

## **MEDINA CITY COUNCIL MEETING MINUTES OF JANUARY 2, 2006**

The City Council of Medina, Minnesota met in regular session on January 2, 2006 at 7:02 p.m. in the City Hall Chambers. Mayor Workman called the meeting to order.

### **I. ROLL CALL**

**Members present:** Crosby, Cavanaugh, Smith, Weir, and Johnson.

**Members absent:** None

**Also present:** City Attorney Ron Batty, City Engineer Tom Kellogg, Police Chief Ed Belland, City Planner Rose Lorsung, City Planning Consultant Jennifer Haskamp, City Administrator Chad Adams, Outgoing Mayor Bruce Workman, and Recording Secretary Kimberly Stoll.

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

### **III. CEREMONIAL MATTERS**

#### **A. Oath of Office for Mayor Tom Crosby**

Mayor Tom Crosby was sworn in for a two-year Mayor's term by City Administrator (Clerk) Adams.

#### **B. Oath of Office for Councilors Carolyn Smith and Dan Johnson**

Both Councilmembers Carolyn Smith and Dan Johnson were sworn in for a four-year Council Member's term by Adams.

#### **C. Recognition of Outgoing Mayor Bruce Workman**

Crosby stated he would like to honor Bruce Workman for his work for the City of Medina over the last 16 years. Some of the projects Workman has participated in include the City's 2000 Comprehensive Plan, the Uptown Hamel Redevelopment District, construction of the Hamel Community Building, construction of the Target anchored commercial facility, construction of a water treatment plant and substantial improvements to Medina City Hall. Crosby stated he would like to propose the creation of a collage containing the original plat of the City of Medina in 1913 and the resolution components to honor Workman's work.

*Moved by Weir, seconded by Smith, to approve the resolution recognizing Bruce D. Workman for sixteen years of service to the City of Medina. **Motion passed unanimously.***

Workman stated it has been a pleasure to serve the City and he is available to help when needed. He stated that he has enjoyed the position and thanked the people who gave it to him.

Johnson suggested a similar resolution be made for Council Member Brinkman.

Crosby suggested they work on a similar resolution for Brinkman and have it prepared for the next Council meeting.

#### **IV. ADDITIONS TO THE AGENDA**

There were none.

#### **V. APPROVAL OF MINUTES**

##### **A. Approval of the December 19, 2006 Regular City Council Meeting Minutes**

It was noted on page 3, the eighth paragraph, it should state: "Cavanaugh stated he thought the City needed to take the easement for the possibility of a future trail."

It was noted on page 4, the first paragraph, it should state: "Cavanaugh inquired about Lorsung's recommendation on this."

It was noted on page 4, the twelfth paragraph, it should state: "Cavanaugh stated he wasn't sure if there was enough research done to decide whether or not an easement is appropriate and believed it would be imprudent to forego taking the easement at this time."

It was noted on page 5, the second paragraph, it should state: "Cavanaugh stated they don't have the authority..."

It was noted on page 5, the third paragraph, it should state: "Weir stated she does think burials are..."

It was noted on page 5, the seventh paragraph, it should state: "Weir noted that it doesn't look feasible to build a trail on the south side of Hamel Road near the Beannact Farm, but the trail could be built on the south side, east of Willow, crossing to the north side west of the Willow Drive/Hamel Road stop sign."

It was noted on page 7, the tenth paragraph, it should state: "Adams stated the fee schedule included the increased rates for City Staff and consultants."

It was noted on page 8, the first paragraph, it should state: "Weir inquired about the septic inspections occurring every 2 years, since the ordinance requires 3 yearly pumping and inspections."

It was noted on page 9, the third paragraph, it should state: "Batty stated he wouldn't write in to the ordinance a variance for non-profits."

It was noted on page 9, the thirteenth paragraph, it should state: "Weir stated she thinks they should support contributions to the three non-profit organizations listed. She noted..."

It was noted on page 11, the fifth paragraph, it should state: "Cavanaugh...He also stated if it does go forward, he is not willing to approve it without an environmental review."

It was noted on page 12, the tenth paragraph, it should state: "Dykoff" instead of "Dikoff."

It was noted on page 14, the sixth paragraph, it should state: "The Council... the 60 day limit to have a temporary..."

It was noted on page 14, the seventh paragraph, it should state: "Lorsung stated that the temporary signs were intended to be wayside signs."

It was noted on page 15, the third paragraph, it should state: "Weir...She noted that his gift is a generous gift to the future."

It was noted on page 15, the fifth paragraph, it should state: "Weir...She stated cities aren't..."

It was noted on page 15, the eighth paragraph, it should state: "Smith...the City to use the new density calculation method for zoning."

It was noted on page 16, the fourth paragraph, it should state: "Smith...Adams explained that Medina..."

It was noted on page 16, the seventh paragraph, it should state: "Smith stated it will cost Medina money to comply, but that complying to the TMDL is important."

*Moved by Smith, seconded by Cavanaugh, to approve the December 19, 2006 regular City Council meeting minutes as amended. **Motion passed unanimously.***

## **VI. CONSENT AGENDA**

- A. Resolution Authorizing Publication by Title & Summary of Fee Schedule Ordinance**
- ~~B. Resolution Designating Institutions to Invest in Idle Funds~~**
- ~~C. Designation of Official Depositories~~**
- D. Designation of South Crow River News as Official Newspaper**
- E. Schedule 2007 Local Board of Appeal and Equalization Hearing for April 4, 2007 at 6:30 p.m. in Medina City Hall**
- F. Approve EPDB Conditional Use License Agreement with Hennepin County**
- G. Approve Pictometry Conditional Use Agreement Between Hennepin County and City of Medina**

Crosby asked to remove items B and C from the consent agenda.

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

- B. Resolution Designating Institutions to Invest in Idle Funds**
- C. Designation of Official Depositories**

Crosby inquired how much is being held in idle funds.

Day stated there is approximately \$8 million dollars being held in idle funds in shorter and long term investments.

Crosby stated those funds are the City's balance sheet funds plus funds in various escrow accounts. He inquired about statutory requirements for the locations of the

funds. He listed the locations of the current idle funds noting that they are all big national firms. Crosby stated the official depositories the City is using and stated they are dropping Wells Fargo, U.S. Piper, Jaffrey, and Jerran and Moody. He inquired why there weren't any Minnesota based businesses that qualify.

