

MEDINA CITY COUNCIL MEETING MINUTES OF SEPTEMBER 2, 2014

The City Council of Medina, Minnesota met in regular session on September 2, 2014 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 Financial Consultant Joe Rigdon, City Assistant Finance Director Erin Barnhart, 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 (7:00 p.m.)

III. ADDITIONS TO THE AGENDA (7:01 p.m.)

Johnson requested the addition of an item to the agenda under New Business, titled, Engagement Letter from Briggs and Morgan. He also requested to remove Item 5F, Approve Development Agreement by and Between the City of Medina and the Church of Saints Peter and Paul, from the Consent Agenda.

The agenda was approved as amended.

IV. APPROVAL OF MINUTES (7:03 p.m.)

A. Approval of the August 19, 2014 Special City Council Meeting Minutes

*Moved by Pederson, seconded by Martinson, to approve the August 19, 2014 special City Council meeting minutes as presented. **Motion passed unanimously.***

B. Approval of the August 19, 2014 Regular City Council Meeting Minutes

It was noted on page two, line 19, it should state, "~~Go to Print~~ Go2Print..." On page two, lines 27 and 28, it should state, "...Johnson confirmed the lack of that staff could review the design standards in Uptown Hamel and bring..." On page three, line one, Anderson ~~questioned~~ asked for the width of the driveway..." On page three, line 21, it should state, "...~~widen~~ widened..."

*Moved by Martin, seconded by Martinson, to approve the August 19, 2014 regular City Council meeting minutes as amended. **Motion passed unanimously.***

V. CONSENT AGENDA (7:05 p.m.)

A. Resolution No. 2014-54 Entering into MnDot Agreement No. 06485 with the State of Minnesota

B. Approve State of Minnesota Department of Transportation and City of Medina and Hennepin County Traffic Control Signal Agreement

C. Approve Randy's Environmental Services Request for an 1.9% CPI Rate Increase per the License Agreement

- D. **Approve FCC Notification for Spectrum Manager Lease Ownership Disclosure Information and Spectrum Lease Agreement**
- E. **Resolution No. 2014-55 Approving a Site Plan Review and Conditional Use Permit for Saints Peter and Paul Cemetery**
- F. **Approve Development Agreement by and Between the City of Medina and the Church of Saints Peter and Paul**

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

VI. COMMENTS (7:06 p.m.)

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

There were none.

B. **Park Commission**

Park Commissioner Meehan provided an update of the activity at the previous Park Commission meeting including the Wakefield subdivision request and subsequent trail discussion, noting that there was numerous resident input received. She advised that the Commission recommended accepting a portion of park dedication through trails and the remainder in cash. She advised that the Commission also reviewed another subdivision request and recommended to accept cash in lieu for park dedication.

C. **Planning Commission**

Finke advised that the Commission will meet the following week to hold public hearings to consider requests from Dominion Stage I, Woodland Hill Preserve, and the City Staging and Growth Plan.

VII. NEW BUSINESS

A. **2015 Preliminary Budget and Tax Levy (7:10 p.m.)**

Weir advised that a preliminary budget meeting was held prior to the meeting tonight.

Johnson reviewed the proposed changes from the 2014 year to the 2015 year, providing information regarding the proposed changes to property taxes. He also provided additional information regarding the general fund. He provided property tax levy comparison information for the City compared to the neighboring cities. He reviewed the proposed utility rate increases. He explained that the budget has been assisted by the additional homes that have been built, which in turn increased the tax base of the City.

1. **Resolution No. 2014-56 Approving Proposed Tax Levy for 2015**

Moved by Martin, seconded by Pederson, to adopt Resolution No. 2014-56 approving the 2015 preliminary tax levy. Motion passed unanimously.

2. **Resolution No. 2014-57 Approving Proposed General Fund Budget for 2015**

Moved by Martin, seconded by Pederson, to adopt Resolution No. 2014-57 approving the 2015 preliminary general fund budget. Motion passed unanimously.

