

## **MEDINA CITY COUNCIL MEETING MINUTES OF MARCH 17, 2015**

The City Council of Medina, Minnesota met in regular session on March 17, 2015 at 7:00 p.m. in the City Hall Chambers. Acting Mayor Pederson presided.

### **I. ROLL CALL**

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

**Members absent:** Mitchell.

**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 (7:01 p.m.)**

#### **A. Approval of the March 3, 2015 Regular City Council Meeting Minutes**

It was noted on page four, line five, it should state, "...49 40 acres..." On page four, line 26, it should state, "...are ~~loving~~ loves..." On page four, line 48, it should state, "...stated that he ~~is appreciative to the fact~~ appreciates that the developer is responsive..." On page five, line 39, it should state, "...Road and ~~confirmed~~ asked and received confirmation that the main road..." On page five, line 40, it should state, "She asked for ~~comparison ratios~~ comparisons in the amount of public road for this plan..." On page six, line seven, it should state, "...and whether ~~that~~ the trail would connect to Baker Park..." On page six, line 36, it should state, "...comments and alternative plans from the residents along Deerhill Road acknowledging that ~~these~~ the plans were ~~late~~ just received." On page seven, line 34, it should state, "...stated that the ~~idea of a restored~~ restoration of prairie..." On page seven, line 12, it should state, "...moves along as ~~this would be~~ the applicant is requesting a density bonus of 190 percent." On page eight, line 16, it should state, "...~~Concept~~ Comprehensive Plan identifies existing and future connections of roadways public roads." On page eight, between lines 8 and 16, the following sentence should be added, "Anderson stated that for public reasons there must be an emergency entrance and exit utilizing Deerhill Road." On page eight, line 20, it should state, "...would be necessary although it is not what she would prefer."

*Moved by Anderson, seconded by Cousineau, to approve the March 3, 2015 regular City Council meeting minutes as amended. **Motion passed unanimously.***

### **V. CONSENT AGENDA (7:07 p.m.)**

#### **A. Approve Temporary On-Sale Liquor License and Raffle, Bingo, and Pull-Tab Permit to/at Church of St. Anne for August 23, 2015**

#### **B. Accept 2015 Road Material and Equipment Bids**

#### **C. Resolution No. 2015-24 Accepting Resignation of Peter Rechelbacher as Medina's Representative for the Minnehaha Creek Watershed District**

**D. Appoint Elizabeth Weir, 1262 Hunter Drive, as the Minnehaha Creek Watershed (MCWD) Representative and as Additional Alternate Member to the Pioneer Sarah Watershed**

*Moved by Cousineau, 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 meet the following night. He noted that a bid opening for the park at Fields of Medina on April 2, 2015 and advised that the item will come before the Council on April 7<sup>th</sup>. He stated that the Commission will also discuss an Eagle Scout project and the park tour.

**C. Planning Commission**

White reported that the Planning Commission met the previous week to hold a public hearing for a Conditional Use Permit (CUP) for the construction of a 10,000 plus square foot accessory structure Urban Residential (UR) zoning district, noting that the Commission did recommend unanimous approval of the request. She advised that the Commission reviewed a CUP amendment request for Pup Town LLC to increase the number of dogs allowed and noted that the Commission recommended unanimous approval.

Cousineau asked the difference in the number of allowed dogs.

White reported that there would be an increase of 10 additional dogs during the day and night.

Pederson questioned if the police have received any complaints on the facility.

Belland stated that the department has not received one complaint for the business.

White stated that she toured the facility and found it to be very clean, quiet and well run. She noted that there is access for the dogs to freely move between the indoor and outdoor spaces without the aid of a person.

**VII. OLD BUSINESS**

**A. John Day Companies – Variance and Site Plan Review – 695-765 Tower Drive (7:14 p.m.)**

Finke stated that this item would usually be placed on the Consent Agenda as the Council directed staff to prepare a resolution of approval at their February meeting. He stated that there was direction for staff to make some amendments. He noted that the applicant did have some concern with one of the conditions, specifically regarding the requirement to have the parking agreement recorded against the property. He stated that the applicant amended his request to decrease the number of allowed parking spaces from 25 to 17, noting that this would also reduce the needed variance. He stated that the proposed resolution has been amended to reflect the changes. He stated that

the applicant would like to construct additional spaces if a shared parking agreement would not be required. He stated that the applicant would be willing to share the parking with the other business locations but is not interested in a shared parking agreement.

