

MEDINA CITY COUNCIL MEETING MINUTES OF NOVEMBER 8, 2010

The City Council of Medina, Minnesota met in regular session on November 8, 2010 at 7:00 p.m. in the City Hall Chambers. Mayor Crosby presided.

I. ROLL CALL

Members present: Crosby, Siitari, Smith, Weir.

Members absent: Johnson.

Also present: City Attorney Ron Batty, City Planner Dusty Finke, Public Works Superintendent Steve Scherer, Management Intern Dale Cooney, City Administrator Chad Adams and Recording Secretary Cathy Sorensen.

II. PLEDGE OF ALLEGIANCE

III. ADDITIONS TO THE AGENDA

Smith said that recent public comments regarding employee salaries were disturbing and taken out of context. She said she will respond to them in the Council comment section of the agenda.

Crosby noted that videotaping of this meeting will not occur until later in the agenda but that sound recording will continue.

The agenda was accepted as presented.

IV. APPROVAL OF MINUTES

A. Approval of the October 5, 2010 Special City Council Meeting Minutes

Crosby noted concerns about increases for non-union City employees occurring mid-year if we weren't meeting our budget. He said this was noted in the September 21, 2010, meeting, and asked that the minutes be revised to reflect the following addition at the end of the motion: "Subject to the mid-year review as discussed at the September 21, 2010, meeting".

*Moved by Weir, seconded by Smith, to approve the October 5, 2010 special City Council meeting minutes as amended above. **Motion passed unanimously.***

B. Approval of the October 19, 2010 Regular City Council Meeting Minutes

Crosby asked about Jezewski assessment on Page 2 and if the City was going to do anything about removing the assessment from the delinquent list. Finke said this was discussed and agreed it was larger than the exemption. He said Council wished to discuss this more globally.

Crosby said that Page 5 referred to a task force being appointed for hunting regulations. He said it was mentioned in passing but he wanted it referred to as part of the solution.

Smith said Page 5, Line 4 should state: Smith and Park Commissioner White to help craft the grant application financial match language, as it was from both the City and

community.” She said it directly related to the percentage of funding. Smith said Page 5, Line 46 should state: “...the restoration plan be met.”

*Moved by Smith, seconded by Weir, to approve the October 19, 2010 regular City Council meeting minutes as amended. **Motion passed unanimously.***

V. CONSENT AGENDA

- A. **Appoint Ann Thies and Marilyn Lueth as German Liberal Cemetery Transition Liaisons**
- B. **Approve Final Pay Request to Project One Construction, Inc. for Hamel Legion Park Field House**
- C. **Approve Health Reimbursement Account Services Agreement with Acclaim Benefits/TASC**
- D. **Approve Flexible Spending Account Services Agreement with Acclaim Benefits/TASC**
- E. **Approve Siren Maintenance Agreement with Embedded Systems, Inc.**
- F. **Release Financial Guarantee for Landscaping Work to Gramercy at Elm Creek**
- G. **Release Letter of Credit to Loram, Inc.**
- H. **Resolution Thanking City Staff for Landscaping the Park Signs and to Gregor Farm and Greenhouse, Inc. for Assisting with the Plans**

*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**

Crosby introduced Eleanor Degman, Board of Directors of Gramercy Club at Elm Creek, who stated their installed prairie grass landscaping failed three times. She said they met with experts from the University of Minnesota who recommended “low mow” grass instead. She said after review Council approved the planting of low mow grass, and she is pleased to report that it has proved very successful. She said that after final inspection she hopes it meets with Council approval and that the City will release the escrow funds.

Crosby said this type of grass has been before the Council several times before, adding he is glad it has been successful.

Smith asked for an explanation on low mow grass. Scherer said it is a grass that grows six to eight inches tall and requires less mowing and less if any irrigation, resulting in less maintenance. He said with the need to only mow twice a year the City may want to look at this grass for future developments.

Weir indicated it is good drought tolerant grass but doesn't wear well with foot traffic.

B. **Park Commission**

Park Commissioner Madeleine Linck said they met on October 20, and the main item was discussion about the development of Fortuna Farms at Tamarack. She said the development included three lots, and they have the chance to get the trail easements or

cash in lieu of such. She said that even though a trail along Deerhill Road has been given low priority all agreed that development potential makes it important to take the trail easement as there is no other access for Deerhill Road from Medina. She said they discussed various scenarios and accepted staff's recommendation. Commissioner Linck said they discussed a 15-foot easement along Deerhill Road, including a pull out for parking for two-three cars going along the west side of the property for 20 feet easement. She said there are some wetland complications though, and staff would check with property owners about not having to deal with so many wetlands.

