

MEDINA CITY COUNCIL MEETING MINUTES OF JULY 2, 2013

The City Council of Medina, Minnesota met in regular session on July 2, 2013 at 7:00 p.m. in the City Hall Chambers. Mayor Weir presided.

I. ROLL CALL

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

Members absent: None.

Also present: City Administrator Scott Johnson, City Attorney Ron Batty, City Engineer Tom Kellogg, City Planner Dusty Finke, City Planning Consultant Nate Sparks, Public Works Director Steve Scherer, 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 June 18, 2013 Special City Council Meeting Minutes

*Moved by Martin, seconded by Pederson, to approve the June 18, 2013 special City Council meeting minutes as presented. **Motion passed unanimously.***

B. Approval of the June 18, 2013 Regular City Council Meeting Minutes

On page four, beginning line 38, it should state, "Weir advised that both of the Pioneer Sarah and Elm Creek Watersheds involved within the City are going through the development of their Third Generation Plans and both organizations ~~would like~~ intend to gain the ability to collect ad valorem taxes from residents in order to pay for future improvements."

*Moved by Pederson, seconded by Anderson, to approve the June 18, 2013 regular City Council meeting minutes as amended. **Motion passed unanimously.***

Weir provided an update on the meeting held by the Council the previous week to discuss the 2014 budget. The proposed 2014 budget includes a 5.5% increase and 4.5% of the increase is for the bonding and maintenance for the new facility at 600 Clydesdale Trail. She noted that a budget open house will be scheduled for September 3, 2013 at 6:00 p.m. and welcomed interested residents to attend.

V. CONSENT AGENDA

A. Authorize Raffle Permit to Twin West Chamber of Commerce Foundation at 400 Evergreen Road on August 12, 2013

B. Resolution No. 2013-53 Approving Variances for Randy Cole and Sandra Fenske to Construct an Addition to a Single Family House at 2959 Lakeshore Avenue

- C. Resolution No. 2013-54 Accepting Donation from Alerus Financial
- D. Resolution No. 2013-55 Approving Off-Site Gambling Permit for the Hamel Lions Club to Conduct Lawful Charitable Gambling at 3200 Mill Drive
- E. Approve Contract for Building Inspection Services with Metro West Inspection Services
- F. Approve Contract for Assessing Services with Southwest Assessing
- ~~G. Amend 5.40 Sick Leave Policy~~
- H. Call for a Special City Council Meeting for the 2014 Budget Open House on September 3, 2013 at 6:00 p.m.
- ~~I. Approve Letter from Mayor Weir to Minnesota Housing in Support of Proposed Dominionium Project~~

Weir requested to remove items G (Amend 5.40 Sick Leave Policy) and I (Approve Letter from Mayor Weir to Minnesota Housing in Support of Proposed Dominionium Project) from the Consent Agenda.

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

G. Amend 5.40 Sick Leave Policy

Johnson noted that staff drafted changes to the sick leave policy to meet the State requirements and clarify specific items.

*Moved by Martin, seconded by Pederson, to approve the amendments to 5.40 Sick Leave Policy. **Motion passed unanimously.***

I. Approve Letter from Mayor Weir to Minnesota Housing in Support of Proposed Dominionium Project

Weir stated that she made alterations to the letter after the Council packet was printed and confirmed Council consensus of the changes made.

*Moved by Martin, seconded by Pederson, to approve the letter from Mayor to Minnesota Housing in Support of Proposed Dominionium Project as amended. **Motion passed unanimously.***

VI. COMMENTS

A. Comments from Citizens on Items not on the Agenda

There were none.

B. Park Commission

Park Commissioner DesLauriers reported that the Park Commission met on June 19, 2013 to discuss the Council comments regarding the Trail and Master Plans and noted that all recommended changes were approved by the Park Commission. He advised that the Fields of Medina was also discussed in regard to the sport court and reported that the Commission recommended the addition of a full tennis court and half basketball court. He stated that the Commission also discussed the intent to install consistent signage throughout the parks as well as the 2014 CIP budget.

C. Planning Commission

Finke noted that the Commission will meet the following Tuesday to hold four public hearings including the Enclave at Medina 5th Addition, an expansion from Peter and Paul

Church for an expansion of the cemetery, a request to subdivide a property, and a request to rezone property from Money Tree LLC. He noted that two Final Plats will also be reviewed, which will be reviewed by the Council in the next two weeks.

