

## **MEDINA CITY COUNCIL MEETING MINUTES OF JUNE 20, 2006**

The City Council of Medina, Minnesota met in regular session on June 20, 2006 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, Police Chief Ed Belland, Finance Director Jeanne Day, City Planner Rose Lorsung, City Planner Consultant Sarah Schield, City Administrator Chad Adams, Public Works Superintendent Joe Paumen, and Recording Secretary Lauren McKay.

### **II. PLEDGE OF ALLEGIANCE**

### **III. ADDITIONS TO THE AGENDA**

Adams requested addition of an Ordinance repealing a few sections of the city code's alcohol sections that are out of date. Adams stated there are currently three city code sections and only one is needed, which will be added to new business under F. He stated there is an Estoppels Certificate to be added to the Wild Meadows agenda item. He also added an item under the City Administrator report, item B, the City of Maple Plain's request to annex properties in Medina.

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

### **IV. APPROVAL OF MINUTES**

#### **A. Approval of the June 6, 2006 Regular City Council Meeting Minutes**

There were no corrections to the June 6 minutes.

*Moved by Smith, seconded by Weir, to approve the May 16, 2006 regular City Council meeting minutes. **Motion passed unanimously.***

### **V. CONSENT AGENDA**

#### **A. Adam's Pest Control**

- 1. Resolution Granting Preliminary Plat Approval for Jan-Har Limited Partnership for Property Located at 922 State Highway 55**
- 2. Resolution Granting Conditional Use Permit Approval for Jan-Har Limited Partnership for Property Located at 922 State Highway 55**
- 3. Resolution Granting Site Plan Approval for Jan-Har Limited Partnership for Property Located at 922 State Highway 55**

#### **B. Approve Liquor Licenses, July 1, 2006 - June 30, 2007**

*Moved 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**

Adams stated there was the annual park tour on June 6<sup>th</sup>. He stated there is an open house regarding the County Road 19 trail on June 21st and notices were sent out to all residences that adjoin County Road 19, as well as the whole Lake Independence neighborhood. He stated the Commission will likely discuss in later in July or August and subsequently make recommendations to the Council in July and August. Adams stated Capital Improvement Planning for 2007 is also on agenda.

Smith asked about e-mails and letters regarding the trail and asked if they would be available for June 21<sup>st</sup> meeting, to which Adams responded they would probably not be available until the commissions' more substantive discussion meeting in July or August.

Workman asked if the timeline for approval addressed funding. Adams stated the funding is through a federal grant, coordinated through Hennepin County. He stated there are potential requirements from Medina, Loretto, which may result in necessary funding on top of the grant funds.

Park Commissioner Galen Bruer stated the park district may contribute, but it is basically federal ground. Smith stated residents believe Medina is picking up part of the bill and the funding must be clarified.

Adams said the timeline is not finalized, but a final recommendation must be made in the next several months. He stated Hennepin County is cooperating with the cities as much as they can.

Bruer stated that Hennepin County is looking for Medina and Lorretto agreement before the trail goes in.

### **C. Planning Commission**

City Planner Lorsung stated at the last PC the CUP for the Evanson family for an indoor arena was recommended with conditions. She explained that the Planning Commission agreed with the Willow Hill Preserve preliminary plat recommendation, but questioned the entrance off of Willow. She also noted the Commission reviewed the sign ordinance, and the Planning Commission will be sending the issue on to the City Council in an upcoming meeting. Lorsung reviewed six items on the Planning Commission's next agenda and reminded the Council and residents that there are 2 open houses for the Comprehensive Plan on transportation planning and informed the audience of dates and locations.

Brinkman asked about sign ordinance and how it came up again. Lorsung stated it is a city-wide update and part of city-wide ordinance clean-up. She stated the conflicting language was addressed and the ordinance was reviewed. She said the Planning Commission has been working with Staff to identify and clean up several ordinances.

Adams stated the initial public hearing of the ordinance was delayed initially from October 2005 and has been on several Planning Commission agendas, most recently receiving approval on June 19th.

Brinkman stated that the community is worried that it has been changed since initial discussions. Lorsung stated she has received a few calls from business owners who were worried about the new ordinance, and stated that the new ordinance is more flexible, not more restrictive. Brinkman asked if it changed substantially. Brinkman asked what the changes were; Lorsung replied that it took away language that was discriminatory toward certain types of businesses.

