

MEDINA CITY COUNCIL MEETING MINUTES OF JANUARY 15, 2008

The City Council of Medina, Minnesota met in regular session on January 15, 2008 at 7:02 p.m. in the City Hall Chambers. Mayor Crosby presided.

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 Planning Consultant Andrew Gitzlaff, Planning Director Tim Benetti, Finance Director Jeanne Day, City Administrator Chad Adams and Recording Secretary Kimberly Stoll.

II. PLEDGE OF ALLEGIANCE

III. ADDITIONS TO THE AGENDA

The agenda was accepted as presented.

IV. APPROVAL OF MINUTES

A. Approval of the December 18, 2007 Special City Council Meeting Minutes

*Moved by Smith, seconded by Cavanaugh, to approve the December 18, 2007 special City Council meeting minutes as amended. **Motion passed unanimously.***

B. Approval of the December 18, 2007 Regular City Council Meeting Minutes

It was noted on page 3, the seventh paragraph, it should state: "Weir stated...She stated the previous..."

It was noted on page 18, the eighth paragraph, it should state: "Belland stated the area they cover is from Tamarack to Homestead to CR 44 24."

It was noted on page 19, the fourth paragraph, it should state: "Weir stated the ~~environmental~~ applicants' experiences..."

*Moved by Smith, seconded by Weir, to approve the December 18, 2007 regular City Council meeting minutes as amended. **Motion passed unanimously.***

V. CONSENT AGENDA

A. Approve Raffle Permit for West Metro Turn in Poachers at the Medina Entertainment Center on March 2, 2008

B. Approve Raffle Permit to/at Holy Name of Jesus Church on March 8, 2008

C. Approve Temporary On-Sale Liquor License to/at Holy Name of Jesus Church on March 8, 2008

D. Approve Creation of Development Reimbursable Agency Fund and Move 2007 Activity and Balances from General Fund to Agency Fund

E. Approve Final Pay Request to Knife River for Hunter Drive Trail Project

- F. Appointment of Ivan Dingmann to Public Works Foreman
- G. Authorize Staff to Advertise and Conduct Search for Public Works Maintenance Worker
- H. Appointment of Dusty Finke to Associate Planner
- I. Approve Revised Job Description for Planning Assistant
- J. Authorize Staff to Advertise and Conduct Search for Planning Assistant
- K. Appointment of Erin Barnhart to Accountant
- L. Appointment of Teri Portinen to Accounting Technician
- M. Approval Disposal of City Equipment and Assets
- N. Approve Water Service Agreement with City of Orono
- O. Schedule Board of Appeals and Equalization Meeting for Wednesday, April 2 at 6:30 p.m. in City Hall
- P. Ordinance Removing Animal-Assisted Therapy as a Conditional Use in the Rural-Residential Zoning District; Amending Sections 826.21 and 825.07; Amending Section 826.98, Subdivision 2.
- Q. Accept Wild Meadows Fifth Addition Street and Utility Improvements
- R. Resolution Designating Institutions to Invest in Idle Funds
- S. Resolution Denying a Conditional Use Permit for Rising Sun Memorial Park
- T. Approve Road Material and Equipment Specifications, Authorize Advertisement for Bids, and Set Bid Opening for 10:00 a.m. on Friday, February 15, 2008 at City Hall

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

VI. COMMENTS

A. Comments from Citizens on Items not on the Agenda

There were none.

B. Park Commission

Ben Benson, Park Commissioner, stated they will be meeting on January 16, 2008. He stated they will be discussing the Rainwater Nature Area and goal setting for 2008.

C. Planning Commission

Jeff Pederson, Planning Commissioner, stated he was elected as Chair and Charles Nolan as Vice Chair. He stated they have worked on the wetland ordinance and discussed the animal assisted therapy.

Weir stated the Planning Commission voted to remove animal assisted therapy from the ordinance.

VII. NEW BUSINESS

A. Hamel Road Reconstruction- Public Hearing

1. Resolution Declaring Adequacy of Petition Regarding Hamel Road Reconstruction

Cavanaugh recused himself from the discussion.

Adams requested any signed petitions be turned in to the City. He stated the percentage of the property owners on Hamel Road that signed the petition will affect the voting process.

2. Resolution Ordering Hamel Road Reconstruction Improvement Project

Crosby stated this item was previously discussed in a work session.

Weir stated in an earlier conversation it became evident that the item needs to be acted on tonight to meet the knock-down deadlines.

Crosby explained how the Tax Increment Financing (TIF) district works and the time periods for using the funds. He stated the issue is whether or not to spend some of the money on Hamel Road. He stated Sioux Drive was already completed as part of the TIF. He stated an issue is whether or not the City uses bonds to pay for the project. He stated if the tax increment doesn't materialize, the bonds are outstanding and the payment of the bonds is a City responsibility. He stated if the proposed Ferrelgas site were to go in, it would assist with the TIF.

