

MEDINA CITY COUNCIL MEETING MINUTES OF JUNE 17, 2014

The City Council of Medina, Minnesota met in regular session on June 17, 2014 at 7:02 p.m. in the City Hall Chambers. Mayor Weir presided.

I. ROLL CALL

Members present: Anderson, Pederson, Martin, Martinson, and Weir.

Members absent: None.

Also present: City Administrator Scott Johnson, City Attorney Ron Batty, City Engineer Tom Kellogg, City Planner Dusty Finke, Public Works Director Steve Scherer, Chief of Police Ed Belland, Finance Director Joe Rigdon, Assistant Finance Director Erin Barnhart, and Recording Secretary Amanda Staple.

II. PLEDGE OF ALLEGIANCE (7:02 p.m.)

III. ADDITIONS TO THE AGENDA (7:03 p.m.)

Johnson requested to add an Item E, under New Business titled Playground Surfacing Quote for the Park at Fields of Medina.

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

Martin asked that an additional agenda Item E, be added under New Business, titled Housing Task Force and Possible Early Amendments to the Comprehensive Plan to Reflect the Reduced Population Projections by the Metropolitan (Met) Council.

*Moved by Martin, seconded by Anderson, to amend the agenda to include Item E under New Business for discussion on a possible Housing Task Force and Possible Early Amendments to the Comprehensive Plan to Reflect the Reduced Population Projections by the Metropolitan (Met) Council. **Motion passed unanimously.***

IV. APPROVAL OF MINUTES (7:05 p.m.)

A. Approval of the June 3, 2014 Regular City Council Meeting Minutes

*Moved by Pederson, seconded by Anderson, to approve the June 3, 2014 regular City Council meeting minutes as presented. **Motion passed unanimously.***

V. CONSENT AGENDA (7:07 p.m.)

- A. Approve Raffle Permit to Minnesota Section PGA Foundation at 400 Evergreen Road on September 16, 2014**
- B. Approve Picnic Shelter Quote for the Park at Fields of Medina with Flagship Recreation**
- C. Approve Recruitment and Authorize Hiring for a Part-time Temporary Election Assistant**
- D. Resolution No. 2014-34 Approving Interfund Loan to TIF Fund for Tax Increment Financing District No. 1-9 for Redevelopment Projects**
- E. Resolution No. 2014-35 Accepting Donation from Susan Pihl-Niederman**

F. Resolution No. 2014-36 Granting Site Plan Review Approval to Loram Maintenance of Way for a Parking Lot Expansion and Construction of a Storage Building

Weir noted that Item B would be amended to remove the concrete work which would be considered under new business as Item E.

*Moved by Martin, seconded by Pederson, to approve the consent agenda, modifying Item B to remove the concrete work. **Motion passed unanimously.***

VI. COMMENTS (7:10 p.m.)

A. Comments from Citizens on Items not on the Agenda

There were none.

B. Park Commission

Scherer advised that the Park Commission will meet the following night to consider the Woodhill Preserve Concept Plan.

C. Planning Commission

Planning Commissioner V. Reid reported that the Planning Commission met the previous week to consider three issues. She advised that the Commission considered a request to replace an existing cell tower on the water tower with a new cell tower, which was recommended for approval. She advised that the Commission also considered a request for a setback variance to construct a garage and reported that the Commission recommended approval of the request. She noted that the Commission also considered a development request for the area adjacent to Fawn Meadows, to be titled Woodhill Preserve. She shared the concerns she expressed at the Planning Commission meeting regarding increased development and the impact on the City as well as the Wayzata School District.

Weir stated that she did communicate with the Wayzata School District Superintendent and the District has planned to accommodate the population growth included in the Comprehensive Plans for member cities.

VII. NEW BUSINESS

A. Tower Drive, Hamel Road and Kilkenny Lane Street and Utility Improvement Project – Public Hearing (7:16 p.m.)

Kellogg reviewed the proposed street improvements proposed for Tower Drive, Hamel Road and Kilkenny Lane under this project. He identified portions of the project that would need complete reconstruction, mill/overlay, and storm sewer improvements. He reviewed the estimated project costs for each portion of the project which combined create a total estimated project cost of \$2,126,419. He also reviewed the proposed project funding which include street and storm sewer assessments, utility assessments, city utility enterprise funds, city storm water enterprise funds, State Aid funds and City funds which could be bonded. He noted that if approved the project would occur in 2015 and reviewed the preliminary project schedule which includes public meetings. He noted that this project has been included in the City's Capital Improvement Plan for several years but had been postponed due to resident request.