City Attorney Batty stated two things happened and that a couple of cities have had legal challenges to their ordinance regarding specific language allowed on signs. Batty stated that the City noticed the conflicting language. This new ordinance is part of the clean-up and review.

Smith commented that as this issue is coming up, and before it goes to the Planning Commission, certain things that have been discussed by the Council should be addressed. She stated that the ordinance that has gone through the Planning Commission did not include and address the concerns of the City Council.

Workman stated that he feels blindsided and Brinkman agreed. Adams reminded the City Council that it has been on the Planning Commission agenda and that Lorsung has been updating the City Council verbally at meetings and in Council packet reports for several months.

Brinkman stated that there are documents going out to business owners before the City Council has reviewed them. Smith stated her point is that there is one issue, how a sign is defined, that is significant. She stated it would have been better to have a procedure in place, before the ordinance goes through the Planning Commission, for the Council to review it. Workman stated he may not remember the specific issue because it was brought up so long ago, in October and he is not used to such a long timeline.

Smith stated she is asking, if an ordinance is going to be updated, it be brought to the attention of the Council specifically.

Lorsung stated she is confused because the City Council has not received it. Smith explained that the ordinance has been taken through the Planning Commission, and doubts that the Planning Commission has discussed the issue that was discussed by the Council. She stated there is the potential that the ordinance could go back to the Planning Commission if it is not approved by the Council.

Brinkman stated his problem is that something went out to business owners that may not be taken into effect. Lorsung and Schield stated it is in draft form and if there is a request to review, it has to go out to the business owner requesting as it is a public record. Workman stated that if something goes out, even in draft form, the Council

should have a copy. Adams stated that the Tree Preservation ordinance went out with review from the Council.

Smith re-explained that as the Planning Commission brings ordinances up to date, that the Council receives a list of ordinances that will be up for review. She stated she does not want to be updated all of the time. Lorsung said she has a list, which she will provide to the Council. Smith asked that it be in the update during the City Council meetings.

Cavanaugh asked that the Planning Commission encapsulate the issues and if there are issues that come up, to please notify the Council members. Lorsung stated she received the same comments as the Council and that they gave out the information.

Smith asked for the opportunity to review the ordinances and has the Council done anything about how to define a sign because the current ordinance does not work? Lorsung apologized and added that she gave a verbal update at the last meeting, and that the Council did not have time to discuss it in depth.

Workman stated that lately changes are going faster and it may be difficult for the Council to catch up. Smith agreed with the statement. Weir added there are many factors and a history behind these issues.

Cavanaugh stated he received a call from a business owner and that the sign ordinance will affect the business significantly. Adams told Cavanaugh to bring up the issue with Staff after the meeting so that staff may determine the impact. Workman stated the Council wants to be involved in the conversation at a much earlier date.

## **VII. PRESENTATION**

### **2005 Audited Financial Statements and Management Letter – Kern, DeWenter, Viere**

Janel Bitzan of Kern, DeWentere, and Viere reviewed the auditor's report. She pointed out in the Audited Financial Statement that there is an unqualified opinion on the report, which is the highest opinion that can be received on Financial Statements.

Bitzan turned to the Management Letter and reviewed it for the Council.

Smith clarified, regarding page 8, that 15 staff members were not added and a lot of the money was spent on planning. Workman stated much of it is reimbursable. Biszen stated it will show as an expenditure now, but will show up as revenue once the developers reimburse the City.

Bitzan noted that, regarding Water and Sewer Funds shown on page 10 and 11 of the Management Letter, the city has done well covering depreciation expenses.

Workman asked about the numbers that were used to calculate depreciation. Finance Director Jeanne Day stated it varies, but is rated 40 – 60 years for various parts of infrastructure on original costs, not replacement costs. Workman asked that it be calculated on replacement costs, factoring in inflation, so it is not misleading.

Bitzan stated that, regarding Debt Service Funds on page 12, it appears assets are quite less, but she explained the assets will increase as more taxes are collected.

Biszen explained that the largest change is invested in Capital Assets, Net of Related Debt. This relates to new assets, such as infrastructure, that have been added. She stated that on page 14, the largest change is with Capital Grants and Contributions, which was due to new infrastructure that was added in 2005, much of which was paid by developers.

Bitzan stated there are a few recommendations and that no major problems were found. She mentioned there is a recommendation to review the investment policy.

Cavanaugh asked who is responsible for the online banking and wire transfers and who has signatory authority to make online and wire transfers. Adams stated there is not a policy currently. It was recommended the City look into creating policies. Day stated all authorized check writers are authorized to do online banking. She stated Staff would like to bring to the Council an all-inclusive financial management package this fall.

