

MEDINA CITY COUNCIL MEETING MINUTES OF JUNE 21, 2016

The City Council of Medina, Minnesota met in regular session on June 21, 2016 at 7:00 p.m. in the City Hall Chambers. Mayor Mitchell presided.

I. ROLL CALL

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

Members absent: None.

Also present: City Administrator Scott Johnson, City Attorney Ron Batty, City Engineer Jim Stremel, City Planner Dusty Finke, City Finance Director Erin Barnhart, Public Works Director Steve Scherer, Chief of Police Ed Belland, and Recording Secretary Amanda Staple.

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 (7:00 p.m.)

A. Approval of the June 7, 2016 Regular City Council Meeting Minutes

It was noted on page three, line 16, it should state, "~~...be seen~~ result in City tax increase..." On page three, line 49, it should state, "~~...should at least~~ be limited to the losses caused by the City's negligence." On page three, line 30, it should state, "~~...compensation for to~~ the City for providing regional assistance." On page three, line 34, it should state, "~~...per year for that use~~ as a lease for a course of approximately ten years..." On page four, line 27, it should state, "~~Martins~~ Martin..." On page four, line 50, it should state, "~~...Mrs.~~ Leatherdale..." On page four, line 15, it should state, "~~...language included regarding a provision to recover...~~" On page four, line eight, "~~...on contract as contract work...~~" On page four, line 33, it should state, "~~...Comprehensive Plans of surrounding cities.~~" On page five, line two, it should state, "~~...Mrs.~~ Leatherdale..." On page six, lines 44, it should state, "~~...developed the road project is not just pavement and base and staff...~~" On page six, line 48, it should state, "~~...road itself, stormwater improvements, and turn lane improvements for from~~ Homestead Trail." On page six, line 50, it should state, "~~...storm water improvements~~ as well as grading..."

*Moved by Anderson, seconded by Cousineau, to approve the June 7, 2016 regular City Council meeting minutes as amended. **Motion passed unanimously.***

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

A. Approve Quote from Ditter for Ductless Air Conditioning System in City Council Chambers

B. Resolution No. 2016-47 Appointing Election Judges for the August 9, 2016 Primary Election and the November 8, 2016 General Election

C. Resolution No. 2016-48 Appointing Absentee Ballot Board Election Judges for the August 9, 2016 Primary Election and the November 8, 2016 General Election

- D. **Resolution No. 2016-49 Recognizing Charmane Domino for 10 Years of Service to the City of Medina**
- E. **Resolution No. 2016-50 Approving Proposed Transfers and Assignment of Fund Reserves**
- F. **Call for a Concurrent City Council/Planning Commission Workshop to Discuss the Draft Comprehensive Plan on August 3, 2016 at 5 p.m. at City Hall**
- G. **Approve Proposal for Engineering Services on Pinto Drive Quite Zone Application with TKDA**
- H. **Resolution No. 2016-51 Amending 2016 Appointments and Designations to Various City Services, Authorities, Commissions and Agencies**

Anderson commended Pederson for the excellent job he did as a public safety liaison and thanked Martin for her willingness to step up and take on that challenge.

Pederson stated that he did not feel he was making a difference and therefore chose to step down from that appointment and believes that Martin will be able to make a difference.

Johnson thanked Charmane Domino for her ten years of excellent service, noting that she was unable to attend tonight.

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

VI. COMMENTS (7:10 p.m.)

A. Comments from Citizens on Items not on the Agenda

There were none.

B. Park Commission

Scherer reported that the June meeting for the Commission has been canceled. He advised that the scoreboard was installed at Hamel Legion Park. He provided a brief update on the Fields of Medina Park and the Arrowhead Trail project. He noted that there have been some suggestions for Walnut and Maple Parks and advised that he recommended that the residents bring their suggestions to the next Park Commission meeting.

C. Planning Commission

Planning Commissioner White reported that the Planning Commission met the previous week to consider a PUD Concept Plan from the Excelsior Group, noting that the Commission felt that the plan did not meet the objectives for a PUD. She noted that the draft Comprehensive Plan has the land marked as rural residential, which will be a change from the current low density residential guiding. She stated that the Commission considered requests from Just for Kix and recommended approval of the requests, noting that the Commission felt that a little more modulation was needed on three sides of the proposed building.

VII. PRESENTATIONS

A. Call for Sale of Bonds – Refunding of 2008A G.O. Bonds – Stacie Kvilvang, Ehlers (7:13 p.m.)

Johnson noted that there is an opportunity to refinance the 2008A G.O. Bonds the City currently has from the Uptown Hamel project.

Stacie Kvilvang stated that this would be an advance refunding, which means that the City is completing this more than 90 days before the call date. She noted that the bond term would not be changing, but about \$66,000 would be saved over the course of the bond term because of the anticipated lower interest rate.

