

MEDINA CITY COUNCIL MEETING MINUTES OF MARCH 6, 2012

The City Council of Medina, Minnesota met in regular session on March 6, 2012 at 7:00 p.m. in the City Hall Chambers. Acting Mayor Weir presided.

I. ROLL CALL

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

Members absent: Crosby.

Also present: City Attorney Ron Batty, City Engineer Tom Kellogg, Planner Dusty Finke, 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 January 17, 2012 Special City Council Meeting Minutes

It was noted under Item Four, Administration Department, the final sentence, it should state, "...by e-mail to residents, who prefer electronic communication, and talk to the..."

*Moved by Pederson, seconded by Martinson, to approve the January 17, 2012 special City Council meeting minutes as amended. **Motion passed unanimously.***

B. Approval of the February 21, 2012 Special City Council Meeting Minutes

*Moved by Siitari, seconded by Pederson, to approve the February 21, 2012 special City Council meeting minutes as presented. **Motion passed unanimously.***

C. Approval of the February 21, 2012 Regular City Council Meeting Minutes

*Moved by Pederson, seconded by Siitari, to approve the February 21, 2012 regular City Council meeting minutes as presented. **Motion passed unanimously.***

V. CONSENT AGENDA

A. Approve Temporary On-Sale Liquor License to Wildlife Rehabilitation Center at 3000 Hamel Road on August 4, 2012

B. Approve American Legion Consumption and Display Liquor License

C. Approve Field Rental Agreement with Hamel Hawks

D. Approve Contract for Services between the Cities of Medina and Maple Plain Metropolitan Consortium of Community Developers for the Open to Business Program

E. Appoint Randy Foote as Medina Planning Commissioner

F. Call for Special Meeting on May 16, 2012 at 5:30 p.m. to attend Park Tour

- G. Resolution No. 2012-15 Approving a Waiver from Regulations Related to the Keeping of Animals as Pets and Granting a Private Kennel License to Darlene Steinmetz at 1270 Oakview Road
- H. Resolution No. 2012-16 Reestablishing Precincts and Polling Places
- I. Ordinance No. 521 Relating to Criminal History Background for Applicants for City Employment and City Licenses
- J. Resolution No. 2012-17 Authorizing Publication of Criminal History Background Ordinance by Title and Summary
- K. Ordinance No. 522 Amending Section 355 of the Code of Ordinances Regarding Excessive False Alarms
- L. Resolution No. 2012-18 Authorizing Publication of Excessive False Alarms Ordinance by Title and Summary

*Moved by Martinson, seconded by Pederson, to approve the consent agenda. **Motion passed unanimously.***

VI. PRESENTATIONS

A. Minnehaha Creek Watershed District TMDL Presentation

Becky Houdek, Minnehaha Creek Watershed District (MCWD) Planner, introduced herself and stated that she was present to provide additional information regarding TMDLs. She provided background information regarding TMDLs including the definition, requirements and purpose. She reviewed the scope of the study, which will include 20 lakes and bays, and identified the bodies of water located in Medina that will be included in the study. She described the role of the MCWD and reviewed the highlights of the Comprehensive Plan drafted by the District, as well as the MS4 regulations. She compared TMDLs to the MCWD Plan and reviewed the differences including newer and more comprehensive data set, and different goals for water quality standards.

Finke asked for additional information regarding previously set goals and whether the study would increase or decrease those amounts.

Houdek was unsure at this point in the process. She noted that the MCWD is currently beginning the study and reviewed the timeline for the project. She estimated that the draft report and implementation plan would be available in the winter of 2012, with the final report and implementation plan completed by the summer of 2013.

Weir commented that correcting these impairments is a costly process and another unfunded mandate that the City will need to work into the budget. She stated that the City was able to obtain a grant from another Watershed District for a project and described some best management practices that could be used.

Eric Evenson, Administrator of MCWD, addressed the Council in regard to the cost of these unfunded mandates. He provided an example, using the West End Development, in which developers, a city, and the Watershed District were able to work together to improve water quality. He advised of additional best practices which could be used to help reduce the load, and hoped that the City and MCWD could work together to reach those goals.

Weir introduced the liaison, Peter Rechelbacher, who is representing the City of Medina at the MCWD meetings.

Rechelbacher stated that he had been involved in the Mooney Lake Association for the past six years, as Vice President and President, and is happy to represent the City at the MCWD meetings. He noted that he has also joined the MCWD Citizens Advisory Board (CAC).

