

## **MEDINA CITY COUNCIL MEETING MINUTES OF JULY 16, 2013**

The City Council of Medina, Minnesota met in regular session on July 16, 2013 at 7:00 p.m. in the City Hall Chambers. Mayor Weir presided.

### **I. ROLL CALL**

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

**Members absent:** Martinson.

**Also present:** City Administrator Scott Johnson, City Attorney Ron Batty, City Engineer Tom Kellogg, City Planner Dusty Finke, 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 July 2, 2013 Regular City Council Meeting Minutes**

On page three, line 43, it should state, "...treatment pond and piped and ultimately..."  
On page three, line 36, it should state, "Martin stated that this development issue was well reviewed received by the Planning Commission and which..." On page six, line 3, it should state, "additional requests for this lots adjacent to existing sewer all around the city and she had a deep reluctance to do that take that step..."

*Moved by Martin, seconded by Pederson, to approve the July 2, 2013 regular City Council meeting minutes as amended. **Motion passed unanimously.***

### **V. CONSENT AGENDA**

- A. Approve Bingo Permit and Temporary On-Sale Liquor License to/at Holy Name of Jesus Church for September 7, 2013**
- B. Approve Fireworks Agreement with RES Specialty Pyrotechnics for Medina Celebration Day**
- C. Approve Street Striping Services Agreement with Twin City Striping Inc.**
- D. Approve Language for Tom Crosby Plaque at New Facility at 600 Clydesdale Trail**
- E. Approve City Hall Parking Lot Improvements**
- F. Resolution No. 2013-56 Accepting Donation from Hamel Lions Club**
- G. Resolution Approving a Site Plan Review for Complete Eye Care of Medina at 170 Westfalen Trail**
- H. Resolution No. 2013-57 Approving a Lot Line Rearrangement for Michael Kunin & Srey Tan and the Estate of Wallace Anderson at 855 Medina Road, 985 Medina Road and Adjoining Property**

I. **Resolution No. 2013-58 Vacating Certain Drainage and Utility Easements on Lot 2, Block 2, Tuckborough Farm Fourth Addition and Lot 2, Block 1, Green Pastures Farm**

Johnson requested to remove item G (Resolution Approving a Site Plan Review for Complete Eye Care of Medina at 170 Westfalen Trail) from the Consent Agenda and instead review the item under Item 7B.

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

*Moved by Martin, seconded by Anderson, to review Item G (Resolution Approving a Site Plan Review for Complete Eye Care of Medina at 170 Westfalen Trail) along with Item 7B. **Motion passed unanimously.***

VI. **COMMENTS**

A. **Comments from Citizens on Items not on the Agenda**

There were none.

B. **Park Commission**

Scherer noted that the Park Commission would soon meet and briefly noted items that the Commission will discuss including a sports court.

C. **Planning Commission**

Finke advised that the Planning Commission met the previous week to hold three public hearings, noting that the Commission recommended approval of the subdivision request of the Nolan property, and also including an expansion request for the cemetery and a proposed rezoning of the property.

VII. **NEW BUSINESS**

A. **Mediacom Broadband Buildout Map Review**

Johnson stated that Mediacom did not have the map complete at this time, but believed that they would have the information complete for an August meeting. He noted that he did pass on a message from Weir that the Council would prefer to see the map at the August 7<sup>th</sup> meeting if possible. He stated that Mediacom still believes that they will have time to complete the buildout for 2013 prior to the end of the year.

Richard Haverman, 2782 Parkview Drive, questioned if City Hall would be the first priority for internet and cable service.

Johnson stated that according to the franchise agreement with the LMCC, City Hall should have been hooked up a long time ago and therefore this building along with the 600 Clydesdale Trail facility will be first priority.

Mr. Haverman asked how the priority areas are determined and which areas will be built out sooner rather than later.

Weir stated that some priority would be given to commercial properties.

Johnson stated that the Council has given direction to look at commercial and industrial areas first and then more densely populated areas. He stated that when staff meets with Mediacom they will be able to identify priority areas.