Anderson asked which fund the savings would be applied to.

Barnhart replied that the savings would be applied to the TIF District.

1. **Resolution No. 2016-52 Providing for Sale of \$1,280,000 General Obligation Refunding Bonds; Series 2016A**

*Moved by Anderson, seconded by Pederson, to adopt Resolution No. 2016-52 Providing for the Sale of \$1,280,000 General Obligation Refunding Bonds; Series 2016A. **Motion passed unanimously.***

Mitchell commented that this is excellent work by staff and Ehlers.

VIII. OLD BUSINESS

A. Deerhill Preserve (formerly Stonegate) CD-PUD Final Plat; Right-of-Way Vacation; Deerhill Road Public Improvement Project (7:15 p.m.)

Mitchell recused himself from this item.

Pederson took over as Acting Mayor.

Finke noted that this project has been discussed numerous times over the past year, noting that Preliminary Plat approval was granted in October 2015. He noted that the Final Plat was reviewed and the hearing for the vacation of right-of-way was completed by the Council on April 5th. He noted that the storm sewer hearing was held on May 17th. He stated that the applicant has requested a reduction in park dedication in recognition of the permanent protection of the conservation area, noting that flexibility is allowed under a CD-PUD. He noted that the Preliminary Plat required deeding of Outlot A, granting trail easements throughout the conservation area, and a fee of \$178,636.42. He stated that the land proposed for dedication plus \$102,000, suggested by the applicant, would equate to approximately 65 percent of the total dedication required.

Pederson asked if the reduction was talked about previously or whether it was just brought up at this point.

Finke stated that the applicant has brought this request forward to staff and the Park Commission.

Batty stated that the Council has not discussed that reduction until tonight, noting that this is the first time that the Council has been asked for less than what was specified in the Preliminary Plat. He stated that this is a complicated project with ongoing discussion, noting that this item has been a sticking point. He stated that at the time of Preliminary Plat approval the applicant stated that they would exercise their rights to appeal these fees. He noted that he felt it was important to bring closure to this project

and therefore there was discussion among staff. He stated that if there was going to be a compromise in the park dedication that should be done in a manner that would not set a bad precedent in the City. He explained that because this is a CD-PUD there is additional flexibility allowed. He noted that the City would still receive the trails and Outlot A in addition to the cash proposed and felt comfortable with that negotiation under the CD-PUD. He stated that if this issue is not resolved the developer has reserved their right to contest which would cost the developer and the City additional funds. He did not believe it would be useful to spend additional funds on lawyers for this project. He commented that there has been great progress in the relationship between the City and developer and believed that should continue as this is a multi-phase project.

Pederson stated that his understanding that the Preliminary Plat must stay the same as the Final Plat and was concerned that would be changing.

Batty stated that the terminology is a bit misleading, noting that although the conditions are set at Preliminary Plat the parties can mutually agree to change items.

1. **Resolution No. 2016-53 Granting Final Plat Approval for Deerhill Preserve**

*Moved by Martin, seconded by Anderson, to adopt Resolution No. 2016-53 Granting Final Plat Approval for Deerhill Preserve, changing condition ten to reflect \$120,000. **Motion passed unanimously.***

2. **Conservation Design – Planned Unit Development Agreement by and between the City of Medina and Property Resources Development Corporation for Deerhill Preserve**

*Moved by Martin, seconded by Anderson, to approve the Conservation Design Planned Unit Development Agreement by and between the City of Medina and Property Resources Development Corporation for Deerhill Preserve. **Motion passed unanimously.***

3. **Resolution No. 2016-54 Vacating a Portion of the Deerhill Road Right-of-Way Approximately One-Half Mile West of Willow Drive**

*Moved by Martin, seconded by Anderson, to adopt Resolution No. 2016-54 Vacating a Portion of the Deerhill Road right-of-way approximately one-half mile west of Willow Drive. **Motion passed unanimously.***

4. **Ordinance No. 599 Establishing the Deerhill Preserve Storm Sewer Improvement Tax District**

*Moved by Martin, seconded by Anderson, to adopt Ordinance No. 599 Establishing the Deerhill Preserve Storm Sewer Improvement Tax District. **Motion passed unanimously.***

5. **Resolution No. 2016-55 Authorizing Publication of Ordinance No. 599 by Title and Summary**

*Moved by Martin, seconded by Anderson, to adopt Resolution No. 2016-55 Authorizing the Publication of the Deerhill Preserve Storm Sewer Improvement Tax District Ordinance by Title and Summary. **Motion passed unanimously.***

6. **Resolution No. 2016-56 Regarding the 2015 Deerhill Road Extension Project; Accepting the Feasibility Report, Ordering the Improvement**

Project, Approving the Plans and Specifications, and Authorizing Advertisement for Bids

*Moved by Martin, seconded by Anderson, to adopt the Resolution No. 2016-56 Regarding the 2016 Deerhill Road Extension Public Improvement Project. **Motion passed unanimously.***

Mitchell rejoined the Council.

