

## MEDINA CITY COUNCIL MEETING MINUTES OF OCTOBER 6, 2009

The City Council of Medina, Minnesota met in regular session on October 6, 2009 at 7:04 p.m. in the City Hall Chambers. Mayor Crosby presided.

### I. ROLL CALL

**Members present:** Crosby, Smith, and Weir.

**Members absent:** Johnson and Siitari

**Also present:** City Attorney Ron Batty, City Engineer Tom Kellogg, Police Chief Ed Belland, City Planner Dusty Finke, Public Works Superintendent Steve Scherer, City Administrator Chad Adams and Recording Secretary Amanda Staple.

### II. PLEDGE OF ALLEGIANCE

### III. ADDITIONS TO THE AGENDA

It was requested to add an item to the agenda, a closed session to discuss labor negotiations, at the end of the meeting.

*Moved by Weir, seconded by Smith, to approve the agenda as amended. **Motion passed unanimously.***

### IV. APPROVAL OF MINUTES

#### A. Approval of the August 27, 2009 Special City Council Meeting Minutes

*Moved by Weir, seconded by Smith, to approve the August 29, 2009 Special City Council meeting minutes as presented. **Motion passed unanimously.***

#### B. Approval of the September 15, 2009 Special City Council Meeting Minutes

It was noted on page one, the third paragraph, it should state: "...1977 and ~~consistencies~~ inconsistencies of..." On page one, the fourth paragraph, it should state, "...simple interest; a 90 day period in which to pay accrued interest only, on a simple interest basis; or staying with..."

*Moved by Smith, seconded by Weir, to approve the September 15, 2009 Special City Council meeting minutes as amended. **Motion passed unanimously.***

#### C. Approval of the September 15, 2009 Regular City Council Meeting Minutes

It was noted on page three, line 30, it should state: "...status of the ~~lakes~~ joint Medina/Lorretto re-meandering of the stream and wetland meandering extension." On page six, lines 37, it should state, "...~~two~~ three facilities..." On page six, line 39, it should state, "...of the ~~two~~ three businesses..." On page six, line 30, it should state, "...increase the buffer setback for hunting."

*Moved by Smith, seconded by Weir, to approve the September 15, 2009 Regular City Council meeting minutes as amended. **Motion passed unanimously.***

### V. CONSENT AGENDA

- A. **Approve 2010 Health, Life, and Dental Insurance Rates**
- B. **Release Letter of Credit to Willow Hill Preserve**
- C. **Approve First Amendment to Agreement with Ace Properties, LLC**
- D. **Resolution Recognizing Former Mayor Wayne E. Neddermeyer**

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

## **VI. COMMENTS**

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

Dave Ferin, 287 Cherry Hill Trail, requested that the City paint stripes on the curb in front of the fire hydrant located near Saint Anne's Church. He advised that the street had been painted to allow parking and because the curb is not painted it appears that there is a space for parking in front of the hydrant. He requested that diagonal striping or painting of the curb be done in order to prevent further misunderstanding.

Scherer stated that staff originally thought it would be best to wait until people became accustomed to the area to determine if additional regulation would be needed in terms of parking. He advised that most cities do not paint the street or curb as people know not to park in front of a hydrant. He stated that staff would review the option of painting.

Crosby stated that due to the location he did not think that painting this curb would cause additional requests for curb painting.

Scherer stated that he would prefer to paint the curb rather than the street.

### **B. Park Commission**

Park Commissioner Ann Thies stated that the CIP had been reallocated at the previous meeting due to the additional amount needed for the field house project. She reported that a ribbon cutting had occurred at the park but because of the rain there had not been much work in regard to construction. She stated that the Commission is still working on the proposed park signs and would discuss the matter at their next meeting.

### **C. Planning Commission**

Planning Commissioner Michelle Litts reported that the Commission had not met since the last Council meeting.

Finke stated that the Commission would review the Mixed Use Zoning District at the next meeting.

## **VII. OLD BUSINESS**

### **A. Uptown Hamel Monument Sign**

Adams provided a summary of background information regarding the Uptown Hamel monument sign along with a sketch of the proposed sign. He then provided the options for lighting the sign and the cost for the different options. He questioned how the Council viewed the sign in regard to zoning standards and the proposed sign height. He then provided the options for Council action including directing staff to prepare the contract for the sign; to refine and review additional sign designs; or delay the sign until further development occurs or additional contributions are received.