Pederson stated that he would be in favor of allowing a larger number of spaces without requiring a shared parking agreement, as that would still provide shared parking for the other businesses the applicant owns in the area.

Finke noted that staff could easily amend the resolution to reflect the larger amount of parking stalls and smaller setback. He stated that language could also be added to a condition stating that the applicant shall encourage shared parking between the other buildings he owns in the area.

Pederson questioned if signage would be installed at the other buildings to alert users that they could park in that area.

John Day, the applicant stated that he was planning on simply using verbal communication to acknowledge the shared parking available with his other buildings.

Anderson asked for clarification as to the reason the shared parking agreement had been suggested.

Finke stated that it seemed that the variance criteria could be better met with the suggested condition for shared parking. He stated that the less formal condition also attempts to address the same issue.

Pederson questioned the types of businesses currently residing in the building.

Mr. Day stated that there is an auto dealer and auto repair business in the building currently.

Pederson questioned how the applicant would prevent the auto dealer from filling the available parking stalls if signage is not installed.

Mr. Day stated that the auto dealer is not supposed to have outdoor storage and is not supposed to be using that parking for that purpose.

Martin stated that she would support the resolution as drafted, with the 13-foot setback and the reduced amount of parking, 17 stalls. She stated that under the variance language she would find it hard to justify additional stalls without the shared parking agreement. She stated that she would not be willing to support additional parking spaces without the shared parking agreement.

Cousineau echoed the comments of Martin, noting that she would also support the 13-foot setback with 17 parking stalls.

Anderson agreed that this would be a good compromise and thanked the applicant for working with the City.

1. **Resolution No. 2015-25 Approving Variance and Site Plan Review for John Day Companies to Expand the Parking Lot at 695-765 Tower Drive**

*Moved by Anderson, seconded by Cousineau, to adopt Resolution No. 2015-25 Approving the Variance and Site Plan Review for John Day Companies to Expand the Parking Lot at 695-765 Tower Drive. **Motion passed unanimously.***

B. **Ordinance No. 577 Regarding Subsurface Sewage Treatment Systems; Amending Chapter 7 of the City Code (7:25 p.m.)**

Finke stated that this information is similar to what had been discussed at the previous Council meeting, noting that staff has attempted to amend the imminent health threat aspect as directed by Council. He noted that the new provision would require the system to stop surfacing within ten days and to be replaced within ten months.

Batty commented that there was additional language added to the end of the ordinance to establish a clearer link to the nuisance ordinance.

Anderson thanked staff for adding in the ten-day period as he believed that really strengthened the ordinance.

*Moved by Martin, seconded by Anderson, to adopt Ordinance No. 577 Regarding Subsurface Sewage Treatment Systems; Amending Chapter 7 of the City Code. **Motion passed unanimously.***

1. **Resolution No. 2015- 26 Authorizing Publication of Ordinance No. 577 by Title and Summary**

*Moved by Martin, seconded by Anderson, to adopt Resolution No. 2015-26 Authorizing Publication of Ordinance No.577 by Title and Summary. **Motion passed unanimously.***

**VIII. NEW BUSINESS**

A. **The Enclave at Brockton 5<sup>th</sup> Addition (7:29 p.m.)**

Finke stated that the City reviewed The Enclave of Brockton in 2012, for a total of 118 single-family lots. He noted that since that time a number of phases, or additions, have been approved and constructed. He advised that this phase would include 39 homes and the approval would include the vacation of a number of easements that had previously been platted to better support the layout.

Johnson advised that a public hearing would be required to vacate the easements, noting that the item had been publicly noticed.

Pederson opened the public hearing at 7:32 p.m.

No comments made.

Pederson closed the public hearing at 7:32 p.m.

Paul Tibon, Lennar, stated that grading would begin this summer along with installation of utilities if approved. He confirmed that sales continue to stay level and noted that they have had a lot of traffic during the spring parade of homes.

