

MEDINA CITY COUNCIL MEETING MINUTES OF MAY 17, 2011

The City Council of Medina, Minnesota met in regular session on May 17, 2011 at 7:00 p.m. in the City Hall Chambers. Mayor Crosby presided.

I. ROLL CALL

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

Members absent: Weir

Also present: City Attorney Ron Batty, City Engineer Tom Kellogg, Planner Dusty Finke, Public Works Superintendent Steve Scherer, City Administrator Chad Adams, Finance Director Jeanne Day, Planning Consultant Nate Sparks, Chief of Police Ed Belland, and Recording Secretary Amanda Staple.

II. PLEDGE OF ALLEGIANCE

III. ADDITIONS TO THE AGENDA

The agenda was approved as presented.

IV. APPROVAL OF MINUTES

A. Approval of the May 3, 2011 Special City Council Meeting Minutes

*Moved by Pederson, seconded by Martinson, to approve the May 3, 2011 special City Council meeting minutes as presented. **Motion passed unanimously.***

B. Approval of the May 3, 2011 Regular City Council Meeting Minutes

It was noted on page five, line 43, it should state, "~~He was unsure of the naming of Meander Road~~ questioned the appropriateness of the name Meander Road and suggested it might be reconsidered." On page seven, line 9, it should state, "...at this time for the entire 90 acre tract, the land designation is being agreed upon by the other two parcel owners as well, locking into this type of development for the 90 acres." On page seven, line 22, it should state, "...State highway planning...." On page 12, line 27, it should state, "...Minnesota Cities for service to the League Board and League Foundation Board and noted..."

*Moved by Martinson, seconded by Pederson, to approve the May 3, 2011 regular City Council meeting minutes as amended. **Motion passed unanimously.***

C. Approval of the May 11, 2011 Special City Council Meeting Minutes

*Moved by Siitari, seconded by Pederson, to approve the May 11, 2011 special City Council meeting minutes as presented. **Motion passed unanimously.***

V. CONSENT AGENDA

A. Appoint Jeanne Day as Interim Deputy Clerk through June 28, 2011

B. Resolution Recognizing Volunteers for Medina's Annual Clean-Up Day

- C. **Resolution Approving a Conditional Use Permit for Thomas and Jillene Kingstedt to Operate a Dog Daycare Boarding and Grooming Facility at 810 Tower Drive**
- D. **Resolution Approving Variances to Janet White for Property Located at 4642 Brook Street**

*Moved by Pederson, seconded by Siitari, 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

Park Commissioner White advised that the Annual Park Tour was held on Saturday, May 14th and thanked the members of the Council who attended the event. She noted that the Eagle Scout who will be building benches for the Medina Lake Preserve Park also attended the event to determine bench locations. She advised that the Park Commission would discuss the park tour at the June meeting, as the May meeting had been canceled due to lack of agenda items.

C. Planning Commission

Planning Commissioner Williams provided an update on the May 10th meeting. He advised that the stormwater management plan had been discussed and a draft composed by staff was reviewed.

VII. OLD BUSINESS

A. Resolution Approving a Mixed Use Stage I Plan for the Pentom Land Company

Crosby advised that this item had been discussed at the previous meeting and provided background information regarding the proposed development for the 90 acre parcel.

Sparks summarized the items discussed at the previous meeting and noted that the applicant had revised the plan since that time to meet the requests of the Council, and summarized those changes. He noted that staff had drafted a list of comments and conditions of approval, which would be included in the resolution for approval.

Pederson questioned if the only access point would be 116.

Sparks noted that a traffic study is required as a condition of approval, but confirmed that would be the only access point for Stage I.

Crosby advised that this is simply a concept plan approval at this point and explained the City process.

Bill Ciora, 915 Sunset Court, stated that he was still concerned with the language, "...to explore trail connections through Foxberry Farms..."

Adams advised that the language states, "to explore options for connection" and noted that nothing was certain.

Dave Nash, EVS, spoke in representation of the applicant. He stated that the flood plain was added to the revised plan. He explained that when the 6.1 acres of land is dedicated for park it will cover the entire park dedication for the Jubert property.

*Moved by Pederson, seconded by Martinson, to approve the resolution approving a mixed-use stage I plan for the Pentom Company. **Motion passed unanimously.***

VIII. NEW BUSINESS

A. Lennar – The Enclave at Medina

Sparks reviewed the items needed for approval tonight and explained that review of the final plat ensures that all the conditions of the preliminary plat had been met and addressed. He advised that this development would be staged and noted that the first Addition final plat contained 24 R-2 single-family lots and 5 R-3 townhome units, as well as other items such as storm ponds and streets. He advised that these items did match those in the preliminary plat. He reviewed the future phases of the project and provided a description of the development which would occur during each phase. He reviewed the other issues for the development which included the dedication of trail easements, temporary cul-de-sacs, tree replacement escrow, wetland permit for replacement, development agreement, and the stormwater taxing district. He summarized the conditions of approval which had been associated with the preliminary plat and confirmed that the items are included in the development agreement.

