

MEDINA CITY COUNCIL MEETING MINUTES OF MAY 1, 2018

The City Council of Medina, Minnesota met in regular session on May 1, 2018 at 7:00 p.m. in the City Hall Chambers. Mayor Mitchell presided.

I. ROLL CALL

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

Members absent: Cousineau.

Also present: City Administrator Scott Johnson, City Attorney Ron Batty, City Engineer Jim Stremel, City Planner Dusty Finke, Public Works Director Steve Scherer, and Chief of Police Ed Belland.

II. PLEDGE OF ALLEGIANCE (7:00 p.m.)

III. ADDITIONS TO THE AGENDA (7:00 p.m.)

Johnson requested to add an item under New Business, 8C, Pitchers Mound Installation with Hamel Athletic Club.

*Moved by Anderson, seconded by Pederson, to approve the agenda as amended.
Motion passed unanimously.*

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

A. Approval of the April 17, 2018 Special City Council Meeting Minutes

Martin clarified that the meeting commenced on April 4, 2018 and reconvened on April 17, 2018. She noted that she provided her suggested revisions to Johnson.

*Moved by Martin, seconded by Pederson, to approve the April 17, 2018 special City Council meeting minutes as amended. **Motion passed unanimously.***

B. Approval of the April 17, 2018 Regular City Council Meeting Minutes

Anderson noted that he submitted his suggested changes to Johnson prior to the meeting.

It was noted on page two, line 28, it should state, "...endorsed the Commission..." On page five, line five, it should state, "mayors' meeting..."

*Moved by Anderson, seconded by Martin, to approve the April 17, 2018 regular City Council meeting minutes as amended. **Motion passed unanimously.***

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

A. Call for Concurrent Meeting with the Park Commission on May 16, 2018 at 4:30 p.m. for the Annual Park Tour

B. Appoint Lori Meehan to fill Vacant Seat on Medina Park Commission with Term Expiring December 31, 2018

- C. **Approve School Lake Preserve Conservation Easement Indemnification Agreement by and between the City of Medina and the Minnehaha Creek Watershed District**
- D. **Approve Memorandum of Understanding by and between the Minnehaha Creek Watershed District and City of Medina**

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

VI. COMMENTS (7:04 p.m.)

A. Comments from Citizens on Items not on the Agenda

There were none.

B. Park Commission

Park Commissioner Rumsey reported that at the last meeting the Park Commission reviewed the Ditter Concept Plan, noting that the Commission does not have a plan for parks in that area and therefore would most likely recommend cash in lieu for park dedication on that property should the plan move forward. He stated that the Commission also discussed the budget and overview of the park dedication fund. He stated that it will be important for the Commission to develop a longer-term plan as the amount of development that has occurred recently is not predicted to continue at that rate.

Scherer stated that the municipal park fund was also discussed, as he believes that the replacement items should not be funded through park dedication and park dedication should only be used to purchase new items.

Mitchell agreed that it will be important to have a plan for the park dedication funds. He stated that he is not well versed in the differences between the municipal park fund and park dedication fund and perhaps it would be helpful to have more information during the budget discussions.

C. Planning Commission

Finke reported that the Planning Commission will meet the following week to discuss the Ditter Concept Plan, which would subdivide four parcels into six parcels. He noted that the item is scheduled to move forward to the City Council at the next meeting.

VII. PRESENTATIONS

A. Resolution No. 2018-26 Recognizing Debra Peterson for Ten Years of Service to the City of Medina (7:11 p.m.)

Mitchell read aloud the proposed resolution recognizing Debra Peterson for ten years of service to the City of Medina.

*Moved by Martin, seconded by Pederson, to Adopt Resolution No. 2018-26 Recognizing Debra Peterson for Ten Years of Service to the City of Medina. **Motion passed unanimously.***

Mitchell presented the resolution to Debra Peterson and thanked her for her service.

Finke stated that over the past ten years he has often heard positive comments from contractors and others that do business with the planning department and noted that is due to the customer service provided by Debra Peterson. He thanked her for her contributions to the planning department.

Mitchell stated that he often hears from developers that the staff is very knowledgeable.