Scherer suggested discussing the wetlands during the Council portion of the agenda.

Linck said they are trying to get an easement along Tamarack and asked about any remaining balance in cash in lieu. She said the Commission felt very good about allowing for access to Wolsfeld Woods.

C. Planning Commission

Planning Commissioner Victoria Reed said they have not met since their last meeting but their meeting tomorrow will include a request by two property owners on Deerhill Road for a Comprehensive Plan Amendment and rezoning from Rural Residential to Agricultural and Rural Residential to Agricultural Preserve.

Crosby asked if the technical issues will be addressed by tomorrow. Adams said the technical issues will be addressed.

VII. NEW BUSINESS

D. Preliminary Plat to Subdivide 46.33 Acre Parcel into Three Lots – Helmuth Von Bluecher, 1425 Tamarack Drive

This item was addressed first under New Business.

Management Intern Cooney presented the request of Helmuth Von Bluecher, 1425 Tamarack Drive, to subdivide a 46.33 parcel, commonly referred to as "Fortuna Farms" into three lots. He advised that the Planning Commission and Park Commission had reviewed the application and recommended approval.

Crosby asked if suitable soils are relevant for the subdivision and if the applicant has five acres without it. Cooney said they did not and the result would be two lots.

Weir said this is the second time the City has been challenged about the soils and asked how accurate our soil maps are. Cooney said most of the soils maps were taken from a larger data set and inaccuracies would have to be field verified. Finke noted the last four applications were contested, including Willow and Hamel Road, and the Bradley subdivision.

Crosby asked if this is still an open issue. Finke said it was decided as part of the subdivision so if approved the City would accept them as suitable. Crosby asked if the application isn't contested then why is it before Council. Finke said it is being contested adding Council hasn't approved this yet.

Weir asked if there is topographical data to review. Finke said the City gets the data shot in the field and will be getting updated information from the developer.

Smith said it would be foolish not to do something like this, adding the value of three lots versus two is substantial. She questioned the possibility of altering the land over time, adding this has been a horse farm for a long time and contains a large manure hill. She said she wondered if that is part of the land the applicant believes is acceptable. She said some of these problems came about because the land was altered and won't be approved.

Finke said staff looks to the file, including permit history, grading, etc. He said the history records are sketchy but added the slopes are relatively fixed. The southwest corner of the property goes northeast from there and as you head up the slope you can measure across the whole distance, but if the whole area comes up suitable the whole distance is logically below 12%.

Crosby asked if the slopes include absorption tests. Finke said that is only for actual septic sites, adding the City will require two sites on all three lots. Crosby asked if this is shown on the plat map. Cooney said the septic sites are shown on the plat map.

Smith said the pile near the old barn near the property line is a huge pile of manure that was never hauled away. She said she understands the slope but is still concerned as it doesn't take much to change a slope.

Weir said the previous owner used to spread manure over the land every fall.

Finke said this is the tool and the City has to respond based on our knowledge. He said it is very difficult to bring the whole area in, adding the narrow connections could have more questions, such as around the building sites around the south lot.

Crosby asked if all the lots have received perc tests. Finke said all lots have received perc tests.

Weir asked who owns the proposed trail on the west, adding the existing gravel trail was built by the Minnehaha Creek Watershed to service the dam before it gets to the creek. Scherer said the trail belongs to the Wolhfors, who currently aren't open to the proposal at this time but may be in the future as it would allow more room. Finke said staff believes this is worth the risk now for future gains later.

Crosby asked about the wetland issue. Scherer said the biggest challenge is access. Crosby asked if the landowner is okay with the trail. Scherer said he is not sure.

Weir asked if the conditional use permit could be extended if kept as a horse farm. Cooney said yes, stating it would allow for flexibility as it could be a lot longer depending on when the final plat would be submitted.

Crosby asked when the final plat would be submitted after filing of the preliminary plat. Finke said the final plat must be filed within 180 days of approval of the preliminary plat and the applicant has 60 days to file final plat for a total of 260 days.

Smith said applicants for four other proposals have disagreed with our maps and suggested hiring a consultant for a second opinion. Finke said the global question is having accurate slopes across the City, adding the implication of double checking is

being questioned. Smith said Council is not questioning the surveyor's ability but wondering if staff should do a cross check. Finke said on a local scale this is a double check, and on a City-wide perspective might be at the point of double checking. He said the DNR is working on two-foot topography across the County, and while not perfect it is better than the current 1970s data. Smith asked when this will occur. Finke said it is supposed to be done by the end of 2010 but most likely will be next year.

Crosby asked if the City is reviewing this as well. Finke said staff reviews the data and results; but does not shoot the topography.

