

MEDINA CITY COUNCIL MEETING MINUTES OF MARCH 3, 2009

The City Council of Medina, Minnesota met in regular session on March 3, 2009 at 7:00 p.m. in the City Hall Chambers. Mayor Crosby presided.

I. ROLL CALL

Members present: Crosby, Weir and Siitari.

Members absent: Smith and Johnson.

Also present: City Attorney Ron Batty, Associate Planner Dusty Finke, City Engineer Tom Kellogg, City Administrator Chad Adams and Recording Secretary Robyn Sauer.

II. PLEDGE OF ALLEGIANCE

III. ADDITIONS TO THE AGENDA

It was requested to add item **A. Tax Increment Financing (TIF) Legislation**, and item **B. Federal Stimulus Funding** to the City Administrator Report.

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

IV. APPROVAL OF MINUTES

A. Approval of the February 17, 2009 Special City Council Meeting Minutes

*Moved by Weir, seconded by Siitari, to approve the February 17, 2009 special City Council meeting minutes as presented. **Motion passed unanimously.***

B. Approval of the February 17, 2009 Regular City Council Meeting Minutes

It was noted on page 1, line 10, should state: "Johnson", not "Cavanaugh". Page 2, line 20, should state: "the property it stands on be sold." Page 7, line 34, should state "10% of the parcel, whichever is less."

*Moved by Weir, seconded by Siitari, to approve the February 17, 2009 regular City meeting minutes as amended. **Motion passed unanimously.***

V. CONSENT AGENDA

A. Accept Donation of \$812.69 from Steve Lundell for Police Computer

B. Appointment of 2009 Yale Internship

C. Approve Lawn and Grounds Services Agreement with Larson Company

With regard to the service agreement with Larson Company, Weir commented that when the financial difference between two companies is small, they like to support a local company. Adams replied the owner of the Designing Nature Company does live in Medina but not all operations are conducted from Medina. He also stated the hourly rate between the quotes was significant enough to justify the contract with Larson Company.

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

VI. PRESENTATION

A. City Logo Design – Lori Dalrymple

Adams introduced Lori Dalrymple and stated she had won the contest the City of Medina held to solicit designs for a new City logo in fall 2008. Adams indicated the City had chosen to contract with her for \$500 to provide services for refining the designs.

Weir noted there was no rush to institute the new logo, and indicated it would be put on new stationary as the City runs out of current stationary. Weir commented the City was being financially cautious with the implementation of the new logo.

Adams noted the desire for new park signs was driving the idea for a new logo and stated the signs were funded through park dedication funds, not taxpayer money. Adams suggested allowing 30-45 days for public comment regarding the logo before it would be implemented.

Dalrymple stated she was a graphic designer and a Medina resident.

Crosby asked how long the old logo had existed. Weir replied she thought it may have been designed in the 1970's. Adams remarked he thought the logo was a bit more current than the 1970's.

Weir asked if using more colors in the design would make it more expensive. Dalrymple replied there were unlimited colors with a 4-color process.

Crosby asked how much community exposure there had been to the design. Adams replied not much, which was why he was suggesting the 30-45 days for public input.

Siitari questioned the cost and timing of implementing a new City logo.

Adams asked if Council was comfortable promoting the new logo over the next 5-6 weeks. Crosby replied yes, but reiterated that the economics needed to be mentioned in any discussions around the logo.

VII. COMMENTS

A. From Citizens on Items Not on the Agenda

There were none.

B. Park Commission

Janet White, Park Commissioner, stated the Park Commission had discussed the Hamel Legion Park and the need for screening utility items, wells, etc. White also noted they had discussed concerns that there was no master plan for the park regarding landscaping, benches, etc.

White stated the Park Commission would like a master plan as soon as possible and had talked about limiting spending on landscape items until the plan was in place. Weir asked who would make that decision. Crosby replied a consultant would be the only expense involved right now.

Adams stated more funding would need to be allocated and indicated the discussion around a master plan could take place for the 2010 budget.

White stated the Park Commission would help with the Medina Clean-Up Day, April 25th.

White indicated they had reviewed DNR grants for a pier at Holy Name Park and had looked at a grant for the land near Camp Iduhapi in Medina. White commented they were looking at all potential grants so as to not miss out on any that may be available.

C. Planning Commission

Victoria Reid, Planning Commissioner, stated there had not been a Planning Commission meeting in February and noted they would be looking at Institutional Development regulations, specifically pertaining to religious uses, at the March meeting. Reid indicated the Planning Commission would hold the public hearing for Institutional Development regulations in April.

