

**MEDINA CITY COUNCIL MEETING MINUTES OF AUGUST 18, 2009**

The City Council of Medina, Minnesota met in regular session on August 18, 2009 at 7:05 p.m. in the City Hall Chambers. Mayor Crosby presided.

**I. ROLL CALL**

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

**Members absent:**

**Also present:** City Attorney Ron Batty, Police Chief Ed Belland, City Planner Dusty Finke, Public Works Superintendent Steve Scherer, Finance Director Jeanne Day, 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 August 5, 2009 Special City Council Meeting Minutes**

*Moved by Weir, seconded by Smith, to approve the August 5, 2009 Special City Council meeting minutes as amended. **Motion passed unanimously.***

**B. Approval of the August 5, 2009 Regular City Council Meeting Minutes**

It was noted on page 11, line 27, it should state, "...between different densities in the same subdivision." On page 12, line 18, it should state, "...in some areas requiring..." One page 12, line 42, it should state, "Johnson stated that from a water ~~colony~~ quality perspective..."

*Moved by Johnson, seconded by Weir, to approve the August 5, 2009 Regular City Council meeting minutes as amended. **Motion passed unanimously.***

**V. CONSENT AGENDA**

**A. Approve Fireworks Agreement with RES Specialty Pyrotechnics, Inc.**

**B. Accept Donation from Thomas M. Crosby, Jr. and Allocate to General Fund**

**C. Authorize Sale of Police Squad to Public Auction**

**D. Resolution Certifying Delinquent City Charges for Services to the Hennepin County Auditor for Collection in 2010**

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

**VI. PRESENTATION**

**A. Economic Development Revenue Bond Program – Patrick Connoy, Hennepin County and Bob Lind, City of Minneapolis**

Patrick Connoy, Hennepin County and Bob Lind, City of Minneapolis, stated that they have worked with City Administrator Adams since 2003, and praised his work and the working relationship. Connoy briefly reviewed the Economic Development Revenue Bond Program. He explained that recently this program had been expanded throughout Hennepin County, when it previously had only been offered within the City of Minneapolis. He then briefly summarized the program and explained that a City must first authorize the County to offer this program within the City limits. He advised that this program is primarily offered to owner-operated businesses

Lind stated that in the current economy, businesses are having problems obtaining financing and explained that this has created a unique opportunity in regard to this bond program. He advised that the bond program has an A+ rating with Standard and Poor's. He stated that for a tax-exempt program they are currently able to obtain a rate of 6.25 percent, fixed, for a twenty-year period. He stated that this is a partnership between Minneapolis and Hennepin County to help manufacturing businesses stay in the area. He advised that some changes had been made to the program, which would allow them to utilize the tax exempt bond interest rate basis for the next two years. He explained that this is a revenue bond that is paid back by the company to whom the bonds are issued; and neither the City nor the County would have any obligation to the debt.

Crosby confirmed that a business was interested in coming to the City and working with this program.

Connoy stated that the typical range for one project would be between \$3,000,000 and \$5,000,000 but advised that the interested business for Medina would be looking at an amount closer to \$20,000,000.

Smith questioned if the City would have any risk.

Connoy stated that the City itself would not have any risk or obligation, but would merely be allowing the County to offer this program within the City limits. He confirmed that the major benefit of the program is keeping jobs within the County.

*The Council agreed that the City could promote the program to prospective businesses.*

## **VII. COMMENTS**

### **A. Comments from Citizens on Items not on the Agenda**

There were none.

### **B. Park Commission**

Park Commissioner Ben Benson stated that the Park Commission had recently hosted a presentation for lakeshore residents that may want to create an association, which was well received. He stated that an open house meeting would be held tomorrow to discuss the Hamel Legion Park Master Plan, with a regular meeting following to discuss the park signs.

### **C. Planning Commission**

Planning Commissioner Mary Verbick advised that Woodridge Church had withdrawn their application from the previous meeting. She stated that signage had been discussed, including the font size. She reported that at the next meeting the

Commission would be reviewing a text amendment in regard to the Business Park Zoning District.

Smith recognized Mary Verbick for her work on the Commission. She suggested crafting a resolution thanking her for her work on the Planning Commission, as Commissioner Verbick had submitted a resignation.

## **VIII. OLD BUSINESS**

### **A. Public Works Facility Financing Options – Ehlers and Associates**

Shelly Eldridge, Ehlers and Associates, advised that there were three options for financing a public works facility. She began with capital improvement bonds, which would require the City to approve a five-year capital improvement plan. She explained the process that would need to be followed in regard to creating the plan, such as a public hearing, and notice or response periods. She explained that this option could call for a referendum by the public through a petition.