Smith asked if staff is just using a map. Finke said staff is using a certified survey. Smith said she hopes the DNR will get this done soon as it is important. Finke agreed, adding the topography has other benefits as well.

Weir suggested the driveway on Lot 1 is too close to the shoreland and would like to see the shared driveway route so it has one crossing over the ditch. She said Siitari lives in something similar. Finke said you would be impacting more wetlands this way and is not recommended. He said the wetlands were already impacted during the culvert installation.

Crosby said the only issue on the table is the trail to the west. He invited the applicant to speak.

Patty Napier, representing owner, said the property has been on the market for three years. She said the trail on the west side would be welcome but not on the north side. She said she just learned about the parking, adding it would impact a potential buyer on the northwest portion.

Smith said the parking is just an area for two to three cars to pull off because of the Deerhill wetlands on the other side of the creek. She added the area would be gravel.

Napier said the family is trying to maximize the value for the owner and that they have people interested in smaller parcels, which is different than before. She said the house and other buildings will probably go too but hopes the old barn will stay for historic reasons.

Crosby said the five feet is narrow and asked if 10 feet would impact the wetland area. Finke said it is not just five feet off the side of the road, but rather the right-of-way, so it allows 21 feet.

*Moved by Weir, seconded by Smith, to direct staff to prepare a resolution for preliminary plat approval including the westerly trail and five foot. **Motion passed unanimously.***

B. Resolution Approving a Comprehensive Plan Amendment Regarding the Future Use of Certain Properties Generally Located Northeast of the Intersection of Highway 55 and Arrowhead Drive

This item was addressed second under New Business.

City Planner Finke presented the Comprehensive Plan amendment for the "Cavanaugh" and "Pederson" properties.

Crosby asked about changes to what was discussed two months ago. Finke said the proposed amendment reflects what Council discussed at that time. Smith asked about the zoning below Property 1. Finke said the property is zoned Commercial.

*Moved by Smith, seconded by Siitari, to approve resolution approving a Comprehensive Plan amendment regarding the future use of certain properties generally located northeast of the intersection of Highway 55 and Arrowhead Drive, including change in resolution to November 8, 2010. **Motion passed unanimously.***

Finke noted the fourth Whereas in the resolution would be corrected from October 19, 2010, to November 8, 2010.

C. Ordinance Rezoning Certain Properties to the Commercial-Highway (CH) and Rural Residential-Urban Reserve (RR-UR) Zoning Districts

1. Resolution to Publish the Ordinance by Title and Summary

This item was addressed third under New Business.

City Planner Finke presented the ordinance and summary resolution that would rezone the properties to Commercial-Highway (CH) and Rural Residential-Urban Reserve (RR-UR).

Moved by Smith, seconded by Siitari, to approve the ordinance rezoning certain property to Commercial-Highway (CH) and Rural Residential-Urban Reserve (RR-UR) zoning districts including resolution to publish the ordinance by title and summary. Motion passed unanimously.

A. LENNAR/Enclave – Comprehensive Plan Amendment, Rezoning and Preliminary Plat

This item was addressed fourth under New Business.

Crosby inquired if it were the intent for the Council to review the big picture questions and provide direction on what is being proposed. Adams said that is correct, but Council could also direct staff to prepare the instruments as well if acceptable.

Steve Gritman of Northwest Associated Consultants, Inc. (City Consultant) presented the application from LENNAR for a Comprehensive Plan amendment, rezoning, and preliminary plat for the “Holasek” property. Gritman stated that the project area includes three land uses, medium-density in the north, low-density in the middle, and rural residential in the south. The proposed subdivision includes a total of 156 residential units, 41 townhomes, 101 R-2 “small lot” single-family homes, and 14 R-1 single-family homes. Gritman showed the 3.17 acre area which the applicant requests a Comprehensive Plan Amendment to swap into the MUSA and an equal net area in the woods to be taken out of the MUSA. He stated that the current proposal includes a substantial number of 60-foot wide and 75-foot wide home sites in the low-density residential portion of the site which staff believes is inconsistent with the Comprehensive Plan and zoning code. The Planning Commission recommended that more of this area be designed with R-1 (90-foot wide) lots. Gritman said that the Planning Commission recommended leaving the northern access point further north as proposed in the current plans, but that staff recommended that it be moved to Elm Creek Drive. He stated that the applicant proposes to install Thermal Blue hybrid Kentucky Bluegrass which is more drought tolerant so that homes would not need to have an in-ground sprinkling system.

He stated that staff originally recommended that the City require an escrow for a potential neighborhood-wide irrigation system in case the Thermal Blue does not work out, but that the Planning Commission recommended removing this condition.