VIII. OLD BUSINESS

A. Ordinance Creating the Commercial-Highway, Commercial-Highway 2, Commercial-General, and Commercial-Neighborhood Zoning Districts; Amending Section 825.07 and Adding New Section 838

1. Resolution to Publish Ordinance by Title and Summary

Finke reviewed the changes made since the previous draft. He indicated that staff is recommending a 125 foot setback for Auto Repair shops from residential districts. Finke noted that the Hickory Drive auto shop would not meet the setback.

Crosby noted if the Hickory Drive auto shop were to burn down, they would need to conform to the new setback when they rebuilt. Batty replied that would depend on whether or not it was completely destroyed or partially destroyed.

Crosby stated the City needed to think about the future.

Batty suggested as a courtesy, the City notify the business they were no longer conforming and noted district regulations were the issue. He indicated that once a property was rezoned, a letter would be a good idea to inform the owner that they were non-conforming.

Finke noted there was potential for an incentive for coordinated development by allowing up to 80% impervious surface. He indicated it was 60% currently in urban commercial.

Weir commented it was a good idea to incentivize.

Crosby noted he would be comfortable going to 80%.

Crosby stated parking and buildings were both at a 25 foot setback and asked for another column showing the existing standard. Finke noted the table was for reference.

Crosby asked how much commercial neighborhood property there was in Medina. Finke replied originally none, it was just used as a place holder, but noted there was potential along County Road 19 and Highway 55, as there were large parcels guided for Commercial that does not entirely front the highway.

Crosby asked about tree preservation and questioned whether there was one ordinance or separate ordinances, and indicated he was concerned there was a more restrictive ordinance for Commercial.

Weir indicated she had spoken strongly for having one ordinance because she did not want to penalize Commercial.

Crosby noted on Page 15 there were a lot of qualifications for Commercial that were not required of Residential. Finke explained the thought process regarding the landscaping requirements of the ordinance. Crosby commented he would be in favor of using the recently passed ordinance regarding tree preservation.

Weir commented that one flat regulation would be easier.

Finke noted Council had asked for information on outdoor sales. Finke indicated that most outside sales exceeded the 1% threshold which was in the draft ordinance.

Crosby stated it was the commercial practice of gas stations to have outdoor sales by the pump islands. Crosby commented he was not troubled with it, but it should be confined to the pump islands. Crosby suggested language should be included to require the pump islands be neatly maintained.

Siitari asked how it would be possible to enforce "neatly."

Finke stated the ordinance could be drafted to allow it as an accessory use for gas stations.

Crosby asked if space under the canopy applied to the 1%. Finke replied yes, the display would count towards the 1%.

Finke noted there was a cap of 400 feet, so even if there was a large building, 400 feet was the maximum amount of outdoor storage that would be allowed.

Crosby stated he would be willing to go to 2%, but the ordinance should require outdoor storage be maintained or neat. Crosby also indicated outdoor storage should be adjacent to the building or under the canopy.

Finke showed the outside parking of service vehicles and noted Staff recommended a reduction in the number of vehicles allowed to be parked outside, as well as the size of the vehicles. Finke stated the draft would allow one vehicle per 10,000 square feet of building and no vehicles over 20 feet in length or 12,000 GVW.

Crosby asked if a 24-foot vehicle was a more common length than a 20-foot vehicle. Finke replied he would try to find that out. Crosby also asked how large a UPS van was.

Finke stated, with regard to lot width and double frontage lots, that Staff believed a 25-foot front setback would minimize concerns for the other double frontage lots. Finke indicated this would be Commercial Highway 2, and noted the current language allowed a 0-foot setback from a road adjacent to a railroad right-of-way.

Weir suggested the land in question be designated Commercial R. Finke cautioned everyone along the railroad would want that designation.

There was a consensus to change front setbacks to 0 feet from service roads.

With regard to Section 838.1.05 (CH) Lot Standards, Crosby asked if there was a common use where an acre would be needed. Finke replied a free-standing Starbucks would be one example, and noted Urban Commercial was a one acre minimum currently.

Weir asked if developers had concern with the size. Finke replied there were comments to reduce that size requirement, especially if they didn't need their own storm water pond.

Crosby asked if the language permitted sharing of existing amenities. Finke replied it wouldn't disallow it, and stated that the new multi-tenant building at 1300 Baker Park Road shares Holiday's storm water pond.

Crosby noted the issue was the size of the lot and people wanted to own property and not lease it. Finke replied they could set up other agreements without needing a PUD.

Weir asked the developers present to address the issue.

Roger Anderson, civil engineer, stated he had worked on the Adams Pest Control building. Anderson commented regarding minimum lot size, he liked land to yield what it could. Anderson noted when there was an opportunity to share and minimize the impact on environment it should be done, but he realized that was not always feasible. Anderson stated he was a believer in one-half acre lot, which could support a Starbucks, or a 3000-4000 square foot building. Anderson indicated a service station would not be comparable, but that a Dairy Queen could work on a half acre site, if stormwater did not need to be handled on-site. Anderson commented he would be in favor of smaller lot sizes, and noted the more restrictive it is made, the more difficult it would be for development to happen.