Workman stated he no longer signs checks. Day stated it is an electronic block, and those are not released without Council approval and that all checks require two signatures.

Cavanaugh stated his concern about wire transfers, and that any of the check signers could transfer money. Day stated there are many "red flags" that would go off before a large transfer was made, but theoretically, only one of the authorized signers could make a large transfer. Cavanaugh stated he would like more control and Adams replied that this fall there will be a financial management package introduced. Cavanaugh stated he would like some controls over wire transfers and online banking before the package is presented in the fall.

Brinkman asked what else has changed with the financial management. Day stated the electronic signature block and investments, which have been transfers, have been discussed and included in the Council update. Brinkman stated a recommendation should be proposed and put into effect immediately.

Workman suggested the dollar level that would require authorization should be from \$50,000 to \$100,000. Cavanaugh said \$100,000 would be okay with him. Day stated that \$100,000 would have to be authorized to cover the claims that are authorized. Adams stated that the Council should give Staff at least two weeks to review the process and come back to the Council with a recommendation.

Smith stated she is impressed with what Day has done in the Finance Department and that the City Council could wait two weeks in order to discuss the issue with Staff and determine a recommendation. Workman stated he is comfortable with such a timeline. Adams stated that Workman still reviews the checks and reviews them before they are sent.

Brinkman stated his concern is potential errors. Workman stated it is easy to make a mistake and that is the biggest concern. He stated he believes the Staff does a good job. Cavanaugh stated that he is also impressed with the reports and asked if the 5.6% return is on the \$11 million, and Day replied she has only invested \$5 million.

Weir asked if there is a proposal for the next meeting. Day replied that over the summer they will be reviewing other cities' policies and making a recommendation on the broader financial package.

Smith stated that the checks going out are about \$500,000. Day stated that there has been \$5 million of investment activities, and that there will not be as much investment activity in the future. Smith stated those kinds of transactions make her feel very comfortable.

Workman stated that the City looks good through the audit process and that there is a new direction with the Finance Director and he is looking forward to it. Smith stated she supports the notion that there are plenty of Staff to run the department in a "common-sense" way. Workman stated the City is finally of the size to support such a change.

*Moved Weir, seconded by Cavanaugh, to accept the Report. **Motion passed unanimously.***

## **VIII. OLD BUSINESS**

### **A. Ordinance Related to Tree Preservation and Replacement**

Lorsung went through the Ordinance and explained the table was clarified as directed by the Council, cleaned up the allowed disturbance information, removed the commercial district language so the current ordinance governing commercial districts will remain, and included language regarding trees in public right-of-ways in subdivisions, and a few other minor additions.

Cavanaugh asked for clarification of the sizes and percentages listed on the chart on page 13, section 7. He stated that the numbers have change quite a bit from the draft the Council reviewed a month ago. Lorsung stated that they took out part that talked about significant trees and clarified allowed disturbances. She stated the allowed acreage of disturbance has not changed.

Weir asked for clarification about percentages, acreage, and total trees. Lorsung replied that it is total trees. Smith recommends changing "up to 10 total trees" and similar and that there has not been a house so large to eliminate 3 acres. She stated that they should not say removal of "up to 25 trees" and the City should go by acreage.

Weir asked how it would be administered. Lorsung replied she does not have any ideas about how it could be changed.

Brinkman stated the Council struggled with "significant trees," and asked about a mass of trees that needed to be cleared out, which was not addressed by ordinance. He asked if the mass could be cleared which would significantly change the landscape. He suggested the ordinance discuss the "mass," or "screening" and about how it would address such things. He stated there are many places where if an entire mass was cleared, the land would not be covered. He asked if there is a way to address huge changes in landscape.

Smith stated her point was that they were not going to count trees, and there are number limits in the ordinance. Weir clarified the definition of "trees." Smith proposed taking out the counting of trees, and stated it is much easier to count acreage.

Brinkman asked why it is a problem with the numbers. Smith gave the example that if an entire lot is treed, the numbers may not allow someone to cut down enough trees to build their house. She stated she believes the point is to minimize clear-cutting of trees and Brinkman said without mitigation.

Smith stated that residents have a right to build a house and it should be measured in acres, not in trees. Lorsung stated this ordinance addresses properties that do not have many trees, for example a lot with only 25 trees. Smith stated that it should still be counted in acres, because a landowner may need to cut down all of their trees in order to build.