Crosby asked for location clarification of the R-1 lots. Grittmann said the R-1 lots are on the south end of the block, south of the access road across from Lions Park on the outside of the loop road.

Smith asked if the MUSA line helps preserve the woodlands. Grittmann said yes, adding they are the highest value of woodlands. Smith asked if access came from Elm Creek Drive would there be a connection to the Nolan property. Grittmann stated that staff recommends right-of-way stubbed to the northern property line for the potential extension to a cul-de-sac, and added the Nolan's are not in favor of this. Smith said R-1 zoning allows for 90-foot wide lots while R-2 allows for 60-foot wide lots, which are close in size like Minneapolis. Grittmann agreed the lots are pretty narrow, but noted the ordinance accommodates for this. He said the lots are more typically 75 feet wide. Finke compared R-2 lots to those in the Cherry Hill neighborhood with 60-foot wide lots, adding the separation is close to those in to R-2 zoning with unit separation being comparable. Finke compared R-1 lots to those in Bridgewater.

Discussion was held on the lot sizes from different access points.

Smith noted this doesn't meet the intent of our ordinance. Grittmann said staff recommendation is based on the land use plan more closely than the proposal.

Weir asked if this will still meet density requirements. Grittmann said the plan does meet density requirements. Weir asked what the minimum density requirements are as it is important to meet that. Grittmann said the minimum density is 133 units.

Smith said it is important to understand what the minimum requirements are that would meet the Metropolitan Council density requirements in our Comprehensive Plan.

Weir said there is room for negotiation. Finke said that if the City requires more R-1 lots as recommended by the Planning Commission and staff, the south end would be really close to the minimum while the north end shows above minimum.

Crosby said that Page 2 shows 81 units on the north and 56 in the middle, concluding that the southern part needs eight. Grittmann said some of that land has been set aside for conservation area.

Smith said the Council would be considering a trade for a Comp Plan change to go below the MUSA.

Weir said the houses on 75-foot lots backing the woodlands make no impact and should be left. She added she would like to see some affordable dedicated units.

Smith asked about the grass type for homes or common areas. Grittmann said the homes will have Thermal Blue grass.

Crosby asked if the homeowners association (HOA) will maintain the lawns. Grittmann said this would be done individually, adding the Planning Commission did not make it a

necessary condition. Crosby said it would be helpful to know which conditions the applicant agrees to. Grittmann said he didn't want to speak for the applicant, but said the Planning Commission modifications were generally agreed to.

Carole Toohey, Land Development Manager for Lennar, said they added more townhomes units which resulted in a total of 175 units, but the City asked for further reductions so they reduced the total to 156 units; 41 townhome units and 116 single family units. She said the Planning Commission requested more R-1, so the current plat has 14 R-1 home sites. Ms. Toohey said that based on direction from the Planning Commission they changed some from R-2 to R-1 and added an additional 14 R-1 by following the line that most impacts the neighboring community. She noted this netted a loss of two home sites, rather than the nine staff proposed.

Crosby asked if this is different than the Planning Commission submittal. Toohey said it is and that they listened to Commission direction.

Smith asked if they changed anything on the upswing around the corner. Toohey said no, as it would have resulted in more of a home site loss, which affects the economics.

Crosby said it appears that five lots would be non-conforming. Toohey said all lots proposed meet the standards. Crosby confirmed that there are no 90-foot lots but the seven lots backing onto the woods staying at 75 feet.

Weir said the lots backing the woods won't impact anyone. She said she does not want lots extending into the wetlands and suggested taking out the lot lines. Toohey said they did remove the lot lines out of the wetlands and also the storm water ponds, with the exception of one pond.

Crosby asked what the total number of lots would be. Toohey said the total units would be 154, which is two less home sites than before.

Finke said that the new proposal by the developer would result in 28 R-1 and 34 R-2 lots within the low density area, which means that is still less than half the lots and would be consistent with the intent of the zoning standards.

Weir said she would like to see some continuity on the east.

Toohey reviewed the following items as outlined in the Summary of Issues/Staff Recommendation:

Item #2: Should move access to the north as discussed with the neighboring property. The applicant will leave this to the Council to decide.

Item #3: They will have drainage utility easements all over the ponds with strict language in the covenants about what can go in those easements. She said they are covered by the HOA for ponds to be maintained.

Item #4: The applicant is fine with guest parking stalls and has already made adjustments for this.

Item #5: Scott's thermal blue grass is proposed for all home sites and common areas. She said this is a blend with deeper roots, less water needed to sustain, grows slower and requires less mowing. She said the type is flexible to water conditions and wears well, and is becoming popular in golf courses. Toohey said the code stresses an alternative means to irrigation so this was chosen instead, and will include irrigation covenants restrictions as they feel this is excessive.