Crosby stated if a developer were creating a project, they could deal with storm water and shared parking.

Crosby indicated he was not troubled with the existing language, but wouldn't want to penalize a freestanding one-half acre site. He commented he would like to avoid Finke's concern regarding variances and he would like a one-half acre minimum.

Weir asked if they could include language discouraging variances. Finke replied one problem would be a drive-through with a lot of hard cover.

Adams stated that the Council should make sure that they are comfortable with one-half acre sites. His interpretation was that meeting all of the City's regulations on an acre is tight.

Finke noted that there are not good examples of one half acre sites that are able to stand on their own, and this would argue for leaving the language as drafted.

Crosby concurred, but stated that he would support language that specifically allows sharing of existing amenities.

Weir commented she was more comfortable with a one-acre size, but thought one-half acre was feasible if there were shared amenities.

It was suggested to integrate "incentive" into Subd. 12.

Regarding Section 838.1.06 (CH) Design and Development Standards, Crosby asked if there needed to be windows, or just need to appear to be windows.

Weir commented a blank wall was very uninviting. Crosby replied many uses needed wall space.

Anderson stated a Walgreens or a CVS would need the wall space. Weir replied she would stand down on the matter.

Weir stated that she did not agree with the language "where practical" at the end of the requirement that parking lot landscaping be designed to accept run-off.

Finke stated staff believed this language is important. There would likely be situations where landscaping may be higher in elevation than the adjacent parking lot, and the City wouldn't want a site graded more than it needed to be. He noted that there would be situations where a developer could design a more efficient stormwater system by concentrating efforts in the landscaping areas that make the most sense.

Kellogg stated that the language sets the standard that all landscaping areas should be designed to receive storm water. However, the "where practical" language allows the City an opportunity for reviewing situations where it would not be ideal.

Adams looked up some previously asked information and stated most standard UPS trucks were under 20 feet, and noted barn door lighting was directional lighting.

The Council opened the discussion to the public.

Roger Anderson stated hospitals were not allowed in Commercial Highway, and asked if clinics, such as eye or dental, were allowed. Finke replied yes, clinics would be allowed.

Anderson noted impervious surface regulations went to 75%. Anderson commented he was an advocate of 80% because the small lots were tiny and setbacks were very large. Anderson noted it would come into place at 3+ acres. Anderson noted the effect at 75% on a large lot, 10-12 acres, would significantly penalize the large lots. Anderson commented a CUP would control it.

Anderson stated the Tree Preservation ordinance was very restrictive. Crosby noted the new residential tree ordinance was a two-step process, one involving the initial development of property and the other involving the lots so created.

Weir commented most commercial land was not heavily wooded. Weir thanked Finke for his hard work.

Staff was directed to make changes as discussed, as well as other modifications as Staff deems appropriate, and for the item to come back to Council on the consent agenda.

B. Water Irrigation Meter Program

Adams stated the Council previously implemented a rate change effective January 1st for sanitary sewer charges which were now based on actual monthly water usage. The sewer rates were previously based on the first three months of each year for a residential properties water usage. Adams expressed desire to promote the change and option to purchase a 2nd water meter which would benefit high-water users of irrigation in the summer months.

Crosby noted it was a voluntary program.

*Moved by Weir, seconded by Siitari, to Direct Staff to prepare a program policy for the Water Irrigation Meter purchase/installation for 2009. **Motion passed unanimously.***

IX. NEW BUSINESS

A. 2009 Road Projects

1. Accept Road Material Bids

Adams indicated they would need to re-advertise some of the road material bids to ensure publication in two newspapers.

Crosby asked if the bids were reflecting lower petroleum prices. Kellogg replied they were higher than last year, and the drop in petroleum prices would be short term. Kellogg stated these prices were in line with what was estimated.

*Moved by Weir, seconded by Siitari, to accept the road material bids as recommended. **Motion passed unanimously.***

2. Resolution Ordering Preparation of Feasibility Reports on Improvements

Kellogg noted the feasibility report would be less in scope compared to normal feasibility reports. He indicated it would be the bare minimum, not a lot of design.

*Moved by Weir, seconded by Siitari, to approve the resolution ordering preparation of feasibility reports for improvements. **Motion passed unanimously.***

3. Re-advertise for Partial Road Maintenance Bids

*Moved by Weir, seconded by Siitari, to direct Staff to re-advertise for road maintenance bids as recommended. **Motion passed unanimously.***

B. Approve RFP for Architectural Services for Hamel Legion Park Field House

*Moved by Weir, seconded by Siitari, to approve Architectural Services RFP and direct Staff to seek proposals. **Motion passed unanimously.***

C. Appoint Vacant Park Commission Seat

Adams read both applicant's information to the Council and stated the recommendation of the review committee was Chris Hilberg.