Workman asked if there should be a building-site exemption and Lorsung stated that would simplify the ordinance. She stated that allowing building pad, septic, to be exempt, would very much clarify the ordinance.

Workman stated such a change is reasonable, and Weir agreed. Lorsung stated the principle structure should be noted. Smith stated she likes this compromise.

Workman asked if this only applies if someone wants to redevelop their property. Lorsung stated that there would be a violation if someone cut all of their trees and read from the ordinance. Weir has a problem with such language.

Batty stated that if a person is not applying for any applications, the ordinance does not affect them. He stated an application triggers the ordinance, but questions how the City monitors someone who removes trees and then applies for the permit after the fact.

Batty said his concern is about the one-year prior date and stated that if it was adopted tonight, it would be a fixed date in 2005 and even 25 years down the road, it will create administrative difficulty. He explained from a legal perspective, the nature of ordinances is to change the law. He stated a criminal provision would be not right, that this is a civil provision and there is some legal issue with the ability to go back in time. He stated it is made worse because there is a punitive punishment.

Workman asked about a case where the property was sold. Batty stated that going forward, a look-back provision makes some sense, but that it be a mobile date rather than a concrete one. Batty stated the application of the permit would apply if someone changed their mind about subdividing a year or two down the road and then there would be a penalty.

Smith asked how soon a person could go back. Batty clarified that it would be one year prior from the application. Weir stated that it was her intent to prevent pre-emptive cutting, and as written, subdivision 5 invites pre-emptive cutting.

Workman stated there might be economic consequences for the landowner. Weir asked if the Council is better off with Subdivision 5, the one-year prior language, in the ordinance or to leave it out.

Workman stated that people do not plan in advance for development and this ordinance should be left as is. Smith asked what happens when instances where people change the landscape (such as filling in a wetland to build a road) before their application arise. Batty stated that such instances are different.

Weir asked if the Council needs to leave it one year and whether or not it was clearly written. Batty stated it could be changed and said the debate will be whether or not a year is sufficient. He stated the other complication is that it has to be written this way so there is a moving date. He explained it will take a full year until it is in full affect and there will be a one-year look-back, but no later than the date of adoption.

Workman stated this will need to be sent back for the worksite clarification, and then asked about the average site. Smith stated there are fire codes about how close trees can be to a house and Workman asked how far that was. Lorsung replied that a disturbance within the normal mitigation would be allowed and that within the building envelope, the property owner could clear the trees.

Workman stated he wants a mitigation for a yard in the ordinance, but does not want to allow a 5-acre yard. Cavanaugh pointed out that on a 1/2 acre lot, only 3000 square feet could be cleared. He stated his concern is that the ordinance has changed from the last draft and is much more restrictive, pointing out that it went from 15% of old growth to 15% of significant trees, and that the number used in the old draft was be 30%.

Smith noted Subdivision 7, and the definition of "Significant Trees," and said the language will be changed so the Council will not have to deal with such things.

Brinkman asked if the ordinance will address issues such as along Sioux Drive, where many trees were cut down. Lorsung stated that was a city project. Brinkman asked if the Tree Preservation Ordinance will affect any city projects, and Weir replied that it is strictly targeted at residential development.

Brinkman asked if limiting it to 1.75 acres would be okay. Workman stated with 1.75 acres, a small lot could be completely cleared. Cavanaugh asked about the zoning, and Lorsung replied it applies to all residentially zoned property.

Brinkman asked about the purpose of this ordinance and Weir stated it is to keep the City looking nice. Smith stated it is to protect valuable woodlands. Smith noted, however, that at some point, within restrictions, people have a right to put a house where they want.

Lorsung stated there could be a 50-foot radius around the house for yard could be proposed and anything more would need to be mitigated, including driveway and setback. Cavanaugh asked for clarification, Lorsung said the driveway, septic, and house pad would not have to be mitigated. Lorsung said all check requirements have to be updated, and Smith replied it needs to be done this way.

Weir asked if it was just the footprint that would be allowed, and Lorsung said that it is a 50-foot radius around the footprint. Lorsung said anything outside the 50-foot radius, or whatever area is decided, will have to be mitigated.

Cavanaugh stated he still does not understand everything about the ordinance.

Smith asked for a drawing to be added to the ordinance. Weir stated it was simple to interpret. Lorsung read the exemptions regarding removing trees in public right-of-way which she stated was a discussion at the last Council meeting.

