

**MEDINA CITY COUNCIL MEETING MINUTES OF FEBRUARY 15, 2011**

The City Council of Medina, Minnesota met in regular session on February 15, 2011 at 7:00 p.m. in the City Hall Chambers. Acting Mayor Weir presided.

**I. ROLL CALL**

**Members present:** Pederson, Siitari, Martinson and Weir.

**Members absent:** Crosby

**Also present:** City Attorney Ron Batty, City Engineer Tom Kellogg, Police Chief Ed Belland, City Planner Dusty Finke, Planning Consultant Nate Sparks, Public Works Superintendent Steve Scherer, City Administrator Chad Adams and Recording Secretary Amanda Staple.

**II. PLEDGE OF ALLEGIANCE**

**III. ADDITIONS TO THE AGENDA**

It was requested to add an item, Schedule a Special Meeting for March 1, 2011, to the City Administrator's Report.

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

**IV. APPROVAL OF MINUTES**

**A. Approval of the February 1, 2011 Special City Council Meeting Minutes**

*Moved by Pederson, seconded by Martinson, to approve the February 1, 2011 Special City Council meeting minutes as presented. **Motion passed unanimously.***

**B. Approval of the February 1, 2011 Regular City Council Meeting Minutes**

It was noted on page eight, following line eight, the following sentence should be added: "Weir stated that for environmental reasons she is not in favor of reducing wetland setbacks or altering tree preservation requirements."

*Moved by Martinson, seconded by Pederson, to approve the February 1, 2011 Regular City Council meeting minutes as amended. **Motion passed unanimously.***

**V. CONSENT AGENDA**

**A. Approve Temporary On-Sale Liquor License to/at Holy Name of Jesus Church on March 12, 2011**

**B. Approve MN Department of Public Safety Datamaster DMT-G with Fuel Cell Option Evidential Breath Tester Instrument Agreement**

**C. Dispose of Lexus from DWI Forfeiture at Auction**

**D. Ordinance Rezoning 1525 Deerhill Road to the Agricultural Preservation (AP) Zoning District**

**E. Resolution to Publish Ordinance Rezoning 1525 Deerhill Road by Title and Summary**

F. **Resolution Adopting a Comprehensive Plan Amendment Regarding the Future Land Use of 1525 Deerhill Road**

G. **Resolution Authorizing Preparing of Feasibility Report for Hunter Drive South**

*Moved by Pederson, seconded by Siitari, 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**

Park Commissioner Madeleine Linck noted that the Park Commission had not met since the previous update. She advised that the Park Commission would meet the following night and the main discussion would focus on the 2011 CIP.

C. **Planning Commission**

Finke confirmed that a meeting had not been held for the Planning Commission but advised that a workshop was held with himself and one Commissioner.

VII. **OLD BUSINESS**

A. **LENNAR/Enclave Comprehensive Plan Amendment, Rezoning and Preliminary Plat**

Sparks noted that the three requests from the applicant work together to form one development. He advised that the item had been continued from the November meeting and summarized the work that had taken place since that time. He reviewed the subject site for the application including the size, current zoning, and number of units currently proposed for the development. He noted that there had been 19 previous general conditions or comments and summarized the items that had already been addressed. He reviewed the items that the developer had altered in the plans to accommodate the requests of the Council and staff. He noted that there are essentially eight major remaining issues including the phasing plan, affordable housing, northern cul-de-sac, irrigation system, Hunter Drive reconstruction, Navajo Road reconstruction, park dedication, and resolution to engineering issues. He explained the current status of each of the remaining issues and the thoughts of City staff and the developer at this time. He confirmed that some of those remaining issues would simply need Council approval and some items would require the direction of the Council in order to assist the developer in resolving the issue.

