

## **MEDINA CITY COUNCIL MEETING MINUTES OF SEPTEMBER 17, 2013**

The City Council of Medina, Minnesota met in regular session on September 17, 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, Public Works Director Steve Scherer, and Chief of Police Ed Belland.

### **II. PLEDGE OF ALLEGIANCE**

### **III. ADDITIONS TO THE AGENDA**

The agenda was approved as presented.

### **IV. APPROVAL OF MINUTES**

#### **A. Approval of the September 3, 2013 Special Open House City Council Meeting Minutes**

It was noted that roll call section should be updated to reflect that Martinson was present and Martin was absent.

*Moved by Pederson, seconded by Anderson, to approve the September 3, 2013 Special Open House City Council meeting minutes as amended. **Motion passed unanimously.***

#### **B. Approval of the September 3, 2013 Regular City Council Meeting Minutes**

*Moved by Anderson, seconded by Martinson, to approve the September 3, 2013 regular City Council meeting minutes as presented. **Motion passed unanimously.***

### **V. COMMENTS**

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

There were none.

#### **B. Planning Commission**

Planning Commissioner Kent Williams advised that the Commission did not meet in August and provided an update on the September meeting, which occurred the previous week. He advised that the Commission heard a proposed development for a mixed-use property, which included single-family housing and one apartment building. He reported that the Commission voted in unanimous denial of the request because of the homogeneous single-family house type with one apartment building placed into the development to make up the density. He noted that the developer had stated that townhouses would not be economically viable and advised that the Commission has heard that more than once in the past few years. He advised that the Commission also

held a public hearing for a request for a 13-lot development, Fawn Meadows, which the Commission denied. He explained that the Commission felt the plat could have been done in a manner that made better use of the parcel. He advised of another application for approval of a plat to create two lots on Lake Independence, noting the only issue would be a garage that would be made nonconforming because of setbacks. He advised that the Commission voted to recommend unanimous approval of the request, subject to a number of conditions, and noted that the applicant will come back before the Commission at its next meeting to make a variance request.

**B. Park Commission**

Scherer reported that the Park Commission will meet the following night to discuss the Concept Plan for the park at the Fields of Medina. He hoped that at least grading could be completed this fall. He advised that the Commission will also discuss the dog park concept.

**VI. CONSENT AGENDA**

**A. Approve Raffle Permit for MnUSA Region 8, Inc. for November 16, 2013 at the Medina Entertainment Center**

**B. Approve Agreement with Visu-Sewer Clean and Seal, Inc. for the 2013-2014 Sewer Cleaning and Televising**

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

**VII. PRESENTATION**

**A. Minnehaha Creek Watershed District Update – Peter Rechelbacher and Becky Houdek**

Peter Rechelbacher, 1242 Hunter Drive, advised that he was appointed by the City Council as a voluntary representative to attend the Minnehaha Creek Watershed District meetings and report back to the Council with information. He advised that the District will hold an upcoming event to honor those who make a significant impact on water quality and congratulated Weir, who is a recipient of an award this year.

Weir expressed her thanks and advised that she and Rechelbacher worked together on a local lake association, of which Rechelbacher has been a great leader.

Rechelbacher advised of a presentation that will be made to the Council on a study, which is currently being completed regarding the updated rainfall events, and the effect of infrastructure on stormwater management. He advised that the District is currently seeking a grant in the amount of \$2,000,000 in an attempt to control the spread of AIS (Aquatic Invasive Species). He explained that the District would create locations where boaters could go to have their boats properly cleaned and decontaminated. He advised that the District is holding a tour of the upper watershed area and noted a lake partially in Medina that will be included on the tour. He noted that he will give a presentation during the tour on the current issues facing the lake.

Becky Houdek, Minnehaha Creek Watershed District Planner, stated that she has been one of the main staff members coordinating with the MPCA on the TMDL study. She provided a brief review of the scope included in the study and highlighted impaired waters. She reviewed the role of the Watershed District throughout this process and the

current status of the study. She noted that a draft report was distributed to stakeholders in July for comments and advised that the report would be revised to address some of those comments. She identified the reduction targets for the City of Medina, specific to each lake. She noted that these are drastic reductions that are called for in order to meet State water quality standards. She acknowledged that these are long-term goals.

