

## **MEDINA CITY COUNCIL MEETING MINUTES OF MAY 7, 2013**

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

### **I. ROLL CALL**

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

**Members absent:** None.

**Also present:** City Attorney Ron Batty, City Engineer Tom Kellogg, Planner Dusty Finke, Public Works Superintendent Steve Scherer, City Administrator Scott Johnson, Police Chief Ed Belland, and Recording Secretary Amanda Staple.

### **II. PLEDGE OF ALLEGIANCE & CEREMONIAL MATTERS**

#### **A. Oath of Office for Mayor Elizabeth Weir**

Johnson administered the oath of office to Mayor Elizabeth Weir.

#### **B. Oath of Office for Councilmember Kathleen Martin**

Johnson administered the oath of office to new Councilmember Kathleen Martin.

### **III. ADDITIONS TO THE AGENDA**

Johnson asked to add an item under New Business, D, Public Hearing Creating a Stormwater Taxing District for the Fields of Medina.

*The agenda was accepted as amended.*

### **IV. APPROVAL OF MINUTES**

#### **A. Approval of the April 16, 2013 Special City Council Meeting Minutes**

*Moved by Pederson, seconded by Martinson, to approve the April 16, 2013 special City Council meeting minutes as presented. **Motion passed unanimously.***

#### **B. Approval of the April 16, 2013 Regular City Council Meeting Minutes**

It was noted on page three, line 16, it should state, "...~~mute~~ moot..." On page six, line 26, it should state, "...also paving on ~~Willow~~ Chippewa..." On page seven, line 43, it should state, "...Prevention..." On page seven, line 45, the following sentence should be deleted, "~~He also did not believe that the consultant should be thrown under the bus and then in the next sentence placed in the position to make the decisions.~~" On page nine, line 45, it should state, "...dissolution of the Hamel department..." On page 13, line 48, it should state, "...and wanted to ensure that avoid too long of a timeline as that would cause frustration with the Loretto..."

*Moved by Anderson, seconded by Pederson, to approve the April 16, 2013 regular City Council meeting minutes as amended. **Motion passed unanimously.***

V. CONSENT AGENDA

- A. Appoint Betty Goodman as the Alternate Lake Minnetonka Cable Commission (LMCC) Member
- B. Approve Raffle Permit to Minnesota Utility Contractors Association at 2935 Parkview Drive on June 18, 2013
- C. ~~Approve Withdrawal Letter from the Lake Minnetonka Cable Commission (LMCC)~~
- D. Approve National Insurance Services Insurance Trust Joinder Agreement for Long-term Disability Insurance
- E. Approve Sewer Access Agreement with Money Tree Holdings LLC
- F. Resolution No. 2013-27 Approving Proposed Transfers, Loans, and Uses of Fund Reserves
- G. Resolution No. 2013-28 Accepting Donation from Thomas M. Crosby, Jr.
- H. Resolution No. 2013-29 in Support of Statewide Transportation Funding for Cities
- I. Schedule Concurrent Meeting with the Park Commission for the Park Tour on May 15, 2013 at 5:30 p.m.
- J. Ordinance No. 548 Adopting an Amended Fee Schedule

Weir requested to pull Item C, Approve Withdrawal Letter from the Lake Minnetonka Cable Commission (LMCC), for further discussion.

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

C. Approve Withdrawal Letter from the Lake Minnetonka Cable Commission (LMCC)

Weir stated that she believed the letter contained a strident tone that she did not feel necessary. She felt that the letter read better and more professionally without the underlining and italics. She suggested one minor change to the language.

*Moved by Anderson, seconded by Martinson, to approve the withdrawal letter from the Lake Minnetonka Cable Commission (LMCC) as revised. Motion passed unanimously.*

VI. COMMENTS

A. Comments from Citizens on Items not on the Agenda

There were none.

B. Park Commission

Commissioner Olkon stated that the Park Commission will soon meet jointly with the City Council and Planning Commission to tour six city parks. He stated that the majority of the last meeting was spent discussing the Toll Brothers development and whether to accept cash or land in terms of park dedication, noting that the Commission is recommending cash. He noted that there was also a review of the Park and Trails Master Plan.

Weir confirmed that the Park Tour would be held the following Wednesday at 5:30 p.m.

**C. Planning Commission**

Finke reported that the Commission would meet the following week to hold four public hearings for different variance requests, noting that two of the items had been continued from the previous meeting.