Cavanaugh asked about private drives, and Lorsung replied a private road could be included in the new language. She stated there would be text and a picture. She asked how many feet the Council will allow, Workman and Smith said that they like 50-feet.

Brinkman asked about private roads, and stated that this will be the first time any private road is included in such language and it is the first time private roads will be exempt from mitigation.

Cavanaugh stated that there has to be some provision. Brinkman said typically a developer is fine planting trees. Smith stated that the ordinance being debated applies after lots are split. Smith and Workman stated that this is only for single-family lots, not subdivisions and Lorsung concurred. Brinkman asked if this applies to the private road that might lead into a 100-acre plot and suggested a private road not be included in the ordinance.

Smith asked if a pool counts as a principle structure, Lorsung stated it is not, that it is an accessory. Smith asked if it would have to be mitigated if it is not in the 50-foot radius, Lorsung replied that it would. Cavanaugh asked if it could be a "floating" 50 feet, Workman suggested it be an average of 50-foot radius. Lorsung said that is what she had. Smith clarified that they could have 25 feet on one side, 75 on one side of the house. Lorsung stated that is fine. Weir stated that makes sense to her. All agreed.

The Council directed Staff to prepare changes relating to the 50-foot average radius and bring back to Council at next meeting.

## **IX. NEW BUSINESS**

### **A. Wild Meadows**

- 1. Amended and Restated Conservation Easement**
- 2. Management Plan**
- 3. Assignment of Conservation Easement to Minnesota Land Trust**
- 4. Estoppels Certificate**

Batty reviewed the easement. He stated it has been worked on for the last 5 years. He stated the big picture is a large portion of the subdivision that is the subject of conservation easement that was acquired bit-by-bit as the subdivision went in. He stated it was the intent of the city from the beginning to collect the easements and turn them over to the land trust. Batty stated the documents tonight deal with final acceptance of easement and will be turned over to land trust as long as Council agrees.

He stated there have been tours and everyone is happy. He stated the management plan will outline how areas will be managed.

Sarah Sonsalla, from Kennedy an Graven, explained the conservation easement wraps up the conservation easements for 5 actions. She stated this easement is all-encompassing and asked for approval. She said a border soil easement will go over

wetlands and has been reviewed. She stated two easements will co-exist and requested Restoration Development execute additional trail deeds and sewer easements, which will be given to the City on Friday at the closing.

Sonsalla stated the assignment agreement will sign easements over to the Minnesota Land Trust. She explained the Minnesota Land Trust has no further issues and will take over the easements on Friday pending Council approval. She said there is an estoppels certificate stating City is satisfied with the easement and management plan.

Brinkman asked if this is consistent with other uses. He asked if the owners need to get permission and asked if this is customary. Sonsalla stated this was custom-made for Wild Meadows and the Minnesota Land Trust.

Brinkman asked who was responsible to review it from the City's point of view, and Batty responded it was he and Sonsalla. Batty explained that the document was an agreement among three parties.

Brinkman asked if it was the same document approved 5 years ago, to which Batty replied that it is essentially the same. Sonsalla stated the only change is the first paragraph, which states that all previous easements were replaced by this one.

Batty stated the City would end up with no less than it thought it would 5 years ago. Batty stated it has taken a year to work through and this is the same document.

*Moved by Smith, seconded by Weir, to approve amended and restated Conservation Easement, management plan, the assignment of the Conservation Easement to the Minnesota Land Trust, and Estoppels Certificate, as requested. **Motion passed unanimously.***

## **B. Request for Proposal – Functional Assessment of Wetlands**

Adams explained quotes were received earlier this spring and that there is a more formal RFP attached in the packet. He stated Staff is asking for approval to advertise the RFP and asked the date be changed to August 2, 2006.

Weir asked if it is a good thing for an RFP to not have a cap on the budget, and Workman replied it is better in this case to not have a cap. Smith stated this is not the first time it has been done and that the Council knows what it is getting into.

Adams stated this case is unique because the City has received 2 quotes, and has a general idea for a budget estimate. Lorsung stated that the City will be getting their money's worth. Smith stated the Council will be able to prioritize wetlands which really need to be protected. Lorsung stated that it needs to address Elm Creek since that is where a lot of changes have been made.