VII. COMMENTS

A. Comments from Citizens on Items not on the Agenda

Marran McNulty addressed the Council in representation of residents of Gramercy that would like to have the blue light removed from the Holiday Station store. She stated that the blue light is intrusive to residents living in the west side of Gramercy whom would like that light to be removed, with no additional lights placed. She stated that while residents are appreciative that the light has been turned down, the strength of the light increases as the night goes on, and residents would like the light turned off completely.

Weir noted that the letter would be submitted into the record when the sign Ordinance is further discussed later in the agenda.

B. Park Commission

Martinson noted that the Park Commission set the date for the annual park tour and also rated and prioritized the existing parks.

C. Planning Commission

Finke advised that the Commission would meet the following week to hold two public hearings regarding amendments to the PUD Ordinance and the Ordinance which governs temporary outdoor sale events.

VIII. NEW BUSINESS

A. Lennar – PUD Concept Plan – The Enclave at Brockton

Weir identified the area proposed for this project and reviewed the process that she would like to follow.

Finke provided a brief summary of the request and reported that the total area would encompass nine parcels, a total of 48.4 acres, and noted that the goal would be to integrate this development with the Enclave. He advised that the Planning Commission reviewed an earlier version of the Plan, which the Commission recommended denial of, and confirmed that the applicant has updated the Plan since that time to address the concerns of the Commission. He reviewed the density calculations and the objectives of a PUD. He explained that the flexibility of the PUD process assists the developer and the City.

Weir submitted two letters into the record from Mike Bitterman, 4175 Brockton Lane, dated March 2nd and February 28th.

Finke stated that if the Council deems the Plan to fit with the objectives of the City, approval could be issued, and described the next steps which would be followed.

Martinson clarified the lot size of the detached townhome product.

Joe Jablonski, Lennar, thanked staff for their input and willingness to work with Lennar throughout this process. He confirmed that there would be an overall HOA which would govern both Enclave developments as a whole, and sub-units which would handle the maintenance responsibilities for smaller areas within the development. He reviewed the changes that were made to the Plan since the review by the Planning Commission, identifying areas which were cleared to provide additional open space and areas for water treatment. He believed that this Plan would create a community which would integrate the existing Enclave development and this proposed Enclave development, providing several different products and price points.

Martinson stated that she would be strongly in favor of some moderately priced homes within the City of Medina.

Pederson commented on the Plan and was pleased to see the elimination of a cul-de-sac. He also believed that people interested in the homes should be advised that the Hamel Athletic Fields will be lit in the near future.

Weir reviewed the PUD objectives and discussed whether the Plan meets those objectives. She commented regarding the overall similarity in the single family housing, including the townhome product. She discussed the types of product which could be used to meet the density requirements, such as quad homes or a senior housing type housing facility.

Jablonski commented that Lennar specializes in single family housing.

Weir moved on to review the Comprehensive Plan objectives and discussed whether the proposed Plan meets those objectives.

Jablonski confirmed that while some of the housing is marketed towards young families, the detached townhomes are usually marketed towards the empty nest market.

Martinson commented that if the developer is marketing to the empty nest market perhaps those homes should be placed away from the park, as she believed that location would be better suited for young families.

Jablonski noted that those homes would be geared to multigenerational families, such as grandparents.

Weir suggested combining some of the detached townhomes into twin homes to break up the monotony.

Jablonski commented that the separation helps to create a line of vision between the homes and stated that he would prefer to avoid a large mass of a building, as is created by building attached townhomes.

Martinson stated that she would like to see further preservation of trees along the south side of the development and would also like to see some housing products that would be affordable for middle income families.

Siitari commented that he believed that the revised Plan is much better than the original Plan. He stated that he would like to see some starter homes in Medina and noted that

type of housing has not been provided through the three developments he has seen in Medina since his start on the Council. He questioned if the land prices in Medina prevent that type of product.

Pederson stated that he would like to see a better looking townhouse near the park, but was unsure how that would be accomplished. He also preferred the revised Plan and commented that if the nine parcels were developed independently the end product would not be as nice and the density would not be anywhere near this amount. He also believed that the Planning Commission should have the opportunity to review the revised Plan.