Scherer confirmed that the project had been delayed a few years in response to business owner request. He noted that the project needs to be completed and also believed that the trail option should be explored as well, noting that portion would not be assessed. He did not believe that there would be a better time to construct the trail and believed that should be included as an option.

Weir confirmed that it would be less costly to construct the trail now compared to attempting to retrofit a trail in the future.

Weir opened the public hearing at 7:26 p.m.

Scott Schmidt, spoke in representation of John Raskob at 500 Hamel Road, in regard to the storm water that is draining onto his property. He noted that the owner is attempting to sell the property and the storm water issue has been a problem. He questioned if the Watershed District has reached out to the City to resolve this issue.

Weir confirmed that the City is working with the Watershed Commission to resolve the issue.

Scherer advised that the City is aware of the storm water issues that exist and that is partially why this project is proposed, combined with the deteriorating roadway. He noted that the City is going to reapply for grant funds as well.

John Raskob provided photographs of the water on his property.

Jack Day, 783 Tower Drive, stated that he owns several properties along Tower Drive and questioned if the storm water problem of runoff was recent or whether the issue has been ongoing.

Schmidt noted that the problem has been ongoing but has increased along with the amount of impervious surface in the area. He confirmed that the Raskob property has remained unchanged for the past 15 years.

Raskob stated that he first noticed storm water bubbling up and believed that the area had been plugged but that was simply the beginning of the problem.

Scherer stated that the City considered the storm pond to be a regional asset and advised that he will work with the Raskobs along with the property to the east in order to locate a pond in that area. He confirmed that project would be separate and is not included in these assessments.

Jim O'Brien, owner of Straight Line Auto Body, stated that he will be vastly impacted by this project and referenced the four month timeline for the project with a possible continuance in the next year.

Kellogg noted that the only continuation in the next year would be the application of the final wear course after the winter settling. He confirmed an estimated project timeline of four months, dependent on weather.

O'Brien stated that he has been in the area for 30 years and believed his business helps the residents in the area. He stated that if a good road to access his property is not

provided that would pretty much shut his shop down for that four month period, possibly further. He questioned if a substantial decent road would be provided to access his business.

Kellogg noted that if the Council choses to move this project forward the first step would be to hold a stakeholders meeting at which time affected residents could provide input and voice project concerns to ensure that those problems are addressed. He noted that there would be a drivable roadway during the winter and advised that the only work that would be in the next year would be to patch any areas of concern and conduct a one day wear course application.

O'Brien noted that he probably has the smallest property along the project but yet his assessment is much higher than other adjacent properties. He agreed that the road needs reconstruction along with curbs but was concerned that his assessment would be in the range of \$80,000 for the smallest lot in the project area.

Finke noted that the assessment had been updated since the preliminary assessment and believed that the assessment had been amended to \$37,138.50. He explained that the Council adopted an assessment policy a few years ago, but noted that this is the first time the policy is fully being applied to a project. He explained that the preliminary assessments that had been done in previous years did not reflect the new policy. He reviewed the different assessment rates for the different portions of the project area, explaining that different road classifications are assessed differently.

Martin noted that the parcels neighboring Mr. O'Brien's property are actually proposed to be assessed at \$43,000.

Weir advised that the City never closes off a road and always provides some type of access. She questioned if signage could be posted that would state businesses are still open and accessible and direct customers to detours.

Kellogg confirmed that typically a detour route is identified and noted that additional signage could be installed and advised that the signage would need to be moved throughout the process as access changes.

Roger Paulson, Kilkenny Lane, questioned if the assessed amounts would be payable over a period of time.

Batty advised that assessments are always able to be paid over a period of time.

Rigdon noted that the assessment is typically equated with the bond period, and believed that the period is being estimated at 15 years.

Batty noted that this is the improvement hearing and while he believed that the assessment questions were beneficial to provide a baseline of information, additional information will be provided at the second hearing which will address the details of the assessments. He noted that the question tonight is simply whether the Council approves of the project itself, and the details will be established at the assessment hearing, which the impacted residents will be notified of.