3. **Resolution No. 2014-58 Reducing Debt Service Tax Levies for 2015**

Moved by Martin, seconded by Pederson, to adopt Resolution No. 2014-58 reducing the debt service tax levies for 2015. Motion passed unanimously.

4. **Establish Public Discussion Date for Final 2015 Tax Levy and Budget**

*Moved by Martin, seconded by Pederson, to establish the 2015 final tax levy and budget discussion for December 2, 2014 at 7:00 p.m. in City Hall. **Motion passed unanimously.***

Weir commended Staff for their work on the proposed 2015 Budget.

B. **Change to No Wake Ordinance on Lake Independence – Public Hearing (7:17 p.m.)**

Johnson stated that staff is requesting that the Council hold a public hearing to receive comments and advised that he would take the comments and the proposed amendments to the DNR for approval. He stated that once the DNR approves the ordinance changes, the item would come back before the Council for action.

Weir opened the public hearing at 7:17 p.m.

Weir stated that the City has received many letters in support of this Ordinance, and one letter against.

Mike McLaughlin, President of the Lake Independence Citizen Association, stated that he did submit a letter to the City and did not have much to add to his written comments. He noted that neighboring lakes are extending the no wake zone to the entire lake and believed that this would assist in preventing erosion.

Weir noted that when the surrounding lakes have a no wake zone the traffic then moves to the lake that does not have such an ordinance, which currently is Lake Independence, noting that invasive species could be brought into the lake.

Rich Brasch, Senior Manager of Water Resources at Three Rivers Park District stated that the District is aware of the issue and is supportive of the request to extend the no wake zone to the whole lake. He acknowledged the organizations that are willing to work together in order to protect the lakeshore and was supportive of the request.

Weir closed the public hearing at 7:21 p.m.

Johnson confirmed that the Council was comfortable submitting this request to the DNR.

C. **Go2Print Media Group – Site Plan Review – 62 Hamel Road (7:23 p.m.)**

Finke presented a request for a 1,500 square foot storage building at the rear of the lot located at 62 Hamel Road. He acknowledged an access easement that runs through the center of the parcel and prevents expansion of the existing building. He briefly reviewed the Site Plan including the comments from staff and the Planning Commission. He stated that the Planning Commission recommended approval of the request. He advised that the applicant is requesting a partial waiver to the Tree Preservation Ordinance and noted that the Commission did support this request as well.

Weir referenced the issue of windows and stated that she is happy with the windows proposed as she would like something pleasant aesthetically because of possible redevelopment that could occur on adjacent parcels.

Tom Therrien, Go2Print, stated that he was present to answer any questions. He referenced the garage door and stated that perhaps they will install a carriage style door in order to provide a better aesthetic.

Weir noted that Therrien had purchased the old mill property and has done a great job remodeling the property. She commended him for his efforts, noting that the structure has become a highlight of Uptown Hamel. She asked if other employees would be hired for the additional space.

Therrien advised that another employee would not be hired at this time; this would simply move materials from one place to another to provide storage.

Martin referenced the access easement and questioned if the easement includes language that the easement would be terminable upon certain actions.

Therrien stated that the easement is permanent.

Pederson asked if perhaps shutters or an awning could be installed with the windows on the west side in order to further modulate the side.

Therrien stated that he would need to consult with his builder but would be open to working with staff to make the building more aesthetically pleasing.

Weir referenced the landscaping plan and questioned if the large tree would be left in place.

Therrien advised that tree already exists and is not actually located on his property.

