

## MEDINA CITY COUNCIL MEETING MINUTES OF DECEMBER 17, 2013

The City Council of Medina, Minnesota met in regular session on December 17, 2013 at 7:04 p.m. in the City Hall Chambers. Mayor Weir presided.

### **I. ROLL CALL**

**Members present:** Anderson, Pederson, Martin, Martinson, and Weir.

**Members absent:** None.

**Also present:** City Administrator Scott Johnson, City Attorney Ron Batty, City Engineer Tom Kellogg, City Planner Dusty Finke, City Planning Consultant Nate Sparks, Public Works Director Steve Scherer, Chief of Police Ed Belland, and Recording Secretary Amanda Staple.

### **II. PLEDGE OF ALLEGIANCE (7:04 p.m.)**

### **III. ADDITIONS TO THE AGENDA (7:04 p.m.)**

The agenda was approved as presented.

### **IV. APPROVAL OF MINUTES (7:05 p.m.)**

#### **A. Approval of the December 3, 2013 Regular City Council Meeting Minutes**

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

### **V. CONSENT AGENDA (7:05 p.m.)**

*Moved by Martinson, seconded by Martin, to pull Item E, Approve Hamel Volunteer Fire Department Agreement, from the consent agenda and to consider that item under new business as Item C. **Motion passed unanimously.***

- A. Amend Hamel Community Building Operating Agreement with Hamel Lions
- B. Approve Continuing Education Program for Police Transcriptionist Anne Klaers
- C. Approve Engagement Letter/Agreement with Abdo Eick & Meyers for Auditing Services
- D. Approve Legal Invoice for Brian Grogan from Moss & Barnett
- E. ~~Approve Hamel Volunteer Fire Department Agreement~~
- F. Release Letter of Credit for Tuckborough Ridge Development
- G. Resolution No. 2013-93 Committing Specific Revenue Sources for Specified Purposes in Special Revenue
- H. Resolution No. 2013-94 for Support of the Move Minnesota Campaign

*Moved by Martinson, seconded by Peterson, to approve the consent agenda. **Motion passed unanimously.***

### **VI. COMMENTS (7:07 p.m.)**

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

There were none.

**B. Park Commission**

Scherer briefly reviewed the items that will be considered by the Park Commission at their next meeting.

**C. Planning Commission**

Planning Commissioner Mitchell noted that the Commission reconsidered an amended request for the Fawn Meadows subdivision at their last meeting and summarized the changes from the first review.

**VII. NEW BUSINESS**

**A. Updated MS4 SWPPP Application for Reauthorization (7:10 p.m.)**

Shane Nelson, Hakanson Anderson, presented an application to continue the coverage from the MPCA for the stormwater system, otherwise titled the MS4 Permit. He noted that the changes from the previous permit will be minimal in terms of ground work but advised that there will be an increase in paperwork and staff time. He noted that within the next year there will be some ordinance revisions in regard to permanent stormwater facilities.

Weir confirmed that those calculations would be based on the Atlas 14 information.

Nelson summarized the other changes that would be required as a part of this permit including the updating of maps and other documents. He reported that this permit term will run from 2013 through 2018.

Weir stated that she has interest in the issue of pond maintenance and noted other corrections, including the address of the new public works facility. She confirmed that Hakanson Anderson would continue their work along with the public works department.

*Moved by Pederson, seconded by Anderson, to accept the draft SWPPP document as proposed and direct staff to submit the document to the MPCA. **Motion passed unanimously.***

**B. Woods of Medina Preliminary Plat and Rezoning (7:16 p.m.)**

Pederson recused himself from the discussion due to a conflict of interest.