Crosby questioned if there was justification for the sign height to exceed the ordinance.

Adams stated that the Uptown Hamel group requested a 14 foot sign and contractors provided the best estimate for a sign that would be visible from Highway 55.

Smith stated that this sign was not a private sign and Weir agreed.

Adams advised that the Business Park zoning district would allow for a sign 15 feet in height and thought that Uptown Hamel sign could be similarly argued to be a directional sign to a larger area.

Weir stated she believed that the sign would be viewed as an area sign, rather than a private sign. She advised that the sign would be visible from Highway 55 and felt that it was attractive in design. She stated that she did not think that the lettering for the City of Medina would need to be lit and thought that just the Uptown Hamel portion should be backlit.

Smith stated that she felt that the sign would attract additional people to Uptown Hamel and agreed with Weir's comments in regard to the lighting.

Crosby stated that the sign is a non-commercial sign that identifies a region or district and felt that is why the Council would be in favor of the proposed sign height.

*Moved by Weir, seconded by Smith, to direct Staff to prepare the contract for construction of the Uptown Hamel Monument Sign. **Motion passed unanimously.***

## **VIII. NEW BUSINESS**

### **A. Approve Second Amendment to Development Agreement with Charles Cudd, LLC**

Adams provided background information on the development agreement and explained the amendment to the agreement. He stated that staff was working to clarify the name of the company, as a previous change of name had been discovered. He advised that an e-mail from Chris Hillberg, a resident of Bridgewater, had been received and delivered to Council expressing his concerns.

John Sonneck, with Charles Cudd, reported that the company would replace the trees that were under warranty but explained that after that warranty period the developer is no longer responsible for replacing the trees, even if they are located in the City right of way.

Crosby stated that if a tree was on a lot it would become the problem of the lot owner but if a tree is located in the boulevard it is not owned by the lot owner. He stated that he felt that since the developer was still working on the project they should remove and replace the tree, even though the warranty is expired. He questioned what the development agreement stated in this matter.

Scherer stated that the development agreement stated that the developer would be responsible for the trees within the warranty period.

Adams reported that the warranty period by practice does not exceed two years.

John Sonneck reported that the trees were planted four years ago and questioned how long the City believes that the developer should be responsible for trees.

Adams stated that the tree issue is not directly related with the development agreement and stated staff continues to work on this with the developer and homeowner's association representative.

John Sonneck stated that some of the trees in discussion are on lots that are owned by builders and not his company and acknowledged that his company would replace the one tree that had been discussed but the others were not their responsibility.

*Moved by Smith, seconded by Weir, to approve the second amendment to development agreement with Charles Cudd, LLC. **Motion passed unanimously.***

**B. Ordinance Related to Places Ineligible for a Liquor License, Amending Section 625.14**

Adams stated that the Council had requested to remove specific language regarding the liquor license ordinance. He advised that staff had found some items in the review that were outdated and explained that staff suggested revision of the ordinance.

Crosby stated he did not feel that bars are viewed the same way as they once had been and he would be in favor of further review of the ordinance by staff for revision.

Dave Ferin, representing Saint Anne's Church, stated that the Church holds a fundraiser from Friday through Sunday once a year where beer is sold. He advised that a bar could get rowdy on a Saturday night when services could occur. He stated that there is a distinction between a bar and a restaurant that serves alcohol and asked that the Council consider that when revising the ordinance.

*Moved by Weir, seconded by Smith, to table the item to allow for further staff revision. **Motion passed unanimously.***

**C. Hamel Legion Park Landscape Master Plan**

Scherer stated that staff was directed to go out for RFP in July and selected Bonestroo as the consultant. He advised that an open house was held and the comments helped to re-craft the design. He stated that there are trees to be donated at the next Council meeting, as there were not enough Councilmembers present to accept the donation tonight. He explained that the plan was a general layout but does not display the exact location of each tree.

Crosby questioned in regard to the trees on the western edge as there were already trees in that location.

Adams reported that some of those trees had already been planted.

