

## **MEDINA CITY COUNCIL MEETING MINUTES OF SEPTEMBER 18, 2012**

The City Council of Medina, Minnesota met in regular session on September 18, 2012 at 7:03 p.m. in the City Hall Chambers. Mayor Crosby presided.

### **I. ROLL CALL**

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

**Members absent:** None.

**Also present:** City Attorney Ron Batty, City Engineer Tom Kellogg, Planner Dusty Finke, City Administrator Scott Johnson, 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 September 4, 2012 Special City Council Meeting Minutes**

*Moved by Weir, seconded by Pederson, to approve the September 4, 2012 special City Council meeting minutes as presented. **Motion passed unanimously.***

#### **B. Approval of the September 4, 2012 Regular City Council Meeting Minutes**

It was noted on page three, line 25, it should state, "...to straighten out a bad ~~apparition~~ application". On page nine, line 9, it should state, "...noted that he did not support bonus space because it would provide an additional revenue opportunity to those selling sign space to off premises sites."

*Moved by Weir, seconded by Pederson, to approve the September 4, 2012 regular City Council meeting minutes as amended. **Motion passed unanimously.***

### **V. CONSENT AGENDA**

#### **A. Adopt 98.00 Post-Issuance Debt Compliance Policy**

#### **B. Approve Joint Powers Agreement for Willow Drive Trail between the Cities of Medina and Orono**

#### **C. Approve Agreement between the City of Medina and William L. Leskinen and Denise M. Leskinen**

#### **D. Approve Right of Entry Agreement between the City of Medina and Patrick L. Etzel and Patricia M. Etzel**

#### **E. Approve Exploration Borehole Services Agreement with Bergerson-Caswell**

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

### **VI. COMMENTS**

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

There were none.

**B. Park Commission**

Johnson noted that the Park Commission would be meeting the following night.

**C. Planning Commission**

Planning Commissioner Anderson stated that the Planning Commission met the previous week to discuss the Ordinance regarding wind energy conversion systems, solar equipment and geothermal systems, which the Council will discuss tonight. He advised that the Commission had been discussing this item since July and has provided their suggestions for revision of the Ordinance. He provided further explanation regarding the decision not to allow wind turbines within residential zoning areas, but only in commercial areas, noting that if found to be successful that option could possibly be phased in to rural residential properties.

**VII. NEW BUSINESS**

**A. Ordinance Regarding Regulations of Wind Energy Conversion Systems, Solar Equipment, and Geothermal Systems; Amending Chapter 8 of the City Code**

Finke provided background information, noting that the Council enacted a moratorium on June 5, 2012 and directed staff to study the existing regulations regarding wind energy conversion systems, solar equipment and geothermal systems. He noted that the Planning Commission did review the item at three meetings and advised that the recommendations suggested by the Commission were included in the Council packet. He advised that regulations found for area communities and public safety considerations were also included in the Council packet. He reported that the issue of noise was the primary item studied by staff and noted staff was shocked at the lack of regulations in regard to noise found (or not found) in Ordinances used by other communities. He also highlighted information found in regard to shadow flicker, visual impacts and impacts to wildlife.

Weir stated that she contacted the Raptor Center and it is well known that Red-tailed Hawks and other raptors perch on lattice structures to hunt and are susceptible to the spinning blades. She stated that the other organizations she contacted did not have concrete information other than a preference that monopole be used. She questioned if there is a difference in cost between the lattice and monopole systems.

Finke stated that monopole systems are much more expensive.

Martinson questioned if there is a difference between windmills and wind turbines, stating that she has seen windmills around town that are about twice as tall as a home.

Finke confirmed that those two items are different and stated that while the Planning Commissions are not opposed to the traditional windmills, there is concern over the future aesthetic for that type of system. He also briefly mentioned the types of WECS/Capacity, as well as where to allow the technology, and again summarizing the suggestions regarding noise.