Smith stated if the tax increment isn't used, the road will still need to be improved.

Adams stated the road wouldn't be able to be improved entirely through special assessments.

Kellogg stated the improvements would include upgrading the sewer and water, the street, and landscaping. He stated it needs to be determined if the utilities would be underground or not. He stated the total cost with underground utilities is \$3 million and could be paid for with TIF dollars. He stated there is a minimum percent of money that would need to be assessed if the project were bonded. He stated they have taken into consideration the properties have already paid an assessment on an abutting street.

Crosby inquired about the decisions that needed to be made at this meeting. Kellogg stated the Council needs to decide if they would like to move forward on the project.

Batty stated if the City wants to move forward, they also need to decide what the project would consist of.

Smith stated that if they decide to go out for bid and the bids are too high, the City can still choose to not move forward.

Crosby summarized portions of the proposed resolution.

Batty stated the language in the resolution if it were approved is for all of the components of the project. He stated the residents who received a notice are the residents the City identified as residents who are likely to receive assessments. He stated the residents should look at the various percentages of potential assessments in the feasibility report and be able to express their opinion on the assessments.

Crosby inquired if the full proposal were ordered and if the cost were excessive for a portion of the project, if the City could choose to remove portions of the project. Batty stated they would be able to.

Johnson stated a full proposal allows the City to see how the proposed developments impact the TIF district.

Weir stated if there is a lot of development and increment, it would be possible to reduce the assessment.

Johnson stated the assessment can't be below 20%.

Batty stated the decision about the assessment doesn't need to be done tonight, but it would be necessary in the near future.

Crosby inquired about the range of percentages of the assessment. Batty stated there is a chart in the report for 20% to 40%.

Kellogg presented a map with residential and business properties that would be assessed. He stated they were viewed differently based on their potential to develop. He stated the parcel sizes vary greatly.

Batty stated there is a statutory requirement for the residents to be given a reasonable estimate of the assessments.

Adams stated at the previous work session the percentage that was discussed at length was 20%.

Johnson stated when improvements are made the value of the property will be increased across the entire property. He stated he thinks it would be equitable to have the assessment based on the entire square footage of the property.

Crosby inquired if the entire project would go out for bid if the improvement was ordered. Kellogg stated he thinks everything, except the underground utilities would go out for bid. He stated they have spoken with Xcel Energy regarding the work for the utilities.

Johnson stated there has been a lot of discussion and he thinks there is a strong desire to see Uptown Hamel revitalized. He stated he is increasingly comfortable with a TIF district because of the proposed developments. He stated he is in support of the full scope of the project and would advocate for square footage assessment.

Weir stated at the Uptown Hamel meeting there was a display showing how the project would look with and without the utilities. She stated she would like to see the project done completely and named some residents who are in support of the utilities being buried. She stated at the Uptown Hamel meeting nobody spoke against the project, but there were a few who didn't want the utilities to be buried. She stated she would like the square footage percentage to be used for the assessment.

Crosby stated he is in favor of the project and expressed concerns about the viability of Uptown Hamel as a retail area. He stated he thinks there is a fair amount of flexibility in paying for the project, if the development doesn't happen.

Weir stated the area isn't zoned retail.

Smith stated square footage is the fair way to do the project and she would like to have a 20% assessment. She stated Hamel Road has never had an overlay by the City. She stated it may not be developed exactly as it is proposed.

The public hearing was opened at 7:43 p.m.

Adams stated they received a petition and named the businesses and residents that the City has received comment in support of the project:

1. Farmers State Bank of Hamel (Shorty DJ Dorweiler, CEO), 145 Hamel Road
2. Kariniemi Properties (Airmist), 52 Hamel Road
3. American Legion (Gerald Dykhoff), 75 Hamel Road
4. Hamel Electric (Marilyn Fortin), 201 Hamel Road
5. Howard Schaber, 35 and 252 Hamel Road
6. Janelle Hanson, 185 Hamel Road

*Moved by Smith, seconded by Johnson, to close the public hearing at 7:44 p.m. **Motion passed (Cavanaugh recused).***

*Moved by Smith, seconded by Weir, to approve the resolution ordering Hamel Road reconstruction improvement project, as requested. **Motion passed (Cavanaugh recused).***

C. Tamarack Drive Roadway Easement (Generally Located South of Hamel Road and North of Blackfoot Trail/Tamarack Intersection)

Crosby stated he would like to know about the City's legal rights and the procedure for the vacation of the roadway.