Smith asked if this grass has been used in the metropolitan area. Toohey said it is grown here. In other areas of the countries, it has been studied since 1994. Smith said this is a good compromise incorporating compost and deep-tilling when the building may help to hold water. She said this is a good opportunity to be progressive. Scherer noted people moving in may want a greener lawn and staff was afraid that if a system wasn't in place for them, residents would be pressuring the City for an exception to the regulations to let them use treated City water for lawn irrigation.

Crosby asked if they will restrict watering. Toohey said they will not restrict watering, just irrigation hookup. She said the lots will be marketed as such.

Weir asked if metering outside watering use would reduce water use in the City. Scherer said they would need to utilize storm ponds, which would not drain City infrastructure and would save a lot of money. He added it would postpone the need for an expansion of the treatment plant as well. He said there is more to consider than metering outside, but maybe a municipal well could be considered in the future.

Smith asked what it costs a developer to escrow. Scherer said they could just bring in stubs or conduit in case the grass fails. He added some owners aren't going to be pleased with this plan. Smith asked about the cost. Scherer said he is not sure, but would include stubs so money should be placed in escrow. Finke said the cost would be hundreds of thousands of dollars, not including what homeowners would pay to install a system.

Crosby said the pipes should be installed in order to be ready.

Smith asked what is being done at their project in Plymouth. Toohey said they have standard irrigation but some properties in Maple Grove have thermal blue grass with no irrigation system. Smith said they seem to be on the right track and suggested a compromise.

Finke agreed the Thermal Blue grass should be given a chance without an irrigation system, but a back up plan should be in place. He said that what is being proposed supports water conservation and not using treated water and that if the Thermal Blue grass works as hoped, the escrow would not need to be used.

Crosby said he does not want an escrow as it is hard to maintain. He said he would rather stub something in. Scherer agreed this would be a lower cost than installing a well.

Smith suggested educating homeowners about the benefits of compost. Finke said the manufacturer is reluctant to use compost because of final grading and actually not encouraging deep roots. Adams suggested staff work with the developer further on some of these items, such as design of where a well would go.

Smith said she would like to move away from watering grass to conserve water, and added that this is consistent with the “power smart” home Lennar is pushing. She asked staff to research alternatives.

Item #6: The applicant agrees that reconstruction from the south end of the Holasek property to Hamel Road is acceptable.

Crosby asked what the area south of the wetland is for. Toohey said it will be separated into an outlot.

Weir asked if it will include utilities if the road is done. Toohey said that utilities would likely not be extended down Hunter Drive past their northern access point.

Crosby asked about the road status. Scherer said that is outside of this evening's discussion, as more information is needed on soil boring information, etc. He noted the roads are 25 years old, but they were built well. Crosby asked about the assessment program. Finke said it is generally 20% assessed and 80% City for a collector road such as Hunter, but is complicated when utilities are involved. Crosby asked if the road is developed will the landowners to the west not be assessed. Adams said that it is unlikely they would be assessed, adding that past practice has placed the burden on a developer to make road improvements. He said the only section in question is the southern end and if it will be urban or rural.

Item #7: Toohey said they support the Planning Commission's recommendation.

Crosby asked if the Nolan property will be platted as an outlot. Toohey said it will either be a lot split or an outlot.

Batty said the Nolan situation is a key issue that needs to be worked out. He said the plat is part of this property based on County's records and title commitment, and it can either be included in the plat or taken out but it needs to be decided. He said City policy is to include all of it, including these five acres.

Crosby said that Nolan raised a point that utility sewer and water be provided to their boundary. Toohey said they have stubbed mains so they have access.

Weir said the Nolan parcel owners would benefit from the road and utilities brought to their door.

Crosby confirmed that it won't be overly costly to stub to the Nolan property. He added that the outlot/lot split issue is one for the two interested parties to determine.

Batty asked if the applicant will split the lot before the plat is approved, as the plat now includes that lot. Toohey said the lot will be included as an outlot on the final plat. Batty said if Council approves this plat the outlot will be a condition of plat approval.

Crosby said there would be a technical disadvantage to the Nolans if this is done. Adams noted there is only one plat to sign, and that Council will approve the preliminary plat but sign the final plat.

Items #8 and #9: Standard language will be included in the normal covenants.

Item #10: Will be dedicated right-of-way but want to amend the escrow for half of the road the since property to the east benefits from the road connection as well when developed.

Crosby asked what is Navajo East. Scherer said the road is not the City's but is meant to be a connection if and when redevelopment occurs on those properties. Crosby said he does not want escrow for 20 years, adding the City needs right-of-way but not escrow. Finke said the alternatives to the escrows would either be a "road to nowhere" which could sit idle for 20 years, or that the developer dodges this cost and it is pushed off onto future property owners. Crosby asked if the Council is comfortable without the connection to Navajo. Council consensus was they were not.