*Moved by Smith, seconded by Weir, to approve the Request for Proposal – Functional Assessment of Wetlands, as amended. **Motion passed unanimously.***

## **C. Individual Sewage Treatment Systems (ISTS)**

### **1. Ordinance Amending Section 720 of the Medina Code of Ordinances**

2. **Resolution Authorizing Publication of Ordinance No. 406 By Title and Summary**

Batty said this situation arose because an application for variance arose with a septic system, and it was discovered there was not a variance procedure within ordinance. He explained regulations require they have such a provision.

Batty noted the ordinance adds back a slightly different variance ordinance with slight changes. He said there are minor changes, which specifically adopt rules that allow performance systems. He stated this section was intended to be adopted and the provision is to explicitly call out the section to allow performance systems.

Batty stated adopting this ordinance will restore to what the City believed was the ordinance.

*Moved by Brinkman, seconded by Cavanaugh, to approve Ordinance Amending Section 720 of the Medina Code of Ordinances, as requested. **Motion passed unanimously.***

Smith stated the Council should discuss mandatory pumping and reporting. Workman stated there needs to be a database registering all septic systems and a date that the system needs to be inspected. Workman asked Staff to work on such an ordinance.

Adams stated it will be discussed during budget discussions.

*Moved by Weir, seconded by Smith, to authorize the Publication of Ordinance No. 406 By Title and Summary. **Motion passed unanimously.***

D. **Resolution Granting Approval of a Variance for Jason and Stephanie Ley for Property Located at 485 Vixen Road**

Lorsung stated the property being discussed is zoned rural residential. She stated the application came in for a building permit and during their review, Staff noticed extensive wetlands on the site. She stated that it was called out to a septic designer and stated it resulted in staff questioning the setback. She stated it was a 75-foot setback regardless type of wetland.

Lorsung stated the applicants asked the City to do a boundary assessment to figure out where septic system could go. She stated that the applicants need a 23-foot variance. She stated Staff recommends allowing the variance and not doing so would render property useless. She stated the septic system will be a performance-based system and stated that during the discussions with the DNR, Watershed District and other interested parties, everyone is very comfortable with performance-based system because systems are monitored quarterly and other quality control systems. She stated the burden is up to property owner and septic company to prove that it is performing.

Lorsung stated the applicant is applying for the variance because they are selling their house and want to move out of state.

Brinkman stated he is comfortable with allowing the variance. Mr. Lay stated he did not know that there was a 3-year limit, and once he found out about the limit, they had to replace system. He stated that they are replacing an out-of-compliance system, moving

it up to the good soil and installing a performance-based system in order to sell the house.

*Moved by Brinkman, seconded by Weir, to approve Resolution Granting Approval of a Variance for Jason and Stephanie Ley for Property Located at 485 Vixen Road with 4 conditions, as requested. **Motion passed unanimously.***

**E. Resolution Contesting Metropolitan Council Estimates of City of Medina Population**

Adams stated that there are two weeks to respond and object. He stated that the City's population estimate is 4,770, which is 30 more than estimated by the Met Council.

Adams stated it is more important for next year rather than this year. He said there is a significant benefit to having a pop of 5000 in order to receive Municipal State Aid. He stated it is worth objecting and asking Met Council why there is a variation in data and that the City used all of the Met Council's variables in their calculation. He said Staff recommends approval of the resolution.

Brinkman asked why Staff recommends contesting the calculations, to which Adams replied it gets the City closer to getting municipal state aid which could be an extra \$130,000 a year for road improvements. Workman said that currently, the County receives the money rather than the City.

Smith asked why the difference in number of households is not included. Adams stated the City is not able to determine how their number coordinates with the Met Council's numbers based on times of the year. Adams stated the number of people per household have changed and that the number has changed each year.

Smith asked if it is worth passing a resolution for 30 people, and Adams responded since the analysis is done, it will not hurt, and it gets the City closer to 5,000 in the event next years' numbers are 20 – 30 people short. Workman added it is good to put the Met Council on notice that Medina is keeping track of the numbers. Adams stated the City is probably at 5,000 as of today. Smith asked if this census number is released a year later, and Adams replied that she is correct.

*Moved by Weir, seconded by Cavanaugh, to approve the Resolution Contesting Metropolitan Council Estimates of City of Medina Population, as requested. **Motion passed unanimously.***

**F. Ordinance Related to Regulations And Licenses for Alcoholic Beverages; Repealing Sections 630 and 645, Amending Sections 625.23 and 515.03.**

Adams stated the ordinance is repealing two existing city codes several ordinances and amending some cross references, as well as update proper legal definitions of alcohol.