Crosby questioned if there was flexibility to change the plan during the five-year period.

Eldridge advised that changes of that nature would be permitted. She stated that the County has had the authority to use this option for several years, but cities just obtained the option in 2004 and townships in 2005. She stated that the next option would be the lease/purchase option, which she stated would go against the debt limit. She explained that the City would need to form an Economic Development Authority (EDA), which would then lease the building back to the City.

Crosby questioned why anyone would use this option.

Eldridge advised that this option would not require public approval. She stated that a public hearing would be required but a referendum would not. She stated that there would not be as many bids for this bond option because they are not general obligation bonds.

Eldridge stated that the last option would be a referendum, which would not require a public hearing. She stated that the referendum would take the vote to the people, either at a special or regular election. She advised that this option would have general obligation bonds attached.

Crosby questioned the breakdown of financing options that are used by the majority of cities.

Eldridge reported that about 75 percent of cities use capital improvement bonds, which became available when the law changed in 2004, 24 percent use the lease/purchase option, and about one percent use referendums. She stated that since the CIP bonds became available referendums are mostly used for parks or schools.

Crosby questioned which option Minnetrista had recently chosen for their facilities.

Batty advised that Minnetrista used the option of lease/purchase, as they desired a 100 percent guarantee that the building would be built.

Crosby questioned if these options would be displayed at the public meeting on August 27, 2009.

Adams confirmed that these options would be displayed at the upcoming meeting.

Scherer stated that he had recently visited the Public Works buildings in neighboring communities, and would be visiting another facility prior to the public meeting.

Crosby stated that the City of Long Lake had purchased a warehouse building, which they turned into their public works building and suggested that option as a possibility.

**B. Ordinance Creating the Residential-Single Family, Residential-Two Family, Residential-Mid Density, Residential-Limited Multiple Family, and Residential-Multiple Family Zoning Districts; Adding New Sections 840 and 841**

City Planner Finke summarized the changes that were made, as directed by the Council, at the August 5<sup>th</sup> Council meeting; as well as clerical type changes suggested by Weir. He advised of three changes made to the allowed uses section of the ordinance.

Smith asked for further clarification in regard to the footprint of the building, as she thought it would mirror the limitations recently setup for churches.

Finke explained that the footprint of the structure is not as big of a concern in this zoning district and advised that the footprint limitations would be 20 percent of the site. He explained that the maximum allowed would be 40,000 square feet.

Smith questioned if any buildings currently have a footprint that large in the City.

Finke advised that some buildings have that size or slightly larger, such as a church and several industrial buildings.

Crosby questioned if accessory dwelling units was a common term used in ordinances or whether something would be able to slip into that category.

Finke advised that the term is commonly used in ordinances and reviewed some of the restrictions and descriptions of accessory dwelling structures. He moved on to lot standards and summarized the changes made in regard to setbacks. He reviewed the changes proposed to the design and development standards in the different residential zones. Finke then advised of a few additional discussion topics for the Council in regard to the residential zoning districts.

Crosby stated that the concept of opacity should be defined somewhere in the ordinance. He questioned what the developers understood of this portion of the ordinance.

Bill Coffman, a developer, advised that he would most likely have a landscaping architect review the ordinance for further clarification if he were doing a project in the City.

Finke stated that a number of cities in Wisconsin use a similar ordinance and advised that a portion of the landscaping ordinance language was developed from that model.

Crosby stated that it seems to make sense logically but was unsure how it would look in application.

Finke stated that a number of communities adopted similar ordinances in 2002 and 2004, and advised that he did speak with staff from those cities to ensure that the application was practical.

Johnson stated that in terms of landscaping and spacing the proposed language seemed clear and did not seem too demanding.

Dave Newman, a developer, questioned if there would be overcrowding when the trees mature.

Johnson advised that a mix of trees could be used should spacing and the possibility of overcrowding become an issue for a developer.

Smith stated that she thought it was beneficial to be descriptive, as the proposed ordinance language was.

Weir suggested adding a window as a requirement to a side-loaded garage.

Coffman suggested using the language architectural detail for a side-loading garage, rather than specifying the use of a window.

Crosby stated that the language could be one window, or the architectural equivalent.

Coffman stated that the eve height is more important than the overall building height, in terms of fire safety, for the fire department to reach the roof.