VII. NEW BUSINESS

A. Complete Eye Care – Site Plan Review – 170 Westfallen Trail

Finke presented a request for a Site Plan review from Complete Eye Care to be located at 170 Westfallen Trail. He advised that the business currently operates as a tenant in another Medina building, but is intending to construct their own building for Complete Eye Care. He summarized Resolution 2007-56 that was approved by the Council in the past and reviewed the variances that were approved as a part of that process. He reviewed the different portions of the Site Plan, including staff comments. He noted that the City Engineer recognized that the volume control/filtration requirements would not be met and advised that the Planning Commission recommended a partial waiver of the stormwater requirements with additional filtration provided onsite. He advised that staff recommends approval of the request, subject to the potential conditions included in the staff report.

Anderson clarified that no actual number had been suggested by the Planning Commission in regard to the filtration.

Finke noted that staff will work with the applicant.

Pederson addressed a potential safety concern with a lack of fencing around the storm water pond on site and also referenced potential condition 14 listed in the staff report and believed the weight of the vehicle should be changed to be consistent.

Finke referenced the fence and advised that staff will speak with the developer in regard to that issue.

Martin stated that this development was well received by the Planning Commission, which was nice to see an existing business in the city becoming a permanent business in Medina.

Martinson referenced the runoff issue and questioned if that extra runoff would empty into the creek.

Finke stated that the runoff would run through the existing stormwater treatment pond and piped ultimately to the creek. Martinson confirmed that the businesses downstream would not be affected by this property.

Kellogg noted that the stormwater treatment is sized to handle a 100 year rainfall event.

Brian Boss, BJ Boss Building, spoke in representation of Dr. Gina Wesley.

Weir referenced the parking island and stated that she would like to see a larger island to support a tree, but understood that could reduce the parking.

Boss stated that they could take that under consideration, but noted that the parking proposed just meets the required parking. He noted that while parking could be shared

in the future, site three has not yet been developed. He noted that this is a tight site and they are attempting to fully utilize the space. He stated that the business owner believes that she will need the proposed parking for her business.

Finke noted that the developer will actually create an additional six to seven stalls into site three to meet their parking needs. He advised that if the island is made larger, the parking stalls would need to spill onto site three further.

Boss stated that the site has proven to be tougher than originally believed and also believed that the proposed Site Plan would meet the requirements of the City and the business owner.

Weir referenced the use of Ash trees and questioned if a different species could be used in an attempt to avoid the Emerald Ash Borer. She suggested that if the island is left smaller that shrubs be planted instead of a tree to provide a better chance at survival. She stated that the City is very glad to see this business come onto the site and welcomed the thriving business to the new location. She asked that the Council consider the waiver proposed by the Planning Commission.

It was the consensus of the Council to allow the stormwater waiver for this site only because of the unique circumstances without setting precedent; it was noted that this waiver would not be given to site three.

*Moved by Pederson, seconded by Anderson, to direct staff to prepare a resolution approving the Site Plan for Complete Eye Care, 170 Westfallen Trail based on the findings and with the conditions described within the staff report, amended to adjust condition four to support the stormwater waiver. **Motion passed unanimously.***

Dr. Gina Wesley presented a letter of request for deferment of certain City fees as per the Economic Development Program. The deferment of fees will be included as a part of the development agreement for the project.

Johnson accepted the letter.

B. Michael Kunin and Wallace Anderson Estate – 855 and 985 Medina Road

Sparks advised that there are three parcels involved in this lot line adjustment request for the properties located at 855 and 985 Medina Road. He stated that the proposal would take portions of the two Anderson parcels to adjust the lot lines and add additional space to the Kunin parcel. He noted that both properties have been platted and therefore there are certain drainage and utility easements that would need to be vacated and rededicated in other areas. He stated that in reviewing the legal descriptions an error was found that will also be corrected by this action and advised that the suitable soils will not be affected. He stated that staff feels this proposal meets the conditions of the City, but does have some recommended conditions along with the recommendation for approval.

Michael Kunin, applicant, stated that the goal is to create a larger back yard for his friends and family to use. He asked that the Council support and approve his request.

1. Lot Line Adjustment

*Moved by Martinson, seconded by Martin, to direct staff to prepare a resolution approving a lot line rearrangement based on the findings in the staff report and upon the conditions described in the report. **Motion passed unanimously.***

2. Easement Vacation – Resolution Vacating Certain Drainage and Utility Easements – Public Hearing

Weir opened the public hearing at 7:44 p.m.

Finke described the easements proposed to be vacated.

Weir closed the public hearing at 7:44 p.m.

Martin confirmed that there are no existing utilities within the easements proposed to be vacated.

