

## **MEDINA CITY COUNCIL MEETING MINUTES OF FEBRUARY 6, 2008**

The City Council of Medina, Minnesota met in regular session on February 6, 2008 at 7:00 p.m. in the City Hall Chambers. Mayor Crosby presided.

### **I. ROLL CALL**

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

**Members absent:** Cavanaugh.

**Also present:** City Attorney Ron Batty, City Engineer Tom Kellogg, Planning Director Tim Benetti, City Administrator Chad Adams and Recording Secretary Amanda Staple.

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

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

*The agenda was accepted as presented.*

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

#### **A. Approval of the January 15, 2008 Special City Council Meeting Minutes**

*Moved by Weir, seconded by Smith, to approve the January 15, 2008 Special City Council meeting minutes as presented. **Motion passed unanimously.***

#### **B. Approval of the January 15, 2008 Regular City Council Meeting Minutes**

It was noted on page 3, line 31, it should state: "the total cost with underground utilities is \$3 million."

It was noted on page 9, line 15, it should state: "building a road in a different area would not require"

It was noted on page 11, line 37-38, it should state: "she inquired about the reason for the designation, since the land is zoned permanent residential"

It was noted on page 11, line 45, it should state: "Weir stated that it makes topical sense, and that is what the owner wants"

It was noted on page 15, line 7, it should state: "drive to County Road 55"

It was noted on page 15, line 15, it should state: "Weir stated the City made a policy"

It was noted on page 16, line 17, it should state: "after another business district, similar to the one at Medina Road and County Road 24 in Plymouth"

It was noted on page 17, line 4, it should state: "Smith stated the Met Council's previous complaint was that there were too many acres guided commercial"

It was noted on page 18, line 2, it should state: "Smith stated they need to know how many housing units were assigned to the Leuer property"

*Moved by Weir, seconded by Johnson, to approve the January 15, 2008 Regular City Council meeting minutes as amended. **Motion passed unanimously.***

## V. CONSENT AGENDA

- A. Accept Donation of \$20,500 from the Hamel Firemen's Relief Association and Distribute to Hamel VFD for Equipment Funding
- B. Resolution Authorizing Submittal of 2008 Grant Application for Recycling and Execution of Grant Agreement
- C. Resolution Authorizing Publication of Ordinance 436 by Title and Summary
- D. Resolution Granting Extension of Time to File Plat for Hamel Station and Amending Resolution 2007-57
- E. Release Letter of Credit for Park Ridge Acres
- F. Approve Membership for Minnesota Cities Stormwater Coalition
- G. Approve On-sale Liquor License to DW Holding, Inc. at 32 Hamel Road
- H. Approve Wetland Permit Application for County Road 19 Trail
- I. Reschedule March 4, 2008 City Council Meeting to March 3, 2008 at 7:00 p.m. in Medina City Hall
- J. Reschedule February 19, 2008 Tamarack Drive ROW/Easement Vacation to April 15, 2008 at 7:00 p.m. in Medina 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

Martha Van De Ven, with the Orono School District, thanked the Council for letting her be there to celebrate their kids. She stated that a good part of Medina is a part of the Orono School District. She stated that in terms of ACT scores, the students are doing extremely well. She also advised that 99 percent of their students go on to either a four-year college or two-year college after graduating high school. She added that they were named "One of America's Best High Schools", from *US News and World Report*.

Van De Ven stated that they had been awarded the 2008 finance award from the Minnesota Department of Education. She stated that they also refinanced \$15 million in bonds to save \$850,000 in interest in November of 2007. She stated that they have never been in a statutory operating debt, but they are now going out for a bond referendum.

Van De Ven stated that in order to make repairs throughout the school district they are requesting a \$39 million bond referendum. She stated that two years ago, they had asked for \$32 million and were defeated. She stated that local construction laborers stated that they need to repair the buildings if they are to be safe learning environments. She stated that the temperature varies throughout the day, the oxygen levels are low, and the carbon dioxide levels are high in the buildings that need repair. She stated that there are three buildings that need repairs, but the middle school is not one of them.

Van De Ven thanked the Council and audience for allowing her to speak on the bond referendum. She reminded everyone to vote on February 12<sup>th</sup>, since last time they lost

by only 300 votes. She advised that you could vote in the Orono School District office in the intermediate school.

**B. Park Commission**

Madeline Linck, Park Commissioner, stated that at the January 16<sup>th</sup> meeting they elected new officers and most of the meeting was informational. She stated that a lot of the time was spent on tweaking the trail map and adding six new trails for the comprehensive plan.

