

## MEDINA CITY COUNCIL MEETING MINUTES OF JANUARY 3, 2012

The City Council of Medina, Minnesota met in regular session on January 3, 2012 at 7:00 p.m. in the City Hall Chambers. Mayor Crosby presided.

### I. ROLL CALL

**Members present:** Crosby, Pederson, Martinson, Siitari (arrived at 7:02 p.m.), and Weir.

**Members absent:** None.

**Also present:** 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 December 15, 2011 Special City Council Meeting Minutes

It was noted on page one, line 19, it should state, "~~Jack Snook~~ Martin Goughnor..."

*Moved by Weir, seconded by Pederson, to approve the December 15, 2011 special City Council meeting minutes as amended. **Motion passed unanimously.***

#### B. Approval of the December 20, 2011 Special City Council Meeting Minutes

*Moved by Weir, seconded by Pederson, to approve the December 20, 2011 special City Council meeting minutes as presented. **Motion passed unanimously.***

#### C. Approval of the December 20, 2011 Regular City Council Meeting Minutes

*Weir noted changes which will be given to Johnson to be incorporated into the minutes. It was noted on page two, line 44, it should state, "...some of the neighbors..." On page two, line 46, it should state, "confirmed that Hanna Buckley stated the dogs..." On page four, lines 34 and 35, it should state, "~~He also suggested additional language be added in regard to questioned whether the rate of interest was appropriate for the delinquent utility rate charges, in order to protect the City.~~"*

*Moved by Weir, seconded by Siitari, to approve the December 20, 2011 regular City Council meeting minutes as amended. **Motion passed unanimously.***

### V. CONSENT AGENDA

#### A. Approve Raffle Permit to Turn in Poachers West Metro Chapter at Medina Entertainment Center on March 4, 2012

#### B. Approve Raffle Permit to North Memorial Foundation at Medina Entertainment Center on February 10, 2012

- C. Approve EPDB Conditional Use License Agreement with Hennepin County
- D. Authorize Replacement of 1990 Chevrolet One Ton Utility Truck
- E. Schedule 2012 City Council, Planning Commission, and Park Commission Meeting Calendar at Medina City Hall
- F. Resolution No. 2012-01 Requesting the Minnesota Department of Transportation to Include Best Management Practices as Part of its Resurfacing Project for Highway 55 Between County Road 116 and County Road 50 in the Pioneer-Sarah Creek Watershed

*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

Park Commissioner Linck provided an update of the previous meeting including discussion regarding a lot split request for property located at 805 Hamel Road. She advised that the Commission also began discussions regarding the creation of a Master Parks Plan and noted that work will continue through the next several months in order to develop a draft of the Plan.

### C. Planning Commission

Finke stated that the Commission would meet the following week and highlighted the items that will be discussed.

## VII. NEW BUSINESS

### A. Resolution No. 2012-02 Establishing 2012 Appointments and Designations to Various City Services, Authorities, Commissions and Agencies

Johnson highlighted the proposed changes to the appointments and designations for various City Services, Authorities, Commissions and Agencies.

Weir highlighted an appointment and confirmed that appointment could be removed from the list as it has become outdated. She confirmed that the Elm Creek TMDL meeting assignment would be designated to the consultant Hakanson Anderson, with herself listed as the alternate.

Johnson confirmed that staff is recruiting for the vacant positions on the Planning and Park Commissions.

*Moved by Weir, seconded by Pederson, to approve Resolution No. 2012-02 Establishing 2012 Appointments and Designations to Various City Services, Authorities, Commissions and Agencies as amended. Motion passed unanimously.*

Crosby welcomed Kellogg back to the City as the Engineer, now associated with WSB.

Kellogg thanked the City and looked forward to the upcoming year.