VIII. NEW BUSINESS

A. Ordinance Amendment – Regarding Regulations Related to Lighting and Sign Illumination (7:14 p.m.)

Finke explained that six years ago there were complaints from residential property adjacent to a Holiday Station Store in response to the store's blue lighting. He stated that the owner of the Holiday Station Store removed the lights as the store owner could not show compliance with the City's ordinance. He stated that last year the property owner requested similar light banding, which gave way to the moratorium. He noted that LED lighting has become more standard for many uses. He stated that because every sign application that comes through includes LED lighting, it became clear that the City needed to address the ordinance to include that element. He noted that the measurement the City uses for compliance does not apply to LED. He stated that the issue is terribly complicated, and staff has reached out to many cities and contractors. He stated that one staff member of the City of Bloomington was very helpful and provided a lot of useful information. He stated that the findings were listed in the report and provided information on the measurement commonly used to measure LED lighting. He suggested making the change to include the new measurement for LED lighting. He provided an example of the light banding and recognized that it can cause problems when used adjacent to residential properties. He reviewed the recommended range of permitting lighting for decorative/banding used by Bloomington. He provided examples from Bloomington that meet the range, noting that in person it would be hard to tell the difference between 200 to 500 NITS. He explained that the difference comes between 500 and 1,000 NITS. He stated that the higher range would be allowed for daytime hours to ensure that the message on a reader board would be visible during the daylight hours and noted that the lower range would be used for evening hours. He stated that the City has had similar limitations on dynamic display signs and has not received complaints related to those signs. He stated that to successfully enforce this, the City would need access to a meter that can measure NITS and is hoping to partner or contract for that service. He stated that the Planning Commission suggested prohibiting decorative lighting panels/banding adjacent to residential properties, which was not included in the original proposed ordinance from staff. He stated that as staff was working on this ordinance, a commercial property owner inquired about a dynamic display sign. He explained that currently a property is required to have 500 feet of frontage to have a dynamic display. He stated that the Planning Commission supports removal of that limitation. He reviewed some of the alternatives that were reviewed during this process that were not recommended. He noted that the ordinance only applies to non-residential properties. He stated that the current lighting ordinance requires that any illuminated sign be extinguished at the earlier of 11:00 p.m. and when the business closes. He stated that staff has not enforced that curfew and many businesses keep their signs on all night. He stated that staff recommended removing that limitation, but the Planning Commission recommended leaving the curfew in the ordinance. He explained that the Commission did not intend on enforcing the curfew but felt that the additional enforcement ability could be helpful if there is a problem in the

future. He reported that the Planning Commission held a public hearing at its meeting in April and recommended approval of the ordinance as presented tonight.

Anderson stated that Bloomington appears to allow 300 NITS and asked why Medina would then allow 500 NITS.

Finke stated that visibly there is not much difference between 300 and 500 NITS. He stated that Medina has been using 500 NITS for dynamic signs and therefore did not see a reason to decrease.

Anderson agreed with the recommendations of the Planning Commission and staff and agreed that the City should contract for the monitoring.

Pederson stated that there are signs that remain on 24 hours per day, seven days per week and therefore would support removing the curfew.

Martin agreed that sometimes it is helpful to have the signs when driving on Highway 55 late at night. She asked for input on the thinking of the Planning Commission.

Finke explained that the Planning Commission felt that the curfew could be helpful for signs adjacent to residential properties, should there be a problem in the future with brightness.

Martin suggested changing the language to state that the sign can be left on 24 hours per day unless the sign causes a nuisance.

Anderson asked for additional details on the limitation of signage within 500 feet of residential property.

Finke replied that limitation would only apply to decorative light banding. He explained that if that applied to all lighting, that would in essence prohibit illuminated signage within 500 feet of residential properties.

Martin stated that perhaps the language could state that the lighting be required to be turned off during certain hours within 500 feet of residential properties.

Finke agreed that could be more enforceable than a nuisance standard.

Batty provided additional details on nuisance, noting that term is fairly subjective. He stated that a 500-foot requirement is more objective, but the City would have the power to declare a nuisance.

Mitchell asked if signs would be grandfathered in if adopted under this ordinance, should an issue arise in the future.

Finke stated that those signs would become nonconforming allowed uses.

Batty agreed that the City should be careful to ensure the ordinance is right as the permits that are approved under this ordinance would continue to be allowed as nonconforming uses.

Finke confirmed that he would suggest a language change from to eliminate “dusk to dawn” and instead use from sunset to sunrise.

Mitchell stated that he likes the idea of changing the curfew.

Martin reviewed the proposed language which would apply the curfew to properties within 500 feet of residential properties or which become a nuisance. She asked for details on the dynamic displays and asked if those can be on buildings or just pylon signs.

Finke replied that by removing the limitations, dynamic displays could be used on pylon or buildings but would only be allowed one dynamic sign per parcel.

Martin asked if the NIT count is controlled by the property owner or set through manufacturing.

Finke stated that it can be done either way. He stated that the lights can come with a dimmer which allows the property owner to dim the lights on demand. He stated that if the lights do not have a dimmer, they would have a set limitation on NITS.

Martin suggested adding additional language requiring the property owner to show compliance annually.

Finke stated that would be difficult administratively for the property owners and would not be a good service, as it has been difficult for staff to obtain the information.

Martin stated that the property owner could be required to supply proof that the NITS meet the requirement on the initial application, perhaps by showing that the equipment was manufactured to the specified design. She stated that it would not have to be in the ordinance but could simply be placed on the application for the sign.

Batty stated that the manufacturer’s specifications could be required on an application. He acknowledged that there could be a range of lighting for those with dimmers, but it could still be helpful to ask for the information.

Finke stated that he would make the suggested changes and bring the item back for approval.