Adams stated the City has received over 50 letters requesting that the City vacate the existing road right-of-way easement over the Elm Creek wetland. He stated the City has some dedicated right-of-way and the existing and proposed comprehensive plan doesn't indicate a plan for a north/south connection. He demonstrated the location of several roads and the right-of-ways. He stated the City has a total of about 45.6 feet of right-of-way and cartway. He explained the process of vacating the easement. He stated Staff has not gone through the list of the people who wrote letters to see if any of them are the property owners. He stated the past City practice has generally been not to vacate the right-of-ways. He stated there is no link between reaching MSA status and the County's authority to require a north/south connection south of Hamel Road to Tamarack Road once the City reaches a population of 5,000. He stated the County, the Met Council, or other jurisdictions do not gain any power or authority to require or construct such roadways as part of reaching MSA status.

Crosby stated he doesn't think north/south routes are a benefit to the residents of Medina. He stated he thinks it is the belief that there needs to be a north/south route to receive State Aid money. He stated he would like to understand how a City receives State Aid money.

Smith stated after the Planning Commission meeting there was concern about a potential stoplight that was not recommended by the Highway 55 Corridor.

Adams stated the County and Met Council have not placed any pressure or recommended a road connection south of Hamel Road to Tamarack Road. He stated the potential options for the Council to consider for vacating the easement.

Crosby stated the road can not be vacated tonight, but would like general, but brief discussion from the Council. He inquired if the request is to vacate it south of Hamel Road. Adams stated it is unclear because most of the letters state over the Elm Creek wetland, some of the letters infer it to be south of TH 55 and some state south of Hamel Road.

Crosby inquired how the comprehensive plan guides the land north of Hamel Road. Adams stated it is zoned medium density residential.

Weir stated she thinks the road needs to be vacated south of Hamel up to the wetlands with a 50 foot setback required by Elm Creek.

Smith inquired about the reason to do that if it is zoned rural residential. Adams stated if the area were to develop, it would be necessary to have at least some type of road entry to provide access to the properties.

Weir stated it would allow for more flexibility for the use of the lots in the future. She stated she doesn't see a reason for any easement over the wetland and a utility easement would be environmentally bad for the wetland.

Crosby stated the possibilities for the easement to be vacated as: the road in the wetland; the road north of the wetland to Hamel Road; and Hamel Road to TH 55. He stated he is not in favor of any north/south road. He stated he would like to explore the possibility of retaining the City's right to place utilities. He stated the residents who are interested should comment on the areas they would like vacated. He stated there are people who are north of TH 55 who would like a stoplight at Tamarack.

Weir stated she thinks Staff should look into the parts of the easement that should be vacated.

Adams stated an option for Staff to reply to the people who have expressed their opinion to the City with a correspondence and/or a meeting to find out the specific area they would like to have vacated.

Smith stated she isn't sure an easement would need to be given for the potential development of the properties. She stated when it is time for the properties to development the utilities easement could be gained. She stated she is opposed to a north/south route.

Johnson stated he isn't in favor of a major north/south route or going through the wetlands. He stated it would be good to have the ability to retain the rights for the utilities.

Crosby clarified that Johnson is in favor of vacating the rights to a road over a wetland.

Weir stated she is against disturbing the wetlands.

Crosby inquired about the necessary requirements to receive State Aid. Kellogg stated the population needs to be a minimum of 5,000; the City needs to request to be a State Aid city; and a north/south and east/west grid needs to be created and those routes would need to be designated for the funding.

Crosby inquired if there could be any restrictions on the designated roads. Kellogg stated the roadways need to connect to a high level use roadway, such as a county road or a state highway.

Cavanaugh inquired if there is an effective grid under the existing roadway plan. Kellogg stated there isn't anything that requires it to be a straight path through the City. He stated the City will need to identify the local roadway mileage within the City and then 20% of the roads could be paid for with State Aid.

Crosby inquired if there could be speed or weight restrictions. Kellogg stated there couldn't be any restrictions.

Cavanaugh stated he believes the City already has a system that could be used to gain State Aid.

Crosby stated the City could present a grid of their current roads without building any further roads to make the grid system. He stated another issue is whether or not receiving State Aid is worth the funding.

Smith stated a road may not be straight because it could be built around a wetland.

Crosby stated he doesn't think Tamarack needs to be done to receive State Aid.

Adams stated the maps for the comprehensive plan will be updated prior to it being printed.

David Wessin, 1125 Hamel Road, stated he owns land on the north side of the wetland. He stated the minutes from the Planning Commission about the comprehensive plan state they discussed Tamarack Drive and it wasn't discussed. He stated he has not received any communication from the City about the easement being on the agenda. He stated it is ridiculous to spend the money to build the road to receive State Aid. He stated it is rude for the residents to not have spoken to the landowners.

Crosby stated it is on the agenda because of the interest expressed by a number of residents.

