. A map will be created and he intends to talk with Batty to find out where the City has a right-of-way and where it does not. Some other things that need to be considered are upgrades to Hamel Road, a water main from the park to the treatment plant, and other things. The goal is to get the trail completed this summer, but there are a lot of things that need to be dealt with as well.

Smith stated it might be helpful for the Park Commission to hear the City Engineer's report. Kellogg responded once staff is farther along, it will make sense to get feedback from the Park Commission. They expected it to be done two years ago.

Workman reported there was a large fire two weeks ago, and the Loretto water system emptied out with the tankers. The fire was not extinguished, and therefore they had to call more tankers. They were using all the hydrants, and Dillman expressed concern that a Public Works person was not called because damage can be done to the water mains. That is something to be considered so the water supply is not at risk.

He asked Adams about the discussions regarding the extension of water mains up there.

Adams responded within the next month or so that may come back to the Council, but the financing has not been figured out yet. However, a meeting has been set for the staffs to meet and discuss.

Kellogg stated the last he heard was they were trying to put together some more in-depth easement drawings.

Workman asked if there have been any other discussions with Loretto. He noted Loretto did not have fire protection at that point if their water was emptied.

Kellogg stated problems are created when there is a long, dead-end line.

Brinkman asked if a letter should be sent to the fire chiefs to let them know how to cut off the valve and also contact Public Works. Kellogg stated that is something that needs to come from Public Works.

Adams indicated staff will follow up on it during the staff meeting tomorrow.

C. Office Receptionist Search Process

Adams stated he has reviewed the position needs and has talked to some of the department heads. He recommended posting the full-time replacement internally for 10 days. He noted there is one qualified candidate who has expressed interest. He would like to come back at the April 18th Council meeting and make a recommendation at that time for appointment. Additionally, he suggested changing the title to office assistant rather than office receptionist.

*Moved by Weir, seconded by Smith, to approve Adams' recommendation regarding the office assistant search process. **Motion passed unanimously.***

D. City Employee Association

Adams stated he has consulted with department heads and some other employees have expressed to create an association or benevolent fund where City employee funds can be voluntarily contributed, separate from the City, to hold social activities and send out cards in different circumstances. He stated this would be a great thing for morale and for team building and asked if the Council would support more staff research.

Smith commended Adams, stating the Council asked him to think of ways to improve morale, and this is a great way. Adams commended department heads for being creative and supportive of the measure being brought before the Council.

E. Legislative Update

Adams reported the Levy restrictions and a Taxpayer Bills of Rights is being discussed but does not seem to have a lot of traction. A constitutional amendment may be on the November ballot to mandate that the proceeds from the motor vehicle sales tax go directly to transportation. Currently a lot of that is going to the general fund.

Adams reported something that has gained momentum is Joint Powers Liability reform. Pending legislation will cap liability at a single \$2 million limit rather than for each municipality.

Adams stated there is a Board of Appeals meeting tomorrow night. He wanted to be sure a quorum of members will be attending. He also asked if anyone is interested in going to the LMCC meeting on the 19th. It is a five-hour commitment regarding wireless internet.

X. MAYOR & CITY COUNCIL REPORTS

Workman stated he is planning on going to a Mayor's conference in Austin on the 28th. The focus will be preparedness. He added his general sense is that Medina citizens are happy but are asking questions about Uptown Hamel.

Weir added there has been some trouble selling some existing units; six have been sold. She stated there should be a streetscape illustration of what it will be to help the marketing.

Adams stated that was discussed and there will be some conceptual drawings on the website.

Cavanaugh asked if Yele Akinsanya is still interested in 500 Hamel Rd. Lorsung responded he is still interested but is considering a completely different use, an indoor storage facility.

Workman asked when Target will open.

Adams responded Target is intending to open October 10. Lorsung added that opening will help all the adjacent properties. She stated the developers want to be sure they can do something in Uptown Hamel that they can sell.

Weir stated the Planning Commission was quite passionate about the tree preservation and replacement ordinance. It got set aside because it should be designed to accommodate open space planning. She asked if there would be a provisional tree preservation and replacement ordinance until an open space plan is adopted.

Cavanaugh stated he has asked Adams to find out deadlines regarding referendums. He would like a referendum to set aside money to start purchasing some open space and trails.

Weir stated she would be supportive of that. Adams stated he will get back to the Council regarding deadlines.

Cavanaugh stated he would like to hear an update about the library. Adams responded he did make a contact about that issue, but he does not have any new information yet.

Cavanaugh asked who the Hennepin County representative is regarding the library. Adams responded that person is Penny Steele.

XI. APPROVAL TO PAY THE BILLS

Brinkman asked for clarification about the charge of \$5.09 from Verizon Wireless. Adams explained that fee may be part of an old contract, but he can find out directly. He stated most are taxes and some are charges for usage beyond what the plan allows for.

*Moved by Brinkman, seconded by Cavanaugh, to approve the bills, order check numbers 029204 - 029251 for \$157,047.44, and payroll check numbers 019822 – 019848 for \$31,170.20. **Motion passed unanimously.***

XII. ADJOURN

*Moved by Weir, seconded by Smith, to adjourn the meeting at 10:12 p.m. **Motion passed unanimously.***

Bruce D. Workman, Mayor

Attest:

Chad M. Adams, City Administrator-Clerk