Day stated she has been working with the nine organizations where the investments were located at when she began in this position. She stated she has been working with each of them on a continuous basis and slowly downsizing the investments with those businesses based on customer service and the investment returns. Day noted that Solomon, Smith, Barney (Citigroup) and RBC Dain Rauscher, Inc. have been the two businesses where the City has found a better return for the investments. She stated the City has been keeping the more liquid funds within the League of MN Cities 4M Fund.

Crosby inquired about Johnson's thoughts on the use of local organizations.

Johnson stated he was curious about the average duration of the investments.

Day stated she is just beginning to create a system to look at the duration of the investments. She stated when she began the majority of the funds were liquid funds in the 4M Fund. Day stated she has established some ladder funds with approximately \$4 million over the course of a year to eighteen months with continual maturities to ensure cash flow. She stated the City has various investments dating out to 2013 to assist with cash flow for future projects to be completed within the City.

Johnson stated that from a policy point of view it is important to understand the intended duration of the investments. He stated the requirement for the cash fundamentally drives the investment opportunities and then once those have been established a needs analysis could be conducted.

Crosby suggested that at the retreat the Council could further discuss the investments. He requested that Day bring a sample of a ladder and the nature of the funds. He stated he was surprised that there were as few local based firms as there were.

Johnson inquired about the amount of the average yields.

Day stated the investments she has been doing have been around 5.34 and she has noticed a decline within the last quarter.

Crosby suggested the resolution be passed as it was proposed and make any necessary amendments in the future.

*Moved by Johnson, seconded by Cavanaugh to approve the Resolution Designating Institutions to Invest in Idle Funds and Designation of Official Depositories. **Motion passed unanimously.***

## **VII. COMMENTS**

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

There were none.

**B. Park Commission**

Adams stated the Park Commission will be meeting in a few weeks to discuss the Park Commission orientation manual. He stated there may be a joint meeting with the Open Space Task Force in January as well as more discussion on the Comprehensive Plan.

Crosby inquired if the Park Commission meets monthly. Adams stated they meet monthly on the third Wednesday of the month.

**D. Planning Commission**

Adams introduced Jennifer Haskamp as the City Planning Consultant.

Crosby stated he would like to see the Planning Commission and the Parks Commission members who are present at the City Council meetings to make the reports to the Council. He stated he thinks it is important for the volunteer to do the report instead of Staff.

**VIII. NEW BUSINESS**

**A. Resolution Accepting the Petition for Preparation of an Environmental Assessment Worksheet on the Rising Sun Memorial Park Project**

Batty stated the City received a citizen's petition in mid December requesting the preparation for an Environmental Assessment Worksheet for the cemetery. He noted the Council considered an adopted resolution at the December 19, 2006 meeting authorizing Staff to review the petition and other environmental related documents and to make a recommendation whether the petition be accepted and an EAW be ordered or not. Batty stated that the Council received a report from Bonestroo, which reviews the material and makes the recommendation that the petition be accepted and an EAW be ordered. Batty noted the Council also received a resolution accepting the petition and an EAW be ordered. He stated the process for the EAW will take approximately 3 to 6 months at which time an EIS is justified or there is no need for further environmental review. He noted the land use application would be suspended during the time when an EAW is being conducted.

Crosby stated his understanding when he read the report was that the standard the Council is held to is that the project may have the potential for significant environmental effects.

Batty stated the report focuses on two issues that are raised in the petition, but if the Council adopts the resolution the EAW will include a broad scope of environmental issues that will be reviewed in the process.

Crosby reiterated that in Bonestroo's report the project has the potential for significant environmental effects.

Batty stated the engineers will be looking at the materials submitted by the petitioners and other environmental materials they are aware of to see if it raises the possibility of environment issues. He stated the engineers think it does raise concerns to a level where they think an EAW should be conducted. He stated the EAW is the more thorough investigation and evaluation of those issues.

Crosby stated he would like to know which way the Council is leaning for completing the EAW.

Johnson stated there are 2 issues raised in the report, one issue being the ground water and the second being the endangered species. He stated the recommendation only appears to address the ground water. He inquired if the EAW addresses both of those issues.

Crosby stated his understanding is that the EAW covers everything.

Batty stated that once the EAW begins it would look at a list of issues that have to be reviewed.

Cavanaugh inquired if the resolution states who pays for the EAW. Batty stated the resolution doesn't state who pays for the EAW, but the rules state that the proposer of the project pays for the EAW.

Cavanaugh clarified that the City doesn't run a risk by not having it in the resolution.

Batty stated that it isn't necessary to have it in the resolution because it is outlined in the state rules, but the Council could add it.

Public hearing opened at 7:34 p.m.

Ms. Maret Olson, lawyer representing some of the land owners, stated she reviewed the proposed resolution and one of the findings states that one concern is the formaldehyde used when the bodies were embalmed causing contamination. She stated the embalming process is not universal and is an elective procedure used in Minnesota. She stated that decay and bacteria can also cause leeching and can cause contamination.

Crosby stated that Ms. Olson has formally communicated the concern to the City and it is in the public record.

Batty stated the City will be looking at everything through the EAW.

Public hearing was closed at 7:38 p.m.

*Moved by Weir, seconded by Smith, to approve the Resolution Accepting the Petition for Preparation of an Environmental Assessment Worksheet on the Rising Sun Memorial Park Project, as requested. **Motion passed unanimously.***

Crosby inquired when this will come back to the Council.

Batty stated he is unsure of the timeline because the EAW will take some time to prepare. He stated they could prepare a tentative schedule and bring the tentative schedule back to the Council for the next meeting.

Johnson inquired if the petitioners or the City selects the company to conduct the EAW. Batty stated that the City selects the company to conduct the EAW.