Finke asked for clarification between this information and the information outlined in the Watershed District's Plan.

Houdek explained that the District's Plan, completed in 2007, included goals for the District and member cities. She explained that through the Plan the District took on the burden of the reductions. She explained that the reduction in TMDLs will be assigned to the majority of the reduction to the cities but noted that does not mean that the District will not continue to work toward their Plan goals.

Finke referenced a water quality project that was completed and compared that cost and the reduction provided through the project, noting that a significant portion of that project was funded with grants.

Scherer explained that there are a lot of small projects that could be done but advised that landowners are reluctant to sign agreements granting easements.

Houdek explained that the District likes to have those agreements in place for protection but noted that alternate options could be discussed. She stated that the District created a policy to determine the credits that could be shared towards the TMDL goals from District completed projects. She also noted a BWSR grant that would be available and noted that having a plan for the TMDL does help in receiving the grant. She stated that the District has also sent out tables that include the information and provide a roadmap for moving forward but noted that the District would like to hear comments and feedback from cities, including additional projects that could be listed on the tables. She stated that she appreciates the involvement of the City of Medina throughout this process as the participation has been very valuable.

## **VIII. NEW BUSINESS**

### **A. Enclave – Medina 5<sup>th</sup> Addition – Final Plat**

Martin recused herself from the discussion.

Finke presented a request from the Enclave – Medina 5<sup>th</sup> Addition, noting that the Council gave preliminary approval in August and advised that this is the final phase of the Enclave development. He stated that the purpose of the Final Plat review is to ensure consistency with the Preliminary Plat. He stated that this review also ensures that the conditions of the Preliminary Plat have been met or are being continued to be met. He provided additional information regarding a condition in the Preliminary Plat. He stated that staff recommends that the condition be noted within the Resolution that the right-of-way is as approved by City staff.

Weir noted that she had brought forward a question as to whether Mediacom could be included in the development so that the line for the cable services could be installed in conjunction with the development rather than bringing in the utility after the fact. She stated that it appears that the City would need to work with Mediacom in that regard.

Finke stated that it has been a struggle historically for Mediacom to come through the first stage of utilities and instead comes in after the fact and not in the most effective manner. He advised that the new Franchise Agreement will require that the utility come in during construction with the other utilities but noted that Agreement is not effective until 2014.

Weir referenced a comment made by the Planning Commission regarding the height of the building pad on some of the homes that overlook existing houses to the north.

Finke provided additional information on the elevations.

Weir noted that the City accommodated the request regarding buffers to allow decks. She stated that she did not see a requirement for signage along the narrowed wetland buffers and questioned if that should be included.

Finke stated that the Development Agreement references the plans, which show the signs. He noted that there are existing signs throughout the Enclave property.

Pederson referenced the Development Agreement and asked for additional information regarding dust control during construction.

Kellogg stated that generally a representative from WSB would be present during the utility installations. He noted that once alerted to a problem, WSB investigated the site immediately and helped to find a solution to the dust problem.

Pederson believed that item should be watched more closely in the future and stated that he was unable to find the hours of operation within the Agreement. He stated that he personally has a problem with the hours of 7:00 a.m. to 8:00 p.m. He believed a start time of 7:30 or 8:00 a.m. through 6:30 p.m. would be more appropriate. He also believed that the weekend hours were excessive. He believed 9:00 a.m. to 4:00 p.m. would be more appropriate.

Finke explained that the hours are standard in all development agreements the City has. He believed that if the Council feels that way the hours should be changed for everyone, not just this development.

Batty noted that the City has used these hours historically with development agreements.

Finke stated that the Council may want to discuss the change in hours with the developer and what that impact would have to their timeline with the season change.

Pederson questioned what would be included in the Agreement to enforce violations.

Finke explained that the violation would be of the contract, as an Ordinance does not guide this. He stated that more often if staff identifies a violation the developer is very willing to come into compliance.

Batty stated that perhaps the Council should set specific work hours via Ordinance, which could assist in enforcement.