IX. NEW BUSINESS

A. Excelsior Group LLC – PUD Concept Plan Review – 2120 and 2212 Chippewa Road (7:30 p.m.)

Martin recused herself from this discussion.

Finke noted that the Council will only be asked to provide comments on the Concept Plan at this time. He stated that the subject site is 37 acres in size with approximately 31 of those acres buildable. He stated that the land is included in the 2021 staging area, with the ability to jump ahead two years which would be 2019. He stated that these properties could have previously been developed in 2016 but advised that the City amending the staging plan previously to delay development because of the decreased density for the City within the system statements from the Metropolitan Council. He identified the parcels and the surrounding property uses. He noted that access is proposed from Chippewa Road with a park proposed in the center of the project. He advised that there were roads stubbed to neighboring properties to the north, but explained that alignment may need to be changed as the neighboring properties are guided for rural residential under the draft Comprehensive Plan. He advised that the draft Comprehensive Plan is expected to be in place prior to the time this property would be allowed to develop and therefore the Concept Plan should be considered under the draft Plan. He stated that if the Council supports the concept it would be possible to amend the draft Comprehensive Plan. He described the proposed site layout of 87 small single family lots, noting that the proposed plan would have a density of 2.8 units an acre compared to the two lots per acre allowed under low density residential. He described some transportation issues that would be impacted by this concept. He stated that the Planning Commission was not supportive of this concept and suggested that if a formal application were to move forward the applicant should have larger lots.

Ben Schmidt, Excelsior Group, stated that they did hear the comments of the Planning Commission in regard to larger lots and stated that they are not opposed to that and would be willing to consider that. He stated that the unit mix was proposed because of the neighboring Wealshire use and the lack of that product type in Medina. He stated that they were aware that the project had been pushed back in the staging plan and believed that this plan would meet the criteria necessary to jump ahead in the staging plan. He stated that they believe that it would make sense for this property to develop sooner rather than later. He noted that one of the main criteria in the staging plan was whether the project could be served by existing infrastructure and stated that as far as they know the property can be served by the existing infrastructure. He stated that almost all the wetland would be preserved. He stated that they believed this project would work well with the Wealshire property and the neighboring employment centers. He stated that they would entertain changes to the Concept Plan and would like to know if the Council is willing to consider development on that site or whether the development is going to be pushed back.

Mitchell asked about the minimum lot size, width and depth for rural residential.

Finke provided those calculations.

Pederson stated that he attended the Planning Commission meeting and commented that in his opinion the road system is adequate. He stated that he did not think it would make a difference whether the City builds out Chippewa to the east. He stated that he would like to see larger lot sizes and a larger park in the center. He stated that the big question would be the staging as the property is currently going to be guided from low density to rural residential in the draft Comprehensive Plan.

Anderson stated that Pederson made some great points, agreeing that the lot size is too small. He was unsure that the PUD criteria are met. He stated that he would like to protect the work the Steering Committee has done but also acknowledges that the property is currently zoned low density.

Cousineau stated that 18 months ago the City slowed down the development through the staging plan and she cannot ignore that fact. She stated that in her opinion this is more of a question of when rather than a yes or no. She stated that in her mind she would consider this application under the current Comprehensive Plan as the draft is just a draft.

Batty agreed that the current Comprehensive Plan is the guiding document at this time but agreed with the logic of staff. He stated that the broad question would be whether the City is ready for this to be developed or whether the development should continue to be pushed back.

Mitchell stated that the Wealshire property was approved for development without perhaps considering the development timing for the neighboring properties. He stated that perhaps it would make sense for something less than rural residential to be next to Wealshire.

Pederson stated that at the Planning Commission meeting the neighbors to the north of the project were not happy that they would not be allowed to develop in anything outside of R-1. He stated that the people in the northern part of the City believe that the development has been focused in the north but noted that is because the sewer pipes began in that area.

Bruce Workman stated that he has lived in this City for 30 years and worked on the 1990 Comprehensive Plan when he was on the Planning Commission. He stated that since that time he has watched the property go in and out of development. He noted that they were planning on developing the property in 2016 but then the staging plan was changed and a commercial site, Wealshire, was allowed to develop. He stated that in his opinion it is time to allow this property to develop and the property around this property to the north. He stated that if the City can get what it wants and the developer is satisfied then now is the time to develop or these properties would be developed into five acre lots.

Anderson stated that he is cold on the project because it moves the staging process too far forward.