Holly Leuer, 1522 Medina Road, stated she was notified by someone that Tamarack was going to be a through road. She requested an open forum to discuss the right-of-way easement over Elm Creek. She stated she is concerned about the area south of TH 55 and about the request for a stoplight on Tamarack and TH 55. She stated if the stoplight was granted at TH 55 and Tamarack and the easement was relinquished everyone would be happy. She inquired if Cavanaugh would be able to vote on this issue because he has a fiduciary interest.

Johnson inquired if Leuer would be content if there was a break in the easement. Leuer stated if the easement extends north of TH 55, then it would be okay to have a stoplight.

She stated if there was through road it would destroy property values. She stated she spoke with people from MnDOT and they stated they don't want more stoplights on TH 55. She stated she doesn't want the wetlands destroyed. She requested a letter be sent to the landowners to explain the issue.

Crosby stated there will be a public hearing.

Brad Norgren, 1315 Blackbird Trail, stated there appears to be a consensus to not have a north/south route. He inquired about who makes the determination to not have a north/south route. Crosby stated the sitting Council would make the decision.

Mike Abbott, 1282 Medina Road, inquired about the reason for a stoplight to be put on TH 55 since it is a short segment. He wondered about the reason for money being spent on a stoplight when it will be removed in the future. He stated he is opposed to the road continuing through the area and to the easement. He stated if the property is going to be developed it should be a part of the cost of the development.

Crosby stated the TH 55 throughway plan will be completed around 2030. He stated the plan would remove the existing light at Clydesdale and CR 101. He stated some of the businesses have stated that the throughway will destroy their businesses. He stated the City has expressed concern for the livelihood of the businesses. He stated the comprehensive plan designates the areas as study areas.

Smith stated the study areas have not been approved by the Council.

Crosby stated they are trying to be responsive to the businesses.

Barb Workman, 2212 Chippewa Road, stated they use TH 55 daily and are opposed to another stoplight on the road.

Crosby stated he would like the residents who are interested in the issue to be more specific about the area they are requesting for the vacation of the easement. He stated the issue for the stoplights will be discussed separately from the Tamarack Drive issue. Crosby inquired when the public hearing would be held.

Adams stated the public hearing could be February 6 or February 19, 2008.

Batty stated the statute allows for the vacation of the easement by the City identifying the specific areas or by residents petitioning the specific areas. Batty stated he is looking for direction to Staff to call for a public hearing on the vacation of Tamarack for the various options of vacating the easement.

Crosby inquired if there would be multiple public hearings. Batty stated if the Council wants to consider all of the options it should be posted as broad as possible.

Johnson stated the City could notify the residents about each of the potential options that the City is considering. He stated the options would be from TH 55 to Hamel; from Hamel Road south to the wetland; the wetlands; and the utilities.

Weir inquired about the reason they are considering vacating the easement north of Hamel to TH 55 because there is land there that needs to develop.

Smith stated they are talking about vacating an easement because it wouldn't be best use for the land. She stated building a road in a different area would not require the removal of trees.

Johnson stated that Smith previously stated that if the easement was given up, it would be difficult to gain it back.

Crosby inquired about the term affected property. Batty stated it isn't a defined term, but the statute requires the City to identify the affected property. He stated it could be identified broadly or narrowly. He requested the public hearing be at the second meeting in February.

Moved by Weir, seconded by Johnson, to direct Staff to schedule a public hearing for the vacation of an easement on Tamarack Drive at the February 19, 2008 council meeting, as requested.

Smith inquired about noticing the residents. Batty stated the residents that would be affected need to be noticed.

Adams stated it could be in the newsletter and the legal notice could be given to the affected residents.

Motion passed unanimously.

C. 2010-2030 Comprehensive Plan

Crosby stated the Council discussed this at the earlier work session and there won't be any more formal public hearings for the comprehensive plan. He stated the comprehensive plan won't be passed at this meeting and it will be discussed at future Council meetings. He stated once it is passed it will go to the neighboring areas and to the Met Council. He stated he would like to know about the residents concerns for the comprehensive plan.

Smith stated she would like to have public comment, but it should be short.

Dan Rosen, lawyer for the Cavanaugh brothers, stated the issue they are the most concerned about is the proposed stoplight at TH 55 and Tamarack.

David Wessin, 1125 Hamel Road, stated he is in favor of the Tamarack stoplight being left in as an option. He stated he is not opposed to vacating the road easement south of Hamel Road, but he would like to maintain his access to Hamel Road.

Bruce Workman, 2212 Chippewa, stated he is concerned about the staging of comprehensive plan for his property. He stated that within 1,000 feet of his property there is a 10 year difference in the plan. He stated when Chippewa was blacktopped there was a significant increase in traffic. He stated there is infrastructure in place including sewer and a fire hydrant.