Sparks presented a proposal for 16 single family parcels to be located at CR 116 and Shawnee Woods Road to be titled Woods of Medina. He explained that the proposal would be to rezone this property to the R1 zoning district, which would match the land use identified in the Comprehensive Plan. He advised that the parcel is located in the current stage for development and noted that the proposed parcels meet the requirements of the R1 district. He identified the existing home, which is intended to be preserved for up to ten years with the current access to CR 116. He explained that when the home is removed, any new construction would need to meet the zoning requirements for setbacks to CR 116. He explained that the layout for the cul-de-sac was designed in order to preserve additional trees. He reviewed the transportation and access information as proposed and considered by staff in addition to the tree preservation plan. He explained that the applicant is proposing to remove 53 percent of

the trees and the replacement that would be required for that figure. He noted that any development, consistent with the Comprehensive Plan, would require 39 percent tree removal. He advised that the applicant is requesting to use the 39 percent mark as the base for the removal and require replacement for any amount over that number. He advised that there is no active park use planned for this area and therefore the Park Commission recommends cash-in-lieu in the amount of \$96,160. He noted that the two main issues with the applicant are tree preservation and density. He explained that if more units were required, a larger tree replacement waiver would be required. He advised that this request was considered by the Planning Commission and recommended approval of the request subject to the conditions listed in the staff report.

Weir expressed her concerns with the Planning Commission recommendation including the extension of sewer for units with functioning septic systems and also the burden of this developer to fund road improvements for the County Road 116/Highway 55 intersection where congestion is caused by multiple developments, many of them in other cities.

Johnson confirmed that the City does not have a policy in place requiring road improvement fees from developers for intersection improvements that do not abut their property.

Sparks explained that the Planning Commission made that recommendation based on input from Hennepin County but confirmed that the City does not have a policy of that nature.

Anderson asked for clarification in regard to the tree preservation plan.

Sparks provided additional information on the calculations used to determine the level of tree removal and replacement. He confirmed that the replacement is based on inches of trees rather than the actual number of trees.

Martin commended the Planning Commission for its thorough work and was comfortable with the tree preservation plan as proposed by the Commission.

Steven Theesfeld stated that he owns the property to the far east of Shawnee Woods Road. He referenced the issue of sewer extension and explained that he paid a great deal of money six years ago to redo his septic system. He stated that they would prefer not to connect to the sewer system and would also prefer not to fund an extension for services that they do not need. He explained that this project will substantially change the nature of their subdivision and he would not like to see an increased cost associated with that change. He also expressed concern that the park dedication is being accepted in cash rather than the construction of a park, noting that the other recent development was also not required to construct a park. He noted that the traffic on CR 116 and the future traffic planned for CR 116 prohibits children from crossing the roadway to access the park on that side of the road.

Martinson noted that the Park Commission will be meeting the following night and believed that concern should be expressed at that meeting.

Theesfeld stated that he has been told that his five acre lot is too heavily wooded and the development would be cost prohibitive. He hoped that if the Council is to grant a

waiver to the tree preservation requirements that other lots in that area would be granted the same ability.

Weir confirmed that the issue of sewer connection fees for those with existing septic systems on Shawnee Woods Road has been removed from the table. She advised that this development is not receiving special treatment and welcomed development proposals for other lots in that area.

*Moved by Anderson, seconded by Martin, to direct staff to prepare an ordinance to rezone the subject property to the R1 zoning district with the recommended conditions. **Motion passed unanimously.***

*Moved by Anderson, seconded by Martin, to direct staff to prepare a resolution granting preliminary plat approval based upon the findings, and subject to the conditions, recommended by the Planning Commission. **Motion passed unanimously.***

Pederson rejoined the Council.

**C. Approve Hamel Volunteer Fire Department Agreement (7:42 p.m.)**

Weir summarized the issues that had been discussed by the Council during the Work Session prior to the regular meeting tonight and confirmed consensus on the language proposed for the agreement. She noted that this proposal would call for a specific amount for capital improvements, \$60,000 annually, and confirmed that if the agreement were to be terminated, any unused cash would be returned to the appropriate city upon termination of the agreement.