Cousineau agreed with Anderson and that is her opinion as well, not today but perhaps in 2019.

Pederson stated that Mr. Workman is correct that this has been a long time coming. He stated that he drives the road every day and does not see a major problem with the project.

Cousineau stated that if this property remains as low density in the draft Comprehensive Plan, then perhaps another site is changed to rural residential in order to balance that out.

Anderson noted the comment and stated that he would pass that onto the Steering Committee.

Mitchell stated that this would push development further west which is desirable but acknowledged the timing issue because of the staging plan. He noted that he was not thrilled with the small lot size and would recommend meeting the low density zoning requirements. He stated that in his opinion Wealshire changed things for that area.

Pederson agreed that the Wealshire project did change things for that area.

Martin rejoined the Council.

B. LeJune – Lot Line Rearrangement – 2782 and 2820 County Road 24 (7:57 p.m.)

Finke stated that the proposal would combine and rearrange lot lines, which would improve conformance with different City regulations. He stated that staff recommends replacement easements along new property lines and that the applicant considers requesting vacation of the old easements along the lot lines. He stated that the applicant has interest in making that request but would like to move this ahead in order to move forward a closing on one of the properties. He provided an aerial photograph identifying the newly proposed lot lines. He stated staff recommends approval of the request.

Martin asked if the applicant would agree to a front yard setback, larger than 50 feet, from County Road 24 in order to preserve the view shed.

Finke stated that there is no construction proposed at this time.

Martin stated that perhaps a condition could be included to require an enhanced setback.

Batty stated that at this point he did not see a connection between the land use activity the Council is being asked to consider and requiring an increased setback. He noted that the applicant could voluntarily agree to the condition.

Mitchell stated that 99 people out of 100 develop their property very nicely.

Mike Steadman, realtor representing the applicant, stated that they agree with the recommendations of staff as this would be an improvement to clean up the lot lines. He

stated that they would not agree to any setback changes at this time as they are working hard for the LeJunes to move ahead with a closing on the property.

1. **Resolution No. 2016-57 Approving a Lot Line Rearrangement between 2782 and 2820 County Road 24**

*Moved by Martin, seconded by Pederson, to adopt Resolution No. 2016-57 Approving a Lot Line Rearrangement between 2782 and 2820 County Road 24. **Motion passed unanimously.***

C. **Jeffrey-Johnson Easement Vacation – Public Hearing (8:08 p.m.)**

Johnson stated that staff is asking the Council to open the public hearing and continue the hearing as the applicants are still negotiating their agreement. He noted that the item would be continued to the July 5th meeting.

Mitchell opened the public hearing at 8:09 p.m.

No comments made.

*Moved by Martin, seconded by Cousineau, to continue the public hearing related to the vacation of drainage and utility easements on 2605 Willow Drive to the July 5, 2016 City Council meeting. **Motion passed unanimously.***

X. **CITY ADMINISTRATOR REPORT (8:10 p.m.)**

Johnson stated that the lower level project stalled this past week. A plumbing permit is needed for the project to proceed. Activity is expected to resume the week of July 4th. He noted that the contractor will begin building walls this week.

XI. **MAYOR & CITY COUNCIL REPORTS (8:11 p.m.)**

Cousineau stated that she attended the League of Minnesota Cities conference, noting that the conference was partnered with the Alliance for Innovation and therefore not all aspects applied directly to Medina. She stated that she was reassured by some of the things Medina is doing such as organized waste removal. She believed that technology and social media would be a great focus for the future. She stated that the City has an amazing staff to collaborate with and commended staff for their efforts.

Mitchell stated that he would want to ensure that Charmane Domino receives her photograph in the paper and is recognized formally for her 10 years of service.

Martin stated that perhaps 15 minutes of a workshop should be devoted to technology, specifically to review the City's website and Facebook page.

Cousineau noted that another city commented that they use social media to communicate with their younger population.

Johnson agreed that technology should be discussed at a future workshop.

Martin stated that she attended the antique festival the previous weekend in Uptown Hamel and found it to be wonderful. She stated that she would like to see more of that kind of activity as it can bring additional sales to the other businesses in the City as well.

XII. **APPROVAL TO PAY THE BILLS (8:17 p.m.)**

*Moved by Anderson, seconded by Martin, to approve the bills, EFT 003693E-003710E for \$48,816.33, order check numbers 44441-44493 for \$128,843.65, and payroll EFT 507223-507249 for \$47,700.71. **Motion passed unanimously.***

XIII. ADJOURN

*Moved by Anderson, seconded by Martin, to adjourn the meeting at 8:17 p.m. **Motion passed unanimously.***

Bob Mitchell, Mayor

Attest:

Jodi M. Gallup, City Clerk

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