Weir closed the public hearing at 7:45 p.m.

Anderson stated that the Council has considered and discussed this project on multiple dates and believed that the project is needed.

Pederson stated that as a business owner in the community he was sensitive to the needs of the businesses within the project area having access to a usable road.

*Moved by Anderson, seconded by Pederson, to direct staff to prepare a Resolution Ordering Improvements and Authorizing Preparation of Plans and Specifications for the July 1, 2014 City Council meeting. **Motion passed unanimously.***

B. Charles Cudd De Novo, LLC – Woodhill Preserve – Concept Plan Review – South of Hackamore, East of County Road 116 (7:46 p.m.)

Finke presented a Concept Plan review, noting that two Concept Plans were included in the Council packet. He advised that the first concept includes 15 units with a cul-de-sac and a future cul-de-sac. He advised that the second concept includes 17 units and a through street similar to previous ghost plats. He provided background information on the site including the wooded areas, cleared areas, topography and wetlands. He noted that the area is identified in the Comprehensive Plan as Low Density Residential with a ratio of two to three units per acre, which would be a minimum of 16 units. He noted that there would be some flexibility in the Comprehensive Plan to allow slightly lower than the identified ratio. He stated that staff is not concerned with any broader implications that the 15 lot development would pose. He displayed both concept sketches for the Council to review and identified the differences. He referenced the concept that included 15 lots and the cul-de-sac, noting that one lot would lack frontage until the necessary property is purchased from adjacent property owners. He noted that staff would not oppose that concept but would not allow the lot to be platted until the land was purchased. He summarized the staff comments regarding the concept plans and noted that the Public Works Department and City Engineer strongly recommend the through street concept. He advised that the Planning Commission held a public hearing the previous week and almost unanimously preferred the cul-de-sac design. He noted that the increased maintenance costs were considered but the Commission still preferred that design. He noted that no formal action was recommended as this is simply a Concept Plan review.

Weir referenced the cul-de-sac length discussed in the report and asked for additional clarification.

Finke noted that several factors play into the length and size requirements including number of homes and emergency services. He confirmed that in rural areas of the City variances have been granted for smaller cul-de-sacs.

Pederson noted that tree preservation could be the reasoning to support a variance.

Weir stated that she walked the property the previous day and referenced the retaining wall to the south side, confirmed that would be needed because of the slope of the land. She also asked what type of home would be constructed.

Rick Denman, Charles Cudd De Novo, LLC, stated that most of the homes would be walk out, while approximately four would not be walk out, and one home would be a look out.

Martin referenced the dividing line of the cul-de-sac and believed that the cul-de-sac and westerly four homes would consume a huge amount of trees. She stated that perhaps the east side could be made denser with a different type of product to meet the density requirements and preserve the trees.

Denman stated that they are custom home builders and therefore the lots need to be a specific size. He stated that option would not work for them. He believed that both concepts presented are viable and advised that the second concept, with the through road, would meet the requirements of the City.

Finke confirmed that the applicant has expressed interest in obtaining a waiver from the tree preservation ordinance, noting that similar action had been taken in other subdivisions. He reviewed the steps the applicant would have to follow in order to even qualify for a waiver from the ordinance and explained the process staff would use to determine the amount of the waiver and the amount of replanting that would need to occur. He identified adjacent developments and the location of the nearest park would be the Fields of Medina, which would exceed the minimum distance suggestion of the Park Commission.

Weir advised that there could be a possibility of obtaining future park land from the Reserve of Medina.

Finke noted that there is a private park located within the Reserve of Medina and advised that the Park Commission will consider the discussion at their next meeting. He noted that because the Reserve of Medina has already been platted there would not be an opportunity to create a shared park. He advised that the City could obtain park land from land that develops to the north, or could also attempt to purchase land should they choose in the future.

Anderson referenced the comments made by the Planning Commission noting that 300 lots have been platted that will access County Road 116 and the problems this could create. He noted that only 30 percent of those lots have been developed at this time and referenced the idea discussed of a moratorium that would delay further construction in that area until the traffic concerns can be thoroughly reviewed. He believed that the City has loaded that area of the City with development and owe it to the citizens to find a solution.