Clarkson Lindley, 1588 Homestead Trail, thanked the Planning Commission for the work they have done on the Ordinance. He believed the Commission did a great job and urged the Council to approve the Ordinance as recommended.

Martinson confirmed that the recommended Ordinance would not allow any residential use.

Crosby questioned whether some kind of residential use should be allowed. He stated that if used in a residential area, there should be little to no noise found at the property line. He suggested a maximum height of 75 to 80 feet, which is similar in height to a silo or barn.

Weir stated that she agrees with the allowance within the residential areas, with added language and definition, but instead suggested a height of 50 feet.

Crosby questioned if there would be any legal issues with disallowing in all residential areas or allowing in some residential areas and not others.

Batty stated that he did not believe that there would be any issues legally. He stated that the Council could ban the use of that technology everywhere, allow everywhere, or ban in some areas and allow in others.

Crosby stated that he did not see any problem with disallowing the use of this technology at this time in residential areas with adding language that the technology may be allowed in the future.

Weir questioned if the Council would be in agreement with allowing micro-turbines in the rural residential areas, which could also allow the traditional windmill as well.

Pederson stated that his concern is that this would make a lot of existing windmills nonconforming. He stated that there are already silos allowed in rural residential areas, which are high structures.

Finke referenced a rural residential property that currently has a silo near 80 feet, but noted that due to the location and context the wind turbine may appear much taller.

Siitari stated that he would support a 50-foot wind turbine and does not see any problem with use of the technology at that height, on a property of at least 20 acres in size.

Crosby reviewed the options of approval open to the Council.

Martinson stated that she would prefer language allowing short towers on large parcels in the rural residential area, noting that approval could be subject to review by the Planning Commission or Council.

Crosby confirmed the elements that could be regulated for a 50-foot structure such as height and kilowatts; noting that design is not one of those items.

Finke noted that the regulations could specify blade arrangement and certain aesthetic items. He named some of the Metro communities that allow use of wind turbines including Maple Grove and Anoka.

Nancy Lindley, 1588 Homestead Trail, stated that between her and her husband they attended every meeting of the Planning Commission, which discussed this issue. She agreed with the recommendations of the Planning Commission for this issue and believed that the wind turbines take away from the rural aesthetic of the community. She stated that smaller turbines were not discussed.

Planning Commissioner Anderson advised that micro turbines were discussed.

Nancy Lindley confirmed that micro turbines were discussed, but the Commission voted against that option.

Batty noted that the Council could move ahead as they wish, whether or not an option was discussed by the Planning Commission.

Planning Commissioner Anderson stated that if micro turbines are going to be allowed in the rural residential areas, he suggested that fairly strong regulations be included for decommissioned wind turbines.

Batty stated that all Ordinances are open to revision in the future and did not believe that language would need to be included in the Ordinance language. He stated that the issue would be whether or not to allow any type of use within the residential area.

Weir stated that she is interested in the use of micro turbines for rural residential and agricultural properties of large size but noted that she is flexible on the issue.

Crosby referenced solar energy and confirmed that as proposed, the Ordinance would allow the use of solar panels for an entire field located on his property. He commented that he believes that idea to be more of an eyesore than wind turbine technology. He stated that in regard to visual aesthetics, he would prefer that solar panels only be allowed on rooftops. He believed that the Ordinance should specify that all solar technology be attached to a building.

Finke briefly discussed geothermal systems, noting that staff was only able to find one other community which regulates that type of technology and advised that some language was borrowed from that Ordinance. He provided an excerpt of the language used to regulate solar energy and reduction of glare.

Crosby confirmed that the Council is in agreement with delaying action at this time and directing Finke to gather additional information and propose language, which could allow micro turbines of up to 50 feet on large properties in the rural residential areas.

Finke confirmed that he could draft that language and bring it back to the Council for review. He confirmed that once the Ordinance is adopted the Council would also like to end the moratorium and noted that he would draft that language so both actions could be taken at the next Council review.