Crosby inquired if Workman is concerned about the property staging time of 2021. Workman stated he would like it to be done in 2016 and not 2021.

Annette Scheirman, 15701 Lebon Terrace, Minnetonka, stated she is speaking on behalf of her family's property at 1182 Hwy. 55. She stated she thinks the stoplight should be left in as an option. She stated the State previously took some of the right-of-way from their property. She stated her family homesteaded in Medina.

Susan Seeland, 470 Peavey Road, Wayzata, stated she and her husband own property in Medina. She stated her understanding is that the open space plan is being attached to the comprehensive plan. She stated she would like to know how that impacts the land owners. She stated they have previously expressed concern about the methodology of the creation of the open space plan. She stated the maps are difficult to understand. She stated as a landowner it is difficult to understand what the City is doing and how it affects the property. She stated they would like to do a conservation subdivision.

Crosby stated the open space plan should be discussed.

Smith stated she thought there was an executive summary.

Crosby stated the open space plan is a report.

Jay Rose stated he is with a land development and construction company. He stated they have just begun looking at 500 Hamel and it is a mixed used designation. He stated his understanding is that it requires a residential element. He requested flexibility for the landowner to have business zoning without the residential element.

Bill Cavanaugh stated he owns land along TH 55 from Mohawk to Polaris. He stated he would like the sewer to be extended so that he can begin to use the land.

Crosby inquired about where Bill Cavanaugh's property is in the staging. Adams stated it is 2016 to 2020.

Crosby stated in the point system Bill Cavanaugh would have the right to move it to the 2011 time period.

Smith stated she thinks it is in the 2011.

Kellogg stated part of the land is in 2011 and part in 2016.

Cavanaugh stated Bill Cavanaugh is his uncle and it is in Stage 3.

Weir demonstrated the location of a property that is zoned as commercial. She stated it seems sensible to have it be mixed use based on the zoning of the neighboring properties.

Cavanaugh agreed that it should be mixed use.

Crosby inquired why it was zoned as commercial. Weir stated it was originally zoned as commercial.

Cavanaugh stated the property overlooks wetlands.

Weir inquired if it is 2 PIDs. Jeff Pederson stated he thinks the north section should be mixed use and the south section should be commercial.

Weir inquired if they could do that under one PID.

Adams stated Staff doesn't see any infrastructure issues with it and it would provide a better buffer.

Weir inquired if they would want to consider it to be low density residential. Smith stated they would have to notify the property owners.

Smith inquired if it is possible to divide properties because she thought it wasn't good planning.

Adams stated it is split by a road, which acts as a natural divider.

Crosby stated there are a number of other properties that are divided.

Pederson stated they gave the easement for the road and the road split the property.

Crosby stated they can make the change.

Weir demonstrated a portion of land that is marked undeveloped land. She inquired about the reason for the designation, since the land is zoned permanent residential instead of undeveloped land.

Benetti stated there isn't a defined parcel identification. He stated the map could be fixed.

Adams inquired if it would be permanent rural or mixed use.

Weir stated it makes topical sense, and that is what the owner wants.

Crosby stated the next issue is the functional classification of roadways and the potential funding and cost implications if the City were to demand or accept Hennepin County roads.

Smith stated she thought it was pulled off of the transportation map.

Weir stated they would like it to be pulled off of the transportation map. She stated she would like the transportation maps and the maps in the sewer plans to be called maps instead of figures.

Smith inquired if they were taking all of the county roads off of the map. Weir stated she is interested in knowing if the County can downgrade the classification. She inquired if that would solve the safety issue.

Bryant Ficek, Bonestroo, stated it is shown as a major collector.

Weir stated that topographically it is unsuitable and there have been safety issues. Ficek stated the County could change it.

Weir inquired if they could recommend downgrading. Ficek stated it would be from collector to a local.

Smith stated if it were local it would mean that the City would be taking it over. She stated she thinks there must be different requirements between the types of the roads and still have the roads remain county roads.

Ficek stated he doesn't know the County's plan, but he is assuming that they have minor arterial roads. He stated if they do, it may be a possibility.

Crosby inquired if Ficek knew the difference between the major and minor arterial roads. Cusak Ficek it is based on mobility and access of the traffic. He stated he doesn't know what the County had in mind when they made the designation.

Kellogg inquired if speed or roadway geometrics would be a part of the classification. Ficek stated it can.

Weir stated there are problems with the turns on the road. Ficek stated they can petition the County to see if it is advisable to have it downgraded.

Weir stated she would like to see the designation downgraded before the City would look into taking it back. She inquired about the reason to have the County do the work if the City is no longer interested in taking Hamel Road back.

Smith stated that if downgrading the roads was an option, she wasn't sure why it didn't come up as an option when they met with the County.

Kellogg stated he doesn't see the benefit between the different designations for the road.