*Moved by Anderson, seconded by Pederson, to direct staff to prepare a resolution granting site plan approval with the recommended conditions and additional direction for the applicant to work with staff regarding the western facing wall. **Motion passed unanimously.***

D. Capital Knoll – Preliminary Plat – 1575 Hamel Road (7:38 p.m.)

Sparks presented a Preliminary Plat request for the property located at 1575 Hamel Road to be titled Capital Knoll. He advised that the property is zoned for rural residential and advised that the applicant is proposing to divide the property in that fashion in order to create three lots. He advised that the proposed lots meet the size requirements of the zoning district and provided additional information on the proposed access for those lots. He noted that there are plans for a trail along Hamel Road but advised that would be provided through the County right-of-way. He advised that the Park Commission recommended cash in lieu for park dedication. He reported that the wetland delineation report was reviewed by staff and the proposed wetland buffers would be suitable. He advised that a shared driveway agreement and buffer planting plan for the wetland and upper buffer easement would be required prior to Final Plat review. He stated that the Planning Commission held a public hearing and recommended approval of the request.

Pederson stated that based on the resident input from the Planning Commission, the residents were in support of leaving the road as-is.

Finke provided additional information regarding the proposed widths of the northern lots, noting that the proposed orientation would only allow a 15 foot strip for animal structures because of the required setbacks. He stated that the Planning Commission discussed a condition that would discuss notification of that in order to prevent variance requests in the future. He stated that staff could develop specific language that buyers should be notified of the City's setback requirements regarding animal structures.

*Moved by Martin, seconded by Pederson, to direct staff to prepare a resolution approving the Preliminary Plat based upon the findings in the staff report and subject to the conditions noted in the report as well as an additional condition that buyers shall be notified of the setback requirements for animal structures. **Motion passed unanimously.***

E. Wakefield – Preliminary Plat – 3385 County Road 24 (7:48 p.m.)

Sparks presented a Preliminary Plat request for the property located at 3385 County Road 24 to subdivide into three lots. He acknowledged the difficulties existing on the site because of the wetlands and slopes. He advised that all three proposed lots would meet the size requirements of the rural residential zoning district. He identified a shared driveway that would be required by Hennepin County. He noted that the County is also requesting the proposed location of the driveway for the third lot, in order to ensure adequate spacing between the access points. He stated that there is no proposed tree removal at this time. He advised that the Park Commission reviewed this request at their last meeting and identified a proposed trail on the Trail Plan. He stated that the Commission recommended accepting a 20 foot trail easement be provided. He advised that the Planning Commission also recommended approval of the request.

Pederson questioned if the driveway easement would need to be established.

Sparks confirmed that would need to be established.

Weir stated that she walked the land the previous day, noting that it is beautiful land, also acknowledging the wetlands and sloping terrain.

Bill Kuhlmann stated that the property is owned by a partnership, of which the partners are from various trusts. He agreed with the update provided by Meehan. He stated that because of the sloping terrain and wetlands on the property, it would be difficult to provide a trail in the previously proposed location. He explained that is why they had proposed to place the trail on the western side of the property. He advised that the County also had concern with placing the trail access near the driveway location.

Weir stated that the proposed trail would intersect the road at a place where visibility is not great and traffic is fast. She stated that if the northerly Baker Park trail head was still existing then the easterly trail location would be ideal. She recognized the park standards regarding the 80 percent development limit and the limitations that could have on trails. She questioned if the trail easement should be kept on the western side and noted that if it were kept its width could be reduced as a 20 foot trail would be intrusive to the low wetlands on the property.

Anderson agreed with the comments made by the Park and Planning Commissions that the trail should be located on the western side of the property.

Martin stated that she also agreed with those comments but was unsure of the width that would be appropriate.

Finke stated that staff will review if a trail in that location would be necessary and a trail in the western location would not fit with the trail plan and would not provide connection.

Weir questioned the purpose of the eastern trail without the connection to Baker Park.

Sparks advised that the proposed eastern trail would fit with the Trail Plan.

Meehan stated that the western trail would connect to Baker Park to provide a loop in that area. She advised that this would be a proposed trail and may not ultimately be constructed.

Weir stated that it appears that the Park Commission is recommending to accept something rather than nothing, while staff is opposed to that idea.

