

MEDINA CITY COUNCIL MEETING MINUTES OF OCTOBER 16, 2012

The City Council of Medina, Minnesota met in regular session on October 16, 2012 at 7:00 p.m. in the City Hall Chambers. Mayor Crosby presided.

I. ROLL CALL

Members present: Crosby, Pederson, Siitari, and Weir.

Members absent: Martinson.

Also present: City Attorney Ron Batty, City Engineer Tom Kellogg, Planner Dusty Finke, Public Works Superintendent Steve Scherer, City Administrator Scott Johnson, Chief of Police Ed Belland, 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 October 2, 2012 Special City Council Meeting Minutes

*Moved by Weir, seconded by Pederson, to approve the October 2, 2012 special City Council meeting minutes as presented. **Motion passed unanimously.***

B. Approval of the October 2, 2012 Regular City Council Meeting Minutes

It was noted on page six, line 32, it should state, "...~~action~~ development activity on the Plymouth side..." On page six, line 49, it should state, "...equal to the grading of the dirt road for that project, as well as maintenance of Brockton south of Medina Road."

*Moved by Weir, seconded by Siitari, to approve the October 2, 2012 regular City Council meeting minutes as amended. **Motion passed unanimously.***

V. CONSENT AGENDA

A. Approve Second Amendment to Development Agreement by and Between the City of Medina and David Kearin and Marjorie G. Kearin and Allante Estates, LLC

B. Resolution No. 2012-75 Accepting Bid for the Loretto Creek Water Quality Improvement Project

*Moved by Weir, seconded by Pederson, 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

Scherer reported that the Park Commission would meet the following night to discuss new Medina Parks and to review a request for snowmobiles to travel through Legion Park.

C. Planning Commission

Planning Commissioner Victoria Reid reported that the Planning Commission met the previous week to hold two public hearings. The public hearings included the Toll Brothers Concept Plan review and summarized the resident comments that were expressed at the hearing. She also provided insight as a member of a PUD community and expressed her desire for additional park or open space area. She advised that the public hearing on the Moser Variance had been tabled until October 24th, as one of the Commissioners recused herself from the issue, resulting in a lack of quorum. She reviewed the other two public hearing items that had been reviewed at the meeting regarding Ordinance amendments regarding variances and public buildings within the industrial zoning district. She expressed her thoughts regarding public buildings in the industrial park zoning district and the large amount of traffic that will pass by that area.

VII. NEW BUSINESS

A. Toll Brothers – Woods of Medina – Concept Plan Review – 525 Hackamore Road

Pederson recused himself from the discussion because his property abuts the southern border of the proposed development site.

Finke provided background information on the proposed development, which will be approximately 80 gross acres, or 65 net acres. He explained that the property is zoned low density residential and is proposed to meet 2.1 units per acre. He stated that because the development meets the general requirements the application could have simply moved to administrative review by the Council but noted that one item was of note and that is the need for park dedication in the area. He reviewed the comments received at the public hearing the previous week and identified the proposed site on an aerial map.

Weir verified the location of a private easement along the northern border of the lot.

Finke reported that access is proposed from both CR 116 and Hackamore Road and advised that staff would like to see a traffic study completed. He noted that there is 4.7 acres of park proposed in the northeast portion of the property, although a large portion of that is wetland, while 2.35 acres is proposed to be preserved in the southeast portion. He advised that ghost platting was completed for neighboring parcels to show potential connections to surrounding properties in the future as those parcels develop. He advised that a privately maintained pool and tot lot are also proposed within the development. He identified the proposed trail that would wander through the development, which would match the desire of the trail plans of the City. He advised that wetland impacts would be subject to the Wetland Conservation Act (WCA). He noted that if the Preliminary Plat matched the Concept Plan, there would be a lot of tree replacements and landscaping requirements. He stated that the Park Commission recommended that the City does not accept land for park dedication as private parks are already located in the area but would like a trail connection to Hackamore. He

summarized the staff comments that were included in the Council packet and welcomed input from the Council.

