

## MEDINA CITY COUNCIL MEETING MINUTES OF FEBRUARY 19, 2013

The City Council of Medina, Minnesota met in regular session on February 19, 2013 at 7:00 p.m. in the City Hall Chambers. Mayor Crosby presided.

### **I. ROLL CALL**

**Members present:** Crosby, Pederson, Martinson, Anderson, and Weir.

**Members absent:** None.

**Also present:** City Attorney Ron Batty, City Engineer Tom Kellogg, Planner Dusty Finke, Planning Consultant Nate Sparks, Public Works Director Steve Scherer, City Administrator Scott Johnson, Police Sergeant Jason Nelson, 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 February 5, 2013 Regular City Council Meeting Minutes**

It was noted on page two, line 17, it should state, "...noted that some of the property shown as improved is undesignated and wanted to ensure the entire improved property is included..." On page two, line 23, it should state, "...undesignated building area. On line 49, it should state, "...up to \$1,500,000 in insurance coverage to cover to up to the statutory state liability." On page four, line 5, it should state, "...the city would could approach..." On page four, line 18, it should state, "...properties added to agricultural preserve involved flowers, vegetables and fruits, and not traditional field crops."

Crosby stated that under Mayor and Council Reports, he would like to see the report broken into paragraphs.

*Moved by Weir, seconded by Pederson, to approve the February 5, 2013 regular City Council meeting minutes as amended. **Motion passed unanimously.***

### **V. CONSENT AGENDA**

#### **A. Approve Raffle Permit to Let's Go Fishing of Minnesota at 500 Highway 55 on April 26, 2013**

#### **B. Approve Lawn and Ground Services Agreement with Natural Green Landscape Management**

#### **C. Approve Weed Control and Fertilization Services Agreement with Snow n' Lawn**

#### **D. Authorize Bid Advertisement for Renovation of 600 Clydesdale Trail for Police and Public Works Facilities**

#### **E. Resolution No. 2013-06 Accepting Donation from Hamel Volunteer Fire Department Relief Association**

**F. Resolution No. 2013-07 Approving a Comprehensive Plan Amendment Regarding the Future Land Use of Property Located at and Adjacent to 2505 Willow Drive**

*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 will meet the following night to discuss the proposed park improvements and ball lighting, among other items.

**C. Planning Commission**

Planning Commissioner Williams provided an update on the matters recently discussed by the Planning Commission including the Tamarack Ridge Preliminary Plat, which was ultimately recommended for denial by the Commission.

**VII. PRESENTATION**

**A. Resolution No. 2013-08 Recognizing Erin Barnhart for Five Years of Service to the City of Medina**

Crosby read a Resolution recognizing Erin Barnhart for five years of service to the City of Medina. He explained that with the outsourcing of the financial director position, additional responsibility and pressures have been put on the Finance Department Staff and commended her for her great work.

*Moved by Weir, seconded by Martinson, to approve Resolution No. 2013-08 Recognizing Erin Barnhart for Five Years of Service to the City of Medina. Motion passed unanimously.*

**VIII. NEW BUSINESS**

**A. Tamarack Ridge Preliminary Plat**

Crosby explained the process that would be followed tonight and confirmed that all members of the Council have read the packet. He also noted that the minutes from the Planning Commission meeting were provided and noted that while reference by the public could be made to the Planning Commission comments, he asked that the entirety not be repeated.

Sparks presented the preliminary plat request for Tamarack Ridge, including an aerial photograph displaying the County information in regard to suitable soils. He also identified the preliminary plat requested by the applicant over the aerial photograph and reviewed the rural residential lot standards for the City. He advised that the applicant is contesting the Soil Survey and noted that the review conducted by the City's Soil Scientist determined that the information provided by the applicant to request reclassification is not correct. He also discussed a lot that would interfere with the wetland buffer. He reported that the right-of-way available would not support a public roadway. He also noted that the applicant proposes to construct private roadways within

the development. He advised that the Planning Commission held a public hearing the previous week to discuss this request and recommended denial of the request, noting specific findings from the Commission.

Crosby confirmed that action by the City must take place by March 6<sup>th</sup> because of the November submittal.

Anderson referenced the suitable soil issue and questioned if staff had proposed to combine some of the lots in order to provide suitable soils.

Sparks stated that staff did not discuss combining the lots with the applicant.

Gerry Duffy, Attorney for applicant, reviewed the timeline for this project, noting that the first submittal for land use was submitted in August, and he discussed interaction with staff since that time. He explained that since the original application had been submitted, an Ordinance was unilaterally created and approved in December, which affects the request and ability to approve the subdivision. He advised that a lot of information has been provided on behalf of the applicant, some of which was not included in the packets for the Planning Commission and Council. He provided an example of a detailed GPS method of obtaining soil borings on the property that was not included in the Council and Planning Commission packets.