Mario Fabrizio, Hamel Volunteer Fire Department, explained that the intent is to place the governance with the Advisory Board and the Public Safety Director. He explained that the department will continue to pursue alternate funding including grant funds to aid in regard to capital improvements.

Martin confirmed that language is included in the agreement that would ensure that Medina would be included in the negotiations, should another city be added for service. She suggested that additional language be provided to add clarification.

Weir confirmed that language would be added in regard to maintenance of equipment under section three, Levels of Service.

Batty advised that a statement was added to the end of the agreement stating that all parties in the agreement are subject to statutory requirements.

Martin confirmed the amendments as agreed upon.

Anderson stated for the record while he opposed the substance of the contract with the Hamel Fire Department, he would vote in its favor because of the work done by Public Safety Director Ed Belland and City Administrator Scott Johnson.

*Moved by Martin, seconded by Pederson, to approve the Hamel Volunteer Fire Department Agreement as amended, contingent upon the review of the City Attorney, City Administrator, and Public Safety Director. **Motion passed unanimously.***

## VIII. CITY ADMINISTRATOR REPORT

### A. Possible Dates for the Goals Work Session – February 20, 2014 or February 25, 2014 (8:05 p.m.)

Johnson advised of two possible dates for the goals work session for the Council, which would begin at 6:00 p.m.

*Moved by Pederson, seconded by Martinson, to schedule a goals work session on February 25, 2014. **Motion passed unanimously.***

### B. Sign for Police and Public Works Facility (8:07 p.m.)

Johnson noted that Belland put together a mock-up of the sign for the new public works and police facility.

Belland presented the draft version of the sign, which would use the logo of the City. He advised of another option, which was cost out, using a different color, and noted that the sign as proposed would provide a cost savings and would also stand out better against the building colors. He advised that the one sign would be used and letters in brushed aluminum would be added to identify the police and public works locations. He confirmed that the sign would be purchased with funds left remaining in the budget.

Weir confirmed that the automatic door issue has been resolved at 600 Clydesdale Trail. She commended the public works department for their efforts with the snow and extreme cold, in addition to transitioning to the new facility.

## IX. MAYOR & CITY COUNCIL REPORTS (8:11 p.m.)

Anderson stated that the previous Tuesday he attended the United Fire Fighters Association meeting.

Pederson thanked Martin and Weir for their efforts in the recent settlement conference. He commented that the intersection improvement project for CR 116/Highway 55 appears to be scheduled for the 2018 Capital Improvement Plan for Hennepin County. He noted that he also completed a ride along with Police Officer Kevin Boecker recently and commented that it was an amazing experience and the officer he rode with was a great asset to Medina.

Weir confirmed that the new location, closer to Highway 55, is working out well for the police department.

Belland noted that a ride along is available to any interested Council Member.

Weir commented on a recent Mayor's Association Meeting she attended and believed it was valuable to gain input from other cities. She noted that as of January the Council meetings will be available for viewing on the City website, as the City will no longer be participating in the Lake Minnetonka Communications Commission (LMCC).

## X. APPROVAL TO PAY THE BILLS (8:15 p.m.)

*Moved by Pederson, seconded by Martinson, to approve the bills, EFT 002378E-002403E for \$65,774.82, and order check numbers 040527-040602 for \$416,999.32, payroll EFT 505342-505370 for \$48,129.03 and payroll check number 020411 for \$571.23. **Motion passed unanimously.***

**XI. CLOSED SESSION: CITY ADMINISTRATOR PERFORMANCE REVIEW**

The Council recessed to closed session at 8:15 p.m. to discuss the performance review of the City Administrator.

The Council returned to open session at 9:05 p.m.

**XII. ADJOURN**

*Moved by Anderson seconded by Pederson, to adjourn the meeting at 9:06 p.m.*

***Motion passed unanimously.***

---

Elizabeth Weir, Mayor

Attest:

---

Scott Johnson, City Administrator