**B. Conditional Use Permit for Schleeter Property Located at 1585 Medina Road- Ebert Construction**

Haskamp stated the residents at 1585 Medina Road have requested a Conditional Use Permit for an accessory structure. She stated there is a single-family residence, a barn, and two sheds currently located on the property. She stated the proposed accessory structure is 9,044 square feet and it would replace one of the existing barns on the property. Haskamp stated the ordinance does allow for an accessory structure with a CUP. Haskamp stated that the accessory structure does meet all of the setback requirements. She stated there is a potential issue regarding the height of the building, which is about 33 feet. Haskamp showed pictures of the proposed accessory structure. She stated it was recommended to the Planning Commission to verify the height. This would require one additional measurement by the applicant. She stated this is one of the conditions. She noted that proposed structure is designed to match with the architectural style of the principal structure. Haskamp noted that when and if a CUP was granted there are approximately 10 criteria for the applicant to meet. She stated the Planning Commission discussed each of those criteria and unanimously agreed to approve the conditional use permit with the attached conditions.

Smith stated that the building is not to be used for commercial purposes. She inquired if there was clear definition about the use of commercial purposes and if the accessory structure is to be used for the owner's horses.

Crosby stated they did discuss this at the Planning Commission meeting. He stated it is a building that is intended for equipment storage and for animals.

Greg Ebert stated that Molly and Harry Schleeter own the property. He stated the primary use of the accessory structure is for horses, cattle and equipment.

Smith stated that the CUP goes with the property and it doesn't matter who currently owns it now.

Crosby stated he concurred with Smith that when the City approves accessory structures for barns it is for personal use only.

Smith stated that the drawing presented doesn't indicate if there are any wetlands on the property.

Crosby stated there were wetlands noted at the Planning Commission.

Haskamp stated the wetlands weren't delineated on the site plan, however when they went to the City's GIS system there were some wetlands identified on the property. She stated that one of the conditions requires that the wetlands be placed on the site plan.

Smith inquired if there were any DNR protected wetlands on the site. Haskamp and Crosby stated they didn't think there were any DNR wetlands.

Johnson inquired about the net difference between the proposed structure and the building being torn down. Ebert stated the pole barn that would be torn down is about 1,800 square feet.

Smith inquired if the cattle Ebert mentioned were grazing in the wetlands.

Ebert stated there are two pastures located on the property and the cattle are grazing out of one pasture.

Mr. Schleeter stated there is a fenced off area the cattle graze in. He stated he doesn't think there are any designated wetlands in the fenced area.

Smith stated that she would like to add a condition that animals not graze in the wetlands.

Ebert inquired if it was allowable for animals to graze in wetlands when the wetlands weren't wet. Smith stated it doesn't matter if the wetlands are wet. She stated it isn't best management practices to allow them to graze in a wetland. Weir stated that it is a water quality issue.

Smith stated the problem arises when animals relieve themselves and the water flows in to the wetland. She stated that by not allowing the animals to pasture in the wetland the problem would be solved. She noted the TMDL rules are coming and the City needs to decrease the phosphorous levels by 33%. She stated these are Federal rules coming to the State.

Crosby stated the animals should be fenced out of the wetlands as the wetlands are delineated by the Watershed District. He stated the property might be right on the northern edge of the Minnehaha Creek Watershed District (MCWD).

Schleeter inquired if the Council was determining if the area was a wetland. Crosby stated the Council doesn't determine if the land is a wetland, but the determination is done by MCWD. He explained that the City follows these determinations. He stated if the property is in Minnehaha it has already been determined and the City is working on having the rest of the land within the City delineated.

Crosby stated the resolution should be amended to include a condition that the cattle will not be allowed to graze on wetlands designated by the MCWD.

Johnson inquired if it was part of best practices.

Crosby stated the City can't legislate best practices, but they can require property owners to follow the rules on wetlands. He stated fifth condition should include "that no animals should be permitted to graze in wetlands designated by the MCWD or a comparable district."

*Moved by Cavanaugh, seconded by Weir, to authorize staff to prepare the resolution for Conditional Use Permit with the addition that no animals should be permitted to graze in a wetland and for private, non-commercial use only. **Motion passed unanimously.***

Crosby stated that he thinks all CUP proposals for barns should include the requirements to not allow animals to graze in wetlands and for private, non-commercial use only.

**C. Final Plat Approval to Willow Hill Preserve**

Adams stated the preliminary plat approval for Willow Hill Preserve was approved by the Council previously. Adams stated not all of the preliminary conditions have been met and there are some items that need to be resolved within the next week. If the items are not resolved by next week, then the applicant needs to give the City an extension or Staff needs to come back with a recommendation for denial because of the statutory deadline requirements. Adams stated Staff is recommending that the Council authorize Staff to prepare the resolution for the next meeting with approvals.

Crosby inquired about the conditions that need to be met.

George Stickney stated he has an extension until March 17, 2007 in case the Council and Staff aren't able to complete the items by January 17, 2007.

Adams stated at the final Staff review meeting this morning the engineer and the attorney addressed a number of different items that were in question.

Batty stated he identified 7 or 8 items that weren't completed. He stated one item he hasn't seen the cover page with the dedication language, but he has seen the final drawing for the plat. He stated there were a couple of easements that need to be removed or resolved and he just received an email with the applicant's proposal on how they would be resolved, but he hasn't had the opportunity to review it. Batty stated this project will require a private road agreement similar to the ones that have been done in the past. He stated the City will need to receive a letter detailing the improvements that have been done and the costs for those and a letter of credit. He stated as of today they can't finalize the agreement.

Kellogg stated the other outstanding items are engineering related. He stated the City recently received a revised set of plans and prepared a return letter to the applicant. He stated one of the remaining items is the storm water drainage calculations.

Weir stated she would like to see some information about the impact on the trees. She inquired about the rain gardens. She stated the Fire Marshal has required the removal of trees including the removal of trees from the center of the cul-de-sac. She inquired if this was done by a survey.

Batty stated he believes it is done by a survey.

Kellogg stated a tree survey/inventory has been done that indicates which trees need to be removed for the roadway and the rain garden design. He stated that Weir was correct in stating that the Fire Marshal requires the clearing of trees, but the center of the cul-de-sac can remain clear.

Stickney stated the plans do include leaving the trees in the center of the island.

Crosby inquired if there were limitations because the Council has already reviewed this preliminary plat. Batty stated it is too late to come up with new terms and conditions because the preliminary plat and resolution gives the applicant the list of things that need to be completed prior to final plat approval.

Crosby stated not all of the terms and conditions have been met for this applicant. He clarified from Kellogg that he hasn't signed off on the rain garden or the final calculations.

