

## **MEDINA CITY COUNCIL MEETING MINUTES OF SEPTEMBER 5, 2017**

The City Council of Medina, Minnesota met in regular session on September 5, 2017 at 7:00 p.m. in the City Hall Chambers. Acting Mayor Pederson presided.

### **I. ROLL CALL**

**Members present:** Anderson, Cousineau, Pederson, and Martin

**Members absent:** Mitchell.

**Also present:** City Administrator Scott Johnson, City Attorney Ron Batty, City Engineer Jim Stremel, City Planner Dusty Finke, Public Works Director Steve Scherer, and Chief of Police Ed Belland.

### **II. PLEDGE OF ALLEGIANCE (7:00 p.m.)**

### **III. ADDITIONS TO THE AGENDA (7:00 p.m.)**

Johnson noted that Commissioner Liz Weir from the Elm Creek Watershed Commission is present to provide an update and suggested that occur as the first item under comments.

*Moved by Cousineau, seconded by Anderson, to approve the agenda as amended.  
**Motion passed unanimously.***

### **IV. APPROVAL OF MINUTES (7:01 p.m.)**

#### **A. Approval of the August 15, 2017 6:00 p.m. Special City Council Meeting Minutes**

*Moved by Anderson, seconded by Cousineau, to approve the August 15, 2017 6:00 p.m. special City Council meeting minutes as presented. **Motion passed unanimously.***

#### **B. Approval of the August 15, 2017 6:30 p.m. Special City Council Meeting Minutes**

*Moved by Anderson, seconded by Cousineau, to approve the August 15, 2017 6:30 p.m. special City Council meeting minutes as presented. **Motion passed unanimously.***

#### **C. Approval of the August 15, 2017 Regular City Council Meeting Minutes**

It was noted on page two, line five, it should state, "...is was..." On page two, line 43, it should state, "...City's permitted hours. He stated that they Medina LP LLC wants..." On page two, line 45, it should state, "...they the contractors..." On page three, line four, it should state, "...asked if both men to could give their contact..." On page three, line two, it should state, "...City permitted hours..." On page three, line eight, it should state, "...so that the City does not have to enforce punishments take action to enforce the ordinances." On page three, line 21, it should state, "...stipulations requirements of the ordinances." On page three, line 24, it should state, "...their its trash..." It was noted that mentions of the watershed should be changed to Watershed Commission. On page three, line 43, it should state, "...Commissioners for the great job..." On page four, line one, it should state, "...would take one of the newly created parcels..." On page four, line 15, it should state, "...for or..." On page four, line 36, it should state, "...in the spelling of a word name on the Preliminary Plat, which staff confirmed will be cleared

up.” On page four, line 39, it should state, “...this construction of the lot...” On page five, line 36, it should state, “...first lowest...” On page five, line 44, it should state, “...allowed removal allowance for tree removal...” On page five, line 46, it should state, “...above and beyond the minimum requirements.” On page five, line 51, it should state, “...site although most of the demand is for the senior assisted living building.” On page five, line 21, it should state, “...~~in...~~” On page five, line 23, it should state, “...~~association that all three lots would be members of an association in which all three lots would be members.~~” On page five, line 38, it should state, “...they the applicant...” On page six, line 15, it should state, “...~~does did...~~” On page six, line 33, it should state, “...~~she was not seeing did not see...~~” On page six, line 34, it should state, “...measures as on the plans, and it appears...” On page six, line two, it should state, “...parking noting that the City ordinance currently does not have a formula for this type of use.” On page eight, line 17, it should state, “...October ~~46<sup>th</sup>~~ 17<sup>th</sup>.” On page ten, line eight, it should state, “...~~their its...~~” On page 12, line 20, it should state, “...run the pipe ~~to and from.~~”

*Moved by Anderson, seconded by Cousineau, to approve the August 15, 2017 regular City Council meeting minutes as amended. **Motion passed unanimously.***

**V. CONSENT AGENDA (7:11 p.m.)**

- A. Approve Right of Entry Agreement between the City of Medina and the Wilfred J. Cavanaugh Family Limited Partnership**
- B. Approve Right of Entry Agreement between the City of Medina and Elaine H. Roy, Trustee**
- C. Approve Wetland Replacement Plan for Medina Senior Housing**

*Moved by Anderson, seconded by Cousineau, to approve the consent agenda. **Motion passed unanimously.***

**VI. COMMENTS (7:12 p.m.)**

**A. Update from Liz Weir on the Elm Creek Watershed Commission**

Liz Weir provided an annual update on the Elm Creek Watershed Commission. She provided background on the organization and its mission. She stated that the Third-Generation Plan and Total Maximum Daily Load (TMDL) has been approved and the Commission has asked to make an amendment to the Third-Generation Plan. She noted that both Champlin and Corcoran have recently taken over responsibility as their own Local Government Units (LGUs), which has relieved the Commission of that responsibility. She reviewed some of the restoration projects that the Commission is a part of and the cost for participation. She stated that preventing pollution is much more cost effective than cleaning up after the fact. She provided additional information on weather trends.

Pederson thanked Commissioner Weir for her continued work as water will continue to be an important issue for the community.