Crosby stated the benefit is that it down classes it. He stated he thinks the County needs to be able to drive County trucks on it if it is a county road.

Johnson stated he doesn't think the designation dictates the speed.

Ficek stated there are ranges for each designation.

Cavanaugh stated it would be the best if it would remain a county road with a different designation with a slower speed limit. Cavanaugh stated the term "potential turnback from the County" is misleading. Kellogg stated that language has been withdrawn.

Weir stated she would like Staff to let the County know that they are no longer interested in the turnback of Hamel Road. She stated she thinks Parkview could be controlled with speed limits.

Cavanaugh stated he would like to know the options.

Weir stated it is responsible to let the County know they aren't interested in Hamel. She stated Homestead worries her because of the curves.

Crosby inquired if Adams would write a letter. Adams stated he has received correspondence from the County and the County stated they aren't interested in turning back Hamel Road.

Weir inquired if they would leave the language of "potential turnbacks." Crosby stated they could use the language "road classification under review." He stated it should be for Parkview and Homestead.

Crosby inquired about traffic assignment zones. Ficek stated it refers to the model that is used to generate traffic volume.

Crosby inquired if the numbers are designations by the Met Council or the City. Ficek stated he thinks the boundaries and the numbers are Met Council information.

Johnson inquired about the color coding. Ficek stated the color coding is a way to differentiate the zones.

Weir stated the report states that the City is projected to grow to a population of 9,500. She stated the 9,500 is the sewer growth and the calculation should be 12,700.

Smith stated she would prefer to use the City's calculation and not the Met Council's. Weir stated it the City's projection is about 11,000.

Kellogg stated Staff will make sure it matches the other comprehensive plans.

Crosby inquired about the practical effect of designating an area as a traffic signal study area. Adams stated that MnDOT acknowledged that future development in the area may warrant a traffic signal.

Cavanaugh stated his family owns land in that area and inquired about participating in the discussion. Batty stated that as the Council members have conflict of interest issues arise it is appropriate to not participate in that portion of the discussion or vote on that particular issue. He stated it wouldn't mean that the Council member couldn't vote for the overall comprehensive plan.

Crosby stated he is comfortable with the traffic light study area because 2030 is a long ways away before TH 55 would be redesigned. He stated the light would have a reasonable life.

Weir stated she supports that as well.

Smith stated she thinks it is a bad idea because it can be misleading to the landowners who may think that there will be stoplight at some point.

Kellogg stated MnDOT will make the decision about the stoplight and explained the typical process for the placement of a stoplight. He stated if the traffic signal study area was taken off of the map and development occurred and a stoplight was warranted there wouldn't be a reason a stoplight couldn't still be placed in that location.

Smith stated her concern is that it isn't good planning. She stated she thinks a half mile apart is too close for the stoplights. She stated she thinks it is misleading. She stated

the Council has worked with the Highway 55 Corridor to gain easements. She stated she doesn't think it is good planning and it gives the wrong impression. She stated it may give the impression of a north/south route.

Crosby stated with the amount of time before the road is developed a lot can happen. He inquired if there is better wording for "traffic signal study area." He stated some development will occur because of the changes in TH 55.

Smith stated she thinks the planning for the area near Target was bad and the frontage road is in the wrong place. She stated they need to look ahead. She stated she thinks they need to fix CR 116.

Moved by Weir, seconded by Johnson, to adopt Figure 10 as presented. 3 ayes-(Johnson, Weir, Crosby), 1-nay (Smith), 1- abstention (Cavanaugh) Motion passed.

Adams stated the roads on the roadway jurisdiction plan were designated as they are at the Comprehensive Panel level. He stated the designation is important for defining assessment policies and distinguishing the roads.

Crosby inquired about the reason to not call Willow Drive a minor collector road. Adams stated it was designated that way at the Comprehensive Plan Advisory Panel to strengthen the prohibition of truck traffic.

Smith inquired if the City can control speeds on the roads. Kellogg stated he thinks the only way to reduce the speed is to go through a speed study.

Weir stated this classification makes it legally binding.

Adams stated the official control of the ordinance is the true measure for making the prohibition of truck traffic legally binding.

Smith stated that unless it eliminates the City's ability to designate truck traffic she thinks it makes sense to utilize a classification system since they will need to do assessments at some point.

Crosby stated Willow and Tamarack are used by a lot of people that live in Independence Beach and Loretto. He stated he would question if it is appropriate to designate it as something it isn't.

Johnson stated that the stoplight would make sense for a lot of reasons, but one reason it wouldn't is because people would exit off of TH 55 to drive to CR 24.

Crosby stated the State should time the lights. Adams stated the lights between CR 116 to CR 101 were to be timed as part of the new signal at Clydesdale.

Crosby inquired if the timing is under the City's control or the State's. Adams stated it is under the State's control.