**VII. PRESENTATION**

**A. Presentation on Childhood Obesity from Medina Resident Amogh Kulkarni, Greenwood Elementary, for Destination Imagination Project Outreach**

Weir stated that she has been contacted by Amogh Kulkarni, whose fourth grade group will be going to the global competitions for Destination Imagination Project.

Amogh Kulkarni thanked the City Council for their time tonight to make this presentation. He stated that his group will present their project regarding childhood obesity at the global finals for the Destination Imagination Project. The children in the group provided additional information on healthy eating habits for children and their outreach efforts.

**B. Resolution No. 2013-30 Recognizing Sergeant Jason Nelson for Exemplary Service to the Medina Police Department as He Filled the Position of Acting Police Chief for 10 Weeks While the Chief Attended the FBI National Academy**

Weir reported that Sergeant Jason Nelson filled the position of Belland while he was away for 10 weeks at the FBI National Academy and commended him for his efforts. She read the Resolution recognizing Sergeant Nelson for his efforts.

*Moved by Martin, seconded by Anderson, to approve Resolution No. 2013-30 recognizing Jason Nelson's exemplary service to the Medina Police Department. **Motion passed unanimously.***

Weir presented the Resolution to Sergeant Nelson and thanked him for his service.

Belland stated that he owes Nelson a personal thank you for all of the items he was able to coordinate during this busy spring time. He advised that Nelson has also taken the lead on the building plans for the new police facility. He stated that he enjoys working with Nelson and believes he is valuable to the City.

**C. Resolution No. 2013-31 Recognizing Debra Peterson for Five Years of Service to the City of Medina**

Weir read the Resolution recognizing Debra Peterson for five years of service to the City as an Assistant Planner.

*Moved by Anderson, seconded by Martinson, to approve Resolution No. 2013-31 recognizing Debra Peterson for Five Years of Service. **Motion passed unanimously.***

Weir presented the Resolution to Debra Peterson and thanked her for her service.

Finke stated that Debra Peterson has a unique position in the wide range of duties she performs and thanked her for her service.

**D. Resolution No. 2013-32 Recognizing and Honoring Mayor Thomas M. Crosby, Jr. for Dedicated Service to the City of Medina**

Weir read the Resolution recognizing and honoring Mayor Thomas M. Crosby, Jr. for his dedicated service to the city of Medina. She reviewed his tenure with the City on advisory Boards and Commissions and then onto the City Council and as Mayor. She recognized his many achievements throughout the years and thanked him for his dedication.

Mayor Crosby expressed regret that he had to step down but stated that due to his health the decision was made.

*Moved by Anderson, seconded by Martinson, to approve Resolution No. 2013-32 Recognizing and Honoring Mayor Thomas M. Crosby, Jr. for Dedicated Service to the City of Medina. **Motion passed unanimously.***

**E. Steve McDonald, Abdo, Eick, and Meyer – 2012 Annual Financial Report**

Steve McDonald presented the 2012 Annual Financial Report, noting that the City has earned a clean opinion with no findings. He recognized the size of the City and how rare it is for a city of this size to not have any financial findings. He briefly reviewed the highlights of the Report and the changes with GASB67. He commented on the ease of the process and believed that the use of Joe Rigdon on the financial team assists in that process.

*Moved by Martinson, seconded by Pederson, to accept the 2012 Annual Financial Report. **Motion passed unanimously.***

**VIII. NEW BUSINESS**

**A. The Enclave at Brockton 3<sup>rd</sup> Addition**

Finke presented a request for Final Plat approval for The Enclave at Brockton 3<sup>rd</sup> Addition, noting that the Council adopted Resolution 2012-36 on July 17, 2012, which granted Preliminary Plat approval. He noted that the construction plans were slightly different from the approved Preliminary Plat to shift sidewalks to the outside of Cypress Circle North loop as requested by staff. He advised that staff believes that the conditions have either been met or have continued from the Preliminary Plat and recommends approval of the Resolution as amended by staff today to correct the legal description of the property.

**1. Resolution No. 2013-33 Granting Final Plat Approval for The Enclave at Brockton 3<sup>rd</sup> Addition**

*Moved by Martinson, seconded by Pederson, to approve Resolution No. 2013-33 Granting Final Plat Approval of the Enclave at Brockton 3<sup>rd</sup> Addition, as amended by staff. **Motion passed unanimously.***

Weir stated that she is interested in having the Council review future management of stormwater ponds at an upcoming meeting. She stated that she would like to work with staff to develop a policy, which requires regular reporting from the Homeowners Associations that are responsible for the management of the stormwater ponds. She believed that if appropriate management does not occur, the City could complete that action and charge the associations.

