

## MEDINA CITY COUNCIL MEETING MINUTES OF JULY 17, 2012

The City Council of Medina, Minnesota met in regular session on July 17, 2012 at 7:04 p.m. in the City Hall Chambers. Mayor Crosby presided.

### I. ROLL CALL

**Members present:** Crosby, Pederson, Siitari, and Weir.

**Members absent:** Martinson.

**Also present:** City Attorney Ron Batty, City Engineer Tom Kellogg, Planner Dusty Finke, Public Works Superintendent Steve Scherer, City Administrator Scott Johnson, Brett Weiss of WSB, and Recording Secretary Amanda Staple.

### II. PLEDGE OF ALLEGIANCE

### III. ADDITIONS TO THE AGENDA

*The agenda was accepted as presented.*

### IV. APPROVAL OF MINUTES

#### A. Approval of the July 3, 2012 Special City Council Meeting Minutes

*Moved by Pederson, seconded by Siitari, to approve the July 3, 2012 special City Council meeting minutes as presented. **Motion passed unanimously.***

#### B. Approval of the July 3, 2012 Regular City Council Meeting Minutes

It was noted on page three, following line 40, the following statement should be added, "Weir stated that any screening must not interfere with the root systems of the existing large trees along part of the property line."

*Moved by Siitari, seconded by Pederson, to approve the July 3, 2012 regular City Council meeting minutes as amended. **Motion passed unanimously.***

### V. CONSENT AGENDA

#### A. Approve Bingo and Raffle Permit and Temporary On-Sale Liquor License to/at Holy Name of Jesus Church for September 7-8, 2012

#### B. Approve Second Amendment to License Agreement with Randy's Environmental Services

#### C. Approve Assessing Services Agreement with Rolf Erickson

#### D. Approve Curb Replacement and/or Removal Agreement with Schmidt Curb Co., Inc.

#### E. Approve Equipment Services Agreement with Schoening Excavation Inc.

#### F. Approve Storm Sewer Cleaning and Repair Services with Visu-Sewer Clean & Seal, Inc.

#### G. Approve Tree Trimming Services Agreement with Burnham Tree Experts

#### H. Approve Amendment to Site Agreement with T-Mobile Central LLC

#### I. Approve Bridgewater at Lake Medina Connection Fees

#### J. Accept Jean Beaupre's Resignation from the Park Commission

- K. Resolution No. 2012-35 Authorizing Publication of Ordinance No. 529 by Title and Summary
- L. Resolution No. 2012-36 Approving a Preliminary Plat for the Enclave at Brockton Subdivision
- M. Ordinance No. 530 Approving the Enclave at Brockton Planned Unit Development; Approving the General Plan of Development; Rezoning the Property
- N. Resolution No. 2012-37 Authorizing Publication of Ordinance for Enclave at Brockton by Title and Summary
- O. Call for a Special Work Session Meeting on August 8, 2012 at 6 p.m.
- P. Call for a Special City Council Meeting for the 2013 Budget on September 4, 2012 at 6 p.m.
- Q. Ordinance Adopting an Amended Fee Schedule  
*Moved by Weir, seconded by Pederson, to approve the consent agenda. Motion passed unanimously.*

Q. Ordinance No. 531 Adopting an Amended Fee Schedule  
 Scherer noted that where the language states “raw water usage” the following should be added, (the Enclave of Medina).

*Moved by Weir, seconded by Pederson, to approve Ordinance No. 531 Adopting an Amended Fee Schedule, as amended. 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 will meet the following night.

C. Planning Commission  
 Finke reported that the Planning Commission met the previous week to hold three public hearings. He noted the discussion points focused on during the three public hearings including the review of Richard Cavanaugh’s Concept Plan for a potential residential subdivision on 22.86 acres located north of Highway 55 and east of Arrowhead Drive, as well as the review of amendments to the Wind Energy Conversion Systems Ordinance and the uses permitted under the Commercial Zoning Districts Ordinance.