Anderson noted that staff will post the map on the website once approved by the Council.

**B. Development Agreement by and between The City of Medina and Complete Eye Care of Medina and Resolution Approving a Site Plan Review for Complete Eye Care of Medina at 170 Westfalen Trail**

Johnson stated that in regard to the Development Agreement, staff did agree to defer the cost for some connection fees for three years and wanted to ensure that the Council was aware of the deferred fees.

Anderson asked for additional information regarding a figure used in the agreement.

Finke explained the calculations used to determine that cost figure.

*Moved by Martin, seconded by Anderson, to adopt Resolution No. 2013-59 approving a Site Plan review for Complete Eye Care of Medina at 170 Westfalen Trail. **Motion passed unanimously.***

*Moved by Anderson, seconded by Pederson, to approve the development agreement with Complete Eye Care of Medina. **Motion passed unanimously.***

**C. Reserve of Medina – 525 Hackamore Road**

Pederson recused himself from the discussion.

Finke stated that on May 21<sup>st</sup> the City Council adopted a resolution, which provided preliminary plat approval and noted that the applicant is now requesting final plat approval. He noted that this phase would include 51 of the residential units and the recreational lot and noted that future phases would include the remaining 75 residential lots. He advised that outlot D would be deeded to the City as agreed upon in the preliminary plat. He noted that staff did review the conditions of the preliminary plat to ensure that those are consistent and noted that staff did suggest name changes for the street names. He stated that Batty has made a number of changes to the Development Agreement, some at the request of the developer.

Weir believed that the City required a developer on Hunter Drive to install the irrigation infrastructure as they built out the site.

Finke stated that the City did not require that developer to install the irrigation, but noted that developer did ultimately install the irrigation system. He noted that disclosure would need to be made to homeowners that they cannot connect irrigation to City water in the future.

Martin expressed concern that homebuyers are not reading the full purchase agreement and therefore may not be aware of the disclosure.

Weir stated that her concern with not installing the core for the irrigation system is that the developer will eventually leave and future residents will come to the City to complain. She questioned if the developer could install the infrastructure for this irrigation system prior to a well being drilled.

Matt Duenwald, project engineer, stated that the DNR is reviewing this matter and may not allow wells for irrigation in the area. He stated that they would like to provide irrigation, but they first need to find out the decision of the DNR in regard to using groundwater for irrigation. He clarified that Toll Brothers would like to install irrigation; they must first ensure that the legislature will allow that that type of system.

Batty stated that he was not aware of this proposed legislation.

Duenwald stated that he was only made aware of the matter when they attempted to drill a test well and the DNR said no.

Scherer stated that staff will look into this issue and believed that the infrastructure and piping should be installed to reuse the pond water whether the lines are tied into a well later or not.

Weir agreed that the Council had asked that the basic piping be installed in other developments and believed that should be the case at this time.

Martin noted that the connection to the stormwater pond could also be installed now.

Weir referenced a concerned resident from an adjacent development who was afraid children would play on her property.

Duenwald stated that he met onsite with those adjacent neighbors to discuss issues. He noted that person's property is fairly wet and he did not think people would play on her property. He noted that a fence was not discussed because it was not a large concern when he was onsite. It was confirmed that signage could be installed near that property stating private property/keep out.

Martin specified that the conduit and major components of the irrigation system should be installed now and provided additional language she believed should be included along with a disclosure to homeowners.

Scherer noted that he can speak with the developer to provide additional information on what can be setup for irrigation.

Weir questioned if staff should tweak the language and bring this item back on a future Consent Agenda.

Toll Brothers expressed concern with the additional delay because of the development timeline.

Batty stated that there are three weeks between this meeting and the next Council meeting. He stated that they have been working very hard to address these issues and

he was comfortable that this item could be adopted by the Council tonight contingent upon him and the developer Attorney working to tweak the irrigation language.