Weir stated the City made a policy to partially assess road construction.

Kellogg stated the comprehensive plan will be submitted to the Met Council and if they don't see a road system that makes sense or if all of the roads have now become local roadways, the Met Council will comment.

Crosby inquired if Tamarack gets a lot of intermediate traffic. Johnson stated it does.

Crosby stated he would classify Hunter, Tamarack, and Willow south of CR 24 as minor collector roads.

Adams stated they were designated as major collector roads.

Kellogg stated there is a process for determining the roads.

Adams stated it isn't a subjective determination.

Kellogg stated they can revise the map to how it was previously and bring it back to the Council.

Johnson stated to keep the rural character, they shouldn't upgrade the roads unless necessary.

Crosby agreed and would like to see the speed limit lowered on Willow.

Smith stated they would need to do a traffic study and since the houses are further apart the temptation is to increase the speed.

Johnson stated the curve on Willow south of CR 24 is as bad as Homestead Trail.

Cavanaugh inquired if the TH 55 and CR 116 interchange would be done in 2010. Adams stated it isn't the interchange, but is an upgrade to the intersection.

Cavanaugh inquired if TH 55 Corridor plan was endorsed or recognized. Weir stated it was endorsed with conditions.

Crosby inquired if the qualifications were the bullet points. Weir stated they were.

Cavanaugh inquired if the language should be "does not adversely affect the City's concept/comprehensive plan." Crosby stated it is referring to the TH 55 Corridor plan.

Weir stated the language for the study methods should be clarified.

Cavanaugh stated the developers and the neighbors would all like to have Leuer/water tower parcels to be zoned general business and he agrees with them.

Johnson inquired about the reason there were two objections from the Planning Commissioners on that issue. Weir stated in terms of good planning it would be better to have it zoned as mixed use. She stated the property could be a buffer between the businesses and the residents.

Smith stated she thinks some property owners were told that the area could become another business district, similar to the one at Medina Road and County Road 24 in

Plymouth. She stated this isn't possible because of the topography. She stated she thinks there is a notion that it may look different than the plan that was presented.

Cavanaugh inquired if the staging would remain the same. Smith stated the staging would remain the same, but the owner could build on it.

Crosby stated it is subject to the staging.

Weir stated the owner didn't understand the staging.

Adams stated under today's comprehensive plan the owner could develop it under the current staging.

Johnson stated under the new comprehensive plan the owner would be subject to the new staging.

Crosby stated he is willing to support the Leuer/water-tower parcels be commercial with the caveat that if the Met Council needs more sewerred residences this property would have the potential to increase the density.

Weir stated she would go along with the neighbors' request.

Smith inquired if the property would be split. She stated she thinks they need to do what is best for the land.

Crosby stated that if a commercial property were proposed, there would be objections. He stated if it were to happen, the comprehensive plan can be amended.

Smith stated the City doesn't currently have a high enough density. Adams stated they don't know that yet.

Crosby stated he doesn't think there is anyone who objected it to being zoned commercial.

Jeff Pederson stated that it has been guided as commercial for 20 years.

Smith stated the Met Council's previous complaint was that there were too many acres guided commercial.

Johnson stated it seems flawed to have a residential area along a highway.

The Council agreed to have it zoned commercial and if the City needs to have additional density it will be reviewed again.

Weir stated there will be setbacks that constrain the properties between Bridgewater and Foxberry.

Cavanaugh stated the result is a small portion of land and it may be appropriate for townhouses.

Weir stated it would be more dense than the present uses.

Cavanaugh inquired if there would be a benefit to Medina to increase the density. Benetti stated he thinks the owners would like to maximize the potential for the land.

Cavanaugh inquired if there is anything else the City should be concerned about the zoning for that classification. Benetti stated he didn't think so and it is consistent with the area around it.

Weir stated Leuer would like it if the water tower area would be pushed forward by one stage.

Crosby stated the property would have the potential to move ahead by one stage.

Smith stated another staging issue is the land north of TH 55 towards Willow.

Adams stated the staging areas have a certain amount of units dedicated to them for growth.

Crosby inquired about how staging would work with the utilities. Adams stated the utilities aren't a direct factor.

Smith inquired about what would happen if Corcoran would put a water tower in that area. Johnson stated he doesn't think that will happen in the near future.

The Council concurred that there were no changes in the staging plan at this time.

Cavanaugh inquired about map 1.1 and the reason Independence Beach area and Morningside are considered urban reserve. Weir stated she thinks that the map is wrong.

Adams stated the categories are Met Council categories and they can't change it. He stated they can bring it to Met Council's attention.

Smith stated they need to know how many housing units were assigned to the Leuer property.

Crosby stated he didn't think the units were too low.

Weir stated they were a little bit under.