## VII. PRESENTATION

A. WSB Update  
 Brett Weiss thanked the Council for their time in allowing him to make his presentation tonight. He noted that he did distribute a packet of information to the Council, and staff, which highlights the accomplishments of his firm of the past year. He reviewed some of the recent endeavors and accomplishments of WSB including membership in the Business Leadership Program through the League of Minnesota Cities; participation in www.thegridpad.com, which is a social media blog; Grand Opening of the St. Paul office will occur on July 19, 2012; and the acquisition of Brauer & Associates, Inc. He advised that Bob Barth would join the WSB water resources staff beginning August 6<sup>th</sup>. He noted improvements in that area would be gained through a streamlined MS4 Program and

SWAMP (Stormwater Asset Management Program). He provided information regarding Rapid Damage Assessment, a GIS feature that could be used in natural disaster emergency situations. He discussed other improvements in regard to inflow and infiltration, transportation, and strategic pavement management. He thanked the City for the opportunity to provide engineering services to Medina, and hoped that WSB would be able to bring new innovative ideas to the City in the future.

## VIII. NEW BUSINESS

### A. The Enclave at Medina 2<sup>nd</sup> Addition

Crosby provided background information, noting that the Enclave at Medina is a phased project and this request is to move forward on the next phase.

Finke confirmed that this request is for the second phase of the Enclave at Medina, noting that the first phase was approved on May 17, 2011. He explained that the second addition would include 38 R2 lots and 12 R1 lots, as well as the rearrangement of Outlot H.

Crosby confirmed that this development is scheduled to be completed in four phases.

Finke stated that the purpose of the final plat is to ensure that the final plat is consistent with the approved preliminary plat and reviewed the adjustments that are proposed in order to rearrange Outlot H for street connection and to adjust the lots in that area. He stated that the other purpose of the review is to verify that all conditions of the preliminary approval are met and provided additional information. He stated that staff recommends that the Council adopt the Resolution Approving a Final Plat for the Enclave at Medina 2<sup>nd</sup> Addition without the inclusion of condition eight, as that item has already been met.

Weir asked for additional information in regard to the type of grass.

Joe Jablonski, representing Lennar, provided additional information regarding the type of grass and explained that they did not want to be tied to one type.

#### 1. Resolution No. 2012-38 Approving a Final Plat for the Enclave at Medina 2<sup>nd</sup> Addition

*Moved by Weir, seconded by Siitari, to approve Resolution No. 2012-38 approving a final plat for the Enclave at Medina 2<sup>nd</sup> Addition, excluding condition eight. **Motion passed unanimously.***

#### 2. Development Agreement by and Between the City of Medina and U.S. Home Corporation

*Moved by Weir, seconded by Pederson, to approve the Development Agreement by and Between the City of Medina and U.S. Home Corporation. **Motion passed unanimously.***

### B. RPC Medina, LLC Concept Plan – North of Hwy 55 and East of Arrowhead Drive

Finke stated that this Concept Plan relates to the property 23 acres in size located immediately west of the Field of Medina property. He stated that the property is currently farmed and is guided for medium density residential (MDR). He stated that

various layouts have been submitted but noted that the Planning Commission did not feel that flexibility in regard to density could be provided unless the developer were to exceed in the areas of preservation or mixed-use housing. He reviewed the density requirements specified by the Medina Comprehensive Plan and noted that various layouts illustrate the number of ways in which the MDR density requirements can be met. He noted that the applicant shows 2.2 acres to be dedicated as park that would satisfy the dedication requirements, which could be combined with the six acres dedicated from the Fields of Medina property.

Crosby noted that three developments have recently obtained approval and questioned if any of those development received flexibility on the density requirements.

Finke advised that the Enclave at Medina and Enclave at Brockton developments were held to the density requirements, although mixing was allowed. He explained that although the first phase of Pentom received flexibility, there is a legal agreement, which specifies that the remaining phases will make up that density.

Joe Cavanaugh, 275 Lakeview, thanked the Council for the opportunity to receive comments, and noted that at this time they are simply trying to obtain input on the different layout options. He questioned if there would be a way to work with the City to increase the lot size and save some of the trees at the same time, noting that one option would be to move the park dedication area from the separate PID to the south and apply it to the wooded area in order to preserve a portion of the wooded area.

Crosby stated that it appears the entire property is filled with lots on the submitted layouts and questioned where the saved trees would be located.

Dave Nash, EVS Engineering, confirmed that the layouts included in the packet did not include tree preservation options and simply displayed the maximum units that could be included in the development.

Weir noted that in moving the park dedication area from one area to another it would also move the dedication from one PID to another PID.

Batty did not think that anything of that nature has been done in the City, but agreed that if that were agreed upon a process could be followed similar to the Pentom development agreement.