Jennifer Haskamp, Planner for the applicant, was present but had nothing further to add.

Crosby stated that included in the packet there was a reference to the soil borings taken by the applicant's consultant, and the report from the City Soil Scientist. He asked for the input of the attorney in regard to the deadline date for the City and questioned whether he also believed that to be March 6<sup>th</sup>.

Duffy stated that he did not view that date to be March 6<sup>th</sup> but would not advise of the date he believes to be correct.

Crosby stated that it has been expressed that the applicant is not willing to extend the time period to work out a suitable solution.

Duffy stated that if he believed that the City would work with the applicant in a fair manner that might be an idea worth discussing but he did not believe that to be the situation. He confirmed that they would not be interested in extending the time period.

Crosby noted that the Ordinance referenced by Duffy only addresses one of the four findings for denial from the Planning Commission.

Steven Pflaum, 2725 Deer Hill Road, stated that he and his wife spoke at the Planning Commission meeting in representation of all of the neighbors in that area against any improvements to Deer Hill Road, especially if assessment to the existing property owners would be made. He stated that they do not oppose the development, as that is the job of the Planning Commission and Council.

Clarkson Lindley, 1588 Homestead Trail, spoke in representation of his family and discussed the current conditions of the site, noting that he does not believe there is an established right-of-way.

David Weigman, 3834 Linden Drive East, stated that he is a resident of Medina but is also representing the Buckley family. He stated that the access issue has not been addressed and noted that while there is always a solution, he does not feel that the applicant has put forth adequate effort in finding that solution, with the City staff or the applicable homeowners. He also did not believe that there was adequate right-of-way and would oppose any condemnation of the Buckley property that would be necessary to obtain the necessary right-of-way.

Crosby stated that he has been on the Council for the past 14 years and has seldom seen a situation in which the two parties are so far apart with no desire to work out a solution. He commended the work of the Planning Commission and recommended that the Council uphold the decision of the Commission. He stated that he has already asked staff to draft a Resolution upholding the recommendation for denial from the Planning Commission and asked that the Council take action on that tonight.

Finke confirmed that staff drafted the Resolution of denial that incorporates the findings of the Planning Commission.

Weir stated that she walked the property via snowshoe and commented on the wetland and amount of significant trees in the purported western right of way. She stated that while the property is gorgeous, there is no sign of maintenance of the mentioned western right-of-way.

Batty stated that included in the packet was a draft of the Planning Commission minutes, which were prepared very quickly, and noted that there were a few mistakes including the misidentification of speakers and a reversed vote. He explained that the intent was obvious and advised that a corrected set of minutes were provided for Council review tonight.

Crosby briefly recessed the meeting at 7:37 p.m.

Crosby reconvened the meeting at 7:42 p.m.

Crosby stated that often times the City would direct staff to prepare a Resolution of approval of denial to be placed on the Consent Agenda for the next meeting. He explained that from time to time, the decision is made and the Resolution is approved at the first meeting, such as tonight. He explained that because of the reluctance of the applicant to extend the timeline and because of the discrepancy on the deadline, he asked that the action be taken tonight to avoid the deadline expiring.

Batty confirmed that the Resolution is appropriate and is in line with the findings and comments made by the Planning Commission.

Planning Commissioner Williams agreed that the Resolution is in agreement with the comments made at the Planning Commission meeting.

Pederson questioned if the applicant would want to change their decision in regard to extending the deadline.

Duffy confirmed that the applicant would not wish to extend the deadline.

*Moved by Anderson, seconded by Martinson, to approve Resolution No. 2013-09 Denying a Preliminary Plat for a Subdivision Proposed to be called "Tamarack Ridge" on Property Located North and West of Deer Hill Road. **Motion passed unanimously.***

**B. Lake Minnetonka Communication Commission (LMCC) Update**

Crosby reported that for the past 30 years, Medina and eight (16) other communities pooled together to create a Communications Commission. He explained that the contract between the LMCC and Mediacom is up for negotiation and advised that Medina has also been speaking with Mediacom directly.

Johnson stated that the City has had discussions with Mediacom in regard to direct negotiations. He stated that he did receive a proposed draft resolution from the LMCC regarding the negotiations process and advised that Crosby has drafted a letter of response to the letter explaining the process that Medina is following in regard to negotiations.