Siitari confirmed that he would like Finke to draft language, which could allow the micro turbines of up to 50 feet, which the Council could review.

*Moved by Weir, seconded by Pederson, to table action on the ordinance regarding regulations of wind energy conversion systems, solar equipment, and geothermal systems; amending chapter 8 of the city code. **Motion passed unanimously.***

1. **Resolution Authorizing Publication of Ordinance by Title and Summary**

**B. Ordinance Establishing The Enclave at Brockton Storm Sewer Improvement Tax District**

Finke provided background information, noting that this process is similar to that used with other Homeowner Associations (HOA's).

Crosby opened the public hearing at 8:15 p.m.

Crosby stated that Finke advised of a resident of Medina who commented that they believe such an Ordinance should not be passed based on the theory that these types of storm sewer improvements should be considered public improvements.

*Moved by Weir, seconded by Siitari, to close the public hearing at 8:16 p.m. **Motion passed unanimously.***

Finke suggested that the action be delayed until the plats are received. He explained that the hearing had been noticed and now conducted and advised that action could be taken at a later time.

Batty explained that this is the first step in a three step process to protect the City, which includes the Covenant, development Agreement, and this step. He advised that this process exists with other HOA's and reported that the City has never had to proceed with steps two or three.

**C. Municipal Utility Service Agreement between the City of Medina and the City of Orono**

Johnson stated that staff has been working with WSB and the City of Orono on this matter and referenced a map included in the packet, which identified the current and future sewer units under the proposed agreement. He commended Kellogg for his work on this process and advised that the City of Orono approved this Agreement at their last Council meeting. He advised that approval would also be needed from the City of Long Lake, as they had been a part of the original 1981 Agreement. He noted that staff has been working with the City of Orono since 2005 to update the Agreement to reflect the current and future needs.

*Moved by Weir, seconded by Pederson, to approve Municipal Utility Service Agreement between the City of Medina and the City of Orono, subject to the consent from the City of Long Lake. **Motion passed unanimously.***

**D. Resolution No. 2012-60 to Contract with a Council Member**

Pederson recused himself from this discussion.

Crosby confirmed that this is specific to the Medina Celebration Day event this Saturday. He questioned if this could be made as a longstanding standing Resolution, as the City occasionally rents equipment from Highway 55 Rental.

Batty was unsure that the Council could set a longstanding standing Resolution as the specific contract language would need to be known prior to approval.

*Moved by Weir, seconded by Siitari, to adopt Resolution No. 2012-60 to contract with a Council member. **Motion passed unanimously.** (Pederson abstained.)*

#### **VIII. CITY ADMINISTRATOR REPORT**

Johnson reminded the Council and public that Celebration Day will take place this Saturday, September 22<sup>nd</sup> from 4:00 p.m. to 8:00 p.m. He stated that a letter of thanks was received from Public Safety Director McCoy from West Hennepin Public Safety thanking the Medina Police Department for the assistance of the Police Reserve unit at their recent celebration event in Maple Plain.

Weir commented on the valuable assistance given by volunteers for the Medina Celebration Day event and suggested that a formal Resolution be passed in the future.

Martinson suggested publicly recognizing the volunteers as well.

Crosby noted that a picture could be taken at the event with a Councilmember and the volunteers.

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

Crosby reported that he received a call from a resident in regard to the condition of Chippewa Road. He stated that Scherer is willing to include the road in the CIP but advised that there is not unanimity from the residents on that road in regard to the repairs.

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

*Moved by Weir, seconded by Pederson, to approve the bills, EFT 001775E-001796E for \$42,147.45, and order check numbers 038773-038817 for \$191,140.12 and payroll EFT 504470-504494 for \$42,032.66 and payroll check number 020371 for \$2,222.85.*

***Motion passed unanimously.***

#### **XI. ADJOURN**

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

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T.M. Crosby, Jr., Mayor

Attest:

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Scott Johnson, City Administrator