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

*Moved by Anderson, seconded by Martinson, to approve the Development Agreement by and between the City of Medina and U.S. Home Corporation for the Enclave at Brockton 3<sup>rd</sup> Addition. **Motion passed unanimously.***

**B. Reserve of Medina – Toll Brothers – Preliminary Plat and Rezoning – 126 lots – East of CR 116, South of Hackamore**

Pederson recused himself from the discussion because of the proximity of the project to his home.

Finke summarized the proposed project site for a proposed 126 single-family homes with one lot to be used for a private pool. He explained that the requests include a rezoning of the property to R1, the Preliminary Plat request, as well as a request for a driveway setback waiver. He explained that the applicant is requesting side load garages and noted that the proposed dimensions would allow the construction of side loading garages. He advised that the Planning Commission did discuss the inclusion of additional language in the Ordinance which would allow for the dimensions proposed to be used for side loading garages, and although he believed that the Planning Commission was ultimately in favor of the item the change was not yet made and explained that the driveway setback waiver would allow this development to continue. He stated that staff would recommend that future phases be spaced differently in order to line up developments. He advised that the City did review a Concept Plan the previous fall and noted that most of the comments received at that time were incorporated into the Preliminary Plat request. He referenced the southeast corner of the site, which is wetland and will be considered open space. He explained that staff and the Planning Commission recommend the City accept that land as public open space in order for the applicant to remove that portion from their density calculations. He continued to review the requests including wetlands and floodplains, transportation and streets, stormwater and utilities, and tree preservation and landscaping; noting any items of note or additional conditions recommended in the staff report. He stated that staff does recommend approval of the request as presented in the staff report.

Anderson stated that he has serious reservations with the recommendation from the Park Commission as he believed that there should be a park within the development. He stated that there are a lot of great parks in Medina but not within this area of the city. He recognized the amount of money that would be obtained through park dedication but believed a park would be priceless.

Weir noted that there would be an open space area within the development.

Martinson commented on the discussion from the Park Commission meetings and believed that this development is about one half mile from another park.

Finke provided additional information on the Concept Plan, which was reviewed and noted that although this development falls outside of the half-mile radius, the feedback from the Council and Commission at the previous review was not to require parkland. He noted that if you were to take four or five acres from the site to create a park the site would need to be reconfigured.

Weir referenced discussion from a previous Commission meeting where it was found to be acceptable for outlot C to become an open space area where a ball could be thrown around.

Martin referenced lot 12, which will be used to create a pool and tot lot.

Anderson stated that he spoke with the Planning Commission and believes that the City is at a loss for parks within PUDs. He believed that going forward thought should be placed into parks within PUDs.

Weir noted that additional land could be taken from the “tuning fork” area when that portion develops but did not think that it would be appropriate to ask the developer to change the direction this late in the game when conflicting direction had been given.

Martin referenced outlot F, with one wetland identified and questioned if that would be a stormwater pond or whether it would be wet when draining and dry in other times. She reviewed the other outlots identified and confirmed their purposes. She asked other green space where children could gather and play.

Matt Duenwald, engineer for the project, noted that Outlot F will be the biggest stormwater pond. He stated that the development is already at the lowest density allowed to meet the City code. He noted that outlot C and the tot lot would be provided for children to play. He also discussed the proposed grading for outlot C.

Martinson stated that there is a great park on the west side of CR 116 and questioned if it would be able to install an elevated walkway across the roadway to allow children to cross.

Duenwald stated that would be a challenge with Hennepin County.

Jim Helper, Toll Brothers, noted that it is a bit late in the game for that type of request and explained that the cost would be into the millions.

Weir noted that there is a wonderful wild area for kids to play and use their imaginations. She also noted the possibility of expanding outlot C in the future when the other property develops.

Helper confirmed that he would be meeting with that landowner the following day to continue discussions.

Weir agreed that open space and parks could be included more assertively on future PUDs.

Martin agreed that should remain a focus in the future.

Weir confirmed that staff would keep an eye out regarding drainage issues on the site that could affect the neighboring development.

Jill Voltin, 630 Shawnee Woods Road, referenced the wooded area that was referenced as a play area for children and noted that the area goes into a large pond and is not safe for children to play. She questioned how the wooded area would be bordered from her property.

Weir stated that the applicant could be asked to install a fence along that area.

Helper stated that he would consider that.