**1. Resolution No. 2013-60 Granting Final Plat Approval for a Subdivision to be Known as Reserve of Medina**

*Moved by Martin, seconded by Anderson, to adopt Resolution No. 2013-60 granting final plat approval for the Reserve of Medina, with the conditions in the resolution modified as discussed; 1) Development Agreement completed by Attorney in consultation with staff and developer consistent with direction of City Council at the 7/16/2013 meeting. 2) Additional condition added requiring developer to install signage to delineate boundaries of Outlot D. **Motion passed unanimously.***

**2. Development Agreement by and between The City of Medina and Toll MN, L.P.**

*Moved by Martin, seconded by Anderson, to approve the Development Agreement by and between The City of Medina and Toll MN, LP. subject to the conditions discussed; 1) Development Agreement to reflect modifications made to the final plat resolution, related to signage for city park land. 2) City Attorney, with consultation of staff as deemed appropriate will work with developer to incorporate language into the development agreement consistent with Council direction, including but not limited to: a) Infrastructure for private irrigation will be installed with appropriate piping to stormwater management pond, b) Facility to house a well connection will be developed and included in the development; but well will not be installed until appropriate DNR permits are issued, which the Developer will diligently pursue, c) In consultation with public works department, the Developer will provide, and the Development Agreement may reflect, depending on the opinion of the City Attorney, that the HOA documents will include a plan of regulation of use of irrigation water both before and after installation of the well, and d) Appropriate disclosures will be included in marketing materials and included in the HOA documents that disclose to potential purchasers that full capacity for landscaping irrigation may be limited due to the availability of the DNR permit to install a well and that regardless, the installation of the well and regulation of landscaping irrigation will be within the purview of the HOA and will be regulated. **Motion passed unanimously.***

Pederson rejoined the Council.

**C. Easement Vacation – 345 Clydesdale Trail – Public Hearing**

Finke presented a request from the new owner of the Medina Clydesdale Marketplace to vacate certain portions of the property located at 345 Clydesdale Trail. He stated that the new owner sought to have the future pipe relocated to provide additional flexibility. He advised that no utilities appear to be located in the easement and advised that staff did notice all utility companies, noting Centerpoint responded with no issues and no other comments were received. He displayed a sketch of the property and identified the new pipe location, which would go along the buildable portion of the lot and advised that the new easements have already been dedicated. Staff recommends approval of the request as this would make the lot more buildable.

Weir opened the public hearing at 7:57 p.m.

No comments made.

Weir closed the public hearing at 7:57 p.m.

1. **Resolution No. 2013-61 Vacating Certain Drainage and Utility Easements on Lot 1, Block 2, Medina Clydesdale Marketplace**

*Moved by Anderson, seconded by Pederson, to adopt Resolution No. 2013-61 vacating certain drainage and utility easements on lot 1, block 2, Medina Clydesdale Marketplace. Motion passed unanimously.*

**VIII. CITY ADMINISTRATOR REPORT**

Johnson stated that the next Council meeting is Wednesday, August 7, 2013 because Night to Unite will be held that Tuesday. He also referenced the colors for the new salt storage shed at 600 Clydesdale Trail and noted that staff has the color choices down to two and would like Council input.

Scherer provided the two choices.

It was Council consensus to choose the gray color choice.

**IX. MAYOR & CITY COUNCIL REPORTS**

Pederson stated that he has been working with staff on the new Public Works and Police building and believes that great progress has been made; he commended staff for all their efforts.

**X. APPROVAL TO PAY THE BILLS**

*Moved by Pederson, seconded by Anderson, to approve the bills, EFT 002171E-002181E for \$41,950.97 and order check numbers 039919-039962 for \$163,276.70, and payroll EFT 505046-505075 for \$45,566.50. Motion passed unanimously.*

**XI. ADJOURN**

*Moved by Pederson, seconded by Anderson, to adjourn the meeting at 8:03 p.m. Motion passed unanimously.*

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Elizabeth Weir, Mayor

Attest:

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Scott Johnson, City Administrator