Weir stated that each developer that comes forward is consistently interested in lower density development and cautioned that the City should be careful in "giving away" density. She believed that the market for upscale twin homes is, or will soon be, on the way up.

Crosby is in agreement with Weir and also is reluctant to go below the 3.5 density requirement. He explained that another person in that area has property that they would like to develop and a desire for lower density requirements from that property owner has also been expressed and believed both properties should be held to the MDR density requirements.

Weir stated that she is not opposed to the two properties working together in development but wanted to be clear to achieve the City's land use goals. She confirmed

that the property owners would not be interested in developing the property themselves, but would instead market the land to developers. She asked that the Park Commission review this idea and provide input regarding the 2.2 acres of park dedication.

Crosby questioned if the property owner could be allowed to provide cash in lieu of land for park dedication, which could in turn increase the number of lots in the development.

Finke explained that the numbers would have to be recalculated to determine if the added acreage would even result in the density being met. He noted that the Park Commission would need to approve of that option as well.

Pederson agreed that it would be difficult to comment on the issue of park dedication until a review is completed and input is given from the Park Commission.

Siitari agreed that he did not hear any comments that would justify a reduction to density and noted that he was also in agreement with the other comments made by the Council.

Crosby noted that the Council would like to see townhomes, or another form of lower priced housing, provided through some of these upcoming developments as the City needs that type of housing stock.

Cavanaugh asked for input regarding a possible water/sewer connection towards Hwy 55.

Kellogg explained the importance of the water connection going west towards Meander and noted that there would be a possibility of bringing the sewer connection towards Hwy 55.

Finke confirmed that the Council would be interested in bringing this item back at the next agenda to discuss the input that the Park Commission will give and provide further feedback.

**C. Ordinance No. 532 Regarding Allowed Uses in Commercial Districts; Amending Sections 838.1.02, 832.2.02 and 832.3.02**

Finke stated that this item was brought forward through the review of a possible expansion to a motel/hotel located in the Commercial District. He explained that this request will clean-up the allowed uses within the Commercial Zone to better fit the description and intent of the District. He noted that the Planning Commission recommended unanimous approval of the request, with the exclusion of daycare centers, as the Commission felt that use may not mix well with the other uses in the District.

Crosby commented that people employed in the Commercial District would enjoy having childcare nearby. He questioned if disallowing that use would also exclude the option for an employer, such as OSI, as including a daycare facility within their site. He stated that he would not have a problem with allowing daycare as a use within Commercial Zoning Districts.

Weir stated that she would like to see the daycare use allowed within the Commercial Zoning District.

Finke confirmed that staff also did not feel that daycare would be inconsistent with other uses allowed within the Commercial District. He also discussed religious institutions.

Crosby stated that he would not oppose including religious institutions as an allowed use within the Commercial District.

*Moved by Weir, seconded by Siitari, to approve Ordinance No. 532 Regarding Allowed Uses in Commercial Districts; Amending Sections 838.1.02, 832.2.02 and 832.3.02, and adding daycare as a permitted use. **Motion passed unanimously.***

**1. Resolution No. 2012-39 Authorizing Publication of the Ordinance by Title and Summary**

*Moved by Weir, seconded by Pederson, to approve Resolution No. 2012-39 Authorizing Publication of the Ordinance by Title and Summary. **Motion passed unanimously.***

**D. Ordinance No. 533 Adding Section 535 to the Code of Ordinances Regulating the Use of Coal Tar-Based Sealer Products Within the City**

Johnson stated that he has been working with Batty and Weir to create a new Ordinance, which would regulate the use of coal tar-based sealer products within the City. Coal tar-based sealer products with Polycyclic Aromatic Hydrocarbons (PAHs) are known to contain carcinogens and explained that is why it is important to regulate the use of these products. He confirmed that larger retailers do not sell this type of product but advised that the material can still be ordered for use.

Crosby questioned how this would be enforced as a permit is not required to tar a driveway; he wanted to ensure that this would be enforceable.

Johnson stated that this would be more of an educational piece, which if passed, could then be made known to businesses and retailers. He confirmed that many other Metro communities have passed similar regulations.

Finke explained that a neighbor could place a call to the City, at which point the issue could be identified and the resident could be educated or fined.