Weir asked what happens to the escrow. Crosby said it would be an interest-bearing account with some money for the future. He said he does not want a road to nowhere and would like to see the escrow.

Item #11: Easement agreement has a defined legal description so this is acceptable.

Item #12: Requested changes have been made. Toohey added support for Item #13 as well, and that Items #14, #15, and # 16 are standard.

Item #17: Toohey said they are requesting additional park dedication for the land swap area. She said the gross acres are 11.29 and net is 7.43 and 3.17; they would like the balance credited. Finke said this has not been to the Park Commission yet so they would like to wait on these specifics.

Smith suggested having Planning staff attend that Park Meeting to share the park dedication information. She said she would like a calculation minus the woodlands and setbacks. She commended the applicant for their work with staff to date in order to meet our ordinances.

Toohey asked for clarification on the preliminary plat issue and if submitting a lot split application now would be viable. Batty said procedurally this is fine as long as it doesn't affect the 60-day rule. He said most issues need more work and will go beyond the current January deadline, so he suggested continuing work on the planning issues in the meantime.

Crosby recessed the meeting at 9:31 p.m.; the meeting was reconvened at 9:40 p.m.

Charles Nolan, 2935 Willowwood Road, said he represents his family who has owned the Nolan five acres for the 25 years. He said they support Enclave as neighbors but still have concerns regarding his family's property, including phasing. Grittmann said if part of the plat is included as a future outlot and conveyed and is all Nolan property, then the phasing is meaningless. Nolan said this is new to him and asked if he will be required to wait for the applicant to do anything with his property. Grittmann said the phasing doesn't bear on order of the development but gives the City a prediction of the timing. Nolan confirmed that he is free to act as he chooses regarding his property. Grittmann said that is correct, as long as utilities are installed.

Nolan said the north access shows Hunter Road access south of our property, which is a good solution, but ideally he does not want to be tied to this at all. He said the utilities were brought to him and is not a windfall because he doesn't have control. He said it is unlikely the City would allow us as a small acre access to Hunter Drive so he is just tied to the north end of the plat. Nolan said the plan maintains safe traffic and allows us to be separate, so moving the road would create a cul-de-sac more than twice as long. He said snow storage and maintenance of the island for the development is not on his property. He added that they spent \$20,000 on engineering to this point.

Crosby asked how snow storage is an issue. Nolan said the Planning Commission asked that the cul-de-sac be sized to have an island for snow storage, but if the cul-de-sac is 550 feet long, they would be forced to take snow from the Lennar development. Scherer stated that this was incorrect and that the length has no bearing on the amount of snow, as the island would only be handling the circular area.

Smith asked if this would have been two separate parcels would this recommendation still be given. Grittmann said that even if this was a separate parcel, the City would ask developers to show reasonable access to neighboring properties in a logical way.

Nolan said it is unreasonable to ask that this be an access point across the property. He said their exit comes through his property and will cause an identity clash and asked how far in it should be placed. Nolan said he has an issue with moving the road to the south as they are being placed in the back of the Lennar development with no hope of independent identity and making them another phase. He offered an alternative of an access across from Elm Creek and makes up the density somewhere else. Nolan also said that eliminating access and putting it solely to the south would result in a permanent cul-de-sac with no snow storage or storage on his. Given these negative impacts, he saw very little public benefit, as the traffic doesn't require control or turn lanes which are why the City wanted to align the lanes. He said it is an unreasonable option as it impacts us privately and lacks clear public benefit. Nolan also requested that utilities be brought to the property line, which is a common practice and includes storm water drainage. He said they did the necessary engineering, noting they agreed to the rezoning to R-2 with no timing as well as being part of the plat but asked for a fair chance to market his property as they are under separate ownership. Nolan encouraged other solutions.

Weir asked if Nolan had plans to subdivide. Nolan said he has considered this but noted he is not a residential developer and it is not the time to sell the property.

Crosby asked about the planning rationale for access from Lennar to Elm Creek. Grittmann said that fewer turning movement is typically safer and that having this across from Elm Creek reduces access from Hunter from two to one. He said this standard land planning also provides access for trail crossing to parks. Crosby suggested splitting the Nolan property and giving them access to Hunter Drive. Grittmann said this would result in three undesirable effects: 1) an additional access would result, 2) there would be no connection between the two parcels, and 3) there would be an additional cul-de-sac for maintenance.

Weir said this additional access would result in one more cul-de-sac in order to address Nolan's concerns.