Pederson stated that the Council has nothing to say with what happens along County Road 116. He acknowledged that there is a problem and hoped that there would be some resolution at the meeting the following day with the County and MnDOT.

Martin stated that while she agrees with discussing the issue of a moratorium, she did not believe that should be discussed at this time and instead believed that comments should focus on this agenda item.

Weir confirmed that the moratorium could be discussed at a future meeting which would allow staff time to prepare information.

Martin stated that the homes themselves are gorgeous as proposed.

Weir stated that she would like to support the direction of the Planning Commission to preserve additional trees. She noted that the wooded area provides a wildlife corridor and believed the cul-de-sac plan would best allow for that to remain in some aspect. She believed that the woodland area would increase the value and desirability of the homes. She referenced a protection easement which could be placed over the wooded area to control future reduction.

Martinson and Pederson had nothing further to input.

Denman stated that there was a previously approved plat for the property which included 11 lots. He noted that the proposed preservation area had been staked and encouraged the Council to walk the area in order to view that. He noted that the previous plat also included a cul-de-sac of this size, which had been approved.

Weir believed that this concept was an improvement on the previous plan.

Charles Cudd believed that the second plan with the through roadway meets the City criteria and they would be happy to do that if that is the direction. He noted that there are engineering costs and therefore they would like to have direction from the Council on which concept they would support so they can move forward with the correct design.

Weir confirmed that she along with Martinson and Pederson would support the cul-de-sac concept.

Martin stated that she would prefer the first concept plan with the cul-de-sac and believed that the option to preserve additional trees should be factored in.

Cudd noted that additional tree preservation would not be financially viable; explaining that while the cul-de-sac option is preferential and more attractive there is a point where the other concept becomes more financially viable.

Weir questioned the price point for the homes.

Denman advised that the price point would range between \$1,100,000 and \$1,300,000

Anderson noted that he also preferred the cul-de-sac option.

C. Ordinance No. 563 Amending Section 625 of the Code of Ordinances Regarding Alcoholic Beverage Licenses (8:23 p.m.)

Johnson noted that this agenda item was brought forward after the City received inquiry regarding a possible taproom. He noted that microdistillery cocktail room was included during the 2014 legislative session and that language could be used as well.

Martinson stated that the City has wanted some type of eatery or establishment of this nature in the Hamel area and believed that type of business would be a great addition.

Johnson noted that the business would not necessarily include food. He noted that popcorn was mentioned by the inquiring party. He advised that if desired, staff would need to conduct additional research in order to determine what would be needed to allow this type of business in Uptown Hamel. He stated that currently for this type of use

cities have a range of fees and suggested that the City implement the lower end of the range at \$500.

*Moved by Martinson, seconded by Martin, to approve Ordinance No. 563 Amending City Code Section 625. **Motion passed unanimously.***

1. Resolution No. 2014-37 Authorizing Publication of Ordinance No. 563 by Title and Summary

*Moved by Martinson, seconded by Anderson, to approve Resolution No. 2014-37 Authorizing Publication of Ordinance No. 563 Amending City Code Section 625 by Title and Summary. **Motion passed unanimously.***

D. Ordinance No. 564 Adopting an Amended Fee Schedule (8:29 p.m.)

*Moved by Martinson, seconded by Martin, to approve Ordinance No. 564 Amending the Fee Schedule. **Motion passed unanimously.***

1. Resolution No. 2014-38 Authorizing Publication of Ordinance No. 564 by Title and Summary

*Moved by Martinson, seconded by Anderson, to approve Resolution No. 2014-38 Authorizing Publication of Ordinance No. 564 Amending the Fee Schedule by Title and Summary. **Motion passed unanimously.***

E. Playground Surfacing Quote for the Park at Fields of Medina (8:30 p.m.)

Johnson noted that the picnic shelter had been approved under the Consent Agenda and therefore this discussion would focus on the poured pads for the playground equipment.

Scherer explained that Assistant to City Administrator Jodi Gallup worked diligently on this project to reduce the quote. He believed that the playground pad would be an amenity that would benefit the park area.

Weir stated that she was surprised that there were not pads included at the end of the two largest slides.

Scherer noted that he would follow up on that item.

Weir addressed the asphalt area that is displayed for basketball.