Crosby stated that he and a few Councilmembers attended the open house. He noted that the properties to the south of this parcel have some water issues in the spring which are believed to be attributed to Wild Meadows and questioned if the raised elevation would cause additional drainage issues in the future to those properties.

Kellogg noted that those issues would be identified through the storm water and grading plans for the property.

Weir confirmed that there are existing issues in the spring for the properties to the south, which were increased by the Wild Meadows development.

Crosby acknowledged that the issue would not be solved tonight. He confirmed that the ponds identified in the development will be newly manmade ponds that will discharge to the wetland to the north.

Finke explained the process that would be followed by the developer to meet the drainage requirements.

Alex Martin, Division Vice President for Toll Brothers, stated that the Concept Plan culminates about 18 months of work and review of the property including wetland delineation, boundary, and topography. He provided insight on the Toll Brother business, which caters to first, second and third time buyers including those wishing to downsize. He stated that the homes will be 3,000 to 4,000 square feet, which will be priced from the mid \$600,000 and higher. He advised that he has attended meetings with the Park and Planning Commissions, as well as neighborhood meetings, which allowed neighbors to provide input. He confirmed that Toll Brothers provides development and building. Toll Brothers prefers to build to suit the buyers.

Matt Dunwald, MFRA, reported that the tree inventory was completed the previous week. He advised of other activities he has completed including surveys and discussions with neighboring property owners. He was confident that he would be able to address the drainage issues, although he was not certain of the issue that caused the problem.

Martin noted that there was drain tile installed near the Wild Meadows development, which they need to understand before finding a solution.

Dunwald stated that it would not be a problem to move water away from the problem area but noted that the focus would be to find a solution which balances the water level in that area without removing too much.

Crosby commented that as the proposed subdivision moves forward there should be certainty on finding a solution for the drainage problem in the southern portion of the property.

Weir questioned if Toll Brothers had approached a property owner regarding the possible acquisition of her property, which would create a better shape for the development.

Martin explained that they did speak to Ms. Larson but she did not seem interested in selling, although she did mention drainage problems. He advised that they propose to develop from the west to the east, estimating that area would not be developed for possibly another six years.

Weir mentioned a lack of variety in housing types, such as townhomes.

Martin stated that Toll Brothers did a large amount of research based on the market and noted that there is not a strong appetite for townhomes. He compared sales numbers for single family and townhomes within another development Toll Brothers has in Eagan. He explained that along with economic concerns and site constraints, he did not believe that townhomes would be a good fit.

Weir questioned the possibility of including slightly smaller homes with a lower price point.

Martin explained that would only bring higher density and would not assist in the preservation of trees. He advised that a full grading plan had not been developed but confirmed that walkouts would most likely be utilized, highlighting the variations that could occur. He stated that Toll Brothers would like to preserve, or replace, as many trees as possible.

Weir commented that it may be more beneficial to have a centrally located private park or open space area to accommodate residents within the development.

Martin noted that while it is great to have amenities centrally located, it is also nice to spread amenities around the development so that everyone is close to something.

Crosby confirmed two neighboring parcels, which are vacant, noting that woodland had been cleared previously for future development.

Martin noted that they would meet with staff again later this week to review all the comments and further discuss the plans.

Crosby asked for input on the traffic for the area.

Martin provided input on the traffic pattern along Hackamore that he gathered, noting that most of the traffic on CR 116 appears to be coming from further north of Medina. He acknowledged that traffic will be impacted and identified the area that will be mostly impacted. He confirmed that Toll Brothers would be conducting a traffic study to determine the impact.

Crosby referred to the trees along the southern boundary and questioned if those trees would be saved.

Martin was unsure of the exact plans but hoped to save as many trees as possible. Finke identified trees of higher quality, which are located on the property.

Siitari stated that he defers to the decision by the Park Commission regarding not obtaining park land but commented that he would like to see a private park within the

development. He acknowledged that while the City would like to see townhomes, that is most likely not feasible in this market.

