

## **MEDINA CITY COUNCIL MEETING MINUTES OF OCTOBER 20, 2015**

The City Council of Medina, Minnesota met in regular session on October 20, 2015 at 7:00 p.m. in the City Hall Chambers. Mayor Mitchell presided.

### **I. ROLL CALL**

**Members present:** Anderson, Cousineau, Pederson, Martin, and Mitchell.

**Members absent:** None.

**Also present:** City Administrator Scott Johnson, City Attorney Ron Batty, City Engineer Tom Kellogg, City Planner Dusty Finke, 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.)**

The agenda was approved as presented.

### **IV. APPROVAL OF MINUTES (7:01 p.m.)**

#### **A. Approval of the October 6, 2015 Regular City Council Meeting Minutes**

It was noted on page four, line 31, it should state, "Anderson asked about the quality..."

*Moved by Anderson, seconded by Pederson, to approve the October 6, 2015 regular City Council meeting minutes as amended. **Motion passed unanimously.***

#### **B. Approval of the October 15, 2015 Special City Council Meeting Minutes**

*Moved by Pederson, seconded by Anderson, to approve the October 15, 2015 special City Council meeting minutes as presented. **Motion passed unanimously.***

### **V. CONSENT AGENDA (7:03 p.m.)**

#### **A. Resolution No. 2015-87 Approving Conditional Use Permit for 3 Rivers Church at 52 Hamel Road**

#### **B. Resolution No. 2015-88 Certifying Delinquent Storm Water Utility Charges to the Hennepin County Auditor for Collection in 2016**

#### **C. Resolution No. 2015-89 Certifying Delinquent Utility Charges to the Hennepin County Auditor for Collection in 2016**

#### **D. Resolution No. 2015-90 Certifying Delinquent City Charges for Services to the Hennepin County Auditor for Collection in 2016**

#### **E. Ordinance No. 589 Amending the Medina city Code, Ordinance No. 547 Granting a Cable Communications Franchise to Mediacom Minnesota, LLC**

#### **F. Resolution No. 2015-91 Authorizing Publication of the Ordinance Amending the Medina City Code, Ordinance No. 547 Granting a Cable Communications Franchise to Mediacom Minnesota, LLC by Title and Summary**

#### **G. Resolution No. 2015-92 Regarding the Administration of the Minnesota Wetland Conservation Act**

**H. Approve Final Pay Request to Sunram Construction for Fields of Medina Park Development**

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

**VI. COMMENTS (7:05 p.m.)**

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

There were none.

**B. Park Commission**

Scherer reported that the Park Commission canceled their meeting the following night due to lack of items to consider. He stated that public works staff has been preparing for winter.

**C. Planning Commission**

Planning Commissioner Albers reported that the Planning Commission met the previous week to consider an Ordinance amendment request regarding building materials for the rural business holding and rural commercial holding district, noting that the Commission recommended approval with an added condition. He stated that the Commission also considered a request from Highway 55 Mini Storage and reported that the Commission recommended approval of that item as well.

**VII. PRESENTATIONS**

**A. Elizabeth Weir – Minnehaha Creek Watershed District and Elm Creek Watershed District Updates (7:08 p.m.)**

Elizabeth Weir stated that she represents the City for the Minnehaha Creek Watershed District and provided an update on the activity of the last meeting. She stated that Lake Minnetonka was discussed and the water quality is improving slowly due to best management practices (BMPs). A 12-year study showed a trend for increasing accumulation of chloride (salt) in lakes, causing dead zones in the bottom of lakes. She noted that the city of Mound submitted a cost-share request for a road project and advised that the proposal will significantly decrease phosphorus and the cost-share request was willfully approved. She encouraged the City to submit cost-share proposals as well.

She stated that Board of Water and Soil Resources (BWSR) has accepted the Third Generation Plan of the Elm Creek Watershed and noted that local municipalities have two years to update their plans into compliance. She highlighted some of the recently enacted changes. She reported that Hennepin County has acquired mapping/imaging tools, which are available for use by cities and watersheds. She advised of an available grant and noted that she did provide an application to Johnson.