Finke said that two stacked cul-de-sacs would not be the preferable plan or recommended, noting that Lennar proposed several cul-de-sacs that the City denied. Finke said this would also add an additional access point. Smith said giving up Elm Creek crossover helps trail access.

Weir noted that Toll Brothers is offering money for neighboring lots in order to redevelop that land. If some future developer were to do the same in the Elm Creek neighborhood, it may result in more cars at the Elm Creek Drive intersection. She asked if Elm Creek Drive could be shifted north in this case to line up with Lennar's proposed access. Finke said the City cannot do this with wetland present.

Adams said the pedestrian access and other accesses will line up with the park. Finke said staff recommends bringing the trail crossing north because the speed limit is lower than it is by the park.

Crosby said our job is city planning and when faced with land ownership issues for over 40 years, planning should not be altered to address it. He said it is fine for Elm Creek if it is important for planning or safety but if not he would suggest going north or leaving open the possibility of Nolan accessing separately with a privately maintained cul-de-sac off Hunter Drive. Nolan said he would agree with this.

Terry Pernsteiner, representing the applicant, suggested considering a lot split to streamline this process now.

Crosby said this is not our concern, but asked if the Nolan property was split would they be comfortable with only the Elm Creek access. Pernsteiner said they would. Crosby said if the property was split 40 years ago, we would now be dealing with a five-acre parcel.

Weir noted this is conditioned on separating the parcels.

Pernsteiner asked if they would consider the two separate plats independently. Crosby said they would.

Smith said she likes the trail crossing at Elm Creek since it ends on the west side, making it a better trail plan.

Crosby said staff would prefer the Lennar northern exit at Elm Creek, adding that Lennar could put a cul-de-sac at the north end that would leave potential access to the Nolan property, but leave the access for that property unresolved at this time.

Smith said she wants the two lots separated, adding the road placement is not a big deal then.

Crosby summarized the discussion: there is a strong preference that the Lennar northern access is at Elm Creek Drive; the City is in favor of a cul-de-sac going to the northern boundary of Lennar as long as it gives access to Nolan; and that the utility and/or road connections will be for future decisions.

Toohey asked about the lot split, noting they have already signed the application. Crosby said this will have to be Lennar's decision.

Michael Fine, 550 Navajo Road, said the assessments on Hunter Drive are not clear.

Crosby asked what the City would pay if Lennar came through and the City constructed the road. Finke said it is hard to estimate because of the utilities but that in general the assessments are 80-percent City/20-percent property owners. Crosby said he is unsure how that relates in a developer scenario.

Fine said no one knows the traffic impacts of 150-155 units from this development. He asked if the affect on Hunter Drive was considered when the Comprehensive Plan was reviewed. Fine said the MUSA line movement hasn't been discussed and asked what precedent is being made for making this adjustment. He said Hunter Drive will bear more of a burden if this occurs, and he feels as though the City makes concessions then the process starts over.

Crosby said for the most part the MUSA line is artificial and doesn't follow land ownership. He said a major factor is a large wetland to the south and by doing a land exchange the City gets something in return, which is great land planning. He said he doesn't see this as setting a precedent for future development to the south, noting the sewer will not come down further on Hunter Drive. Crosby said he sees this as a reasonable refinement of an artificial line with no bearing on other development. He added there is ample land in the City north for future developments and that sewer won't go south.

Smith said the City reviews its Comprehensive Plan every 10 years so she foresees sewer between Medina and Plymouth in the next Plan. She said it is foolish that the City doesn't have sewer on the eastern edge and down Brockton. She said the City has guided property development for 10 years and then it changes, adding she fought to keep the center of the City more rural with the edges reserved for denser sewered housing.

Crosby said a desirable feature of the Lennar plan is the Wayzata school district that is subject to development. Smith noted the development is also near our only active City park, which saves adding another park. Weir said this development will allow access to Uptown Hamel as well. Smith encouraged Fine to stay involved in the process.

Lee Fredrickson, 425 Navajo Road, said that on Hunter Drive and Navajo 20-percent of the assessment of 200-300 feet would be bad. He referred to the irrigation condition noting he is concerned that grass will die.

Weir said these are much smaller lots though and that the grass should be fine if hand watered with a hose.

Crosby said he agreed with Fredrickson, which is why he suggested stubs. Crosby summarized that the Comprehensive Plan amendment for the land exchange would be acceptable, and that the newly proposed Lennar plan dated September 20, 2010, would be acceptable after moving the "gray line" shown on the exhibit south resulting in one less lot. He said they don't want to penalize Lennar, adding the City needs to create more density which this development does. The Council also agreed to include stubbed pipes and the proposed covenants.