Steven Thiespeld identified the property that he owns and expressed his concern over the development of the property as he was told that this property would remain rural in nature. He also expressed concern with the experiences caused from the Wild Meadows development and the water issues, which arose after that project. He also expressed concern with children wandering from the Wild Meadows trails onto his property. He explained that he bought into the concept of privacy and large lots and asked that the Council preserve the nature of his neighborhood. He did not feel that townhomes would be a good fit and believed that the Toll Brothers Concept Plan better matches the consistency of his neighborhood. He identified other areas of the City that would better fit townhome development. He advised that there is a real traffic problem along CR 116 and asked that the Council also consider the authorization that has been given to build 100s of homes in that area. He suggested that a very strong study of the traffic, not only coming from the north, but also the traffic that will come out of the newly approved development plans. He explained that the passing of the tree preservation Ordinance would negatively impact the possible development of his land and that of his neighbors. He also explained that he and his neighbors have invested a large amount of money in ensuring working septic systems and he would not like to see sewer brought to the neighborhood.

Eric Voltin, 630 Shawnee Woods Road, expressed concern with the existing drainage issues that could be worsened by the project. He also expressed input on his desire to maintain the tree line. He noted that most of the tree line to the south is comprised of Maple. He expressed concern with the possibility of large trees falling into the homes along the southern boundary of the development with the proposed lot lines. He questioned if there would be a consistency in fencing materials, as several homes will abut his property.

Joe Cavanaugh identified his property to the north of the proposed development and stated that he agrees with the ghost platted roadway connections that would connect to his property.

Jeff Pederson, 710 Shawnee Woods Road, stated that his property is probably the closest to the development and agreed with the comments made by his neighbors. He explained that he is currently surveying his land and completing a wetland analysis to determine where the road connection could go. He stated that he has been a longtime resident and believes that the Toll Brothers development will fit well within the neighborhood.

Crosby stated that he does not agree with the comments made by Weir in regard to townhomes as he does not believe that product would blend well with the plan. He noted that surrounding neighbors have also commented that they would like to keep the density as low as possible. He summarized the points brought forward tonight including possible impacts to traffic, the issue of a private park, removing the trail to the east, the existing drainage issues to the south, tree preservation (specifically along the southern boundary), and more inventive roadways.

Weir agreed that the trail to the east could be removed but noted that the trail along the roadway would be beneficial, as well as a sidewalk.

Martin confirmed that if a trail is not utilized, they would build a sidewalk on at least one side of the roadway.

Weir suggested a possible trail easement to the east, which could connect to the possible future development of the golf course property.

Crosby submitted a letter from the Kroll family that expressed concern over the possible trail to the east.

Weir noted that she would like to see some kind of price point difference in the development and noted the properties along CR 116 would be a possible location for those homes. She mentioned the drainage problems and agreed with the thoughts of Commissioner Reid in regard to having a centrally located park or open space area. She noted that minimum density must be met and expressed her desire to preserve as many trees as possible.

Finke stated that this would conclude the Concept Plan review and staff would continue to meet with Toll Brothers to develop a Preliminary Plat process, which would be initiated by Toll Brothers.

Martin estimated that they would hope to submit the Preliminary Plat before January 1, 2013, with Commission and Council meetings to occur in the spring, and ground breaking in the summer. He believed that Eden Prairie Woods is the most comparative development that Toll Brothers has in the Metro area. He advised that a model home would be available in early November and welcomed the Council and residents to visit the home.

B. Ordinance No. 537 Amending Section 825 of the Code of Ordinances Regarding Variances

Johnson explained that this is a housekeeping item that brings the Ordinances in line with the new State statute.

Finke stated that the State language has been almost “copied” into the proposed Ordinance language to ensure compliance with the changes. He noted that the Planning Commission discussed the procedures at their last meeting.

Crosby stated that it appears the new standard is more permissive than the court case hardship.

Batty confirmed that it was difficult to grant variances under the old language and believed that the new State language is more permissive.