Roland Aberg stated that he is also part of the trust involved in this property. He stated that he is also a landscape designer and master planner and referenced the existing slopes on the property. He stated that the existing slope would not be suitable for horses or bicycle traffic. He referenced the mitigation that was necessary for the driveways through the Minnehaha Watershed District and stated that a trail would similarly require mitigation efforts. He was not sure that the trail easement would serve a purpose because of those issues.

Martin confirmed that the suggestion would then be to accept cash in lieu for park dedication.

Anderson stated that in this instance that might be the best way to go.

Martin stated that she would also support that.

Weir stated that while she does not like to go against the recommendation of the Park Commission she was unsure how functional a trail would be on the property.

Martinson stated that she would not want to interfere with the Master Parks and Trails Plan but agreed that this may not be the best location for a trail. She stated that perhaps the Park Commission could review this area to determine if this connection or a lack of a connection would have an impact.

Finke reported that the Park Commission could not meet again before the next meeting but noted that staff could review the item prior to the next Council meeting.

Weir stated that she would be in favor of not requiring an easement and accepting cash in lieu.

Meehan stated that perhaps the western portion could be reserved as a placeholder and further investigation could be done.

Sparks noted that the review deadline is October 11th.

Weir stated that this has been a lengthy process and she would like to move this forward.

Martin asked that the applicant confirm that the applicant could support cash in lieu in terms of park dedication if that moves the request forward. She requested if the Council could move this along with a condition that the decision regarding park dedication, whether to accept cash or a trail easement, could be made within a specific period of time.

Batty confirmed that would be an option and stated that in terms of width it could state an easement of adequate width.

*Moved by Martin, seconded by Martinson, to direct staff to prepare a resolution approving the Preliminary Plat based upon the findings in the staff report and subject to the conditions noted in the report with direction for staff to amend condition eight which would provide an option to accept an easement along the western portion of the property of adequate size or cash in lieu. **Motion passed unanimously.***

F. Resolution No. 2014-59 to Contract with a Council Member (Hwy 55 Rental for Medina Celebration Day) (8:24 p.m.)

Pederson recused himself from the discussion.

Johnson stated that this resolution provides transparency that the City is going to contract with Pederson for Celebration Day.

*Moved by Martinson, seconded by Anderson, to adopt Resolution No. 2014-59 to contract with a council member. **Motion passed unanimously.***

Pederson rejoined the Council.

G. Engagement Letter from Briggs and Morgan

Johnson provided an engagement letter from Briggs and Morgan to contract with the City to provide services in regard to the cable franchise issues. He noted that a second letter discloses that Briggs and Morgan also contracts with Xcel Energy.

Anderson questioned why Kennedy and Graven would not be contracted for this matter.

Weir stated that Batty suggested a colleague whom deals with these matters. She advised of a conflict the Medina representative has with Kennedy and Graven's representative. Kennedy and Graven represents the Lake Minnetonka Communication Commission (LMCC).

Batty advised that there is no current conflict but was in support of this request.

*Moved by Martin, seconded by Anderson, to authorize execution of the two letters from Briggs and Morgan. **Motion passed unanimously.***

VIII. CITY ADMINISTRATOR REPORT (8:28 p.m.)

Johnson advised that he had mixed up the dates for the upcoming Tower Drive Open House and would provide notice to the City Council about the upcoming open house.

IX. MAYOR & CITY COUNCIL REPORTS (8:28 p.m.)

Weir provided an update on upcoming meetings that she and Johnson will attend.

Martin thanked Weir for her efforts in regard to natural resources.

X. APPROVAL TO PAY THE BILLS (8:29 p.m.)

*Moved by Martinson, seconded by Pederson, to approve the bills, EFT 002762E-002775E for \$40,666.07, order check numbers 041691-041766 for \$260,248.18, and payroll EFT 505864-505888 for \$43,701.31. **Motion passed unanimously.***

XI. ADJOURN

*Moved by Anderson, seconded by Martin, to adjourn the meeting at 8:30 p.m. **Motion passed unanimously.***

Elizabeth Weir, Mayor

Attest:

Scott Johnson, City Administrator