**JJC Hamel LLC – Request to Rezone 805 Hamel Road from UR to R2, Subdivide One Lot into Two Lots, and Right-of-Way Variance**

Finke presented a request for rezoning, subdivision, and variance for the property located at 805 Hamel Road, owned by JJC Hamel LLC. He provided an overview of the request and the dimensional standards required by the City, confirming that the proposed lots would meet the required dimensions. He described the property and displayed an aerial view. He provided the preliminary plat detail, noting that at this time there is no demolition planned, and confirmed that the proposed rezoning of the property would be consistent with the Comprehensive Plan. He stated that the property currently does not have designated right-of-way and the owner would like that to remain, although staff would recommend an additional 17 feet of right-of-way on Pinto Drive. He reviewed the setback requirements, explaining that a portion of the requirement has become outdated and advised that staff will present a text amendment at the January 10<sup>th</sup> Planning Commission meeting, which could then be approved by the Council at the next meeting. He reviewed the process which could then be followed to approve this request under the new setback language. He then highlighted utilities, driveway access, stormwater, tree preservation and buffer yards, and the recommendation of cash-in-lieu of park dedication for the property. He reviewed the staff recommendations for approval for the different aspects of the request and also highlighted the two public comments which had been received.

Weir questioned if a shared driveway had been considered, which could possibly save a significant oak tree.

Finke stated that a shared driveway would not save the tree, as the necessary drainage and grading would most likely cause the loss of the tree.

Joe Cavanaugh, the applicant, stated that if the additional setback is required for one of the lots, that lot would become much smaller. He stated that if the western lot can remain wider there would be additional screening opportunity and room for trees.

Martinson questioned if the significant oak tree could be saved if that right-of-way is not required.

Weir questioned why staff is firm on the additional 17 feet of right-of-way.

Finke explained the reasoning that staff would require the additional right-of-way, noting that there is currently 33 feet of right-of-way on a 28 foot road.

Scherer advised that further development would most likely occur in this area in the future.

Crosby suggested that a lower request for right-of-way be made, such as ten feet.

Finke stated that if the Council were to deviate from the right-of-way requirements of the City, he would like to see rational other than saving the tree; as he did not believe that the right-of-way has anything to do with the tree.

Crosby agreed that the right-of-way would not have a connection to the tree.

Cavanaugh confirmed that the western lot would most likely be sold.

Crosby noted that if a patio was going to be constructed, a permit could be applied for which would allow for an encroachment onto the right-of-way.

Cavanaugh stated that he would prefer to have one single-family home and one duplex lot. He explained that he would like the single-family home plot to be larger to provide a more attractive lot and questioned if the lot line could be moved slightly.

Crosby believed that if the lot line were to be moved, many regulations could be violated.

Weir asked for additional clarification regarding the proposed drainage.

Kellogg discussed the proposed drainage.

Finke confirmed that if the Council is in agreement with the requests the next step would be for the Council to direct staff to prepare a Resolution, which would include the amendments as discussed tonight, to come back before the Council on a future Consent Agenda.

Cavanaugh asked for additional information regarding utilities and a possible easement to reach the existing utilities. He confirmed that the existing utilities could be used for the existing home but would not be used for redevelopment. He also confirmed that the property will be cleaned up.

*Moved by Martinson, seconded by Weir, to direct staff to prepare a Resolution of approval as noted in the staff report and as discussed and amended tonight. **Motion passed unanimously.***

*Moved by Weir, seconded by Pederson, to approve the rezoning of Lot 2, from U-R to R-2. **Motion passed unanimously.***

#### **VIII. CITY ADMINISTRATOR REPORT**

Johnson highlighted the upcoming meetings for the City Council and also briefly summarized two upcoming projects in the area. He provided an update on the Fire Department consolidation study and advised that the next step would be for a meeting in February which would include Fire Chiefs, Police Chiefs, Elected Officials, and City Administrators. He stated that he would continue to follow up on Clam Corp.

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

Crosby reviewed the proposed meeting schedule and noted that meeting dates had been changed for February, August and November. He stated that he would not be present at the March 6<sup>th</sup> Council meeting.

Weir stated that she would be absent from the first meeting in February.

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

Weir referenced an employee and questioned if that employee was paid overtime, as the pay amount was higher than usual.

Johnson noted that he would follow up on that item.

*Moved by Weir, seconded by Pederson, to approve the bills, EFT 001455E-001463E for \$30,592.14 and order check numbers 037785-037815 for \$159,151.75, and payroll EFT 503962-503987 for \$45,637.83. **Motion passed unanimously.***

**XII. ADJOURN**

*Moved by Weir, seconded by Siitari, to adjourn the meeting at 8:26 p.m. **Motion passed unanimously.***

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T.M. Crosby, Jr., Mayor

Attest:

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Scott Johnson, City Administrator