Crosby provided additional information on the resolution that the LMCC asked member cities to sign, which would authorize the LMCC to act on behalf of the City in the negotiation process with Mediacom. He explained that the letter he drafted advises that Medina is interested in direct negotiations with Mediacom and if the City were to enter into a direct contract with Mediacom, they would still be interested in obtaining other services offered from the LMCC. He stated that he would like to make this process very public and let the LMCC know what is going on up front. He advised that he and Johnson have been in contact with the other cities in similar situations to Medina and reported that Minnetrista and Independence are fine staying with the LMCC. Orono will be discussing this matter the following week and Victoria will be discussing the matter at future meetings. He noted that Orono may be interested in working with Medina and explained that he would then be in agreement with working with Orono in the negotiations and to ultimately build out both cities under separate franchise agreements. He stated that the decision to hire an attorney has been postponed up until this time because Council is unsure what the task for that attorney would be. He believed that once the position of Orono is known the following week, Medina will be in a better situation to move forward.

*Moved by Weir, seconded by Anderson, to approve the LMCC Letter dated February 19, 2013 in response to their resolution request. **Motion passed unanimously.***

**C. Nonpoint Education for Municipal Officials (NEMO) Training – Tuesday, March 26, 2013 at 6:00 p.m. at the Hamel Community Building**

Johnson stated that Weir and Staff met with John Bilotta, a representative from NEMO, to create an agenda for the night of training scheduled for March 26<sup>th</sup> at 6:00 p.m. He asked that the Council review the schedule and confirmed that the training would include the Council, Park Commission, Planning Commission and two Watershed representatives.

Crosby suggested that Sparks be invited to attend.

Weir questioned if Corcoran and Orono should be invited.

Crosby suggested that the City Planners from the neighboring communities be invited to attend to audit the meeting, rather than participate fully.

*Moved by Weir, seconded by Pederson, to call for a concurrent meeting of the City Council, Planning Commission, and Park Commission on Tuesday, March 26, 2013 at 6:00 p.m. at the Hamel Community Building for a NEMO training. **Motion passed unanimously.***

**D. Resolution No. 2013-10 Approving Proposed Application for 2013 Urban Hennepin County Community Development Block Grant Program Funds and Authorizing Execution of Subrecipient Agreement with Urban Hennepin County and Any Third Party Agreement**

Johnson explained that Dominion met with City staff and is proposing affordable rental townhome units to be located on the parcel behind the Medina Entertainment Center. He stated that this Resolution is the first step in the process for Dominion to obtain funding assistance for the proposed rental townhome project.

Weir stated that if the project moves forward, this area would be near the shopping and Target area.

Crosby stated that affordable housing is a goal of the Council as well.

Finke explained that this method of funding is only one of several funding options for affordable housing and advised that other opportunities for funding are available. He stated that staff could draft letters of support that could be included in the funding grants that Dominion must apply for as the applicant.

Crosby requested if the Resolution could become enabling and list another statement authorizing the Mayor, Council, and staff to draft letters of support for any application the applicant may make.

Batty explained that while that authorization would be okay, he wanted to ensure that the City is not specifying land use approval. He stated that the City has not seen an application or issued an approval and wanted to ensure that the intent is not misconstrued. He stated that while the City can support grant applications, approval is not given through that approval.

Crosby providing specific language that would clarify that none of the action would imply approval of a project.

*Moved by Weir, seconded by Anderson, to approve Resolution No. 2013-10 in support of a proposed application for 2013 CDBG funds and authorizing execution of a subrecipient agreement, to authorize the Mayor and staff to support efforts by Dominion in furtherance of the project by writing letters of support, and to clarify that neither resolution should be construed as a land use approval of the project. **Motion passed unanimously.***

Nate Anderson, Dominion Senior Planner, provided input on the ultimate project noting that there would be 30 to 35 units, common wall townhomes that could be rented. He clarified the monthly price point for this type of rental ranging from \$900 to \$1,400. He explained that taxes would be paid by Dominion and utilities would be paid by the

renter. He explained that anyone making less than 60 percent of the area median income would qualify for this type of housing. He confirmed that there would be two, three and four bedroom housing units available. He noted a comparable project exists in Albertville that was constructed in 2009 and confirmed that he could send pictures of the project.

Johnson noted that the pictures were included in the last Friday update to the City Council.

Anderson, Dominion, noted that there is a 100 percent occupancy rate and projects are usually leased out prior to construction completion. He noted that typically there would be an onsite property manager and maintenance person. He advised that Dominion would enter into an initial maintenance agreement for the first 15 years. He confirmed that once that agreement expires, Dominion has extended the agreement in certain properties.

Crosby confirmed that in regard to real estate, Dominion receives a different classification rate for affordable housing.

Weir noted that Medina does not have mass transit and questioned if that would be an issue in regard to obtaining grant funds. She noted that the City has talked with Target in regard to allowing the City conduct a park and pool opportunity in their parking lot.