*Moved by Martin, seconded by Martinson, to direct staff to prepare a resolution of approval with the discussed terms and conditions to rezoning request for the Reserve of Medina. **Motion passed unanimously.***

*Moved by Martin, seconded by Anderson, to direct staff to prepare a resolution of approval for the Preliminary Plat request from Toll Brothers. **Motion passed unanimously.***

*Moved by Martinson, seconded by Anderson, to direct staff to include the driveway setback waiver in the Preliminary Plat Resolution of approval. **Motion passed unanimously.***

**C. Resolution Amending 2013 Appointments and Designations to Various City Services, Authorities, Commissions, and Agencies**

Johnson presented the Resolution for the appointments, which had been updated due to the changes made recently to the City Council and Mayor Positions.

Weir called for nominations for the Acting Mayor position.

*Moved by Martinson, seconded by Anderson, to nominate Anderson for the position of Acting Mayor.*

*Moved by Pederson, seconded by Martin, to nominate Pederson for the position of Acting Mayor.*

Johnson completed a ballot vote and the results were 4-1 in favor of Anderson for the position.

Weir reviewed the other proposed appointments.

Batty noted that Martin would still need to formally resign from the Planning Commission before a vacancy would be created on that Commission.

Weir suggested delaying action on this item until Martin has formally resigned from the Planning Commission but noted that Weir would not be present at the next meeting and advised that the Acting Mayor position should be voted on tonight.

*Moved by Martinson, seconded by Anderson, to approve appointing John Anderson as the Acting Mayor for 2013. **Motion passed unanimously.***

**D. Public Hearing Creating a Stormwater Taxing District for the Fields of Medina**

Finke noted that this item had been noticed for the public but advised that the Ordinance was not included in the Council packet. He suggested that the public hearing be opened with the intention of continuing the hearing at the next Council meeting.

Weir opened the public hearing at 8:55 p.m.

Weir advised that the public hearing would be left open to continue at the next meeting.

Weir briefly recessed the meeting at 8:57 p.m.

Weir reconvened the meeting at 9:01 p.m.

## **IX. CITY ADMINISTRATOR REPORT**

### **A. Discuss Administrative Permit for an Outdoor Concert at the Medina Entertainment Center**

Johnson reported that he has received a special event permit from the Medina Entertainment Center to hold an outdoor concert on June 16, 2013. He noted that the venue expects around 3,000 people to attend. He advised that staff reviewed and approved the administrative permit request with the conditions listed in the staff report.

Belland reported that the Medina Entertainment Center has applied for an administrative permit for an outdoor concert to occur on June 16<sup>th</sup>, with 3,000 attendees expected. He stated that the business did hold a similar event in 1998. He stated that his concern was with the noise and the possible disruption to neighboring properties. He discussed the proposed layout for the event. He stated that similar hours are allowed for the Hamel Rodeo, which actually takes place over three days, and noted that although there are a few noise complaints. He stated that if there are numerous noise complaints the band will be asked to turn down the music, which has been done at the Hamel Rodeo. He noted that the special conditions have been included on the permit and just wanted to brief the Council on the event.

Anderson confirmed that the Medina Entertainment Center would pay for the three Medina police officers that will attend the event.

Pederson confirmed that there is a special event fee.

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

Weir advised of a meeting she attended with Johnson at St. Anne's regarding the possibility of senior housing on church owned property.

Pederson stated that he attended the preconstruction meeting with staff for the new public works and police building and provided a brief update. He noted that he also attended a meeting with Weir for the Highway 55 Coalition.

Martinson stated that the previous week she attended the water quality conference at the Independence City Hall and provided a brief update.

Weir referenced communications between the Council and staff and noted that Johnson should always be copied on communications. She noted that going forward there will only be one liaison to each department, explaining that way if she would like to attend a meeting it will not create a quorum. She also provided direction for the other members of the Council. She stated that one of the strengths Medina has had is that the Council has been civil even in times of disagreement and asked for that to continue. She thanked everyone for their support and the efforts they bring to the Council.

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



*Moved by Pederson, seconded by Anderson, to approve the bills, EFT 002082E-002095E for \$38,288.96 and order check numbers 039614-039666 for \$296,114.93 and payroll EFT 504911-504935 for \$42,993.10. **Motion passed unanimously.***

**XII. ADJOURN**

*Moved by Anderson, seconded by Martinson, to adjourn the meeting at 9:15 p.m. **Motion passed unanimously.***

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Elizabeth Weir, Mayor

Attest:

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Scott Johnson, City Administrator