**C. Planning Commission**

Tim Benetti, Planning Director, stated that there were four items for the Planning Commission. He stated that the first was the wetland ordinance that had been tabled from last months meeting. He advised that it was reworked and sent to the City Attorney to review the wording. He stated that the second was a conditional use permit for 2105 Chestnut Road to allow for an 8,400 square foot accessory building. He reported the third item to be a site plan application for townhouses, which would be going from 6 unit buildings to 3 unit buildings. He stated that the forth item was an updated sign ordinance, which had a moratorium that expires next month.

**VII. OLD BUSINESS**

**A. 2010-2030 Comprehensive Plan**

Crosby advised that they would first receive the technical updates from staff, the Council would then discuss comments, and then they would hear the comments from the public. He explained that, hopefully, they would be able to approve the comprehensive plan tonight and start on the sixth month process for area jurisdiction review before it reaches the Metropolitan Council.

Benetti presented his memorandum outlining options for proceeding forward with final revisions, or simply to approve the draft plan and submit to area jurisdictions. He explained that he would quickly go through the following Council actions for review.

- 1) Agreed to allow the Juma/Ecktenkamp properties to be included in the MUSA and guided low density residential
- 2) Agreed to allow 500 Hamel Road site to remain as mixed-used, and the parcel immediately to the west, 620 Hamel Road, revised to commercial
- 3) Agreed to keep 4550 Pioneer Trail to remain as permanent rural
- 4) Agreed to allow the Leuer/water-tower parcels to be revised from mixed use to general business, with the understanding that if the Metropolitan Council determines the plan is deficient in overall density calculations, the City Council may reconsider this area back to mixed-use
- 5) Agreed to keep the properties generally located between Bridgewater and Foxberry guided as low density residential
- 6) Agreed to keep the properties generally identified inside the Elm Creek Drive neighborhood guided as medium density residential
- 7) Agreed to keep the properties generally located north of the Medina Ballroom guided as mixed use business
- 8) Agreed to keep the properties generally located east of the Jubert parcel and south of the Foxberry neighborhood guided as mixed use business
- 9) Agreed to keep the properties generally identified as the Holasek property guided as medium density residential and low density residential

- 10) Agreed to keep the properties generally identified as the Wessin/Jubert properties guided as permanent rural
- 11) Agreed not to make any changes to the staging plan at this time

Benetti stated that he had a clarification that he needed from the Council. He pointed out a parcel on the map owned by William Cavanaugh at the intersection of TH55 and Arrowhead Dr. and questioned if it should be commercial or mixed use.

Weir stated that the parcel is surrounded by low density, medium density, and mixed use and, therefore, thought the best clarification would be mixed use.

Benetti clarified that the southern portion of the parcel would remain commercial and the upper portions would change to mixed use.

Benetti then pointed to an area of four parcels on the map that include the Rockler, QX, and Walter Anderson site which are currently zoned industrial but the Council is guiding to commercial. He explained that this could cause a potential disadvantage to those businesses.

Weir stated that they do not want to make anything nonconforming.

Smith stated that the Council wants those businesses to succeed and explained that they should find a land use that fits the industrial business that is occurring there.

Benetti explained the difference between the general business, light industrial, and industrial business land uses.

Crosby suggested that the Council go with the general business land use.

Smith stated that they are not interested in encouraging additional industrial uses and also liked the idea of the general business land use for the parcels.

Benetti advised the Council of suggested trail additions.

Smith suggested that they get some clarification on the trails from Park Chair Ann Thies, as she would know how to best close the loop on one of the trails.

Weir agreed that the Council should direct staff to work with Thies to complete the trail portion of the plan. She stated that in the language of the plan there is talk about sub-neighborhood parks. She suggested that be changed to pocket park.

Benetti advised that the language would be a changed in the final comp plan. He advised that it was also suggested to include three natural study areas and pointed them out on the map. He then pointed out the revised functional classification of roadways.

Kellogg advised that portion of the new comprehensive plan is pretty similar in terms of major roadways to the current comprehensive plan, with the exception of a few minor changes.

Benetti explained that there was some added language included in the transportation goals in chapter two to include language of sharing transit between communities.

Benetti explained that the population numbers in the Transportation Plan had been corrected and gone over in detail, they just need to be reprinted.

Weir questioned if the park and ride should be included on page two.

Kellogg advised that language for the park and ride had been included on page 15.

Smith questioned if they would receive a copy of the changes after they are completed.

Adams advised that the Council would receive a copy once the changes had been made.

Benetti advised that it would also be shown on the website for the City.

Crosby questioned how they would review the recommendations from the other cities.

Adams explained that the recommendation and the plan would first go to the Metropolitan Council and then the City would get it back to make revisions.

Batty added the City could make changes requested by area cities prior to distributing to the Metropolitan Council.