Kim Voss, Interfaith Outreach, agreed that there are points at the State level when issuing grants given for transportation. He noted that he could include Weir's statements in the grant but advised that the application would more than make up for that in terms of economic integration, by bringing affordable housing to Medina, which is a community in need of that type of housing. He believed that the project would be competitive in the funding market.

Crosby stated that he hopes everything works out, as Medina is in need of affordable housing.

## **IX. CITY ADMINISTRATOR REPORT**

### **A. Interfaith Outreach Meeting: Investing in Our Youngest Learners – February 25, 2013 at 6:00 p.m.**

Johnson noted of this upcoming meeting for any interested Council members. He believed Pederson would be attending.

### **B. Lennar Letter of Credit for Hunter Drive Road Improvements**

Johnson noted that this item was placed on the agenda because of uncertainty but noted that the terms have been extended by 60 days and no action is needed.

### **C. Other**

Johnson referenced the tour of Randy's and asked that Council members to check their schedule to determine if they can attend. He confirmed that this will be a public meeting and members of the Planning and Park Commission could also attend, as well as interested members of the public.

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

**A. Letter Received From Corcoran Regarding Fire Services**

Crosby stated that there are monthly meetings of the Police and Fire representatives from surrounding communities.

Nelson confirmed the cities that send representatives to the meetings.

Crosby stated that Nelson attended this meeting recently and there were several elements expressed in regard to the Hamel Volunteer Fire Department. Crosby asked Nelson to obtain clearance to bring these matters to the Hamel Fire Chief, which was done. He stated that was followed up by an indication from the Administrator of Corcoran to Johnson that a letter would be forth coming in regard to Corcoran's future use of the Hamel Fire Department. He reported that letter was received today and Corcoran is terminating the contract with a 90-day notice provision. He stated that this is a termination for cause and noted that several causes were listed. He stated that this does present some issues for the City, as the City of Corcoran has been paying just over \$40,000 per year to the Hamel Fire Department. He stated that he has asked Pederson and Anderson to work on behalf of the Council with Nelson and Johnson to find some resolution in this matter.

Pederson confirmed that he was in attendance at the Corcoran meeting at which the decision to terminate the contract was made. He confirmed that the action was based on a situation with a recent fire and other situations from the past.

Nelson provided information on "box calls" and noted that Hamel has not fully integrated the equipment.

Pederson confirmed that Hamel is one of the few organizations that does not use the equipment. He confirmed that he asked at the Corcoran City Council Meeting if Hamel would be given consideration for a six month extension and he was told no. He confirmed that the consolidation of the Loretto and Hamel Fire Departments is still underway and the consultants will be in town this week.

Nelson stated that in regard to the deficiencies, auto start is in place for Loretto and Hamel, explaining that any emergency call that Hamel receives are also sent to Loretto.

**B. Other**

Johnson discussed the agenda for the March 5<sup>th</sup> meeting.

Crosby noted that he may not be in attendance at the second March meeting.

Weir stated that she attended the West Metro Drug Task Force Luncheon and provided a brief summary of the statistics learned at that meeting. She advised that she received a check for \$20,000 to help fund the officer that works in this division. She noted that she also attended the Elm Creek Watershed meeting and provided an update regarding phosphorus removal and TMDL's. She also referenced some of the measures, which will be changing in regard to the frequency and volume of intense rainfall events and the possible effects on infrastructure sizing.

Kellogg discussed the implications that the ATLAS 14 could have on building requirements and infrastructure requirements. He confirmed that staff will continue to watch that item.

Weir noted that the Uptown Hamel Freeze Your Buns Run and skating and sledding party were well attended.

Pederson stated that he and Johnson attended an Uptown Hamel meeting at Gramercy and provided a brief update.

Weir expressed concern that the City is required to give all Council and resident contact information to anyone that requests it, including address, phone number, and email. She stated that there is proposed legislation to prevent this and questioned if there is support from the Council to write a letter in support of the proposed legislation.

Crosby stated that he is indifferent but agreed that a letter could be drafted by Weir and Johnson. He referenced the Report from Nelson that contained a high number of incidents and questioned if that is usual.

Nelson confirmed that is just one of those things that fluctuates.

**XI. APPROVAL TO PAY THE BILLS**

*Moved by Weir, seconded by Pederson, to approve the bills, EFT 001977E-002003E for \$50,294.41 and order check numbers 039382-039429 for \$120,642.28, and payroll EFT 504771-504800 for \$45,054.20. **Motion passed unanimously.***

**XII. ADJOURN**

*Moved by Weir, seconded by Anderson, to adjourn the meeting at 8:47 p.m. **Motion passed unanimously.***

---

T.M. Crosby, Jr., Mayor

Attest:

---

Scott Johnson, City Administrator