*Moved by Weir, seconded by Siitari, to approve Ordinance No. 533 Adding Section 535 to the Code of Ordinances Regulating the Use of Coal Tar-Based Sealer Products Within the City. **Motion passed unanimously.***

**1. Resolution No. 2012-40 Authorizing Publication of the Ordinance by Title and Summary**

*Moved by Weir, seconded by Pederson, to approve Resolution No. 2012-40 Authorizing Publication of the Ordinance by Title and Summary. **Motion passed unanimously.***

**IX. OLD BUSINESS**

**A. 2012 Elm Creek Watershed Management Plan**

Johnson stated that Weir requested this item be added to the agenda and noted that information regarding this item was handed out to the Council.

Weir stated that County Commissioner Jeff Johnson was asked to attend the Elm Creek Watershed meeting to address the Watershed in regard to the comments he had made.

She noted that he was unable to attend but provided additional information on the proposal from Commissioner Johnson to consolidate the 11 existing agencies into three agencies. She asked if the City could request additional information or comments from Commissioner Johnson on this process.

Crosby believed the best time to comment on this process is once the draft Resolution has been sent to municipalities for review.

**B. William Kroll – Application for Gun Club License**

Crosby noted that Mr. Kroll requested to withdraw his request.

Batty stated that under his review he determined that a license for a gun club could be issued, but would need to be limited to a specific area and could not include the discharge of high powered fire arms. He provided additional information regarding the option to obtain a special events permit and also regarding State Statutes that could come into play if a gun club license was issued.

Crosby observed that the main concern expressed by adjacent neighbors was noise and noted that shotguns are not currently regulated.

Weir stated that she believed that staff should revise the fire arms Ordinance and remove the possibility of gun clubs.

Batty stated that he believed that Mr. Kroll could conduct his family shooting events under the current Ordinance by using shot guns. He agreed that the licensing of gun clubs could be removed from the Ordinance in order to prevent this situation from coming forward again in the future. He advised of another area that may need to be cleaned-up in terms of language in order to prevent this activity.

**X. CITY ADMINISTRATOR REPORT**

**A. Willow Trail Update**

Scherer provided an update on Willow Trail and the negotiation process he has begun with landowners.

**B. Loretto Ballfields Storm Water Project Update**

Johnson stated that staff is meeting with the City of Loretto and staff from Hakanson Anderson to discuss the project plans and decide upon one of the two proposed timelines.

**C. Other**

Johnson noted that the next Council meeting would be scheduled for August 8<sup>th</sup> because of Night to Unite, which will take place on August 7<sup>th</sup>.

Finke inquired if staff should schedule a special meeting to conduct a visit of wind turbines for the Council and Planning Commission. He advised that another option would be for the locations to be made known and members of the Council and Planning Commission could visit the facilities on their own.

Crosby stated that he would be comfortable with the second option. He believed that if staff provided sufficient information, members could visit the sites on optimum days. He

commented that if a mass visit is scheduled and the weather is not cooperative, the visit would be pointless. He confirmed that staff would provide the information to members of the Council and Planning Commission, along with a deadline for the visit to be made.

**XI. MAYOR & CITY COUNCIL REPORTS**

Weir stated that one member of the Planning Commission has commented that it is burdensome for members of the Commission to attend the meeting and provide the monthly update. She stated that personally she believed the visits to be beneficial and noted that other members of the Commission did not voice such a strong opinion on the matter.

Crosby stated that he also likes having the Commissioners present at the meeting and noted that the update is scheduled early on the agenda so that members of the Commission can leave early if desired. He agreed that the agenda item could be placed before any other special presentation items. He stated that Weir and her husband have volunteered to host the annual social at their home on August 2<sup>nd</sup>.

**XII. APPROVAL TO PAY THE BILLS**

*Moved by Siitari, seconded by Pederson, to approve the bills, EFT 001703E-001720E for \$46,149.02 and order check numbers 038535-038585 for \$120,683.27, and payroll EFT 504334-504359 for \$40,375.67 and payroll check number 020365 for \$2,542.37.*

***Motion passed unanimously.***

**XIII. CLOSED SESSION: ON-GOING LITIGATION**

The meeting adjourned to closed session at 9:00 p.m. to discuss on-going litigation with Woodridge Church.

The meeting reconvened to regular session at 9:31 p.m.

**XIV. ADJOURN**

*Moved by Weir, seconded by Pederson, to adjourn the meeting at 9:31 p.m. **Motion passed unanimously.***

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T.M. Crosby, Jr., Mayor

Attest:

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Scott Johnson, City Administrator