Weir commented on the sewer portion of the plan and advised that map one should be the first one in that section. She also commented that on page one, the last sentence of the last paragraph is repeated again in the first sentence of the second paragraph. She advised that one of those sentences should be removed. Weir continued with several editing errors that needed correcting.

Crosby commented that the abbreviations used throughout the plan should be consistent.

Weir asked Kellogg if he wanted her to continue to read through the remainder of the plan.

Kellogg replied that he would appreciate her input and she could email any changes to him.

Crosby then opened the floor for the input of the residents and reminded them that it may be the last time for them to have input.

Roland Aberg, 3175 County Road 25, stated that it appears a portion of trail goes right down his driveway and was very concerned with that. He explained that his driveway is surrounded by wetlands and did not understand how they would be able to put trail onto wetlands or private property.

Crosby explained that this is a planning exercise and is just where they would like to place trails. He stated that it does not mean that anything is going to change. He advised that they are not going to do things that are not allowed, such as going through wetlands.

Susan Seeland, property owner on Homestead Trail, stated that her question relates to whether or not the Council had made a decision on how they would attach the open space plan to the comprehensive plan.

Crosby explained that the open space plan had been converted into an open space report and would not be included in the comprehensive plan but rather used as a planning tool.

Seeland advised that a portion of the report dealt with whether or not it would be a mandatory thing for property owners to do something.

Crosby stated that the Council is going to discuss that issue later, but he is suggesting that rather than make it mandatory they would make it an incentive.

Bill Cavanaugh stated that he is a farmer and has land in the city. He stated that the reason he came was to discuss the sewer extension and also to discuss the land use of his property.

Crosby explained that the southern portion of his property at the corner of TH55 and Arrowhead Drive would remain commercial. He also explained that mixed-use designation on the northern portion of the parcels would allow him to mix both residential and commercial throughout that area.

Cavanaugh was happy with that land use designation. He then questioned if he would be able to get sewer connected to his property sooner than designated in the plan at his parcel at Mohawk Drive and Chippewa Road.

Crosby explained that he is currently in the group that would get sewer between 2016-2020, but he could request to move up to the next stage, which would be 2011-2015. He explained that they have not yet come up with a point system of which to rank properties on for the staging process.

Cavanaugh explained that he would like to get the water hooked-up on his land and would like to work with the Council on developing his property. He advised that it would be nice if it all worked out.

Bruce Workman stated that he also had concerns with the staging process. He stated that the staging should be the same for his property, the Cavanaugh property, and the Sherburn's property. He advised that it would make more sense to do those 60 acres at the same time, rather than waiting 5 years for each section. He explained that they have lived in a highly developed area since 1997, when there were about six cars going by in a day to now, where about 600 cars go by in a day. He asked that the Council not delay their decision, as he would like to start planning for the next ten years.

Crosby pointed out that with the existence of Polaris it does make a difference, because the utilities are already there.

Kellogg explained that the staging was based on the water-tower property. He explained that the assumptions were very conservative and the land use has since changed.

Smith stated that since they reduced the number of units south of Highway 55, they could move the line over to include the property to allow for so many units per year for staging.

There was a short recess from 9:00 p.m. to 9:07 p.m.

Crosby stated that the question would be whether the Council has the power to move the line or if they would need to speak with the engineers first.

Weir suggested that they bring the issue back to the Planning Commission.

Smith stated that she did not want to give this decision to the Planning Commission, she wanted the Council to make the decision.

Johnson stated that he is persuaded to move the line to include the three properties in the staging area. He stated that Workman's logic just made sense.

Weir stated that it does make sense to move the line, because they did remove the units south of Highway 55.

Smith also agreed that they should move the line to incorporate the three properties in the staging area.

Crosby questioned if moving the line to include the properties would complicate anything.

Kellogg advised that it would probably not cause any problems for the City in the future.

Crosby advised that they would extend the staging line to include the properties.

Joe Cavanaugh Sr. stated that he and his brother Dick have a property that was previously included in the staging for 2001-2010. He advised that it has now moved to the next staging area. He explained that the property to the east of his is included in the current staging area. He explained that property only has access for developing through his property. He stated that those two properties should be included in the same staging area, since they will need to be developed together because of access issues.

Smith advised that he could go through the guidelines to move up one staging area and would then solve his problem.

Crosby explained that when they set out to develop a staging area, they decided that they wanted to have a flexible system so that they would be allowed to make changes during the process. He advised that he would be able to move up one staging area, which would put him back into the current staging area.