Finke stated that staff has had a number of conversations with the Fire Marshal since the previous meeting. He confirmed that eve height is important but overall height is important as well, in regard to the steepness of the roof. He stated that there are other elements in regard to the height, not just fire safety.

Coffman stated that the trend right now is a steeper, more pitched roof, whereas the City is gearing towards a flatter roof with this language.

Crosby questioned how much of the house would need to have sprinklers installed where sprinkling is mentioned.

Finke advised that sprinklers would need to be installed in living spaces, should that requirement come into play.

Coffman stated that in regard to building height, the developments discussed do not have a problem because of the available space for added setbacks. He advised that in the new R-1 and R-2 zones, in order to gain the building height, you would need to sprinkle three levels of a house, which would cost an additional \$10,000. He explained that he was concerned with the requirement for sprinkling should the setback not be large enough to support the height of the home.

Weir questioned what height would be better for the developers.

Newman stated that 35 feet would provide more options for design.

Johnson stated that on a 90-foot lot it would look out of place to have home 40 feet in height. He explained that you would need the home to be proportionate to the lot size.

Finke explained that the lot size numbers used in the R-2 section were developed in regard to reaching the minimum density standards.

Weir suggested changing the minimum lot width for single-family detached homes in the R-2 district from the proposed 75 feet to 60 feet.

Newman stated that currently the trend is moving away from twin homes towards single-family detached homes.

Crosby briefly recessed the meeting at 9:02 p.m.

Crosby reconvened the meeting at 9:07 p.m.

Weir suggested added language in regard to the care of trees.

Crosby clarified that the use of specific grasses should be encouraged rather than used as an incentive.

Weir questioned if density incentives should be over and above what is allowed density, or if incentives should build up to that allowed density. What function would incentives serve if a developer could build out to maximum density anyway?

Finke explained that in regard to the density bonuses, should the developer meet the bonuses, they would be allowed to have greater density. He stated that in regard to the Metropolitan Council, they do not allow below the density but he did not receive an answer on whether developers could go above on density.

Weir advised that there is a developer that would be interested in going above the density listed in the comprehensive plan.

Finke stated that if the Council is willing to accept density higher than that allowed in the comprehensive plan the Council would want to prove to the Met Council that the City is consistent. He advised that if the Met Council were to respond positively he could look further into the option.

Weir stated that if the City were going to have this type of density, and height, the City would need to invest in a ladder truck.

Crosby stated that the City participates in the mutual aid program.

Adams clarified that Maple Plain and Plymouth have ladder trucks.

Smith commented that those buildings would also be sprinkled.

Weir questioned, in regard to parking lot landscaping, if it would be beneficial to have one area specifically for rainwater collection rather than little islands.

Finke stated that the islands would be about 12 feet wide and should support a tree.

Smith questioned if an item could be added to parking lot landscaping which would add the option for a rain garden, the use of shrubs, or decorative grasses.

Weir stated that she was in favor of adding something attractive that would add to water quality.

Crosby suggested removing the first sentence of the descriptions requirement for parking lot landscaping, to meet the suggestions of Weir and Smith.

Weir requested to change language from children to clients in regard to daycare.

Finke stated that he would make the proposed changes to the ordinance and bring it back before the Council in approximately one month for approval.

Weir stated that she was in favor of a special meeting being held to discuss a revised ordinance, similar to the one held tonight, and thought the process should be followed in the future with the other zoning districts.

**C. Uptown Hamel Monument Sign**

Adams advised that the month long public comment period had concluded and six residents had provided feedback in regard to the Uptown Hamel monument sign. He stated that direction would need to be made tonight in order to complete the project this year. He stated that refinements could be made going forward, such as colors, but a decision on the design would need to be made. He reported that the Uptown Hamel Association was in favor of option B-2.

Crosby questioned if the consensus of the Council was to use option B-2 with dark lettering. He stated that Smith and Weir could work on the refinements.

Adams advised that staff would work on the design and bring something back to the Council in September. He advised that he would work on lighting options as well.