*Moved by Smith, seconded by Weir, to approve the Ordinance Related to Regulations And Licenses for Alcoholic Beverages; Repealing Sections 630 and 645, Amending Sections 625.23 and 515.03. **Motion passed unanimously.***

## **X. CITY ADMINISTRATOR REPORT**

### **A. Hamel Community Building**

Adams stated three months ago, Council recommended the staff to work with the Hamel Lions more regarding the Community Building.

Katrina Kobes gave an update regarding operational improvements to building. She stated the garbage enclosure needs to be updated with the uptown Hamel code system. She stated the garbage needs to be stored outside behind the building.

Adams stated they will be taking the issue to the Parks Commission for some discussion. Adams stated that the garbage was originally to be stored inside, however, upon further review, storing it outside is now being discussed. Kobes stated that another possibility is getting a larger container. Brinkman stated that some buildings downtown use air purifiers for some that are stored inside and that he would be okay with considering one for the time between when the garbage is stored inside and outside.

Kobes reported that nothing has been decided yet with the fee schedule. She stated that every night is being rented on Saturdays and they are considering prorated hours on those days and offering it for less on other days. She stated there is no revenue during the week and the city is looking to expand and create a better fee structure.

Smith asked about having a reduced fee during the weeknights, and Kobes responded that they are looking at "prime-time" between 2:00 p.m. and 5:00 p.m., at \$50 an hour, and \$30 an hour between 8:00 a.m. and 2:00 p.m.

Workman stated that Saturdays are all-day rates. Kobes stated that residents are looking for loopholes and they are trying to close those loopholes. She stated that police are involved in Community Building events regardless of whether or not alcohol is served. She stated that they are notifying the police about when people are or are not supposed to be in the facility and that the users will know when alcohol can and cannot be served, and said the police are requested to be around.

Kobes said that wireless equipment is being installed within the month and will be on the city's system. Cavanaugh asked if it will be open to the public, she stated that the user code will be changed weekly.

Cavanaugh asked if there is a separate connection that could be available outside of the city's firewall. She stated it has been briefly discussed and their IT Staff will have to be involved. Adams stated it may also have to be discussed with the internet provider. Smith stated it is not a coffee shop, and Brinkman added wireless internet could be an attraction.

Kobes mentioned the picnic tables and vending machines behind the building, and stated there have been delays with the vendor for the soda machine. Adams said they are close to recommending a different vendor.

Kobes said they are updating trash receptacles to encouraging recycling and better trash clean up. Workman asked about signs regarding no smoking. She stated there are

no signs. Workman stated he wants to make sure everyone knows there is no smoking since it is a City property.

Kobes stated the lock-box will house keys and the Fire Department will have keys to access it in case there is an emergency so they can open the door instead of breaking through the doors. She stated it has electronic capabilities as well.

Workman asked if there have been significant problems with clean-up and vandalism. She said the carpets have been a problem. She said she is not sure if replacement is in order, but that is one of the main future decisions.

Workman stated that since the new Hamel Lions member has taken over, reservations have gone much better. Kobes agreed.

Kobes pointed out the Community Center website which includes a downloadable permit application and they hope to have an online calendar and reservation request for space rentals.

Workman asked who has been renting the building, and Kobes replied it is mostly rented for parties, open houses, graduation type parties. She stated weddings are fairly difficult, but there have been funeral open houses.

Cavanaugh asked about working with community education for classes. Kobes stated that with new wireless PA system and other new and improved amenities it will be more user-friendly. Smith asked if community-ed would pay for the space.

Kobes stated that it is rented on a first-come, first-served basis, but that some groups have meetings on scheduled days. She stated those kinds of meetings have been a problem. Smith stated that she thinks there needs to be a cut-off date for such reservations.

Brinkman stated there should be a fee for those who cancel late. Kobes stated there is a cut-off point of 48-hours, but that does not help much. Smith asked about cancellation policy, she stated that there may be a "3-strikes," after 3 cancellations, groups have to start paying. Workman stated that there must be a set condition.

Kobes reported on 2005-2006 expenditures. She stated the estimate in 2005 was \$10,000 and actual was \$26,102.67. She stated the 2006 budget should be better and that they should be significantly under budget, but still not having revenues equal expenditures.

Kobes said the estimated revenue is \$7500, which was a little bit below in 2005, and that 2006 should meet the estimate. Workman asked if the building is booked, to which Kobes replied the building is already booked for the Christmas Holiday season.