Michael Fine, 550 Navajo Road, requested clarification on the process that would occur should approval occur tonight.

Crosby explained that if the actions before the Council are approved tonight and signed by the developer, the plat would be signed and the developer would have 60 days to file the plat. He advised that once the plat is filed, the developer could begin with Phase I of the development. He confirmed that in order to continue with a future phase, the developer would need to request approval of another final plat.

Fine asked that the developer explain an estimated timeframe for the future phases of the project. He also questioned the obligation of Lennar to construct the berm.

Crosby estimated that the berm would occur with grading of the site.

Finke explained that because of the number of ponds, there will be an excess amount of dirt and a number of berms would be constructed with Phase I or prior to that. He noted that additional landscaping would occur with each phase or addition.

Fine questioned if Lennar has requirements for the remaining portion of their property, such as mowing.

Crosby explained that the plat would be filed for the entire property and outlots would be formed which would be developed in the future.

Finke advised that erosion control would be provided through seeding and grading and noted that the City also possesses mowing and weed control ordinances.

Fine noted that he had concern over what will occur with Outlot M. He stated that he was also concerned that the City may have compromised values to meet density requirements of the Met Council.

Crosby explained that the final plat should match the preliminary plat and noted that should substantial changes be proposed in the future, there would be a chance to review that request.

Batty explained that designation of an outlot simply identifies the parcel, but confirmed that Outlot M is not included in the MUSA.

Carole Toohey, Lennar, stated that the preliminary plat proposed 4 or 5 phases and noted that the timing would be solely based on the market. She explained the preferred timing would be one phase per year, but again noted the timing would depend on the market. She addressed the berms and noted that construction would take place over time.

Fine commended Toohey for the process for the construction of the berm. He questioned if the City could require Lennar to complete the berming now rather than later to encourage growth.

Toohey stated that she was unsure how much of the berm would be graded during Phase I. She noted that the berms would actually be constructed during Phases II and III, and only grading would occur because of the displaced dirt.

Crosby asked that the developer consider the request to construct and landscape the berms sooner.

Toohey confirmed that Lennar would investigate that option.

1. Wetland Replacement Plan Application

*Moved by Siitari, seconded by Pederson, to approve the wetland replacement plan application. **Motion passed unanimously.***

2. Resolution Approving a Final Plat for the Enclave at Medina

*Moved by Pederson, seconded by Siitari, to approve the resolution approving a final plat for "The Enclave at Medina." **Motion passed unanimously.***

3. Development Agreement By and Between the City of Medina and U.S. Home Corporation, the Harriet V. Holasek Limited Partnership and Holasek Family Limited Partnership

*Moved by Siitari, seconded by Pederson, to approve the development agreement By and Between the City of Medina and U.S. Home Corporation, the Harriet V. Holasek Limited Partnership and Holasek Family Limited Partnership. **Motion passed unanimously.***

4. Ordinance Establishing a Storm Sewer Improvement Tax District

Crosby opened the public hearing at 8:04 p.m.

Finke explained that the development agreement states that the homeowners association (HOA) will maintain the storm sewer for this area. He explained that should the HOA fail to maintain the system, this would allow for the City to assess the improvements to the specific area.

Batty explained that the City has followed this process before but has never had to assess for improvements through a special taxing district such as this. He explained that this process ensures protection for storm water improvements.

*Moved by Pederson, seconded by Siitari, to close the public hearing at 8:06 p.m.
Motion passed unanimously.*

*Moved by Siitari, seconded by Pederson, to approve the ordinance establishing a storm sewer improvement tax district. **Motion passed unanimously.***

5. Resolution to Publish the Ordinance by Title and Summary

*Moved by Martinson, seconded by Siitari, to approve the resolution to publish the ordinance by title and summary. **Motion passed unanimously.***

Crosby thanked the Holasek family for their patience in this process and welcomed Lennar to the City.

B. Elizabeth Ringer – 1700 Deerhill Road

Finke presented an application which included numerous requests, including a lot combination, a Comprehensive Plan amendment, and rezoning of the parcels. He provided background information on the request which was first discussed the previous year and noted that the Comprehensive Plan amendment had been conditionally approved at that time. He displayed an aerial picture of the properties and highlighted the lots which would be combined.