**IX. NEW BUSINESS**

**A. Planning Commission Vacancy**

**1. Accept Planning Commissioner Mary Verbick's Resignation Effective August 18, 2009**

*Moved by Weir, seconded by Smith, to accept the resignation of Planning Commissioner Mary Verbick effective August 18, 2009, with regret. **Motion passed unanimously.***

**2. Appointment/Advertisement of Vacancy**

*Moved by Weir, seconded by Johnson, to approve the appointment of Kent Williams to fill the vacancy on the Planning Commission. **Motion passed unanimously.***

**B. Planning Consultant Review/Appointment**

Adams stated that there is less of an imminent need for a consultant due to some prospective applications being withdrawn or being delayed. He advised that three firms were reviewed and summarized the desires of the City and requirements for this position. He advised that the cost proposals were also reviewed. He stated that staff would like additional time to review the proposals and to seek out additional information and comparisons. He stated that staff could then negotiate a possible contract for the September 1<sup>st</sup> Council meeting. He stated that staff would also like to obtain quotes on ordinance review, using these firms, should they not find an Associate Planner with sufficient qualifications. He advised that he had also checked with other cities to determine if they had recently let employees go who would fit this position but did not hear of anyone.

Dave Newman stated that some firms may have laid-off employees recently and may have a personnel recommendation.

## **X. CITY ADMINISTRATOR REPORT**

### **A. Concept Plan Review Process**

Adams reported that some developers have recently questioned the concept plan review process being too expensive and detailed.

Finke explained that the primary costs would be in regard to the surveys.

Crosby questioned what other communities were currently doing.

Weir stated that she had spoken with another city that has a comparable process. She advised that Minnetrista also has a similar process. She reported that Orono offers a lower review for those that meet the zoning requirements.

Adams stated that it has been an evolution to get to this point and questioned if the Council was still in favor of the current process. He explained that some developers would like bring things directly to the Council without Planning Commission or staff review.

Newman stated that he could understand that if a proposal fit within the ordinances they could possibly skip some of the items in the process.

Crosby stated that he would be interested in a more simple process that would apply to those who essentially meet the zoning requirements.

Finke explained that the concept plan review process is designed for those projects that do not typically meet the zoning requirements. He did not see a reason to create another process for those that meet the zoning requirements because they would not need to go through the concept plan review.

Crosby stated that he felt the current requirements for the concept plan review process could be reduced. He stated that he would remove the topography and mailing labels. He explained that he would downgrade the process in its entirety.

Smith stated that she was in favor of the aerial maps that are provided.

Crosby stated that typically the question that is being asked during that review process is a land use question.

Finke reported that the public notice had been recently added to the policy.

Smith stated that she was in favor of the public notice since the project being proposed would not be within the existing zoning requirements.

Crosby stated that this process is preliminary and did not think that the notice would need to be provided that early.

Adams stated that the public would be noticed when the formal land-use application is actually submitted and reviewed. He stated that he would make the changes suggested by the Council to scale back the concept plan review process and bring it back to the Council for approval.

#### **XI. MAYOR & CITY COUNCIL REPORTS**

Weir reported that she attended the Uptown Hamel meeting today. She stated that in the original plan for Hamel Legion Park there were plans for hockey boards and questioned if those could be added into the plan since they seemed to not be included.

Crosby stated that there are two different sizes of boards, and there are also maintenance issues that come along with that.

Smith suggested talking to Scherer about that possibility.

Weir stated that Hennepin County is interested in purchasing property on Hidden Lake. She stated that the grant application would be more successful if the City of Medina were to contribute funds towards the project. She questioned if this item could be added to a future Council agenda.

Crosby stated that there are 23 green acres deferred tracts that have been deferred. He explained that some of the landowners were not aware that the interest would be compounded and two complaints had been received. He stated that he was thinking of creating a six-month period where the back-owed interest could be paid on simple interest basis and from that point on the interest could be compounded. He advised that additional funds could be gained for the City reserves and thought that this could help on a fairness issue.

Johnson stated that every resident pays more because of the green acre deferrals. He stated that the information was clearly spelled out in the beginning and did not think that it was fair to give those people a break now when residents had paid more because of the deferrals for all of those years. He advised that the property value also appreciates during that period of time. He stated that there is a functional value to money over time.

Adams stated that he would gather additional information and bring this item back to the Council for further review.

#### **XII. APPROVAL TO PAY THE BILLS**

*Moved by Weir, seconded by Johnson, to approve the bills, EFT 000533-000541 for \$25,029.19 and order check numbers 034361-034432 for \$216,219.96 and payroll*

checks 019962 & 020209-020211 for \$2,380.80 and EFT 502211-502240 for \$43,749.64. **Motion passed unanimously.**

**XIII. ADJOURN**

*Moved by Weir, seconded by Siitari, to adjourn the meeting at 10:36 p.m. **Motion passed unanimously.***

---

T.M. Crosby, Jr., Mayor

Attest:

---

Chad M. Adams, City Administrator-Clerk