Kellogg noted an adjacent parcel, which is being developed and has the standard hours of operation. He noted that if the hours of operation were to be amended for this request that may not solve the problem for the neighbors as the previous development was awarded the standard hours.

Johnson noted that the next development request could be held to the amended hours of operation if desired.

Weir referenced the comment made regarding a raingarden in the cul-de-sac island and questioned whether that was included.

Finke stated that the developer has reviewed plans and has chosen not to incorporate the feature into the plans.

Weir stated that in terms of water quality the raingarden would provide benefit and could also assist with snow storage.

Jason Biederwolf explained the proposal, which would be designed to hold a maximum amount of snow storage, and how that area would drain.

Weir questioned why a raingarden would not be an advantage.

Jason Biederwolf stated that it would depend on the definition of raingarden, as he would not want to impact the snow storage. He stated that infiltration medium could be used in the basin. He also referenced the dust control and noted that they have made their best attempt to control the issue and resolve the situation once brought forward from staff.

1. **Resolution No. 2013-71 Approving the Final Plat for the Enclave – Medina 5<sup>th</sup> Addition**

*Moved by Pederson, seconded by Martinson, to adopt Resolution No. 2013-71 Approving the Final Plat for the Enclave – Medina 5<sup>th</sup> Addition. **Motion passed unanimously. (Martin abstained)***

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

*Moved by Pederson, seconded by Anderson, to approve the Development Agreement By and Between the City of Medina and U.S. Home Corp., and to direct the Mayor and the City Administrator to execute the agreement. **Motion passed unanimously. (Martin abstained)***

Martin rejoined the Council.

B. **Resolution No. 2013-72 to Contract with a Council Member (Hwy. 55 Rental for Celebration Day)**

Pederson recused himself from the discussion.

Johnson noted that the City has contracted with Highway 55 Rental in the past in regard to Celebration Day. He stated that due to this relationship, passing the presented Resolution is required to do business with Councilmember Pederson.

*Moved by Anderson, seconded by Martinson, to adopt Resolution No. 2013-72 to Contract with the Council Member Jeff Pederson and Highway 55 Rental for Celebration Day. **Motion passed unanimously. (Pederson abstained)***

Pederson rejoined the Council.

**C. County Road 19 Sewer Extension**

Johnson stated that Scherer is recommending that the City work with the MET Council and various other cities to extend sewer infrastructure to the County Road 19 area.

Scherer stated that this will be a significant impact to the sewer in the northwest portion of the City. He stated that although the information in the packet only goes back one year, the work has been ongoing for a much longer timeframe. He stated that the City has been attempting to have the MET Council extend the sewer. He advised that the comments to the MET Council are due this week and noted that is where he needs input. He stated that staff is suggesting that the service point be extended to the service ponds in Loretto. He stated that it would be huge for the City if the MET Council were to take over that station. He reviewed the other conditions and the benefits that would be provided if the extension were to connect to the Loretto ponds. He asked if the Council is in agreement with the comments being submitted.

Martin thanked Scherer for the background information as she is new to the issue. She inquired if the recipient of the letter is aware of the sewer gas issue in the Medina neighborhood near County Road 19 noted in the letter.

Scherer advised that there would be an opportunity to cost-share, as the City is currently funding the sewer.

Martin advised that she would forward her proof reading comments to Johnson.

Kellogg noted that if everything were to fall into place this project would occur in 2016.

Weir confirmed that if this moves forward the other cities will be assessed as well. She thanked Finke and Scherer for their work on this issue.

*Moved by Anderson, seconded by Pederson, to instruct staff to proceed with the submission of the comments regarding the County Road 19 sewer extension to the Met Council. **Motion passed unanimously.***

**D. Tower Drive Feasibility Report**

Scherer referenced an open house, which took place in 2011 at which time the draft feasibility report was reviewed with residents. He noted that the result of that meeting was to delay that project for a few years because of the economy but noted that since then there has been positive response in wanting to move the project ahead. He stated that there are some participants willing to put stormwater improvements on their properties. He stated that staff would like to keep the project moving as if the grant is going to be approved. He explained that there is a long timeline and hoped to have the design work complete by the end of the year. He stated that staff would like to spend the funds on the project itself, rather than amending the feasibility study. Scherer stated that the project is feasible and there is a lot to be done there, so staff would rather spend the money on the project, beginning with survey work and soil borings. He stated that

there are some loose ends on the report but noted that staff would like the report approved in order to move forward and begin the survey and boring work.