Scherer noted that the concrete quote had been removed from the quote because staff was unsure that location would be the best fit for asphalt because of problems that could arise from trying to bring a paver in. He noted that he and Gallup are meeting with consultants in order to review the possibility of using concrete.

*Moved by Anderson, seconded by Martinson, to approve the playground surfacing quote. **Motion passed unanimously.***

F. Housing Task Force and Possible Early Amendments to the Comprehensive Plan to Reflect the Reduced Population Projections of the Metropolitan (Met) Council (8:35 p.m.)

Martin stated that following the meeting of the Planning Commission the previous week, at which there was thoughtful discussion regarding growth, she did further research and

determined that the growth projections for the City had been decreased. Martin stated that perhaps the Comprehensive Plan amendment process could begin early and that the City should consider a moratorium to evaluate a possible amendment to the City's Comprehensive Plan in light of these decreased projections. She noted that a moratorium can be imposed if the City engages in a meaningful study of an item or to improve a process. She stated that this idea has been in the back of her mind for some time in light of increased traffic and development north of Highway 55, and the Planning Commission has echoed these comments time and time again. She advised that citizens have also provided input as to their concerns regarding traffic impacts. She referenced the comments made by Weir in regard to the School District planning for the future growth of Medina. She stated that she would like an update following the meeting with Weir and staff with the County and MnDOT the following day. She stated that if the projected growth has been decreased perhaps that allows the City the ability to study how the growth could be redistributed to have less impact on County Road (CR) 116, whether or not that is done under moratorium.

Batty believed that the comments made by Martin regarding the Statute were accurate, noting that a moratorium has a maximum period of one year. He advised that there are situations that would warrant an extension but did not believe that would apply here and cautioned that one year moves by faster than you would think. He noted that a moratorium would not apply to an already approved preliminary plat, referencing the approved plats within the City. He noted that the City would not need to enact a moratorium in order to conduct a study or conduct internal control changes and advised that those types of changes would typically take longer than one year to determine and implement.

Finke provided additional information noting that the Thrive projections have been approved and the Met Council is working to determine what those projections mean for Met Council and the member cities. He was unsure what would happen if the City applied to amend the Comprehensive Plan in the meantime while the Met Council is still operating under the current guidelines while the new information is being considered. He noted that the official controls could be amended at any time and would not require a moratorium.

Martin stated that while this concern would not apply to any specific development, it would apply to a specific development area, and believed that a moratorium could help to halt further development in that area. She referenced the staging and growth map and noted that the map includes areas slated for development in certain timelines. She questioned if the development timeline could be changed for some of those properties. She questioned if the density could be somehow shifted to another portion of the City which could also shift the school district impacts to other districts and to relieve the impact on the Wayzata School District. She noted that perhaps the School District has already planned to absorb that burden and believed that it would be beneficial to have that information from the School District.

Weir stated that a lot of the traffic on CR 116 comes from Rogers and believed that traffic would increase when the shoulders are reconstructed along Highway 494. She advised that the Wayzata School District extends into Corcoran, noting Corcoran has over 400 homes platted and intends to place a similar number of homes to the west of 116 in the Wayzata School District. She advised that the traffic and School District problem is bigger than simply Medina. She questioned if the additional work for a

moratorium would be necessary if a rewrite of the Comprehensive Plan will begin in 2015, as those studies would be needed as a part of that process.

Finke stated that there would be flexibility in discussions with the Met Council. He advised that the City could simply create those amendments in that process rather than going through the process in moratorium as the process would most likely take more than one year to complete.

Martin stated that perhaps the Comprehensive Plan amendment process could begin early.

Finke stated that the timeline would depend on the public process but believed that the completion date could be near the time the Met Council formally releases its system statements. He noted that the City would need to make assumptions as to what those system statements would be, as they are not formally released yet. He agreed that portions of the process could begin but noted that if the system statement estimates are different than what is actually adopted, additional changes could be necessary at that time.

Weir questioned if staff could be directed to further discuss this issue.

Finke noted that he could bring additional information for discussion at the July 1st Council meeting.

Pederson questioned if the moratorium would apply city-wide.

Anderson noted that the moratorium would apply to the area that contributes to CR 116.