Pederson stated that there had been conversations in the past about the Minnehaha Creek Watershed having some problems and wondered if Weir feels that the problems have gotten better or worse.

Weir stated that she met the new Administrator who seems very capable and noted that the staff is also top notch. She believed that the Board is working well together and that the staff has a new confidence.

## VIII. NEW BUSINESS

### A. Highway 55 Mini Storage Ordinance Amendment (7:14 p.m.)

Pederson recused himself from the discussion.

Sparks stated that an Ordinance amendment request has been submitted by Highway 55 Mini Storage to change the building materials requirements for the rural business holding (RBH) district, which is closely aligned with the rural commercial holding (RCH) district, and therefore the amendment is proposed for both districts. He stated that the request is proposing to allow for cement fiber board siding as a primary building material in the RBH and RCH districts, noting that the maximum percentage of use for primary building materials is 80 percent. He reviewed the current specifications for building materials and stated that this material is common in appearance to residential style building materials but it is non-combustible and therefore can be used in a commercial or business setting. He noted that the material has a lifespan of 50 years, but could require more maintenance than the other allowable primary building materials. He stated that it is becoming more common to allow this type of building material into the commercial and business districts. He noted that the Goddard School and Golf Course recently received approval through PUD to use cement fiber board siding. He stated that the Planning Commission recommended approval and explained that the Commission had concern with the use of large panels and therefore recommended the specific language which limits the use of the material to be "commercial grade cement fiber board lap siding".

Martin asked and received confirmation that the color of the materials would be limited to earth tones. She referenced the zoning map and noted that the properties within those zoning districts are adjacent to residential areas and therefore believed that the use of the material would be appropriate as it would assist in making a nice transition. She referenced an area north of Highway 55, between Mohawk and Willow, and was unsure whether or not the use of that material would be appropriate in that location.

Finke stated that those areas are in the holding district but because of the availability of sewer and water those properties would develop into the commercial highway district and therefore this change would not apply to those properties.

Mitchell stated that he did some research and found that installation is important for this type of material. He noted that there is a competing product, smart board, which is also available.

Cousineau asked if the size of the building would play a factor, noting that in the instance of the Golf Course the size of the building was a factor.

Sparks confirmed that size would not be an issue for this zoning district.

Finke stated that the Council could incorporate a limitation on the building size, should that be desired. He provided an example that perhaps a 5,000 or 10,000 square foot building is allowed to use this material as a primary building material but perhaps a 40,000 square foot building would not be allowed to use the material as a primary building material.

Mitchell suggested using 15,000 square feet as the maximum allowed size building to use this material as a primary building material.

Finke stated that staff can complete more research and provide examples of other buildings to provide an aspect of scale.

Martin agreed that perhaps a limitation in size would make sense. She suggested the additional language in Subdivision B “provided that in buildings containing 12,000 square feet or less commercial...”

Cousineau stated that she would be agreeable to 12,000 square feet and received the consensus of the Council to place a maximum building size of 12,000 square feet.

Sparks stated that because of the additional amendment to Subdivision 2B an amendment would also need to be made to Section C and therefore perhaps it would be best to direct staff to make the amendment and the item could be brought back on the Consent Agenda at the next meeting for approval.

1. **Ordinance Regarding Exterior Building Materials in the Rural Commercial and Business Holding Districts; Amending Chapter 8 of the City Code**

*Moved by Martin, seconded by Cousineau, to direct staff prepare a revised Ordinance regarding exterior building materials in the rural commercial and business holding district; amending Chapter 8 of the City Code. **Motion passed unanimously.***

Pederson rejoined the Council.

**IX. OLD BUSINESS**

**A. Sioux Drive Turn Lane Improvement Project (7:36 p.m.)**

Kellogg briefly reviewed the Feasibility Report for the Sioux Drive turn lane improvement project and highlighted the proposed project area. He reviewed the proposed cost estimate and the preliminary project schedule, noting that the final design would be completed by January 2016 and would then come back before the Council for approval of the plans and specification and authorization to advertise for bids. He estimated that the construction would begin in May or June of 2016. He stated that the next step in the process would be for the Council to receive the Feasibility Report, order the improvement project and authorize preparation of the plans.