Crosby questioned if the area directly south of the community building would be too crowded with the amount of proposed landscaping, which might restrict events such as Medina Celebration Day.

Smith stated that there are currently poorly positioned hostas in that location. She advised that there would be room for proper landscaping without crowding the area, which is also used for large tents during events or weddings.

Crosby stated that he thought one of the positive aspects of the park was the open layout of the area and wanted to ensure that the area does not become crowded with landscaping.

Smith advised that this landscaping plan would occur over several years and thought that the plan may seem more crowded than it actually would be.

Crosby stated that it was difficult for him to tell if the grouping of plants would be different species and was concerned with long-term maintenance.

*Moved by Weir, seconded by Smith, to approve the Hamel Legion Park Landscape Master Plan. **Motion passed unanimously.***

**D. Memorandum of Understanding with Minnehaha Creek Watershed District**

Crosby questioned if by agreeing to the memorandum the City would also be agreeing to unknown future projects.

Adams displayed an aerial map and pointed out where the proposed work would occur. He confirmed that if the 60 pounds of phosphorus were not removed from those two waterways the City would need to remove the additional phosphorus through another project.

Crosby questioned if that specific section could be removed as it could cause additional cost to the City.

Adams stated that was the main statement that the Watershed District wanted, that the City would be removing 60 pounds of phosphorus.

Finke explained that the City has already agreed to do this through another agreement with the Watershed District. He advised that the City range for this project was less than 60 pounds but explained that 60 pounds was within the City range.

*Moved by Smith, seconded by Weir, to table approval of the Memorandum of Understanding with the Minnehaha Creek Watershed District pending determination of the standard from which the 60 pounds must be removed. **Motion passed unanimously.***

**E. Ordinance Related to the Regulations of the Business Park Zoning District and Creating the Business Zoning District; Amending Section 832 and Adding New Sections 832.1, 831.2, and 823.3**

Crosby stated that the Council held a Special session prior to the meeting tonight to discuss this item and opened the floor to the public.

Ryan Kuhlman, Attorney of Richard Burke, stated that his client owns property within the specified zoning district and he was present to discuss the proposed amendments on his behalf. He stated that he thought two proposed changes were quite extreme, the first being the reduction in minimum lot size. He stated that if the desire was to have a

Business Park district, rather than Business/Light Industrial, the lot size should remain larger to allow for a buffer area of green space. He stated that loading docks and warehouse noises were also another concern as he felt that making the regulations lighter would encourage that type of activity. He requested that the Council make conservative changes in this regard and keep in mind the rural feel of Medina.

Crosby questioned if the comments made were related to two specific properties, i.e. the "so called" water tower property and the property east of Willow Drive and south of the railroad tracks.

Kuhlman confirmed that Mr. Burke was concerned with those parcels identified by Crosby.

Weir stated that the request previously made by that business owner and other residents was that the specified area remains business.

Dean Johnson, owner of Lighthouse Ventures, identified his property on a map of the City for the Council. He stated that he has been developing residential property since the 1980's and shared some of his expertise with the Council in regard to his ideas for planning and developing in regard to business and residential.

Rose Lorsung stated that she was presently representing the applicant and owners of the water tower site. She commended the Planning Commission for their hard and quick work reviewing the ordinance at the last meeting. She stated that she thought the belief was that Business Park would allow for larger lots, which could have several buildings and shared parking to allow for efficient use of space. She stated that her client felt the discussion was going well, agreed with the direction, and thanked the City for review of the ordinance ahead of schedule.

*Crosby tabled this item for further discussion later in the meeting.*

## **IX. CITY ADMINISTRATOR REPORT**

### **A. Driveway Width Research**

Finke provided a summary of background information regarding driveway width. He discussed different methods that could be used for measuring the width of a driveway and explained the method that staff uses. He stated that in Bridgewater there are 15 driveways that exceed 22 feet in width, which is one quarter of the homes in the development. He explained that of those 15 driveways there are different points at which the driveway exceeds 22 feet in width. He then summarized the research information for other developments in the City and in neighboring communities. He reviewed the staff recommendations and stated that if the Council wishes to change the regulations they could direct staff to revise the ordinance.

