

MEDINA CITY COUNCIL MEETING MINUTES OF JANUARY 19, 2016

The City Council of Medina, Minnesota met in regular session on January 19, 2016 at 7:00 p.m. in the City Hall Chambers. Mayor Mitchell presided.

I. ROLL CALL

Members present: Anderson, Cousineau, Pederson, Martin, and Mitchell.

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, and Chief of Police Ed Belland.

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

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

The agenda was approved as presented.

IV. APPROVAL OF MINUTES (7:00 p.m.)

A. Approval of the January 5, 2016 Regular City Council Meeting Minutes

It was noted on page two, line 38, it should state, "~~...ent~~ on to his vest." On page three, line 16, it should state, "~~...expose~~ exposé." On page three, line 20, it should state, "~~...to detect fraud.~~" On page three, line 49, it should state, "~~...vacate a portion of right-of-way on Palm Street, to include that which would be included in square footage of in the lots when they were are platted.~~" On page three, line 48, it should state, "~~...shoreline overlay~~ Shoreland Overlay." On page three, it should state, "~~J. Johnson Commissioner Johnson.~~" On page four, line two, it should state, "~~...because the right-of-way to be vacated.~~" On page four, line five, it should state, "~~...north of the vacated area.~~" On page four, line seven, it should state, "~~...added to the lots.~~" On page four, line five, it should state, "~~...improvements needs or uses.~~" On page five, line ten, it should state, "~~...requested for vacation vacated.~~" On page five, line 29, it should state, "~~...meticulous adjacent.~~" On page six, line 15, it should state, "~~...not a formal primary.~~" On page seven, line eight, it should state, "~~...development, that would satisfy the parking in her opinion.~~" On page seven, line 42 "~~...stated that asked whether.~~" On page nine, line seven, it should state, "~~...covenants for the development.~~" On page ten, line 10, it should state, "~~...both cities~~ Plymouth and Medina."

*Moved by Anderson, seconded by Pederson, to approve the January 5, 2016 regular City Council meeting minutes as amended. **Motion passed unanimously.***

V. CONSENT AGENDA (7:06 p.m.)

A. Approve Amendment to Communications Site Lease Agreement (Ground) with SBA Tower at 3574 Pinto Drive in Medina, MN

B. Resolution No. 2016-02 Accepting Resignation of Robin Reid from the Park Commission

C. Resolution No. 2016-03 Delegating to City Clerk Authority to Acknowledge or Deny Exempted Lawful Gambling Applications

- D. **Resolution No. 2016-04 Granting Preliminary and Final Plat Approval for Bradford Creek Addition**
- E. **Resolution No. 2016-05 Vacating a Portion of the Palm Street Right-of-Way Adjacent to Proposed Plat of Bradford Creek Addition**
- F. **Approve Development Agreement By and Between the City of Medina and Susan M. Prodahl, Carl W. Henderson and Paul B. Henderson Regarding Bradford Creek Addition**
- G. **Ordinance No. 594 Amending the Official Zoning Map to Rezone Property at 45 Highway 55**
- H. **Resolution No. 2016-06 Authorizing Publication of the Ordinance Amending the Official Zoning Map to Rezone Property at 45 Highway 55 by Title and Summary**
- I. **Call for Special Meeting on March 24, 2016 at 8:00 a.m. to Conduct a Business Forum and Business Tours**
- J. **Approve Owner's Representative Agreement with Advocates for Owners Consultants dba AFO Consultants**
- K. **Approve Contract for Architectural Services with 292 Design Group**
*Moved by Pederson, seconded by Anderson, to approve the consent agenda. **Motion passed unanimously.***

VI. COMMENTS (7:08 p.m.)

A. Comments from Citizens on Items not on the Agenda

There were none.

B. Park Commission

Scherer reported that the Park Commission will be meeting the following night to discuss the Stonegate Farms trail alignment and will also hold a brainstorming and goal setting session.

C. Planning Commission

Planning Commissioner Albers reported that the Planning Commission met the previous week to request for a Conditional Use Permit and Site Plan for Hamel Brewing at 22 Hamel Road, noting that the Commission recommended approval based on the conditions suggested by staff. He advised that the Commission also welcomed two newly appointed members, Robin Reid and Chris Barry, who replaced Commissioners Nolan and Williams. He stated that the Commission appointed Victoria Reid as Chairperson and Janet White as Vice Chairperson. He stated that the Commission reviewed information from the Comprehensive Plan Steering Committee, specifically the vision statement and goals, noting that the direction was for the Commissioners to log into the "my sidewalk" portion of the City website with specific comments.

Pederson referenced the Hamel Brewing request and asked if there was discussion regarding parking, specifically whether shared parking could be obtained from the neighboring VFW.

Albers stated that parking was discussed at length, noting that there was a concern with the number of spaces included in the application and the number desired for peak use in the summer. He stated that there was discussion with the applicant to determine if a shared parking agreement could be obtained. He explained that ultimately the

Commission believed that the parking would be adequate in the Uptown Hamel area because of the peak hours of operation.