Siitari asked how the guest parking alleviates parking for recreational vehicles, etc. Grittmann said the development will include two-car garages with a drive leading to that garage. He said a couple cars can be placed in the drive but noted staff is concerned that garages will be used for storage and cars will always be parked on the drive.

Crosby confirmed that there would be covenants regarding parking. Grittmann said the additional six stalls would be sufficient and supplement the visitor parking.

Item #10: Navajo Road shall be dedicated as right-of-way but more numbers are needed in order to determine escrow.

Item #17: Will be determined by the Parks Commission.

Weir said there are some tree replacement issues as it appears that some of the replacement will be used as landscaping. Finke said staff will ensure that this is addressed correctly, noting there are three different tree plans with minimums that will be met individually.

Weir asked if there is excess planting elsewhere or onsite. Finke said the replacement tree plantings will be made onsite.

Crosby asked about affordable units and phasing. Weir said she wants some affordable units if the City allows R-2 lots in the low-density residential area. Toohey said they have already had initial discussions regarding affordable units and will continue to finalize those plans. Crosby asked if the units will be government assisted. Smith said the units have to be affordable as defined by the Metropolitan Council.

Weir suggested leaving that for staff determination. Finke agreed, but offered to have further Council discussion on this before approving the plat.

Crosby suggested that affordable units be a factor in the whole development.

Smith said it is linked because some Council Members may not support allowing the R-2 lots in the low-density area instead of R-1 as originally proposed by staff. She added concern about the phasing and asked the applicant to consider moving Phase 5 to Phase 3 in order to construct some of the townhomes sooner. Toohey said the phasing plan is based on their preliminary estimate and timing but it is subject to change. She said these decisions are all driven by the market and the townhomes were included in the last phase to match the current market.

Crosby asked if the entire Phase 5 has to be done at the same time. Toohey said it does because the infrastructure layout dictates this.

Smith asked about the applicant's townhome units on Highway 47 in Plymouth. Toohey said many of those units are empty and they are not starting any new units at this time. Smith noted that Medina needs townhomes. Toohey said they work off school district boundaries, adding they will be sold out of this community and be able to begin constructing townhome units in Medina.

Crosby asked about the price point of Phase 1. Toohey said the single family units are priced in the high \$300,000 to mid \$400,000 range, with the townhome units in the mid \$200,000 range.

Smith said the City will be utilizing infrastructure and a major park and would like the townhome phase included earlier in the plan, noting it could be changed if needed. Toohey said she understood but added that installing the infrastructure without immediate returns would be difficult because they would be competing with Plymouth.

Crosby thanked the applicant for their work and changes made to date, as well as listening to staff.

E. Resolution Approving Canvass of Returns and Declaring the Results of the Municipal Election Held on November 2, 1010

Adams presented the draft resolution to approve the canvass of returns declaring the results of the municipal election. He noted the Mayor and Councilmember terms would be for two years beginning the first Monday of 2011.

*Moved by Weir, seconded by Smith, to approve resolution approving canvass of returns and declaring the results of the municipal election held on November 2, 2010, as amended. **Motion passed unanimously.***

VIII. CITY ADMINISTRATOR REPORT

There were none.

IX. MAYOR & CITY COUNCIL REPORTS

Smith said the Council recently experienced comments from information sent to residents that published employee salaries. She said that while the information is public she doesn't feel that it was a fair assessment of how the City compensates employees. She asked Adams to again provide salary information on similar cities and similar positions. Smith welcomed anyone from the public to review this information, but added the other information was taken out of context without a comparable range of salaries. She said that Council has tried very hard to pay the employees fairly and this comment was unkind and irrelevant.

Weir said the City has leveraged a lot of grant monies since the current staff has been in place.

Smith said errors have occurred over the years and that while staff is not the highest paid they are the highest quality.

Crosby said the City, in considering a cost of living increase, was given data from 146 other communities, adding Council had ample information on these issues.

Weir said that Elm Creek and Pioneer Watershed Districts are working on second and third generation water management plans. She said this is a mandated exercise which will prove to be very costly. She said she is serving on the Technical Advisory Committee in addition to Adams. Weir noted that consulting help may be needed at some point in the future.

X. APPROVAL TO PAY THE BILLS

*Moved by Smith, seconded by Siitari, to approve the bills, EFT 000878-000894 for \$40,635.03 and order check numbers 036134-036208 for \$152,267.08, and payroll check numbers EFT 503094-503120 for \$44,669.91. **Motion passed unanimously.***

XI. ADJOURN

*Moved by Weir, seconded by Smith, to adjourn the meeting at 11:10 p.m. **Motion passed unanimously.***

T.M. Crosby, Jr., Mayor

Attest:

Chad M. Adams, City Administrator-Clerk