Kellogg stated that is correct.

Johnson stated after reading the minutes for the preliminary plat discussion he walked the property and his sense is that it is not in compliance with the tree ordinance. He stated there are a lot of things currently in flux in regards to the final plat that need signing off on that they don't currently know.

Weir stated that it is not a very meaningful ordinance. She stated the Council has the choice to approve the final plat or table it based on the conditions not being met.

Cavanaugh stated he thought they were only asking Staff to prepare the resolution.

Adams stated it isn't as critical for the Council to make a decision tonight because they have received an extension until March 17.

Batty stated that it is not uncommon for the Council to get to this point on applications where not everything is done. He noted in most cases more things are done than what is done for this applicant. He stated it is not atypical to get up to this point and authorize resolution to keep the application moving forward, but Staff will not bring the resolution back to the Council until everything is done. He stated that what was different about this one was the time deadline and the next Council meeting was the last opportunity. He stated that absent the extension Staff was recommending the Council the approval of the resolution. He suggested that the Council doesn't need to adopt anything at this point, but should direct Staff to continue working with the applicant.

*Moved by Weir, seconded by Cavanaugh, to table the discussion.*

Johnson inquired about the engineering aspects and the variance for the Fire Marshal's request for the width. He suggested that as part of the process they explore the option of narrowing the road in an effort to preserve the trees. Johnson inquired if adjacent property owners were notified after the preliminary plat and if they had any comment.

Weir stated the adjacent property owners were notified of the public hearing for the preliminary plat, but not for the final plat.

Batty stated there is a public hearing held for the preliminary plat, but there isn't a public hearing held for the final plat.

Cavanaugh stated he thought the Council had previously given Staff the direction to discuss with the Fire Marshal the possibility of a narrower road to preserve some the trees.

Crosby stated that he assumed the applicant would prefer a narrower road as well. Stickney stated they would like to have a narrower road.

Weir inquired if it would be feasible to offer a variance going against the Fire Marshal's design standards. Adams stated they have had similar situations in the past and it

seems some of the decisions come down solely to the discretion of the Fire Marshal, but they would be willing to approach the issue again.

Cavanaugh stated that if the Fire Marshal requires something and then the City does something different it opens the City up to being liable if a problem arises.

Weir stated that there are only four houses on the road and she didn't think fire trucks are more than 10 feet across.

Crosby stated that he thought the test was having a fire truck parked on the road and the ability of another emergency vehicle to drive past.

Cavanaugh stated that if there is a problem and the Council goes against it, they are opening the City up to a huge liability.

Smith inquired about the area inside of the cul-de-sac. Stickney stated there have been two public hearings to date. He stated they are concerned about the amount of trees that may need to be cut down and have taken that in to consideration when they planned the roads and left the center remaining green.

Crosby stated the property owners have the right to amend the resolution.

Stickney stated the tree clearing restrictions on the trees they are requiring. He also stated that as developers they are required to replant the trees 2:1.

Crosby provided the example of a location in Orono where there are islands with trees on them.

Stickney stated that is the intent for this location and the owners can only remove a set amount of trees.

***Motion passed unanimously.***

**D. PUD Amendment for Medina Clydesdale Marketplace for Multi-Tenant Retail Building- Ryan Companies**

Haskamp demonstrated on a map the location of the proposed site for the PUD amendment for the Medina Clydesdale Retail building. She stated the request is by Ryan Companies for a drive-thru to be placed on the property. She stated the location of the building is remaining on the same footprint as on the original PUD agreement. She stated on the original plan, coffee shops would be allowed, but it doesn't specifically mention drive-thrus for businesses other than the bank. She stated the PUD amendment includes lighting, landscaping, drainage, parking, signage, and architectural/design standards. Haskamp demonstrated locations of the specific types of businesses on the property that are being proposed. Haskamp stated the intersection at Clydesdale Trail will be one of the primary intersections used. She stated it was discussed at length the need for visual appeal at that intersection. Haskamp stated one of the issues discussed with the Planning Commission was the appearance of the drive-thru from the Clydesdale Trail intersection. She stated the applicant has begun to look at the issue of appearance. Another issue was the trash room and the mechanical room. She stated the applicant has agreed to shift those rooms further east in the structure to make them more accessible for trash pick up. Haskamp demonstrated the

various views of the building for the architecture. She stated the applicant has begun to explore different facades for the building to create a more pedestrian feel. She stated at the Planning Commission meeting there was a recommendation to deny the proposed plan amendment based on the previous PUD agreement stating there were to be no other drive-thrus. She recommended the Council discuss the plausibility of the drive-thru.

Weir stated that one of the chief issues discussed at the Planning Commission meeting was the rear of the building is being treated as the rear of the building instead of a pedestrian walking area. Weir stated that the clock is ticking on TIF and they need development. She stated she wouldn't be opposed to a well designed drive-thru. She also stated the shops should have large glass windows to allow for looking in to the interior spaces of the building in an inviting way. She inquired if the entire north side could be created as an outdoor seating area and have trash collected on the east side. She stated she can't consider it as it is, but she is giving some ideas.

Crosby stated that at the Planning Commission meeting the two issues were the orientation of the building and the drive-thru. He stated that the developers have come to the Planning Commission twice making significant changes to the plan based on the recommendations. He stated there was a technical issue regarding the drive-thru. He stated they might approve it for a business now, but once it has been opened up for a business it will be open for other businesses in the future. He inquired about the legal position on drive-thrus. He inquired if they could limit it to a type service offered through a drive-thru.

Batty stated he didn't think they could be as specific as a coffee shop, but the City could come up with land use characteristics. He stated it may be difficult to distinguish a future use once a drive-thru has been approved, unless the Council sets standards for the use.

Johnson stated that if the façade was nice, the landscaping was great, the traffic pattern works, and the trash wasn't out on Clydesdale then subsequent uses shouldn't bother the City.

Cavanaugh stated that part of the previous discussions was in regard to the hours of a business such as a coffee shop would be opposite from other business.

Johnson stated he thinks the Council should give a weight to the recommendations by Staff and the volunteers on the Planning Commission noting that both groups recommended denying the request. He inquired about their responses to the applicant.