Weir suggested twinning some of the townhomes located near the park to provide a better aesthetic and also suggested that those homes be a lookout rather than a walkout to prevent additional height. She stated that while it would be nice to see a product other than single family, she understands that the market may not allow for that. She discussed the setbacks and side-yard setbacks that she would prefer, noting that she would prefer larger setbacks around the perimeter of the development, with smaller setbacks within the development. She stated that she would like to see less impact in the development of the site but commended Lennar for their revisions to the Plan since the review by the Planning Commission. She confirmed that there was consensus in regard to the blended density proposed, as well as the reduced side-yard setbacks and lot widths.

Michael Fine, 550 Navajo, asked for clarification in regard to the density requirements suggested by the MET Council. He discussed his concerns expressed during the original Enclave design process and questioned the ultimate desire of the Council through this process. He did not believe that this development would match the rural integrity of the City. He commented that the landscaping berm is unacceptable and believed that the City should hold Lennar accountable. He stated that the City does not have to make this happen simply because Lennar has proposed this development.

Weir stated that the City is required to meet the density specified by the MET Council and noted that this area has been designated by the City as an area to do so. She explained that the area is wet and that is the reason for the raised roads and home pads. She stated that these property owners are willing, Lennar wants to buy, and the City needs to reach the density requirements.

Pederson advised that the Council would be unable to require any changes to the original development, as this application is separate. He advised that the Comprehensive Plan has designated this type of density for this area.

Weir believed that the best option may be to send this back to the Planning Commission for additional review.

Finke referenced the Plan in front of the Council and questioned whether that Plan meets the PUD objectives. He noted that it could be suggested that Lennar be allowed to build some homes which could bring in additional profit in the northern portion of the property, while a different high density product be used in the southern portion.

Weir commented that she did not believe that the southern end would be the right spot for that type of housing product, as she did not believe that adequate screening would be available.

Moved by Pederson, seconded by Martinson, to refer the PUD Concept Plan back to the Planning Commission for additional review.

Further Discussion:

Dan Dougan stated that he lives to the south of this property, next door to Mr. Bitterman, and expressed concern over the impact to traffic that this development could have. He stated that there are already problems in the area due to the traffic and overflow parking from Hamel Field. He was also concerned with the possibility of increasing the proposed density further, as well as the blending of densities.

Martinson questioned if the traffic concern was simply the amount of traffic or the overflow parking.

Mr. Dougan stated that both items are a concern.

Weir advised that traffic studies will be required, should this Plan move past the concept stage. She agreed that traffic levels will increase, especially with the developments being planned in Plymouth.

Jablonski stated that he appreciates the comments. He noted that Lennar is working with nine property owners and has the opportunity to create a cohesive neighborhood, rather than chopping up the land and creating several separate neighborhoods. He reviewed the items which drive the price point in Medina, such as land price and expectations. He believed that there would be an opportunity to preserve some evergreens along Brockton, near the entrance at Navajo, and there could be an opportunity to relocate some of the younger trees. He stated that Gramercy currently seems to meet the need for senior housing within the City. He asked that the Council move the application forward in the process, and if approval cannot be given tonight he asked that the process be expedited.

Motion passed unanimously.

Weir briefly recessed the meeting at 9:00 p.m.

Weir reconvened the meeting at 9:07 p.m.

B. Ordinance Amending Section 815 of the Code of Ordinances Regarding Signs

Weir stated that the sign Ordinance had to be brought into compliance with the new zoning districts and explained that during that process the entire sign Ordinance was reviewed and revised. She confirmed that the Planning Commission discussed this item during the October, December and February meetings.

Finke briefly highlighted the proposed changes to the sign Ordinance. He noted that a representative from Holiday attended the December and February meetings of the Planning Commission to discuss and suggest changes to the dynamic sign portion of the Ordinance, and reviewed the changes which the Commission was in agreement with.

Weir entered the letter from Ms. McNulty into the record. She explained that in the past few years the Council has somewhat shifted its focus to be more supportive of businesses.

Batty provided additional information in regard to dynamic signs and noted that the mindset has changed over the years and regulations have been refined, as people have gotten used to dynamic signs.

Weir stated that she does not prefer the quick three second change in the message and would prefer for the message to change once every minute.

Pederson commented that in one minute, the driver would have already passed by and missed the message, which is the purpose of a dynamic sign.

Weir commented on the issue of the blue light used by the Holiday Station store located near the Gramercy facility, and questioned if the light is supposed to be the brightest at noon and decrease in illumination throughout the day. She also discussed the section of the dynamic sign which is proposed to be added by Holiday and questioned whether the blue light would also illuminate the entire sign.