Crosby disclosed that his family owns the property directly to the north of this property. He noted that the property owned by his family is zoned Agricultural Preservation.

Finke reviewed an analysis of ordinance compliance for the property and noted that while some existing non-conformities related to the accessory structures would be corrected, others would remain. He noted that staff would recommend the usual easements around the perimeter of the lot and also over wetlands on the property. Finke discussed the possibility of requiring a small amount of right-of-way on the northeast corner of the property to allow Deerhill Road to curve to the north. Although substantial development to the north did not seem likely, this right-of-way would allow better access. He noted that staff did not include the additional right-of-way as a condition of approval at this time.

Crosby stated that he believed it would be virtually impossible to connect this portion of Deerhill Road to the other side because of the lake and State property located in that area. Finke noted that the intent would not be to continue Deerhill Road in a straight line, but rather allow adequate access for the property to the north. Crosby believed that half of a cul-de-sac should be taken as right-of-way if the property should ever develop.

Finke provided the review criteria for sub-divisions and lot combinations. He noted that staff recommends approval of the lot combination subject to the conditions noted in the

Council packet, and also reviewed the other actions which would be required for approval.

1. **Resolution Granting Approval of a Lot Combination to Elizabeth Ringer for Property at 1700 Deerhill Road**

*Moved by Pederson, seconded by Siitari, to approve the resolution granting approval of a lot combination to Elizabeth Ringer for property located at 1700 Deerhill Road with the additional condition that right-of-way be given at the NE corner of the property. **Motion passed unanimously.***

2. **Resolution Adopting a Comprehensive Plan Amendment Regarding the Future Land Use of 1700 Deerhill Road**

*Moved by Siitari, seconded by Pederson, to approve a resolution adopting a Comprehensive Plan amendment regarding the future land use of 1700 Deerhill Road. **Motion passed unanimously.***

3. **Ordinance Rezoning 1700 Deerhill Road to the Agricultural Preservation (AP) Zoning District**

*Moved by Martinson, seconded by Pederson, to approve an ordinance rezoning 1700 Deerhill Road to the Agricultural Preservation zoning district. **Motion passed unanimously.***

C. Hamel Library Relocation

Scherer stated that at the Park Tour the previous Saturday staff found a location for the Hamel Library. He displayed an aerial photo of the location and explained why the other proposed locations did not fit for the library. He explained that the library would fit nicely in the proposed location and advised of the other aspects which would be completed, such as seeding and a walkway.

Crosby stated that he did not believe permanence to this site should be given, as this building could be easily moved. He advised that the City would reserve the right to relocate the library in the future.

Pederson stated that the Uptown Hamel Association would not be in favor of that language as they feel the library is a fragile building. He explained that the need to move the library is not immediate and would not be until that parcel is sold.

Adams advised that the action would simply designate that portion of the parking lot as a future location for the library.

Batty advised that he had drafted similar language for a cabin issue previously and noted that similar language could be included for this matter.

*Moved by Pederson, seconded by Martinson, to designate the SW corner of the City's new parking lot as a future location for the Hamel Library, with the expectation that a future operating covenant be included when the building is moved. **Motion passed unanimously.***

D. Contract Appointing Interim City Administrator

Adams noted that a contract had been drafted and Batty had also contributed to the document.

Batty advised that Doug Reeder would be identified as a temporary employee and explained the contract further.

Crosby confirmed that Doug Reeder would begin tentatively on May 20th.

Adams confirmed that Reeder would join him for three days during that week to begin work and transition into the position.

*Moved by Siitari, seconded by Martinson, to approve the contract appointing Doug Reeder as Interim City Administrator. **Motion passed unanimously.***

E. Request for Proposal – Construction Management Services for Public Works.

Adams stated that this proposal was modeled after a neighboring community which also recently submitted a request for these services. He explained the responsibilities which would be handled by this position. He reported that bids should be submitted by 3:00 p.m. on May 20th and would then be reviewed by staff. He estimated that final appointment would occur tentatively on June 2nd. He stated that this timeframe would be compressed, but explained that it is necessary to stay on timeline for the project to occur this fall. He confirmed that companies have been contacting the City regarding this work for two years and explained how the proposals would be solicited and advertised.

Crosby expressed concern over the probability for the project to move forward and what the City would be committing to fund wise should the project not move forward. He stated that some residents of Medina believe the Police department and other City functions should be located in this facility. He noted that this proposal would only discuss the Public Works Facility. He questioned where the wash down area would be located, as the document stated two locations.