Crosby stated that some members of the Planning Commission were against the drive-thru because the original plan didn't include plans for the drive-thru. He stated that there also were concerns about the orientation of the building. He stated that the original PUD indicated parking was located on the south side of the property which is opposite of the main door.

Smith stated there is a lovely area on TH 55 near Vicksburg Lane where the backs of the buildings were designed so that each business looks like a separate building. She provided some examples of other coffee shops that are eye-pleasing. Smith stated she has always supported a drive-thru coffee shop in this location.

Crosby stated the issue is creating an attractive four-sided building and drive-thru facility. He stated he thought the developers would be supportive of limiting the drive-thru to a coffee shop.

Weir stated that an attractive plaza on Clydesdale does not include trash collection. She recommended the trash be placed on the east side and be enclosed.

Smith stated that she is under the impression that trash is on the inside of the building and it is picked up early in the morning.

Crosby stated he wouldn't want to see the trash on the end of the building because it eliminates the possibility for an attractive space on the end. He stated he would like to see it on the south side.

Weir inquired if the trash was in a dumpster or a wheeling bin.

Peter McEnery, from the Ryan Companies, stated he has been working on this project for two and half years. He stated he thinks the developers are bringing in some good tenants. He stated they are willing to tie in to their Operating and Easement Agreement that this drive-thru is only for servicing a coffee shop. He stated if the tenant would move or leave, then the drive-thru would then go away and a new tenant would need to go through the process of asking the Council if for approval of a drive-thru. He stated they are working with Staff regarding the architecture of the building. McEnery stated the Arbor Lakes development has designed an area for trash that isn't noticeable. He explained the movements of the trash pick-up and the trash would be in a dumpster. He stated Ryan Companies did look at the north side of the development and noted that shade would be present in the summer. He stated they are working with Staff to come up with a design that has a more unique character.

Cavanaugh inquired if the building could be turned to allow for walking past the plaza allowing the traffic to flow in the other direction.

McEnery stated the flow of traffic would need to remain in the direction as it is designed to allow for pick up through the drive-thru by the driver.

Crosby inquired about the action for the Council tonight. Adams stated they have a statutory deadline of January 30<sup>th</sup> to respond. He stated the Council needs to respond for approval or denial at the next meeting or ask for an extension.

Johnson stated he would like to seek consensus regarding the aesthetics. He would like to give Ryan Companies some guidance about the specifics the Council would like to have addressed.

Weir inquired if Ryan Companies has heard enough. McEnery stated he thought he had heard enough and some of the issues were the same issues they had heard from the Planning Commission.

Crosby stated he thinks each side of the building need to look as nice as the other sides.

McEnery stated one of the concepts they are working toward is having the north side similar to the south side.

Johnson stated he thinks one way to reduce the impact of a drive-thru is to have the median between the road and the drive-thru less than 12 feet. He stated he thinks it would be good to create a landscape screen.

McEnergy stated a lot of the plant material on the plan doesn't grow wide, but grows tall.

Johnson inquired if there was a reason not to go higher. McEnergy stated they would like to create a screen, but there is a safety concern.

Crosby inquired about the signage for the property. McEnergy stated there would be signage on the south, north and the west side, but not on the east side.

Weir inquired about the seating in the bagel shop. She stated that if it is a restaurant, they are required to have seating. McEnergy stated that if there is a restaurant it will have seating.

Crosby inquired if there was consensus by the Council to have a drive-thru on the west side and a four-sided building.

Smith inquired if it would come back directly to the Council.

Crosby stated he thinks if there is time, then it should go back to the Planning Commission. He stated the last time the Planning Commission's focus was primarily on the drive-thru and not the other issues. He stated if there is time they would work on the design and making a drive-thru fit into the plan.

Weir stated the City might need an extension.

Batty stated the City will need an extension.

Smith inquired if it could go on the next Planning Commission's agenda in February. Adams stated it could go on the February agenda. McEnergy clarified that the Planning Commission would be told that there will be a drive-thru.

Crosby stated Ryan Companies should assume there is going to be a drive-thru, but it needs to be designed.

Smith stated the Planning Commission should be aware that there is a change in perspective on a well designed drive-thru for a coffee shop.

Crosby clarified that the OEA that was referred to earlier is not something the City would be a part of, but Ryan Companies would need to figure out how to make it tie to a coffee shop.

McEnergy stated there have been similar discussions with Target. He stated they are strict about who and what they allow in near stores.

Crosby inquired if there was a coffee shop within Target. McEnergy stated that most of the coffee shops like to be located close to Target because customers often drink coffee

in the store. He stated the coffee shop the City is planning would be designed more for the drinking it within the restaurant.

Adams stated he thinks the City needs to have an extension. Ryan Companies stated that they will discuss getting an extension. Batty stated Staff will need to proceed with the assumption that there is no extension and bring back a resolution for the January 16<sup>th</sup> meeting.

Crosby inquired what would happen if they do get an extension. Adams stated it would probably come back to the second Planning Commission meeting in March.

Cavanaugh stated that if they get an extension as soon as possible it would save Staff from developing the resolution.

Adams inquired if the proper direction for Staff is to prepare the resolution for denial with the exception being if they receive an extension. Batty stated that to protect the City there will be a resolution on the Council's agenda if there isn't an extension. He inquired what resolution should be made at this point in time.

*Moved by Weir, seconded by Smith, to authorize preparation of resolution denial of the PUD Amendment unless the City receives an extension for the proposed amendment for the Medina Clydesdale Marketplace.*

Crosby stated they are denying based on the Planning Commission's recommendation.

Adams stated they are denying based on the plan before the Council that night.

McEnery inquired if it would be possible to come back to Council in 30 days after working with Staff to go over the plan. He stated they have a tenant who would like to begin construction in the spring.

Cavanaugh stated his impression is that everyone is willing to go as quickly as possible on this project.

Adams stated his understanding is that Ryan Companies would prefer to come back to the Council and without going to the Planning Commission first.

Crosby suggested providing a report to the Planning Commission and then having it come directly back to the Council.

Adams stated there is a potential that it could come back to the Council in two weeks if they receive enough material and the Planning Commission reviews the report.

Haskamp inquired about the current level of the drawings and if the updated drawings would be available for the Planning Commission next week.