*Moved by Weir, seconded by Siitari, to appoint Chris Hilberg to the Park Commission.
Motion passed unanimously.*

X. CITY ADMINISTRATOR REPORT

A. TIF Legislation

Adams suggested legislation to extend the 5-year rule to 10 years for the City's TIF 1-9 District. Adams noted other communities were doing this very short piece of legislation and indicated it would move forward through request of the City's local representatives.

Batty stated there was no certainty the bill would go through. Batty noted redevelopment districts were favorites but indicated the City was up against a time line.

Crosby asked what the cost would be. Batty replied not much, in terms of money, but noted the Council Members or City Administrator may have to appear at the Capitol to give testimony.

Crosby and Weir concurred it was a good idea. Adams stated he would get the legislation drafted and set up meetings right away.

*Moved by Weir, seconded by Siitari to direct staff to prepare a bill to extend the TIF from five years to ten years. **Motion passed unanimously.***

B. Federal Stimulus Funding

Adams stated Staff would explore funding for the Highway 55/County Road 116 intersection and indicated if the money wasn't spent, it could be returned at no cost. Adams noted Staff would recommend applications for storm water projects, as well as exploring other sanitary sewer projects.

Adams stated they would also like to explore an application for field house efficiencies and city hall weatherization.

Adams also suggested recommending an application for a Hamel system treatment plant filter and exploring water tower funding. Adams commented the City could possibly receive 50% in the form of a grant for water infrastructure.

Kellogg stated it would be very expensive to paint the water tower. Kellogg noted if the City used federal money to paint the water tower, they would have to advertise for union help, which could add 30% to the cost of the tower. Kellogg commented a treatment plant was a better choice to use federal money.

Weir asked if they could manage without a water tower. Kellogg replied they had looked at an underground storage facility, but construction costs were greater to go underground.

Crosby suggested a non-grade tank. Kellogg replied the tower was the best choice at the time two years ago and commented development hadn't happened as quickly as they had thought.

Adams indicated the federal funding may allow for acquisition of foreclosed properties for resale and redevelopment to stabilize neighborhoods. Adams noted more details were being created through HUD and there were no recommendations at this time.

Adams stated the City could apply for funds to preserve police officers, but it would not be applicable right now since no staff reductions have been recommended.

Adams noted there was a funding potential to fire department facilities, but commented it might be too early for Medina since the City and departments are in a planning stage.

Adams indicated broadband service implementations must be implemented within two years and commented the City was not prepared to take a lead or apply for funds.

*Moved by Weir, seconded by Siitari, to authorize Staff to submit applications for recommended projects listed herein and for worthy projects with near pending deadlines. **Motion passed unanimously.***

XI. MAYOR & CITY COUNCIL REPORTS

Mayor Crosby indicated he would be absent from the July 7, 2009 meeting.

Weir stated she would be absent on June 16, 2009.

Weir noted Corcoran had approved the concept for Lake Sarah Total Maximum Daily Load (TMDL), but they had not designated someone to attend the meetings. Weir stated she would indicate that Steve Scherer would be the contact person for Medina. Weir stated the next meeting would be in May.

XII. APPROVAL TO PAY THE BILLS

Crosby asked why the City was paying the League of Minnesota Cities \$50,000. Adams replied it was for property and liability insurance and was consistent with what had been done in the past.

Crosby noted the City was paying Holiday \$1,250 for carwashes. Adams replied he had discussed it with finance and they would hold it out at the administrative level until they received billing detail.

Moved by Weir, seconded by Siitari, to approve the bills, EFT 000413-000421 for \$31,906.99 and order check numbers 033691-033739 for \$272,184.58 and payroll EFT 501867-501893 for \$43,267.93. **Motion passed unanimously.**

XIII. CLOSED SESSION: ACQUISITION OF PROPERTY

Adams announced that Mayor Crosby, Council members Weir and Siitari, City Attorney Batty, City Engineer Kellogg and City Administrator Adams would be entering closed session to discuss the possible acquisition of the following properties: 36 and 42 Hamel Road, PID # 1211823410021 and 1211823410024, PID # 1211823410031, 3365 and 3375 Mill Drive, PID # 1211823410047, 75 and 95 Hamel Road and 45 Hamel Road.

The Council entered closed session at 9:35 p.m.

The Council re-entered open session at 10:06 p.m.

Mayor Crosby announced that the Council has directed the City Administrator to approach property owner(s) as discussed in closed session.

XIV. ADJOURN

*Moved by Weir, seconded by Sittari, to adjourn the meeting at 10:07 p.m. **Motion passed unanimously.***

T.M. Crosby, Jr., Mayor

Attest:

Chad M. Adams, City Administrator-Clerk