Carol Toohey, Lennar, confirmed that there were a few items that needed to be discussed tonight and requested that the Council remember that the developer has amended the current development plan to meet previous requests from City staff and the Council. She stated that if a dollar amount is assigned to each property for the eight items requiring discussion tonight it would add approximately \$23,000 to each home site. She stated that in regard to the irrigation escrow, the developer has researched the main line option discussed at the last meeting and the cost would be approximately \$100,000 in addition to other concerns. She stated that the best option for placing a main line would be to add the main line when the well systems are installed. She believed that the drought resistant sod would require less upkeep from the homeowners and suggested

that the home owners association add the irrigation system at a later date if needed. She stated that Charlie Nolan has expressed concern that he does not want access to his property through the development and noted that with concern for that neighbor the developer has decided not to add that connection via a cul-de-sac. She addressed the Navajo Road extension and did not feel that the developer should be responsible for that extension as there are no homes along that roadway and was unsure that property would be developed in the future. She stated that in regard to park dedication the developer is requesting additional credit for the conservation area, in addition to the flexibility given by the City in regard to the MUSA. She stated that in regard to affordable housing, the issue had been brought to the Metropolitan Council but noted that a meeting had not taken place as of yet. She hoped that City staff would be able to assist in obtaining a meeting with the Metropolitan Council. She addressed Hunter Drive and agreed that the section of road which would be torn up for utilities would be the responsibility of the developer but disagreed that the developer should be responsible for the entire stretch of roadway as the development is not the cause of the current condition of the roadway. She noted that the biggest economic impact of these concerns is the reconstruction of Hunter Drive. She noted that in regard to the phasing plan the townhomes were added, as requested, and noted that the phasing plan does change to accommodate the current market and sales.

Weir began Council discussions with the phasing plan and noted that additional townhomes were requested and had been added. She confirmed that the phasing would depend on the current market and sales. She stated that she would like some townhomes built to show the models that are available but noted that she is satisfied with the phasing plan as presented.

The Council agreed with the phasing plan as presented.

Weir moved to the issue of affordable housing and questioned if the developer would be interested in reviewing the issue of affordable housing if the issue were tied to funding for the reconstruction of Hunter Drive.

The representatives from Lennar confirmed that they would be open to discussions with staff regarding that option.

Weir confirmed that staff and the developer could work together to further discuss the options. She moved to the issue regarding the northern cul-de-sac.

Siitari stated that Mr. Nolan was not interested in the issue of the cul-de-sac.

Martinson requested staff to work with Lennar to ensure if a through street were added it would not result in a loss of a unit. Weir said that was doable.

Weir referenced a previous plan which did not show one of the storm ponds and instead showed a street abutting the Nolan property.

Toohey stated that the size of the storm pond had to be increased in order to accommodate the storm water from the Nolan property.

Finke noted that Nolan is no longer part of this application and advised that because public utilities are located under the roadway staff is not in favor of the private cul-de-sac

or roadway. He stated that while a road may start as private, once the issue of maintenance is brought forward the request is often made for the City to take the road over.

Adams advised that this item was discussed at length on November 8<sup>th</sup> and believed the Council direction was clear at that time when all parties affected were present.

Weir reviewed the staff recommendation and stated that because staff is strongly recommending this item she agreed that the Council should follow that recommendation regarding the northern cul-de-sac. She confirmed that the Council agreed to request that the developer follow the recommendation from staff to allow for access to the Nolan lot. She also referenced a letter written by Ed Holasek and noted that she would be responding to the letter. She moved to the irrigation system and commended Lennar for their plan to use drought resistant grass, although expressed concern that the grass has not been proven. She suggested that the irrigation condition be deleted and proposed that a condition be added to state that buyers in phases one and two would sign an agreement which would state that no irrigation system is to use municipal water.

Finke stated that he was not comfortable with that language and noted that in the first year or two watering would take place most likely via municipal water.

Adams stated that Bridgewater has been a good example of how this irrigation system works and believed that the irrigation could be designed out with staff, similar to the other development. He noted that this has been a very successful policy and was unclear on how the item seemed to be coming off the table tonight.

Martinson stated that she wanted to ensure that these items were not becoming too costly for the developer.

Adams stated that the City requirements had been made clear from the beginning and questioned why the developer was now coming forward at this stage stating that these items have such a high economic impact.

Scherer questioned if there was a plan for the irrigation system. He believed that a plan should be in existence if the estimate of \$100,000 was given by the developer.

Toohy advised that the cost estimate was based on an irrigation contractor providing an estimate to run the main lines.