VII. PRESENTATIONS

A. State Representative Jerry Hertaus (7:13 p.m.)

State Representative Jerry Hertaus reported that the session will start on March 8th and stated that the shorter session will be a challenge, noting the construction that is occurring in St. Paul at the Capitol. He stated that there was some business items at the end of the last session, such as the Tax Bill and Transportation Bill were unresolved and will be picked up again during this next session. He stated that he serves on the K12 Education Committee and provided an update on the activity that occurred on the Education Bill during the last session and during the special session that took place. He provided a brief summary of activity in the budget and reserves noting that the biannual fiscal year will end this June. He stated that a Highway 12 Working Coalition has been established because of the severe crashes that occur in the most rural segment of the highway, noting that is the most dangerous stretch of highway in the State at this time. He stated that the session will be ten weeks long and the bills will start on March 8th.

Anderson thanked State Representative Hertaus for his continued representation.

State Representative Hertaus referenced an e-mail he received from Johnson in regard to a letter from former Mayor Weir concerning State Statute 273.117. He stated that there is no financial incentive to place land into a conservation easement. He explained that Minnesota has the most complicated and convoluted property tax system and advised that they are working to simplify the process and reduce the number of classifications of property. He stated that if a number of residents were to place land into conservation easements to avoid paying taxes on the land that would shift the burden of taxes to the remaining residents. He was optimistic that some reforms could be made to the property tax levy system.

Mitchell stated that he was on the Council years ago when 394 was originally designed to go further through the communities in this area. He stated that was not done and perhaps that is a reason for the increased safety issues on Highway 12. He stated that he likes the idea of continuing bonding, even in a surplus, in order to spread that across future years as well. He stated that in reference to the surplus he would like to see that spent on capital improvement projects, such as the Highway 12 improvements, noting that every city has a wish list of things they would like done. He hoped that funds could be spread appropriately and fairly.

State Representative Hertaus stated that the total amount of bonding has been close to \$1,000,000,000 each biennium and provided additional information. He stated that there is a bonding limit, which is fixed at about \$8,000,000,000 and advised that the State is at about \$6,500,000,000 of that limit. He believed that the Transportation Bill would be a combination of bonding and dedicated funding.

Mitchell referenced the issue of conservation easements and stated that there are ways to reduce taxes on real estate through agricultural preserve and green acres. He explained that in some cases of conservation easements, the issue is not property tax but the income tax deduction for making a charitable gift. He stated that he understands both sides of the argument and noted that it is a complicated issue.

State Representative Hertaus stated that he owns a large tract of land in Greenfield, and while he would like the discounted valuation, he understands that the value will remain in his property for the time when he is no longer the steward. He stated that developers understand that greenspace adds to value to the property and to the value of the homes they build.

VIII. NEW BUSINESS

A. Michael Vickerman – Right-of-Way Vacation – Portions of Ash Street Adjacent to 2982 Lakeshore Avenue – Public Hearing (7:34 p.m.)

Johnson stated that Vickerman is requesting a right-of-way vacation for a portion of Ash Street adjacent to a home he is purchasing at 2983 Lakeshore Avenue.

Finke presented the request from Vickerman noting that the applicant would like to build a garage addition and advised that a 30-foot setback from the right-of-way would be required. He stated that this development was platted in the 1920's with wetlands in the right-of-way, which is why the road has not been improved. He provided an aerial photograph of the area, highlighting the subject property area. He stated that there are no improvements to the proposed right-of-way, noting that a number of the lots in that neighborhood actually front on to Pine Street. He advised that there is no existing street in the right-of-way area but noted that there is a stormwater improvement in the right-of-way. He stated that staff believes that there is potential future use of the right-of-way for utilities and trails but street use is very unlikely and therefore does not oppose the vacation if replacement easements are granted. He noted that the applicant is willing to extend the easements desired. He stated that perhaps additional right-of-way could be obtained along Lakeshore Avenue and Pine Street as that would provide more flexibility for future improvements on those roadways. He stated that staff could not find any formal record for the lots being combined. He stated that typically the City requests that the lots be combined and the applicant does not oppose that action, and noted that the resolution has been amended to include that action as well.

Mitchell referenced the land survey and the request for additional right-of-way on Lakeshore and Pine, asking for additional information.

Finke provided additional information on the existing right-of-way for those roadways and stated that staff would recommend an additional five feet of right-of-way for each roadway in order to provide more flexibility for future road improvements. He referenced similar situations in which the City has vacated right-of-way on one front of the property and taken additional right-of-way on the other front of the property, which abuts a more used roadway.

Cousineau asked staff to identify the areas where additional right-of-way would be requested.

Finke highlighted the area and noted that any additional roadway in that area would be helpful for future road projects.

Scherer agreed that the additional right-of-way on those roadways would be helpful for future roadway projects.

The consensus of the Council was to request the additional right-of-way on Lakeshore Avenue and Pine Street.

Finke suggested amending a condition of the resolution to state "...and additional right-of-way for the streets of Lakeshore and Pine as recommended by the City Engineer."

Mitchell opened the public hearing at 7:44 p.m.

No comments made.

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

Mitchell asked if the Council desires to vacate the portion of Ash Street requested.