*Moved by Weir, seconded by Smith, to accept and approve the draft comprehensive plan document in its present form, with the specified and additional modifications, and direct city staff to distribute to the surrounding jurisdictions and Metropolitan Council for review and comments. **Motion passed unanimously.***

Batty explained the need for a moratorium during part of the approval process for the comp plan. He stated that a moratorium could only last for 12 months, so they need to be careful when they enact it. He stated the moratorium has the purpose of protecting the planning process. He explained that after the plan is approved, the City has nine months to make sure that all zoning and operations procedures match up to those in the plan itself. He explained that they needed to think about how they will spend that 12 months judiciously since the process will take 18 months in total.

Adams advised that at this point the Council would declare a statement that they do not want to see land use applications until the Metropolitan Council approves the comprehensive plan.

Crosby questioned if they put a moratorium on the entire city, if the intent would be to lift the moratorium on areas as soon as they are able. He explained that areas with the least change would have the moratorium lifted sooner.

Adams explained that they are not looking to enact the moratorium until August.

Smith stated that they would not have to enact the moratorium unless someone came in with an application that is in the area where changes are being made.

Johnson stated that the intent is not to enforce the moratorium but to inform the constituents of the process right now.

Batty explained that to draft the moratorium is not hard, the issue would be the length of time for the moratorium. He advised that he could have the moratorium drafted once advised and then ready for approval at the next Council meeting.

Dave Newman, representing Bancorp Group and the Bruce Hendry property, stated that he and other developers would need to know some kind of timeline. He stated that it would be helpful to have a timeline so that they could know when to submit applications.

Crosby explained that out of the 18 entities that they have to submit their plan to, there will be probably be one or two that do not respond. He explained that they would most likely get into a situation where they would have to wait out the six months.

Batty explained that the Metropolitan Council has 120 days to review the plan. He stated that they plan to send it to the Metropolitan Council now, along with the other communities. He stated that they could not start formally reviewing the plan until they get the feedback from the other communities. He advised that the hope is that they will informally review the plan so that when they do get the feedback from the communities it will cut back on the 120 days that they have to review the plan. He explained that where it goes from there depends on the amount of feedback from the Metropolitan Council.

Newman stated that it appears that the City has a commitment to get everything completed as soon as possible.

## **VIII. NEW BUSINESS**

### **A. Award Well No. 7 Project**

Kellogg presented the bid tabulations, and recommended approval of the low bid. He stated that it is a good company and they did come in under the estimate.

*Moved by Johnson, seconded by Weir, to award the contract to Bergerson-Caswell on the Total Base Bid A amount of \$164,700 and authorize the Mayor and City Administrator to execute the contract. **Motion passed unanimously.***

**B. Elm Creek Watershed Management Commission Appointment(s)**

Adams stated that the recommendation was for Dick Picard for the primary and Madeleine Linck as the second alternate.

*Moved by Weir, seconded by Johnson, to approve the appointment of Dick Picard as the primary representative and Madeleine Linck as the second alternate to the Elm Creek Watershed Management Commission. **Motion passed unanimously.***

**C. 2008 Work Plan**

Adams advised that they would skip this portion of the agenda, as they did not cover enough information prior to the meeting tonight.

**IX. CITY ADMINISTRATOR REPORT**

**A. City Policies**

**1. Personnel Policy 1.40 – Organizational Chart**

Adams presented an update of the organizational chart and a number of other personnel policies that will be coming forward.

Crosby questioned if there were any changes from previous years.

Adams replied that there were not structural changes, only changes to names and added positions. He explained the significance of colors, such as entry-level positions were blue and department heads were signified in gold.

*Moved by Smith, seconded by Weir, to approve the Personnel Policy 1.40, Organizational Chart, as amended. **Motion passed unanimously.***

**2. Policy, Procedure, Program Manual**

Adams presented the structure and layout of the new Policy, Procedure and Program Manual. He explained that he was not looking for an action for this item. He stated that this was just to show the Council what the outlines of the chapters would look like and what the draft policy would look like. He explained that they do have policies but have never had a manual or coding for them. He advised that they would have one printed copy and would then post the manual on the website for internal use.

**X. MAYOR & CITY COUNCIL REPORTS**

There were none.

**XI. APPROVAL TO PAY THE BILLS**

Adams advised that they had another bill to add the DNR water usage permits for \$2025.00. He explained that the check number was #32041.

*Moved by Smith, seconded by Weir, to approve the bills, EFT 000166-000175 for \$26,843.30 and order check numbers 031970-032039 for \$350,356.55 and 032041 for \$2,025.00 and payroll check numbers 020150-020151 for \$1,398.16, and EFT 501012-501035 for \$37,313.77. **Motion passed unanimously.***

**XII. ADJOURN**

*Moved by Johnson, seconded by Weir, to adjourn the meeting at 9:50 p.m. **Motion passed unanimously.***

---

T.M. Crosby, Jr., Mayor

Attest:

---

Chad M. Adams, City Administrator-Clerk