Scherer stated that there should be a plan as to where the pipes would be located and which wells and ponds the pipes would connect to. He suggested that a plan be put together by the developer.

Weir questioned if an underground plan could be developed by Lennar for an irrigation system as requested at the November 8<sup>th</sup> meeting.

Finke explained that the design plan would be beneficial if homeowners were to come forward in the future with a request for an irrigation system. He also suggested an education campaign, which could include an agreement signed at closing which states that an irrigation system would not utilize municipal water.

Weir confirmed that the Council would agree that the developer should work with staff and develop a design plan for an irrigation system, as well as educating homebuyers that municipal waters will not be used for irrigation. She moved to the Hunter Drive reconstruction and confirmed that the Council would like the developer to work with City staff to discuss options of affordable housing and in turn for the City to assist with the cost for the reconstruction.

Adams confirmed that staff would continue to work with Lennar on this item and further recommendations would be brought forward to the Council at the March 1, 2011 meeting.

Weir moved to the item regarding the Navajo Road extension and believed that the escrow should be provided for that extension. She moved to the issue of park dedication and noted that the Park Commission has recommended that the MUSA line swap be an equal swap for the conservation area. She questioned if staff would be opposed to forgiving park dedication on the four homes which would be designated as affordable housing.

Adams confirmed that if affordable housing were to be provided a package would be put together by staff which could encompass not only park dedication but also possibly water and sewer fees as well as the Hunter Drive issue.

Weir confirmed that the resolution to engineering issues would be further discussed at the March 1<sup>st</sup> meeting. She thanked Lennar for their work thus far and noted that staff will continue to work with the developer to make this project successful.

*Moved by Martinson, seconded by Pederson, to table this item to the March 1, 2011 meeting. **Motion passed unanimously.***

## **VIII. CITY ADMINISTRATOR REPORT**

### **A. Uptown Hamel Monument Sign**

Adams provided an update regarding the window panes and the previous Council request to soften the effect of the window panes. He noted that he did attend the Uptown Hamel meeting today and the consensus of that group was that the sign was fine as is. He advised that the estimate to make changes to the window panes would be approximately \$1,000 to insert a graphic. He mentioned that a sign contractor advised against painting the window panes because of the material used to construct the panes was not designed to be painted and any paint placed on the material may peel away.

Siitari questioned why additional funds would be used for this sign.

Weir confirmed that she would also be okay with the sign standing as is, especially if the Uptown Hamel Association is fine with the existing sign.

### **B. Elm Creek Watershed District Appointment**

Weir stated that she was not able to attend the previous meeting and did not find that out until the last minute. She advised that another resident Randy Foote had previously served on the Commission and could regularly attend the meeting and would be

interested in being the first alternate. She noted that Madeleine Linck could be the second alternate for the meeting.

*Moved by Siitari, seconded by Pederson, to appoint Randy Foote as the first alternate to the Elm Creek Watershed and Madeline Linck as the second alternate. **Motion passed unanimously.***

**C. Schedule a Special Meeting for March 1, 2011**

*Moved by Martinson, seconded by Siitari, to schedule a special meeting for March 1, 2011 to discuss litigation. **Motion passed unanimously.***

Batty stated that the meeting would be noticed but advised that the meeting would be a closed session to provide for attorney client privilege.

**IX. MAYOR & CITY COUNCIL REPORTS**

Pederson stated that he attended the recent retirement party at the Loretto Fire Department for Herb Koch and also attended the Uptown Hamel sledding event on Saturday. He advised that he also attended the Uptown Hamel meeting today.

**X. APPROVAL TO PAY THE BILLS**

*Moved by Siitari, seconded by Pederson, to approve the bills, EFT 001013-001036 for \$53,352.23 and order check numbers 036542-036596 for \$101,371.50, and payroll EFT 503294-503324 for \$45,706.31 and payroll check number 020340 for \$224.36. **Motion passed unanimously.***

**XII. ADJOURN**

*Moved by Siitari, seconded by Pederson, to adjourn the meeting at 8:38 p.m. **Motion passed unanimously.***

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Elizabeth Weir, Acting Mayor

Attest:

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Chad M. Adams, City Administrator-Clerk