*Moved by Weir, seconded by Pederson, to adopt Ordinance No. 537 amending Section 825 of the Code of Ordinances regarding variances. **Motion passed unanimously.***

1. Resolution No. 2012-76 Authorizing Publication of Ordinance by Title and Summary

*Moved by Weir, seconded by Siitari, to adopt Resolution No. 2012-76 authorizing publication of Ordinance by title and summary. **Motion passed unanimously.***

C. Ordinance No. 538 Amending Section 833 of the Code of Ordinances Regarding Public Buildings in the Industrial Park Zoning District

Finke explained that this request is derived from the development of the Clam Corp building and the outside storage of salt. He advised that the hoop building discussed by the Council does not fit with the materials allowed in the industrial zoning district that the public works facility would be moving. He noted that one option would be to grant a variance for the City but did not believe that would be the best option. He advised that the other option would be to amend the Ordinance language, which would accommodate that use for public buildings within that zoning district.

Crosby commented that the only time the building would be seen is from Clydesdale as the landscaping would screen the area. He suggested that staff investigate color choices to better match the surroundings.

Weir asked for additional information regarding the proposed height and location.

Scherer commented that he believes the proposed location would be the best spot.

Weir expressed concern over possible salt melting and running into the drainage system.

Scherer advised of the existing drainage pattern for the site and noted that staff could investigate options. He believed there to be a large amount of screening for the area near Clydesdale and with the maintenance building for the golf course.

*Moved by Weir, seconded by Siitari, to adopt Ordinance No. 538 amending Section 833 of the Code of Ordinances regarding public buildings in the industrial park zoning district. **Motion passed unanimously.***

1. Resolution No. 2012-77 Authorizing Publication of Ordinance by Title and Summary

*Moved by Weir, seconded by Pederson, to adopt Resolution No. 2012-77 authorizing publication of Ordinance by title and summary. **Motion passed unanimously.***

D. Second Amendment to Purchase Agreement with Clydesdale Trail, LLC and Office/Warehouse Lease with Clam Corporation

Crosby confirmed that this amendment would set the closing date and leaseback of the building.

*Moved by Weir, seconded by Pederson, to approve a Lease Agreement with Clam Corporation that expires on April 20, 2013. **Motion passed unanimously.***

*Moved by Weir, seconded by Siitari, to approve the Purchase Agreement second amendment for 600 Clydesdale Trail. **Motion passed unanimously.***

VIII. CITY ADMINISTRATOR REPORT

Johnson noted that the business tours would be held October 23rd and would include Rolling Green Business Park, Medina Target, and the Medina Entertainment Center.

Crosby confirmed that the business tours had been noticed as a regular meeting to ensure that all Councilmembers could attend.

IX. MAYOR & CITY COUNCIL REPORTS

Weir stated that she spoke with staff regarding information learned while door knocking in the Highland Hills neighborhood. She recommended that staff investigate what would be proposed for the neighboring development in Plymouth to ensure that adequate screening would be provided to those residents.

Johnson noted that he reached out to Plymouth Community Development Director Steve Juetten to ensure that Medina staff is updated on the possible development.

Crosby noted that there have been a couple of theft incidents in the Highland Hills neighborhood and concerns regarding additional lighting and patrols had been expressed from those residents.

X. APPROVAL TO PAY THE BILLS

*Moved by Pederson, seconded by Weir, to approve the bills, EFT 001814E-001833E for \$44,476.83, and order check numbers 038862-038927 for \$253,523.56, and payroll EFT 504525-504555 for \$45,224.24. **Motion passed unanimously.***

XI. CLOSED SESSION: ON-GOING LITIGATION & CITY ADMINISTRATOR PERFORMANCE REVIEW

*The meeting adjourned to closed session at 8:53 p.m. to discuss on-going litigation. Moved by Weir, seconded by Pederson, to close the closed session, **Motion passed unanimously.***

The meeting reconvened to regular session at 9:27 p.m.

*The meeting adjourned to closed session at 9:29 p.m. to discuss the performance review of the City Administrator. Moved by Weir, seconded by Pederson, to close the closed session, **Motion passed unanimously.***

XII. ADJOURN

*Moved by Siitari, seconded by Pederson, to adjourn the meeting at 9:48 p.m. **Motion passed unanimously.***

T.M. Crosby, Jr., Mayor

Attest:

Scott Johnson, City Administrator