1. Resolution No. 2016-07 Vacating a Portion of the Ash Street Right-of-Way Adjacent to 2982 Lakeshore Avenue

*Moved by Martin, seconded by Anderson, to Adopt Resolution No. 2016-07 Approving a Lot Combination of 2982 Lakeshore Avenue and Approving the Vacation of a Portion of the adjacent Ash Street Right-of-Way, further stating that the vacation would be conditioned upon obtaining an additional five feet of right-of-way along Lakeshore Avenue and Pine Street as recommended by the City Engineer. **Motion passed unanimously.***

B. Update on Comprehensive Plan Update Process (7:47 p.m.)

Finke stated that there was a discussion regarding the vision statement and goals by the Planning Commission at their last meeting, specifically regarding the language used. He stated that at this point in the process the point is not to miss anything goal related or that is desired, noting that the language can be tweaked and amended along the process. He stated that the information is posted on the "my sidewalk" portion of the City website as well and comments can be submitted via that format.

Martin stated that through this process the Committee has been working in a vacuum that was created in order to not "recreate the wheel" and stated that the decision has been made instead to refocus on the existing Comprehensive Plan, as that will be less time consuming and more thoughtful discussion can occur.

Anderson agreed that the existing Plan was well written and should be used as a starting point.

Mitchell noted that the City is only five years into the ten-year Plan; therefore, the concepts are not out of date.

Martin stated that a lot of attention has been spent on the one community concept, as there is a continued frustration between the divide between north and south as the City is bisected by Highway 55, is split between multiple school districts, and is more developed in some areas than others.

Mitchell referenced the diagram, which shows the City and neighboring communities noting the physically small size of neighboring communities.

Cousineau stated that she likes the direction of the Committee to now use the existing Plan as a starting point for future discussions as that Plan is well written.

Martin asked for input on not just the Plan and vision but tools for implementation to keep rural what the City has north of Highway 55, not sacrificing that land for development.

Finke stated that the forecasts from the Metropolitan Council have decreased and therefore some of the numbers can be reduced as well.

The Council further discussed some future development, infrastructure needs, and whether the MUSA line would need to be moved.

C. Wellhouse No. 3 Addition Project (8:09 p.m.)

Johnson stated that this item is in reference to the Well No. 8 project, noting that the original cost projection was lower due to an adjustment in the project scope and therefore staff is attempting to determine if the existing infrastructure could be upgraded, noting that Well No. 3 could provide additional needed capacity.

Scherer stated that staff is seeking approval of the Well House No. 3 plan approval and bid. He stated that the original plan was approved on May 6, 2014 and reviewed the process since that time which included drilling a test and production well. He stated, that with these plans, the well would provide 2/3rds more capacity then the original well and would serve the City's needs. He stated that in the estimate there are a few things that have already been installed into the project and staff will review the list. He stated that staff is asking for general approval for the plans and specifications, noting that staff will work out the minor details before putting the project out for bid.

Anderson asked for additional information on the future expenditures and total project cost.

Scherer provided clarification on funds that have already been spent for the project, future expenditures and the total project cost.

1. Resolution No. 2016-08 Approving Plans and Specifications and Ordering Advertisement of Bids for Public Improvements Associated with the Medina Wellhouse No. 3 Addition

*Moved by Martin, seconded by Pederson, to Adopt Resolution No. 2016-08 Approving Plans and Specifications and Ordering Advertisement for Bids for Public Improvement Associated with the Medina Wellhouse No. 3 Addition. **Motion passed unanimously.***

IX. CITY ADMINISTRATOR REPORT (8:18 p.m.)

Johnson had nothing further to report.

X. MAYOR & CITY COUNCIL REPORTS (8:18 p.m.)

Martin stated that she appreciates the department updates. She provided an update on the mayors' meeting she attended the previous week, noting that there was a roundtable discussion to talk about innovation, development, and issues facing communities. She stated that most of the cities were attempting to keep rural character in their communities as they develop. They also discussed development of downtown areas.

She stated that of all the communities represented she had the impression Medina is one of the best administratively run communities.

Scherer stated that he would need clarification regarding the fee schedule for the clean-up day event in April. He asked for direction on whether the trees would continue to be subsidized, noting that the trees are very popular and staff is going to look for another supplier. He believed the subsidy amount would be \$2,500, which allows the City to sell the trees at half price.

Martin stated that she would support additional funds from the tree fund as this is a community event and the trees provide benefit to the community.

Scherer stated that the residents should have some buy in because it ensures that they will take better care of the trees.

XI. APPROVAL TO PAY THE BILLS (8:23 p.m.)

*Moved by Anderson, seconded by Pederson, to approve the bills, EFT 003481E-003508E for \$79,098.07, order check numbers 43836-43914 for \$294,812.87, and payroll EFT 506902-506932 for \$49,172.99. **Motion passed unanimously.***

XII. ADJOURN

*Moved by Anderson, seconded by Pederson, to adjourn the meeting at 8:24 p.m. **Motion passed unanimously.***

Bob Mitchell, Mayor

Attest:

Jodi M. Gallup, City Clerk