Smith stated that prior to 2006 or 2007 there was an inconsistent application of the rules on part of the City. She suggested that the width be measured at the curb as some homes have three or four car garages that flare. She advised that she would also be in favor of a ten foot taper for larger garages.

Weir advised that in regard to the issue of safety that had been proposed at the previous meeting a resident could design their driveway differently to allow for their car to backup before exiting the driveway, such as the use of a hammerhead.

Finke provided comparison information for the Council to use in their discussion regarding width.

Crosby stated that he was comfortable with the recommendation made by Finke, for a width of 24 feet at the curb and 28 feet at the property line.

Weir agreed that she was also in favor of the recommendation.

Smith stated that she would be in favor of a larger width at the property line but ultimately agreed with the recommendation.

Crosby questioned how the City could address the issue of enforcement in regard to permits for driveway expansion, and when should enforcement commence; prospectively, or as of some past date.

Finke explained that a permit is not required for resurfacing the driveway and advised that people sometimes widen the driveway during that process.

Smith stated that she did not think it was clear to residents which projects require a permit and which do not.

Batty stated that no matter where the line is drawn this issue will continue to arise as some people will continue to do work without a permit or exceed the limits set.

Scherer stated that when residents do driveway work they usually come into the City to conduct a utility locate and advised that could be an opportunity that staff could use to further review this matter.

Batty stated that he thought that the City should be careful with the language used in regard to the existing driveways that would be allowed to remain, whether those be allowed or become nonconforming.

Motion by Weir, seconded by Smith, to direct staff to prepare a revision of the requirements for driveway width. ***Motion passed unanimously.***

Crosby briefly recessed the meeting at 8:55 p.m. Crosby reconvened the meeting at 9:02 p.m.

## **VIII. NEW BUSINESS (continued)**

### **E. Ordinance Related to the Regulations of the Business Park Zoning District and Creating the Business Zoning District; Amending Section 832 and Adding New Sections 832.1, 831.2, and 823.3 (continued)**

Crosby stated that he felt it was necessary to have the input of the absent Councilmembers for this item.

Adams stated that staff could continue with the direction made by the Council and bring the item back for discussion at a future Council meeting.

Smith stated that she was concerned with the proposed minimum lot size and would not be in favor of that change. She explained that she was in favor of an integrated business area, rather than having separate commercial buildings spread out.

Finke explained the difference between Business Park and General Business zoning districts. He then further discussed the proposed changes for building height, setbacks, and loading dock/noise issues. He suggested allowing additional time for further revision and also to allow the Council business tours to occur.

## **IX. CITY ADMINISTRATOR REPORT (continued)**

### **B. Resolution Recognizing Volunteers and Contributors to Medina Celebration Day**

*Moved by Weir, seconded by Smith, to approve the Resolution recognizing Staff and volunteers at Medina Celebration Day. **Motion passed unanimously.***

### **C. Recognition of Field House Task Force Volunteers**

Adams suggested that the City send out thank you notes to recognize the hard work of the Field House Task Force volunteers as the project is now under the coordination of staff.

*Moved by Weir, seconded by Smith, to approve the recognition of the Field House Task Force volunteers. **Motion passed unanimously.***

### **D. Schedule Special Meeting(s) for Business Tours**

*Moved by Weir, seconded by Smith, to approve scheduling the Special meeting for business tours on October 19, 2009 from 9:00 a.m. to 11:15 a.m. **Motion passed unanimously.***

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

There were none.

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

*Moved by Weir, seconded by Smith, to approve the bills, EFT 000559-000579 for \$56,448.96 and order check numbers 034546-034623 for \$279,576.61 and payroll checks 020215-020216 for \$776.06 and EFT 502296-502347 for \$86,182.86. **Motion passed unanimously.***

## **XII. CLOSED SESSION: DISCUSS LABOR NEGOTIATIONS**

The meeting was recessed to closed session to discuss Police labor negotiations at 9:39 p.m.

The Council reconvened into open session at 10:00 p.m. City Administrator Adams was designated to continue discussions with the Police labor union as directed during the closed session.



**XIII. ADJOURN**

*Moved by Weir, seconded by Smith, to adjourn the meeting at 10:01 p.m. **Motion passed unanimously.***

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T.M. Crosby, Jr., Mayor

Attest:

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Chad M. Adams, City Administrator-Clerk