Adams commended Kobes for analysis and work. He stated that unfortunately, her last day is Friday. Workman thanked her for her service.

Adams stated he is not looking for a specific recommendation, and added that in the future, there may be a contract revision to reflect some of the changes already in place.

Smith asked for an update about the storm water pond at the Parks Commission meeting.

## **B. Maple Plain Annexation**

Adams explained that in December, the Medina Council discussed this item. He explained Maple Plain approached Medina about a few parcels being annexed, and Medina did not provide support for the request. Adams states there have been several conversations and a formal letter was sent to Maple Plain describing the Medina's position that they were not interested in annexation.

Adams said the City of Maple Plain sent a letter to residents asking if they were interested in annexation. Adams is requesting direction from the Council to draft a letter to send to residents, as well as the City of Maple Plain.

Kobes states she was in the office last when a resident was quite irate about receiving a letter from Maple Plain. Workman stated it is not illegal, but quite unprofessional. Smith stated it is tacky.

Workman stated he wants to send a letter to the Maple Plain City Council stating Medina is not interested in annexing and the City is disappointed that Maple Plain contacted Medina residents. He stated the Council should send a letter to citizens stating they like them to be a part of Medina and are not interested in annexation.

Smith asked about Maple Plain's water service and asked that if Maple Plain pulls their water service, if there are other options. Lorsung stated private wells are the alternative. Brinkman stated the city could put up a small well, Workman stated it is one more system to maintain. Kellogg concurred with Workman.

*Moved by Brinkman, seconded by Cavanaugh, to approve letter stating they are not interested in detachment and annexation any portion of Medina to any city, as requested. **Motion passed unanimously.***

## **X. MAYOR & CITY COUNCIL REPORTS**

Weir stated a request from the Uptown Hamel Business Association that there be a newspaper box in Hamel and Smith stated that is a good idea. Adams stated the South Crow River News is okay with it and it may be fine as long as there are no city ordinances against it. It was recommended it go outside the post office. Adams does not know if the post office has agreed yet.

Workman asked Kellogg about Sioux Drive in Uptown Hamel and when it will be done. Kellogg said there has been an ultimatum that it be wrapped up by the end of the week. He stated the curb is in, sidewalk is not, and that it should be done by the end of the week.

Workman stated that there typically no monetary penalties in the contract, and Kellogg responded there are penalties which are part of the ultimatum. He stated Sioux Drive was closed two weeks ago and the contractor has 10 working days to complete the project. He said rain days have caused a slight delay and the 10 working days will be over by the end of the week.

Kellogg stated the city will pursue liquidated consequences if the work is not complete by the end of the week. He said that because it was delayed last year, the contract was extended until the end of August. He stated the clock started ticking when Sioux Drive was shut down.

He stated the problem was in Uptown Hamel on Mill Drive where there was a concrete curb that needs to be installed. He stated there was a notice delivered and the work was supposed to happen yesterday, and it has not happened yet.

Workman asked how people will get into the park, and Kellogg stated there will be signs. He said the contractor asked if it could be poured at the end of the week, and Kellogg responded it should be done next week so it is not closed this weekend.

Kellogg stated there are a few other issues and stated he will do everything they can to get it wrapped up. Brinkman asked if it will be poured High Early concrete, which takes less time to dry, and Kellogg stated yes it would.

Brinkman asked about a rural residential lighting ordinance. Weir stated it is on the list of ordinances, but it is not on a high priority. Brinkman stated there is something in the tree ordinance (PUD Ordinance) that could almost work for residential lighting. Brinkman stated lighting is uncontrolled. He stated he believes the City needs a lighting ordinance for residential.

Workman stated he does not want to do things without reviewing them. Brinkman stated he has heard some complaints. Weir stated barn lights are very bright and Brinkman stated that they often spill over to other properties. Smith stated there was a residential ordinance at one point. Workman asked if the City needs an ordinance.

Adams stated the ordinance is on the list of those to be discussed.

#### **XI. APPROVAL TO PAY THE BILLS**

*Moved by Smith, seconded by Weir, to approve the bills, order check numbers 029530-029586 for \$533,949.08, and payroll check numbers 019913-500078 for \$32,694.97.*

***Motion passed unanimously.***

#### **XII. ADJOURN**

*Moved by Weir, seconded by Cavanaugh, to adjourn the meeting at 9:54 p.m. **Motion passed unanimously.***

---

Bruce D. Workman, Mayor

Attest:

---

Chad M. Adams, City Administrator-Clerk