Crosby stated they aren't recommending to have a drawing to show the Planning Commission, but there would be a report stating the Council heard what they said. Crosby inquired if Ryan Companies would be able to give them an extension.

McEnery stated he couldn't guarantee an extension.

***Motion passed unanimously.***

**E. Appointments**

**1. Appointment to Planning Commission for one two-year term**

Weir stated the selection committee recommended to the Council that Charles Nolan be appointed to the Planning Commission. She stated some of his previous experiences and his technical experience including reading site plans and zoning land use laws. She stated he moved to Medina in 1994 and has previously served on the Orono Planning Commission board. Weir stated the City has a good Planning Commission, but doesn't currently have anyone with technical experience. She stated the selection committee would strongly recommend Nolan.

**2. Appointments to Planning Commission for two three-year terms**

Weir stated the committee would also like to recommend Mark Bryant. She stated Bryant owns a business in Uptown Hamel, he is the treasurer of the Uptown Hamel Business group, and a member of the Hamel Fire Department. Weir stated the selection committee would also like to recommend Mary Verbick who will be entering her third term on the Planning Commission. Weir stated that she is very steady and rational in her approach. Weir noted that the selection committee received a number of strong applications.

Crosby clarified that Nolan asked to serve a two-year term and Bryant and Verbick would serve for three-year terms.

*Moved by Weir, seconded by Cavanaugh, to appoint Charles Nolan for a two-year term to the Planning Commission and Mark Bryant and Mary Verbick for three-year terms to the Planning Commission. **Motion passed unanimously.***

**3. Appointments to Park Commission for two three-year terms**

Smith stated the Park Commission received two applications for appointments. She stated the Park Commission would like to recommend Brian Kingsley and Robin "Ben" Benson.

*Motion by Smith, seconded by Weir, to appoint Brian Kingsley and Robin "Ben" Benson to the Park Commission for three-year terms. **Motion passed unanimously.***

**4. 2007 General Appointments**

Crosby stated and the Council discussed the various appointments that need to be filled. There was agreement as follows for the various appointments:

**Council Office/Liaisons**

Acting Mayor  
Public Safety Liaison  
Public Works Liaison  
Planning & Zoning Liaison  
Parks Liaison  
Administration Liaison

**2007 Appointment(s)**

Carolyn Smith  
Dan Johnson  
Joe Cavanaugh  
Elizabeth Weir  
Carolyn Smith  
Tom Crosby

**Agency**

**City Consultants**

Auditing Services  
Building Inspector  
City Assessor  
City Attorney  
City Engineer  
Fire Marshal

Horse Management Education & Consulting  
IT  
Planning Consultant  
Prosecuting Attorney

Zoning Administrator

Kern, Deventer, Viere  
Metro West Inspection  
Rolf Erickson  
Ron Batty  
Tom Kellogg  
Loren Kohnen  
Betsy Gilkerson

Mike Brocco  
Jennifer Haskamp  
Steve Tallen  
Rose Lorsung  
Dusty Finke (alternate)  
Metro West Inspection  
(2nd alternate)

Southwest Assessing  
Kennedy & Graven  
Bonestroo

University of Minnesota  
Extension  
Cipher Laboratories  
Landform  
Tallen & Baertschi

**City Committee, Agency, Commission Representatives**

Communities in Collaboration Council

Elm Creek Watershed (2nd Wednesday @ 11:30 a.m.,  
Maple Grove City Hall)

Facilities Master Plan - Citizens Advisory Committee  
Hamel VFD Relief Association (2nd Monday @ 9:00  
p.m.) (need 2 elected officials as ex-officio members)

Highway 55 Corridor Coalition Joint Powers

Lake Independence TMDL through Pioneer-Sarah Creek  
Watershed

Lake Minnetonka Communication Commissioners (2)  
(non-officers meet quarterly - 3rd Tuesday @ 5:30 p.m.)

Manure/Horse Management - Medina Horse Association  
Liaison

Minnehaha Creek Watershed (2nd & 4th Tues. @ 6:30  
p.m.)

Northwest Hennepin League of Municipalities (2nd  
Wednesday @ 6 p.m.)

Northwest Suburban (NWS) Chamber of Commerce  
Representatives (2nd Tuesday @ 7:30 a.m.)

Open Space Task Force

Orono Healthy Communities Healthy Youth Family  
Service Collaborative

Pioneer-Sarah Creek Watershed (third Thursday @ 4:00  
p.m., Independence City Hall)

Ed Belland  
Madeleine Linck  
Carolyn Smith (alternate)

Tom Crosby  
Elizabeth Weir (alternate)

Dan Johnson  
Joe Cavanaugh  
Elizabeth Weir  
Chad Adams (alternate)  
Jodi Wunsch (2nd  
alternate)  
Elizabeth Weir

Garry Spurlock  
Jodi Wunsch (alternate)

Carolyn Smith  
Staff - Jodi Wunsch  
Phil Zietlow

Carolyn Smith  
Elizabeth Weir (alternate)  
Chad Adams (2nd  
alternate)

Chad Adams  
Tom Crosby (alternate)  
Jodi Wunsch (2nd  
alternate)

Joe Cavanaugh  
Elizabeth Weir  
Elizabeth Weir

Donald Johnston  
Dick Picard (alternate)

Uptown Hamel Inc. (Business Assn.) (third Tuesday @ Noon, location changes)	Elizabeth Weir
Weed and Tree Inspector	Tom Crosby
WH Recycling Commission Representative	Jodi Wunsch

Crosby stated he knows of three City Council meetings he will be missing this year and would like to reschedule the meetings if there are a few Council members absent.

Weir suggested discussing the City Council meetings the Council members know they will be missing during the retreat.

The Council discussed keeping in mind other potential citizens that would be willing to serve on the various committees. They also discussed if committee members need to be residents if they serve as the liaison. The Council discussed the various committees and the requirements for attendance.

*Moved by Weir, seconded by Cavanaugh, to approve the appointments as discussed.  
**Motion passed unanimously.***

#### **5. Appointment to 2010-2030 Comprehensive Plan Committee**

Adams stated they are looking for two Council Members, two Park Commission members and two Planning Commission members to sit on an advisory committee. He stated there have been a couple of Council Members who have expressed an interest. Adams stated Dickerson and Nolan from the Planning Commission have expressed interest and Brian Kingsley, Ann Thies, and Madeleine Linck from the Park Commission are all interested.