**B. Comments from Citizens on Items not on the Agenda**

Ken Ferguson, 307 Cherry Hill Bay, stated that he was present to discuss the City’s policy on trash cans. He stated that for years he kept his trash cans outside, as his neighbors do, but he then received a letter stating that he needed to put the trash cans inside. He stated that he did comply and place his trash cans inside the garage. He stated that 20 percent of the homes in his neighborhood are not in compliance with the

ordinance. He stated that he is okay with following the rules, but believed that everyone then should be following the rules. He stated that he would like to see the ordinance changed, noting that he placed his trash cans outside to prevent mice from coming inside.

Pederson stated that the item can be placed on a worksession agenda for further discussion. He agreed that about 20 percent of the homes in that neighborhood do not comply with the ordinance.

Johnson stated that staff can alert Mr. Ferguson as to when the item will appear on the worksession agenda. He provided more information on the timetable for review.

Mr. Ferguson stated that he would like to have an answer to see what can be done to change the policy. He stated that he would like to be able to place his trash cans outside to prevent the mice from coming inside.

Anderson asked if there is ample space for the trash cans to be placed in his garage.

Mr. Ferguson replied that they are only parking one vehicle in the garage now, which leaves ample room, but explained that if there were two vehicles in the garage there would not be adequate space. He noted that his main concern is with the rodents that the trash attracts.

#### **C. Park Commission**

Scherer stated that the Park Commission discussed the Excelsior Concept Plan, the Capital Improvement Plan and ball field lights, and considered baseball association requests.

#### **D. Planning Commission**

Finke reported that the Planning Commission will meet the following week to hold five public hearings. He stated that the Commission will consider the Weston Woods PUD Concept Plan, the closed sanitary landfill zoning district and potential rezoning of property to that new zoning district, a request from a property owner for the City to amend the zoning code to allow additional ground mounted solar equipment, and a CUP from the property owners at 2705 Willow Drive.

### **VII. NEW BUSINESS**

#### **A. McDonalds – Setback Variance for Trash Enclosure Replacement – 822 Highway 55 – Public Hearing (7:26 p.m.)**

Finke presented a variance request to reduce the required setback for a trash enclosure and storage building. He stated that Hennepin County is purchasing additional right-of-way property for the CR 116 project and the proposed location would meet the required setback, but for Hennepin County purchasing the additional right-of-way. He stated that the remaining setbacks would be met. He noted that the trash enclosure and storage building would be shifted slightly to the south from the previous location. He reviewed the criteria which apply when an applicant requests a variance. He stated that the Planning Commission reviewed the request at their meeting in August, determined that the practical difficulties test was met and the use was reasonable and therefore recommended unanimous approval.

Anderson referenced the property to the west and asked if that property is owned by Hennepin County.

Finke identified the areas purchased by Hennepin County. He noted that the right-of-way terminates half way down the tail and therefore that property would not be subject to the right-of-way. He believed that the right-of-way would eventually be owned by the City after the acquisition and project are complete.

Pederson opened the public hearing at 7:31 p.m.

Kendra Lindal, Landform, asked for approval of the variance.

Cousineau asked if landscaping will be done around the structure.

Ms. Lindal replied that they would be proposing nine new trees around the structure, noting that staff will work with the applicant on the landscaping details.

Pederson closed the public hearing at 7:32 p.m.

*Moved by Anderson, seconded by Cousineau, to direct staff to prepare a resolution granting variance approval to McDonalds based upon the findings noted in the staff report and subject to the conditions recommended by the Planning Commission.*

***Motion passed unanimously.***

## **VIII. OLD BUSINESS**

### **A. Personnel Policy Amendments (7:33 p.m.)**

Johnson stated that Jodi Gallup worked closely with Martin to update the policy as directed by the Council through the last worksession discussion. He expressed appreciation for Gallup's time and excellent work.

*Moved by Martin, seconded by Anderson, to approve the changes to the Personnel Policy as presented. **Motion passed unanimously.***

## **IX. CITY ADMINISTRATOR REPORT (7:34 p.m.)**

Johnson stated that staff is requesting the Council call for a special meeting on September 19<sup>th</sup> for attorney client privilege discussion regarding ongoing litigation with Ellis and Nancy Olkon.

*Moved by Martin, seconded by Anderson, to call for a special City Council meeting on September 19, 2017 at 5:00 p.m. for attorney client privilege discussion regarding ongoing litigation. **Motion passed unanimously.***

Johnson reminded the Council that the budget open house will also occur on September 19<sup>th</sup> at 6:00 p.m. He stated that the water tower rehab project started today.

Scherer reported that the first day of the project went well. He stated that they drained the tower and there was an excessive amount of sediment that will need to be removed. He provided information on backup connections that have been made and will be made soon.

Johnson noted that Fred Webber has submitted comments on the recent CR 101 speed study results that Johnson will be sharing with the Council members and Hennepin County.

**X. MAYOR & CITY COUNCIL REPORTS (7:37 p.m.)**

Cousineau noted that Medina Celebration Day will occur on September 16<sup>th</sup>.

**XI. APPROVAL TO PAY THE BILLS (7:37 p.m.)**

*Moved by Anderson, seconded by Martin, to approve the bills, EFT 004276E-004293E for \$65,037.93, order check numbers 046254-046322 for \$163,003.28, and payroll EFT 0508106-0508132 for \$47,081.60. **Motion passed unanimously.***

**XII. ADJOURN**

*Moved by Cousineau, seconded by Anderson, to adjourn the meeting at 7:38 p.m. **Motion passed unanimously.***

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Jeff Pederson, Acting Mayor

Attest:

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Jodi M. Gallup, City Clerk