Weir questioned if the feasibility report would be amended once the additional information is known.

Kellogg stated that WSB was asked to update the cost based on the feasibility study and the known work. He stated that Batty advised that this report could be adopted as a guide and the money that would have been spent to revise the report could be used to complete the survey work and the soil borings, noting that the design could then be amended. He also referenced the project schedule and noted that there are a lot of steps to occur between now and the estimated start date in May 2014. He noted that the City would not be notified if the grant is awarded until January and advised that if this work does not occur prior to that time the project would not occur in 2014. He advised that if the project is delayed the preliminary survey and soil borings could still be used in 2015 with minimal amendment.

Kellogg referenced a Council meeting in November at which time the Council can discuss whether to move forward on the plans and specifications before finding out whether the grant is awarded. He noted that the plans and specifications can also be placed on the shelf should the project be delayed until 2015. He stated that it is beneficial to get as much of this work completed regardless of whether the project moves forward in 2014 or 2015.

Martin questioned if the feasibility of the project has become any less feasible since the draft report was created.

Scherer noted that the project has only become more feasible. He advised that a new engineering firm has been hired since the creation of the draft report and tweaks can be made to the design plan.

*Moved by Martin, seconded by Pederson, to adopt Resolution No. 2013-73 accepting the 2011 Tower Drive Feasibility Report prepared by Bonestro and direct staff to move forward on the preliminary survey and soil boring/geotechnical work. **Motion passed unanimously.***

#### **IX. CITY ADMINISTRATOR REPORT**

Johnson referenced the award that will be given to Weir by the Minnehaha Creek Watershed at an upcoming event on October 17, 2013. He also noted the upcoming Medina Celebration Day Events on September 21, 2013.

#### **X. MAYOR & CITY COUNCIL REPORTS**

Weir stated that she is honored by the award but also thanked Scherer and Finke, as well as Rechelbacher for their assistance. She referenced the Atlas 14 stormwater updates and encouraged Medina to think carefully about adopting the new numbers going forward. She acknowledged that it may be more costly but could help in preventing disaster.

Finke stated that he recently attended a presentation on Atlas 14 and was actually put at ease a bit in regard to the actual impact on the infrastructure. He stated that the recommendation of WSB was to adopt the new numbers and believed that most cities

will move in that direction. Weir stated that she would also like to meet with a representative from the MET Council in regard to the Atlas 14 information and the required density involving a failing roadway, Highway 55.

Anderson stated that he took a tour of the Public Works Facility recently.

Martinson stated that she recently attended Board of Appeal and Equalization training and was certified.

Johnson stated that if any Councilmembers would like to tour the facility he can facilitate this with RJM Construction.

Weir stated that it really is impressive and will last the City a long time.

Martinson stated that she attended a recent dedication ceremony involving solar collectors for Wright Hennepin Electric.

Pederson stated that he also attended and commented that one resident stated that he knows of a place within the City, which could be considered as a solar site, the old dump. He also referenced the new Public Works Facility and was excited by the progress. He advised that he also met with Hennepin County on the County Road 116 and Highway 55 intersection improvements, noting that the funding has not yet been identified by the County.

#### **XI. APPROVAL TO PAY THE BILLS**

*Moved by Anderson, seconded by Pederson, to approve the bills, EFT 002263E-002284E for \$58,802.31 and order check numbers 040185 - 040228 for \$247,117.86 and payroll EFT 505181-505210 for \$44,983.99. **Motion passed unanimously.***

#### **XII. ADJOURN**

*Moved by Anderson, seconded by Martinson, to adjourn the meeting at 8:33 p.m. **Motion passed unanimously.***

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Elizabeth Weir, Mayor

Attest:

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Scott Johnson, City Administrator