Weir stated that she thinks it would make sense to not introduce brand new members on the committees to the Comprehensive Plan Committee.

Smith stated she would recommend Ann Thies and Madeleine Linck. She stated that she believes they both have expertise and knowledge.

Cavanaugh inquired if Randy Hughes was interested in being on it. Smith stated that Hughes is no longer on the Parks Commission.

Johnson stated Dickerson and Nolan from the Planning Commission have expressed interest.

Weir stated she expressed interest in joining representing the Council.

Crosby stated that Smith had expressed interest in joining as well. Crosby stated he would like to be an ex-officio member.

Weir stated as a six-member committee it would be good to have Crosby to make it an odd number group.

Cavanaugh concurred, stating that Crosby has Planning Commission experience as well as Council experience.

Adams and Batty stated that if there were three Council members present it would require that all of the Comprehensive Plan meetings be scheduled as special meetings.

Smith stated that this committee is not very large and having three Council Members present is not a bad idea.

Batty stated he thinks it is an issue they might want to think about further. He stated if they were scheduled as Council meetings, then all 5 Council Members would be required to attend. However, he stated they will not be scheduled as Council meetings. He stated they will be public meetings, but it is peculiar because there would be a quorum of Council Members at the meetings.

Smith suggested they may only want to have two Council Members on the committee.

Crosby inquired if it made a difference if he didn't vote. Batty stated it didn't make a difference. He reiterated that it would be peculiar because there would be a quorum of one body on top of another body.

Weir stated she would be willing to stand down from the committee.

Cavanaugh stated he thinks Weir would be good to have on the committee.

Smith stated that Weir is already on the Open Space Committee.

Weir stated the last go around with the Comprehensive Plan went well and there are other members on the committee with a lot of experience.

Johnson stated that there is a possibility and probability that the quorum issue would arise. He stated he didn't think it was a bad idea to have three Council Members on the committee.

Batty stated the Council would need to act as members of the committee and not as members of the City Council, but they could choose to have three on the committee.

Crosby stated they had a similar discussion during the orientation meeting.

Batty stated that this is clearly a meeting that is subject to the open meeting law.

Cavanaugh stated that he thinks that everyone is professional and would act as committee members and not as Council Members.

Weir stated that if there was a perceived problem then someone would step down.

Smith stated that it would be good to have three Council Members on the committee because then most of the Council would be aware of the goings on. She noted that she is concerned because there aren't any representatives from residents or from the business community.

Weir stated she thinks there is efficiency in working in small groups.

Adams stated part of the concern is the time table and working in smaller groups does allow for moving the work forward.

Crosby inquired if they should go with seven members on the committee.

*Motion by Smith, seconded by Johnson, to appoint Weir, Smith, Crosby, Mr. Dickerson, Mr. Nolan, Ms. Thies and Ms. Linck. **Motion passed unanimously.***

**F. Final Pay Request of Arrowhead/Hackamore Street and Utility Improvement**

Adams stated he recommends approval of the final pay request for the phase 2 portion, which includes the water, sewer, and road.

*Moved by Smith, seconded by Cavanaugh, to approve the final pay request, as requested. **Motion passed unanimously.***

Crosby stated that in future Council land-use reports that have gone through the Planning Commission he would like to see a section titled "Planning Commission Action" before the conclusion and notes about any substantive objections voiced by the Parks Commission or Planning Commission members. He stated examples of substantive things to note. He also requested to know if there were any events or changes that have been made since it went to the Parks Commission or Planning Commission and prior to the Council meeting. He stated the Council would then build on what they have completed.

Weir inquired if he would like to see Park recommendations such as trails. Crosby stated they should be in there as well, but they are normally incorporated in to the plan.

Smith stated they often have not gotten the information in time to make a recommendation.

Weir stated she liked how it affirms the two voluntary bodies and how they function.

Crosby stated the presentations made by Haskamp were good. He would like to see them presented at a level where someone who has completed 12<sup>th</sup> grade would be able to understand the flow of the meeting, the projects and the issues. He inquired if the written work governs the discussions.

Batty stated that if they have a written report and that is the basis of the action, then all of the material would be incorporated in to a motion and approval.

Smith stated that she liked the way one of the buildings was superimposed on the site plan.

**IX. CITY ADMINISTRATOR REPORT**

**A. City Personnel and Consulting Services**

**1. City Planner Job Description and Job Posting**

Adams stated there were some items that were delegated to the assistant planning job description. He noted the description hadn't changed dramatically. Adams stated he is

looking for approval of the job description and to post the position. He stated they would like to attract a City Planner that has some previous experience.

Crosby suggested adding a succinct paragraph describing the City of Medina.

Adams stated that the applicant receives instructions with the application which includes an entire page of information on the City of Medina, the department, the goals and initiatives the City is currently undertaking, and where the City is going. He stated that it is all covered in the application, but it isn't covered in the job description.

Weir stated it should be in the advertisement, but not in the job description.

Crosby inquired what it would say if it appeared in the League of Municipalities. Adams stated that there is about a 150 word limit on the advertising. He explained that applicants would be directed to the City's website for more details regarding the positions.

Smith inquired if the City is going to offer a competitive salary with the things they are asking for. Adams stated they are competitive with salary, but they are not competitive with the workload. He stated the position has often required 50 to 70 hour work weeks. He stated the City is competitive with similar cities on salary, but not with the private consulting firms.

*Moved by Weir, seconded by Cavanaugh, to accept the City Planner Job Description and direct the City Administrator to post the position and conduct the selection process. **Motion passed unanimously.***

## **2. Assistant to Planning Job Description**

Adams stated this position is currently filled by Dustin Finke, but the revised job description pulls out the Public Works functions so that all duties are related to planning only. He stated this position is now taking on more responsibility for minor land use applications. Adams stated he is not looking at this position as completing formal land use reviews.

Weir stated that she thinks it is good to be more specialized in planning.

Cavanaugh stated he would like to see the assistant taking on more assistant roles to the City Planner for the different land use applications. He stated he thought the goal would be to train that person to move in to the City Planner position.

Adams stated there is a potential for that type of position in the future.