1. **Resolution No. 2015-27 Granting Final Plat Approval for the Enclave at Brockton 5<sup>th</sup> Addition**

*Moved by Martin, seconded by Anderson, to adopt Resolution No. 2015-27 Granting Final Plat Approval for the Enclave at Brockton 5<sup>th</sup> Addition. Motion passed unanimously.*

2. **Resolution No. 2015-28 Vacating Certain Drainage and Utility Easements on Property being platted as the Enclave at Brockton 5<sup>th</sup> Addition and also on Certain Lots within the Enclave at Brockton 4<sup>th</sup> Addition**

*Moved by Martin, seconded by Anderson, to adopt Resolution No. 2015-28 Vacating Certain Drainage and Utility Easements on Property being platted as the Enclave at Brockton 5<sup>th</sup> Addition and also on Certain Lots within the Enclave at Brockton 4<sup>th</sup> Addition. Motion passed unanimously.*

3. **Development Agreement by and between the City of Medina and U.S. Home Corporation for the Enclave at Brockton 5<sup>th</sup> Addition**

*Moved by Martin, seconded by Anderson, to approve the Development Agreement by and between the City of Medina and U.S. Home Corporation for the Enclave at Brockton 5<sup>th</sup> Addition. Motion passed unanimously.*

**IX. CITY ADMINISTRATOR REPORT**

**A. Business Forum (7:37 p.m.)**

Johnson reported the business forum will take place on April 23, 2015 at 8:00 a.m. and advised that a motion would be required to call for the special meeting.

*Moved by Martin, seconded by Anderson, to call for a special Council meeting on April 23, 2015 at 8:00 a.m. to hold the business forum at the Medina Public Works and Police facility. Motion passed unanimously.*

**B. Update on Tower Drive Project (7:38 p.m.)**

Kellogg stated that staff is nearing the home stretch as plans and specifications are being developed for the reconstruction of Tower Drive. He advised that bid opening will occur the following week on March 25<sup>th</sup>. He noted that the next steps would be to hold an assessment hearing and award the bid for the project. He proposed to advertise for the assessment hearing on April 2<sup>nd</sup> for the April 21<sup>st</sup> Council meeting. He stated that staff would like to mail assessment notices and an invitation for a neighborhood meeting on April 3<sup>rd</sup>. He advised that the neighborhood meeting would be held on April 14<sup>th</sup>.

Batty stated that this route would advertise for the hearing before the Council actually calls for the hearing.

Kellogg confirmed that the Council was comfortable with the proposed schedule.

**C. Independence Beach Project (7:43 p.m.)**

Scherer reported that he would be holding a public meeting the following night to discuss the Independence Beach overlay project.

**X. MAYOR & CITY COUNCIL REPORTS (7:46 p.m.)**

Anderson reported that he attended the Planning Commission meeting the previous week.

Martin stated that she believed the Metropolitan (Met) Council was going to make some amendments to their rules regarding affordable housing.

Batty stated that another city he represents has been provided updated information from the Met Council.

Cousineau stated that it was her understanding that the cities that were on notice have received the updated information.

Pederson stated that he and Johnson attended the Uptown Hamel meeting earlier in the day and received a great presentation from the Superintendent of the Wayzata School District. He stated that the Superintendent was confident that the District could support any number of students from Medina. He asked to call a special work session for April 7<sup>th</sup> at 6:00 p.m. to discuss the fire contracts between Hamel and Loretto Fire Departments.

*Moved by Anderson, seconded by Cousineau, to call for a special Worksession meeting to discuss the Hamel and Loretto Fire Departments on April 7<sup>th</sup> at 5:00 p.m. **Motion passed unanimously.***

**XI. APPROVAL TO PAY THE BILLS (7:51 p.m.)**

*Moved by Anderson, seconded by Cousineau, to approve the bills, EFT 003048E-003068E for \$61,176.33, order check numbers 42575-42631 for \$409,419.95, and payroll EFT 506266-506296 for \$48,914.60. **Motion passed unanimously.***

**XII. ADJOURN**

*Moved by Anderson, seconded by Cousineau, to adjourn the meeting at 7:52 p.m. **Motion passed unanimously.***

\_\_\_\_\_  
Jeff Pederson, Acting Mayor

Attest:

\_\_\_\_\_  
Scott Johnson, City Administrator