Michael Cronin, of Michael Cronin and Associates, stated that he was present to represent Holiday Station stores. He discussed the section proposed to be added to the sign, and commented that issue is separate from the blue light issue. He then discussed the blue light illumination which was implemented by Holiday across the country. He stated that since the complaint was made, one of the blue light strips was immediately removed, which decreased the light by half. He noted that light still seems to be too bright, which is why a timer was set on the light to decrease the light throughout the day. He stated that currently there is a problem with that sign and half of the blue light is completely out. He explained that the desire is to continue to work with the sign and the neighbors until the situation can be resolved and all parties are happy. He advised of another station location where one of the blue light strips will be removed as well, to meet the illumination requirements of the City.

Weir stated that she drove by the Holiday store on Highway 55 and Ferndale, which currently has a dynamic sign similar to what is proposed by Holiday and had no problem with that design and commented that the message did not change while she was there.

Mr. Cronin commented that the Plymouth sign is currently set on a 15 minute timer for message changes. He asked that the balanced package of changes to the sign Ordinance be approved. He believed that the Ordinance, as proposed, would be one of the best Ordinances in the Metro area. He again committed to finding a compromise which would work in regard to the blue light issue at the station near Gramercy.

Finke commented that he visited the Holiday Station store for a demonstration of what the dynamic sign would look like with the existing sign and commented that the existing reader board seems brighter than the dynamic sign suggested.

Weir confirmed that the reader board portion would be removed and noted that she also visited some Holiday stores in the area and preferred the look of the dynamic sign. She also provided comments regarding the other proposed changes to the Ordinance. She

questioned why a gas station would be allowed to have two signs and believed that should be removed from the Ordinance.

Finke referenced the portion of the Ordinance which addresses that item and explained how that could be changed.

Weir stated that she would like to remove the language which would allow a second sign, unless a gas station is on a corner lot, and confirmed Council consensus.

Finke addressed event signs, such as garage sales, and confirmed that the amended Ordinance would allow for those types of signs to be located in the right-of-way. He confirmed that staff could continue to research the issue of off premise tenant signs.

Weir stated that her preference would be to table this action to allow staff to make the two small amendments as discussed, and also to give staff additional time to present options for off premises tenant signs.

Pederson commented that he still does not agree with the comment that a dynamic sign should only change messages every five minutes. He believes that the sign message should be allowed to change much more frequently than five minutes.

Finke stated that he would prefer for all messages to have the same time limit, matching the limit for the time and date signs and dynamic signs. He explained that this would allow for easier enforcement and did not believe that time and date signs should have preference.

Martinson asked if anyone else supported 15 seconds, explaining that if the change does not occur more frequently there would be no purpose for a dynamic sign.

Weir proposed one minute as a time limit.

Martinson asked if anyone else supported 15 seconds.

Mr. Cronin stated that the State standard for non-premise signs is eight seconds.

Weir stated that she would vote against the Ordinance if the time limit is changed into seconds.

Finke stated that staff would not prefer seconds.

Siitari stated that he would be comfortable with the one minute time limit if that is what staff recommends.

Weir confirmed consensus on the one minute time limit for message changes. She also confirmed that staff has sufficient input and would make the suggested changes and bring the proposed Ordinance back for review, as well as options for off premise signs.

*Moved by Pederson, seconded by Siitari, to table the Ordinance amending Section 815 of the Code of Ordinances regarding signs to a future date. **Motion passed unanimously.***

1. **Resolution Authorizing Publication of Ordinance by Title and Summary**

IX. CITY ADMINISTRATOR REPORT

Johnson stated that the carpet had been installed today at the Hamel Community Building. He also advised of the date scheduled for the Annual Clean-Up Day.

X. MAYOR & CITY COUNCIL REPORTS

Weir provided an update from the information she received from the League of Minnesota Cities.

XI. APPROVAL TO PAY THE BILLS

*Moved by Pederson, seconded by Martinson, to approve the bills, EFT 001539E-001556E for \$41,378.81 and order check numbers 038024-038060 for \$28,294.95, and payroll EFT 504099-504122 for \$40,963.26 and payroll check number 020354 for \$2,609.77. **Motion passed unanimously.***

XII. ADJOURN

*Moved by Siitari, seconded by Martinson, to adjourn the meeting at 10:18 p.m. **Motion passed unanimously.***

Elizabeth Weir, Acting Mayor

Attest:

Scott Johnson, City Administrator