Crosby inquired about the goal for the next Council meeting. Adams stated it is to pass the comprehensive plan and to discuss the moratorium.

D. Ordinance Establishing Storm Sewer Improvement Tax District for Tuckborough Ridge- Public Hearing

Crosby stated there is a private road in this development and the City needs the right to deal with issues if they arise and the residents don't deal with the issue.

Batty stated the City recently approved this project and one of the conditions from the Watershed District was that the City and the developer enter into an agreement about how the improvements would be maintained. He stated in the past stormwater tax

districts were created. He stated it is a district that lies dormant, but allows the City to make improvements if the developer or homeowners fail to do so. He stated the City is paid through taxes instead of a special assessment.

Weir inquired about the term ad valorem. Batty stated it means to add value.

Crosby stated a resident would like to speak to the issue. He inquired if a resolution was prepared. Batty stated there was an ordinance prepared.

The public hearing was opened at 8:53 p.m.

*Moved by Weir, seconded by Johnson, to close the public hearing at 8:53 p.m. **Motion passed unanimously.***

*Moved by Weir, seconded by Johnson, to approve the ordinance establishing storm sewer improvement tax district for Tuckborough Ridge, as requested. **Motion passed unanimously.***

E. 2008 General Appointments and Designations

Adams stated there isn't an Elm Creek Commissioner or a Lake Minnetonka Communications Commissioner. He inquired if the Council would like to maintain their current liaison roles or change them.

The Council concurred to maintain their liaison roles.

*Moved by Johnson, seconded by Weir, to approve the 2008 General Appointments and Designations, as requested. **Motion passed unanimously.***

F. Park Commission Appointment

*Moved by Smith, seconded by Weir, to appoint Beth Nielson as a Park Commissioner, as requested. **Motion passed unanimously.***

VIII. CITY ADMINISTRATOR REPORT

A. Bond Referendum

Adams stated Martha Van de Ven, representative from the Orono School District, has a DVD for each Council member to view about the bond referendum. He stated she requested to present to the Council on February 6, 2008.

B. Fire Service Agreement

Adams stated the City is continuing to work on the fire service agreement with Maple Plain. He stated the City is in discussions with Long Lake and Loretto to receive quotes from them. He stated they have received a quote from Maple Plain and the City is looking at all of the options.

IX. MAYOR & CITY COUNCIL REPORTS

Weir stated she attended a Board of Equalization Review meeting. She stated she learned the burden of proof lies with the appellant and the assumption is that the assessor has done the job well. She stated she also attended the Open Space Workshop.

Smith stated one of the cities she works with has a session for their residents on how to maintain a septic system. She stated she thinks some of the Medina residents may want to attend a similar workshop.

Crosby stated a workshop may be a good way to notify the residents of the changes.

Smith stated the Northwest League continues to meet and they are putting together a list of speakers. She stated many of the other cities aren't as far on their comprehensive plans.

Weir stated she attended a TMDL meeting and there is grant for \$410,000 and only \$30,000 of it has been spent. She stated if nobody will be using it, then they will be discussing ways to deal with runoff from horse waste.

Cavanaugh inquired about the selection process for the Planning Commissioners. He stated he isn't sure that it is appropriate for Staff to be a part of the process.

Weir stated Staff was one of three people involved. She stated it is a way for it to be objective.

Adams stated that the Staff person acts as a facilitator and assists with background checks on applicants.

Smith stated it wasn't Staff driven.

Cavanaugh stated he thinks it would be appropriate to have more Council input because they carry out the will of the Council.

Smith stated the liaison should be there.

Cavanaugh stated if it were on a rotating basis, then everyone would have input.

Crosby stated he and Adams worked on an article about taxes for the newsletter.

Smith stated she would like the next newsletter to focus on the businesses.

Crosby stated he spoke with two business leaders about creating a forum for the businesses in the City. He stated the business leaders think it should be by invitation only and then discuss ways to move forward. He stated in many discussions the large employers aren't involved.

Smith stated she would like to have them discuss support for their employees to have affordable housing.

Crosby stated he plans to be at City Hall for the office hours on January 19, 2008.

Smith stated she would also be there.

X. APPROVAL TO PAY THE BILLS

Moved by Smith, seconded by Weir, to approve the bills, order check numbers 031854-031969 for \$918,704.34, e-check numbers 000151E-000165E for \$54,336.08, payroll

check numbers .020140-.020149 for \$5,504.36, and payroll direct deposit numbers .500963-.501011 for \$79,408.98. **Motion passed unanimously.**

XI. ADJOURN

*Moved by Weir, seconded by Smith, to adjourn the meeting at 10:40 p.m. **Motion passed unanimously.***

T.M. Crosby, Jr., Mayor

Attest:

Chad M. Adams, City Administrator-Clerk