Smith inquired if this position is for an assistant, wouldn't the City need to have another planner. Adams stated it depends on the City's philosophy on maintaining the use of consultants or a second full-time City Planner. He stated it may be good to have a second full-time position if the work flow is constant, but facility space is currently limited.

*Moved by Smith, seconded by Weir, to approve the changes to the job description for the Assistant to the City Planner. **Motion passed unanimously.***

**3. Office Assistant to Planning and Public Works Job Description and Posting**

Adams stated this position would serve as a clerical position for Planning and Public Works. He stated this position would be responsible for incoming phone calls and counter traffic and serve as the primary contact for City Hall. He stated this position was added to the 2007 budget in the last few weeks.

Crosby inquired if the phone listing delineates any of that. Adams stated that each department head has their own separate line. He stated some department heads give out that phone number and some do not.

*Moved by Weir, seconded by Cavanaugh, to accept the Office Assistant to Planning and Public Works Job Description and direct the City Administrator to post the position and conduct the selection process. **Motion passed unanimously.***

**4. Office Assistant to Administration Job Description**

Adams stated this position is filled by Jodi Wunsch who is serving on the Planning and Public Works wing of City Hall and does not have the opportunity to serve as an administrative support to the City Administrator. He stated that she would be moving to the west wing of the building as soon as the Planning and Public Works position would be filled. He noted this position involves taking on more responsibility with public relations and IT contact.

*Moved by Smith, seconded by Weir, to accept the proposed job description of Office Assistant to Administration. **Motion passed unanimously.***

**5. Consulting Services for 2010-2030 Comprehensive Plan**

Adams stated he isn't looking for action from the Council at this point. Adams stated he met with Landform and went over their qualifications and expectations. He stated he should be receiving a scope of services from Landform. He didn't have a budget prepared, but it will cost more because it will be done by a consultant and not done internally. He stated both he and the consultant will be involved in the comprehensive plan. He stated that the consultant will be doing all of the technical work.

Cavanaugh inquired if they can be sure there is a good transition between Lorsung and the person that will be filling that position. Adams stated that is already under way. He stated that Haskamp will serve as the general manager for all of the land use applications.

Weir inquired if the budget has the flexibility for the additional cost. Adams stated that they will need to watch the budget throughout 2007 because it will cost the City more money.

Crosby stated he thinks they need to watch how the time is spent internally so it can be billed appropriately to applicants for land-use applications.

Adams stated effective today Staff is documenting their time in 15 minute increments.

**B. Council Retreat/Goal Setting Session**

Adams inquired if the Council would be able to meet on January 12 for the retreat. The consensus among the Council was they were available to meet.

Crosby inquired if it will be an open meeting and who would be in attendance. Adams stated the Council Members, the department heads and the City Administrator would be in attendance. He stated that some consultants may be present for portions of the meeting.

*Moved by Weir, seconded by Johnson, to meet on January 12, 2007 from 12 p.m. to 6 p.m. at City Hall. **Motion passed unanimously.***

**C. Hamel Water System Water Tower**

Adams stated the Hamel Water System Water Tower is in the 2008 capital improvement plan. He stated Staff is looking for direction to have Bonestroo develop some options for the location of the water tower and the size of the water tower. He stated this would allow Staff to move forward with plans and specs. He also noted it is likely to be at least a \$1 million project.

*Moved by Weir, seconded by Smith, to approve Bonestroo to prepare a primary report for the Hamel Water System, as requested. **Motion passed unanimously.***

Crosby inquired about the water tower and if it was improving the capacity or replacing a water tower. Adams stated it is in the capital improvement plan. He stated it is an increase in capacity.

Crosby inquired who would be funding the project. Adams stated it would be funded through the system from the user fees and connection fees. He stated the user fees and connection fees have already been set to accommodate the future water tower.

Crosby stated they were building an asset base for it.

Johnson inquired if it was set up on a pay as you go basis or if it was set up as a bonding process. Adams stated it would be a separate bonding process. He stated he thought the City would look at tying the bond structure for the tower in with another well and possibly water supply line. Adams also stated there would be a report brought back to the Council before they would move forward on the project.

Johnson inquired about the coverage ratio. Day stated they don't have that level of analysis at this point.

Cavanaugh inquired if they were going to look at other ground storage facilities. He inquired if the city of Loretto has one. Kellogg stated it is a pressure system and is different than the one for Uptown Hamel. He stated they will look at all options, but the price of land will probably dictate the decisions along with the existing tower and the elevation.

Adams stated Staff had a meeting today and discussed the Corcoran sewer and water system. He stated there is a potential need for 2 to 4 additional water towers for the build out of Medina's system, including connections with Corcoran and Loretto and the Independence Beach area.

**X. MAYOR & CITY COUNCIL REPORTS**

Crosby stated he will put together a list of things that make up a good city government. He would like to bring these up for discussion at the retreat.

Adams stated he has begun a list of topics to discuss at the retreat and requested additional items be sent to him.

Smith stated she would like to discuss compliance with City ordinances on any contracts.

Johnson stated he would like to revisit the tree ordinance.

Weir concurred that revisiting the tree ordinance would be a good idea. She stated she requested to discuss SWPPP. She would also like to discuss healthy shorelines.

Cavanaugh stated on the survey conducted, internet access appeared to be a big issue.

Smith stated that Qwest now has high speed internet.

Johnson stated that high speed internet just came to this area.

Adams stated there were other community survey items that would be good to discuss. Adams stated they have been trying to contact Qwest for the last month, but haven't been able to get a response on service area to the community.

Smith inquired about the Public Works discussion.

Weir stated she would be interested in attending the League Council Orientation meetings on January 27, 2007.

Smith stated she would also like to attend.

**XI. APPROVAL TO PAY THE BILLS**

*Moved by Cavanaugh, seconded by Weir, to approve the bills, order check numbers 030341-030394 for \$284,700.02, and payroll check numbers 019999-500378 for \$31,750.51. **Motion passed unanimously.***

**XII. ADJOURN**

*Moved by Smith, seconded by Cavanaugh, to adjourn the meeting at 9:55 p.m. **Motion passed unanimously.***

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T.M. Crosby, Jr., Mayor

Attest:

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Chad M. Adams, City Administrator-Clerk