*Moved by Martin, seconded by Anderson, to direct staff to present the resolution vacating certain drainage and utility easements for Council action after the lot line rearrangement resolution is prepared. **Motion passed unanimously.***

C. Ned Sorely – Comprehensive Plan Amendment – 4200 Hillview Lane

Sparks stated that the resident at 4200 Hillview Lane has requested a Comprehensive Plan amendment to include his property into the urban service area in order to connect his property to the City sewer. He advised that the applicant would like to replace the house on the property and noted that the proposed three bedroom home would require an expansion of the septic system. He explained that the current septic is located on an easement on the neighbor's property near the wetlands and cannot be expanded. He advised that if the request were denied the applicant would need to find a different area for the home or the septic system. He advised that the property is currently listed in the Comprehensive Plan for connection post 2030 based on the sewer staging plan. He discussed the impact on the density of the City, noting that adding one 4.8 acre property would offset 14 of the banked 25 density credits provided by another development. He stated that the Comprehensive Plan states that no properties in this designation should be offered urban services. He stated that the Planning Commission reviewed this request and recommended denial, but noted that if the condition is approved certain conditions should be attached. He noted that an approval would be needed from Loretto as well because the property would connect to the Loretto system.

Martinson questioned if the applicant would be responsible for the staff time costs to negotiate with the City of Loretto.

Finke stated that the applicant was not able to attend due to illness but advised that the applicant would be responsible for any costs.

Martinson stated that it seemed a bit unfair to deny the request and questioned if the applicant could be responsible for making up the difference in density. Weir noted that would open the door for a lot of trouble because developers are not coming into the City with a proposal to exceed the density requirements. She noted that this would also open the door for additional requests for lots adjacent to existing sewer all around the City and she had a deep reluctance to take that step because of the planning that has been done. She noted that while it may seem unreasonable, this would make planning of future developments very difficult for the City.

Martin agreed with the comments made by Weir and stated that she did not see a true hardship for the site. She did not believe that there was an economic hardship for this site but more of a preference for the property owner.

Weir confirmed that the property owner would still have reasonable use of the property.

Scherer stated that he spoke with the MET Council the previous week in regard to another matter and advised that this request would be inconsistent with the Plan submitted to the MET Council to stop using the Loretto pond in the future.

Martinson confirmed that there would not be an unreasonable economic hardship to constructing a private sewer system on this property. She noted that is a cost you expect to incur when you purchase a property of that size.

Batty referenced the issue of bailout where there was no alternative. He advised that there are cases where there is no alternative and failing to approve a request would render the property unusable. He stated that those are not the facts for this property and noted that the cost to construct a new system on the property would not be more expensive than the cost to connect to the Loretto sewer system.

Finke stated that in terms of potential precedent he has already spoken with two property owners that have presented similar requests that were denied. He noted that the three requests this year would have upset the density numbers for the City.

Weir stated that while she is sympathetic to the property owner's dilemma, she would recommend denial.

*Moved by Anderson, seconded by Martin, to direct staff to prepare a resolution denying the request for a Comprehensive Plan Amendment based upon the findings described by the Planning Commission. **Motion passed unanimously.***

Finke advised that he would place this item under Old Business, rather than Consent Agenda, on the next agenda because the applicant was unable to attend the meeting.

VIII. CITY ADMINISTRATOR REPORT

Johnson pointed out the extraordinary work done by Belland and Scherer and their staff members for the quick response to the problems caused by the recent storm.

Anderson also commended City staff for their efforts in the storm cleanup.

Pederson stated that he also heard positive comments from residents in response to the efforts of City staff.

Belland stated that the Emergency Management Group from Hennepin County will be submitting for federal emergency funds for cities, noting that the cost to the City is about \$20,000 and if approved that cost could be reimbursed.

Johnson stated that an open house will take place on July 10, 2013 from 3:30 to 5:30 p.m. for the proposed Highway 55 and 116 improvements.

IX. MAYOR & CITY COUNCIL REPORTS

Pederson stated that he met with staff at the new Public Works and Police facility and believed that the contractors were moving along.

Martinson stated that she visited a sport court in Minnetonka with Scherer and two others and noted that the court looked very good although it was small. She stated that the surface looks almost new even though it is five years old. She noted that while more costly it would be really nice to have this surface. She advised that the Park Commission will review the option with the Fields of Medina Park.

Weir advised that the Mayor's Summer Picnic was held the previous week.

X. APPROVAL TO PAY THE BILLS

*Moved by Pederson, seconded by Martinson, to approve the bills, EFT 002159E-002170E for \$32,557.48 and order check numbers 039855-039918 for \$202,599.80, and payroll EFT 505021-505045 for \$43,569.83. **Motion passed unanimously.***

XI. ADJOURN

*Moved by Pederson, seconded by Anderson, to adjourn the meeting at 8:10 p.m. **Motion passed unanimously.***

Elizabeth Weir, Mayor

Attest:

Scott Johnson, City Administrator

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