Scherer advised that the Hennepin County site would be used for wash downs and advised that the other wash down area would be used on site.

Crosby questioned whether the construction manager would be needed on site full-time and preferred the language be stated that the construction manager be on site as needed. He also asked that quality control requirements be added to the language and identified other areas of the contract which he believed should include additional language.

*Moved by Martinson, seconded by Siitari, to approve the RFP for Construction Management Services to the Public Works Facility as amended and to direct staff to solicit proposals. **Motion passed unanimously.***

F. Request for Proposal – Water Resource Services

Adams advised that this service had been discussed during April and noted that funding is available to assist with Watersheds.

Crosby commended Weir for her assistance in this area. He hoped that some of the costs could be shared with neighboring communities.

*Moved by Siitari, seconded by Martinson, to approve the RFP for Water Resource Services and to direct staff to solicit proposals. **Motion passed unanimously.***

IX. CITY ADMINISTRATOR REPORT

A. Temporary Outdoor Sales Regulations

Adams stated that in order to make a minor change there would be time and financial commitments to the City. He stated that if the issue is not found to be pressing it could be pushed back until a time when the entire ordinance could be reviewed and other items would not have to be delayed. He confirmed that a temporary solution had been determined for the business in question.

Crosby agreed that this item could be pushed back until timing is better.

B. Medina Celebration Day Event Planning

Adams advised that the City is short on funding for fireworks and noted that an additional \$3,000 to \$4,000 would need to be obtained for fireworks. He advised that the event could continue without the fireworks but advised against doing so. He advised that an organization separate from the City would begin to solicit funding for the event and fireworks in the next month and noted that staff could provide an update in the future.

Siitari questioned why the cost for fireworks was not included in the budget.

Adams advised that the Council had determined that fireworks should not be paid for with taxpayer funds and should be donated.

Crosby questioned the total cost of the event.

Adams advised that the total cost for the event is \$5,000 to \$6,000, including approximately \$4,000 for fireworks.

Pederson confirmed that he could bring the issue forward at the Uptown Hamel Association meeting to attempt to obtain donations.

Crosby stated that he could draft a letter asking for donations for the event.

Adams advised that the City staff and Council cannot directly ask for funding for a City event. He explained that is why a committee is formed for the event.

C. Economic Development Program

Adams advised that staff drafted an Economic Development Fee Deferral Program and explained that this would allow for costs to businesses for development, such as water and sewer, to be spread over three years. He confirmed that this would only apply to businesses and noted that affordable housing would possess its own program which would be drafted later this year.

*Moved by Pederson, seconded by Martinson, to approve the Economic Development Fee Deferral Program. **Motion passed unanimously.***

D. Other Items

Adams provided an update on staff projects and focus for the remainder of the year. He noted that improvements to the budget process would most likely occur the next year as the City Administrator would be heavily involved in that process. He thanked the Council and City staff for their support and patience in the eight years he has been with the City. He stated that he would miss the staff and wished the City the best.

Crosby advised that an application had been submitted on behalf of Adams for the C.C. Ludwig Leadership Award. He commented that since Adams accepted the position with Albert Lea he has continued to work hard for Medina.

Crosby briefly recessed the meeting at 8:58 p.m.

Crosby reconvened the meeting at 9:02 p.m.

Crosby referenced the conversation held at tonight's earlier work session regarding employee benefits and salaries. He questioned whether the City should follow neighboring cities into a cafeteria plan. He believed that this item should be handled by the Interim City Administrator and brought back to the Council for further discussion. The Council agreed with that direction.

Martinson suggested that the Council direct staff to prepare the recommendations in regard to COLA.

Crosby stated that he would be in favor of that item, but wanted to ensure that there was an understanding that the COLA could affect the budget process for 2012.

*Moved by Martinson, seconded by Siitari, to direct staff to prepare a one percent COLA wage salary adjustment for action on June 21, 2011. **Motion passed unanimously.***

X. MAYOR & CITY COUNCIL REPORTS

There were none.

XI. APPROVAL TO PAY THE BILLS

*Moved by Siitari, seconded by Pederson, to approve the bills, EFT 001138-001158 for \$39,687.98 and order check numbers 036863-036916 for \$76,088.25, and payroll EFT 503495-503526 for \$46,007.29. **Motion passed unanimously.***

XII. ADJOURN

*Moved by Martinson, seconded by Siitari, to adjourn the meeting at 9:10 p.m. **Motion passed unanimously.***

T.M. Crosby, Jr., Mayor

Attest:

Chad M. Adams, City Administrator-Clerk