*Moved by Martin, seconded by Anderson, to adopt Resolution No. 2015-93 Receiving the Feasibility Report, Ordering of Improvement, and Authorize Preparation of Plans. **Motion passed unanimously.***

**B. Comprehensive Plan Steering Committee (7:41 p.m.)**

Anderson and Martin recused themselves from the discussion.

Johnson stated that ten applications were received for the Comprehensive Plan Steering Committee by the October 10<sup>th</sup> deadline. He advised that Mayor Mitchell, City Planner Dusty Finke, and he reviewed the applications based on certain criteria such as experience and geographic location, and ultimately recommended seven applicants.

Mitchell explained the purpose for selecting a smaller group rather than a larger group. He noted that there were very qualified people that applied that were not selected and encouraged those people to take part in the public meetings.

Pederson stated that he was impressed with the quality of applications received.

Cousineau asked if a Chair should be selected and stated that any of the recommended applicants would be great at the position. She stated that she would prefer a Councilmember Chair the Committee because of their familiarity with the matter. She recommended Martin Chair the Committee.

*Moved by Cousineau, seconded by Pederson, to appoint Todd Albers, John Anderson, Robert Franklin, Steve Lee, Kathleen Martin, Victoria Reid, and Fernando Vivanco to the Comprehensive Plan Steering Committee and designate Kathleen Martin as the Chair of the Committee. **Motion passed unanimously.***

Anderson and Martin rejoined the Council.

#### **X. CITY ADMINISTRATOR REPORT (7:46 p.m.)**

Johnson stated that staff is proposing a concurrent meeting with the Planning Commission on December 1<sup>st</sup> at 6:00 p.m. prior to the regular Council meeting in order to further discuss the Comprehensive Plan.

Martin stated that she may not be able to attend the kick-off meeting on November 9<sup>th</sup> as her airplane is scheduled to land at 6:00 p.m. that night.

Finke stated that is not a regular meeting of the Steering Committee and therefore that will be fine.

#### **XI. MAYOR & CITY COUNCIL REPORTS (7:48 p.m.)**

Mitchell stated that the City received a memorandum from Ray McCoy stating that his work was done and the Hamel and Loretto Fire Departments did not want to merge together but were working cooperatively. He stated that since that time Ray McCoy was brought back into discussions with the fire departments at the City's request. He stated that there is no action requested by the Council at this time but believed that it was in the best interest of the Council for Ray McCoy to continue to be the middle voice with the fire organizations. He asked that the Council allow Ray McCoy to continue to do his work as he did not think it would be productive for himself or another member of the Council to intervene. He stated that on October 28<sup>th</sup> there is a meeting with the Long Lake Fire Department to consider a grant application. He stated that in regarding to the October 28<sup>th</sup> meeting, he will not be able to attend as he will be out of town, but recommended that Pederson, Johnson and Belland attend the meeting to represent the interest of Medina.

Anderson stated that he has confidence in Pederson, Johnson and Belland to represent Medina at that meeting and confirmed the consensus of the Council.

Finke stated that the visioning session for the Comprehensive Plan will take place on Monday, November 9<sup>th</sup> at 6:30 p.m.

#### **XII. APPROVAL TO PAY THE BILLS (7:55 p.m.)**

*Moved by Anderson, seconded by Martin, to approve the bills, EFT 003350E-003372E for \$46,924.67, order check numbers 043457-043522 for \$791,181.16, and payroll EFT 506694-506723 for \$45,234.17. **Motion passed unanimously.***

**XIII. CLOSED SESSION: CITY ADMINISTRATOR ANNUAL PERFORMANCE REVIEW**

*Moved by Martin, seconded by Cousineau, to adjourn the meeting to closed session to discuss the City Administrator annual performance review at 7:55 p.m. **Motion passed unanimously.***

The meeting returned to open session at 8:55 p.m.

**XIV. ADJOURN**

*Moved by Anderson, seconded by Martin, to adjourn the meeting at 8:56 p.m. **Motion passed unanimously.***

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Bob Mitchell, Mayor

Attest:

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Scott Johnson, City Administrator