Batty noted that staff can discuss how the information could be provided and how a moratorium could begin. He explained that while the moratorium could apply to the entire community, most likely the Council would need to determine the specific area and the type of development that would be effected. He noted that staff would then prepare an ordinance which addresses those aspects. He asked that the Council think of those aspects in the meantime while staff prepares additional information so that meaningful feedback can be provided. He noted that a moratorium needs to run in conjunction with a meaningful study and therefore if the moratorium is enacted a study would need to be ordered as well which would require additional cost and staff time.

Pederson noted that there have been comments made by the Wayzata School District that they have incorporated the projected growth of the cities and are depending upon funds that would be received from the developing properties to pay their bond to increase the facilities. He noted that although progress may be made at the meeting the following day with the County and MnDOT, he did not believe that additional progress could be made in the next year.

Weir stated that she believed that it would be beneficial for the City to have a meeting with the School District to discuss these issues. She stated that it would also be helpful to have the information from the meeting tomorrow with MnDOT.

Martin stated that she would also find it helpful to have information on the Rockford and Orono School Districts.

V. Reid stated that she lives in Foxberry and has had two children graduate from the Wayzata schools and one child from the Orono schools. She stated that the issues of the residents go beyond the issue of traffic and they feel that the community is evolving away from the rural community that they bought into and do not feel listened to by the City. She believed that it was time for the City to look at a larger view of the impact of the decisions that are made and how the needs and welfare of the residents are being considered.

Martin agreed that natural resources could also be considered.

Pederson stated that perhaps staff could develop an estimated cost of what these items would be in both staff time and additional costs.

Martinson believed that the Council should first determine the objectives, which the study would outline.

Martin recapped the objectives including the ability of the four School Districts that serve Medina to absorb additional students in the next 14 years, the ability of the Fire Departments which serve Medina to service the expanded growth, the amount of meaningful wetlands and natural resources that the City has given up in recent years, the transportation infrastructure that could be reasonable anticipated by 2030, as well as the estimated cost and staff time.

Batty stated that there will need to be further discussion regarding the possibility of a moratorium. He noted that the goal of the study necessary for a moratorium is to discuss land use changes, changes to the Comprehensive Plan or internal controls that are directly under the control of the City. He noted that while some of the aspects identified would be beneficial, such as the School District impacts and traffic, the aspects have to come back to items that the City can actually control and the study will need to focus on land use.

VIII. CITY ADMINISTRATOR REPORT (9:15 p.m.)

Johnson had nothing further to report.

IX. MAYOR & CITY COUNCIL REPORTS (9:15 p.m.)

Weir advised that the Elm Creek Watershed is willing to contribute up to 25 percent of the costs for the storm pond project along the Raskob property as a part of their CIP. She noted that the Watershed is willing to accommodate for the additional design aspects but did not believe that staff would have sufficient time to amend the design. She noted that a retrofit for the sand filter could be requested in the future and advised that the Watershed would be willing to support that request as well.

Kellogg believed that the sand filter was included in the concept plan.

Weir advised that she and Johnson have been involved with the Pioneer Sara Watershed District, noting that the Board of Soil and Water Resources (BWSR) is not satisfied with their implementation and noted that the City is considering whether participation in that organization is beneficial to the City. She commented on the length of a train she recently noticed and questioned if the City can provide input on the length of trains and the amount of time that an intersection is blocked.

Belland noted that the City would have no authority over the length of trains or the length of time the intersection is blocked. He advised that the trains are governed by the Federal Government.

Martin stated that she was honored that a group of residents invited her to chat with them following the Dominion meetings regarding their concerns over development and the constraints imposed on the City to limit development.

Pederson reported that he attended the Uptown Hamel meeting with Johnson today and referenced a magazine that is created in Medina and is generated to the Wayzata School District residents.

X. APPROVAL TO PAY THE BILLS (9:23 p.m.)

*Moved by Anderson, seconded by Pederson, to approve the bills, EFT 002644E-002667E for \$56,571.45, order check numbers 041312-041406 for \$212,913.31, and payroll EFT 505695-505725 for \$48,446.51. **Motion passed unanimously.***

XI. ADJOURN

*Moved by Pederson, seconded by Anderson, to adjourn the meeting at 9:24 p.m. **Motion passed unanimously.***

Elizabeth Weir, Mayor

Attest:

Scott Johnson, City Administrator