Moved by Martin, seconded by Anderson, to direct staff to amend the Ordinance Regarding Regulations Related to Lighting and Sign Illumination; Amending Chapter 8 of the City Code in the form presented: changing the curfew (11:30 p.m. or business closing to 5:00 a.m.) to apply to lighting within 500 feet of residential properties or those properties that cause a nuisance; and changing dusk to dawn to sunrise to sunset.
Motion passed unanimously.

Kirsten Chapman, 1910 Iroquois Drive, commented from the standpoint of the curfew. She hoped that the Council would include the curfew on all lighting for environmental reasons. She stated that people leaving lights on is one of the biggest environmental uses of electricity and therefore recommends including the curfew for all signs.

Anderson and Martin did not feel the discussion needed to be reopened.

Pederson noted that the businesses are the biggest tax payers of the City and therefore the City should remain business friendly.

Martin thanked staff for the level of detail and preparation that was put into this topic.

Mitchell stated that it seems that the City is attempting to strike a balance between light pollution and allowing lights. He stated that one of the awkward things about shielded lighting is when it is placed on a hill, as it will shine all down the hill.

Finke stated that the Planning Commission discussed potentially developing a street lighting standard for new construction developments to help address the night sky element.

B. Long Lake Obstruction Removal and Carp Management Agreement (7:51 p.m.)

Johnson noted that Finke has worked with the Long Lake Waters Association and the cities of Long Lake and Orono on a potential carp population study and removal plan in Long Lake. He noted that there has been \$10,000 set aside in the Capital Improvement Plan for this project in 2018.

Finke stated that the project has been substantially scaled back from the plans the previous year and has incorporated a pilot removal of carp in addition to the study, if the population and aging information recommend that step. He stated that the commercial fisherman, which would have the rights to be the only person to fish in the lake, has identified obstructions in the bottom of the lake that would ruin their nets and therefore those obstructions would need to be removed. He stated that Minnehaha Creek has come forward with their contributions and Long Lake has agreed to continue in an administrative role and with a smaller contribution. He noted that Orono tabled action.

Anderson asked why the funding is not equally split between the three cities.

Finke stated that he cannot speak to why Long Lake decided to contribute less funds but noted that Long Lake will administer the contract and there is some cost to that. He noted that the Waters Association has agreed to their contribution.

Anderson stated that at least half the lake resides in Long Lake.

Martin stated that there are tributary impacts to the other communities and she is not in favor of stopping the project because of the proposed split of funds.

Anderson asked why the Medina tax payers would pay more than the Long Lake tax payers for the project.

Kirsten Chapman, 1910 Iroquois Drive, stated that she recent became involved in the Long Lake Waters Association. She stated that the name is a liability because the group intends to have an impact on other waters as well. She stated that Long Lake is the starting point and focus will also be on other elements in the upstream subwatershed. She stated that if there is enough carp, the commercial fisherman can make money and that could return money to the taxpayers.

Finke stated that it is the Long Lake subwatershed. He stated that in the review of the TMDL and allocation of phosphorus load reductions, Long Lake has half the allocation of the other two communities.

Ms. Chapman stated that education opportunities are also planned in an attempt to deal with some of the larger issues.

Finke stated that if Long Lake contributes a percentage share to a project in Medina and Orono contributes a percentage share to a project in Medina that would show a partnership. He stated that there is a legitimate concern with whether the other communities will be partners when the project is not on their doorstep.

Johnson stated that this is one area of the City where there has not been a lot of opportunity for water quality projects.

Scherer agreed that funds have not been applied equally across the City.

Anderson stated that he believed that the funding should be split equally between the three cities.

Mitchell stated that the TMDL is a large element.

Finke stated that Medina has twice the TMDL load allocation that Long Lake has. He stated that hopefully this partnership will create a partnership that will also apply to projects within Medina.

Ms. Chapman agreed that other projects in Medina are on the list, including School Lake and Holy Name.

Anderson stated that Medina has always wanted to be a good neighbor and hoped that in the future other cities would share the costs for projects within Medina.

Finke stated that if Medina did projects without potential other partners, the City would gain more of the phosphorus reduction allocation.

*Moved by Martin, seconded by Pederson, to approve the Agreement related to the Long Lake Obstruction Removal and Carp Management. **Motion passed unanimously.***

C. Pitchers Mound Installation with Hamel Athletic Association (8:05 p.m.)

Johnson stated that this project would rebuild the existing mounds in two locations. He noted that the Hamel Athletic Club would donate the entire cost of \$3,850.

*Moved by Anderson, seconded by Pederson, to adopt Resolution No. 2018-27 Accepting the Donation from the Hamel Athletic Club. **Motion passed unanimously.***

*Moved by Anderson, seconded by Pederson, to approve the Pitchers Mound Installation Agreement with Sam's Lawn and Landscaping and Property Maintenance. **Motion passed unanimously.***

IX. CITY ADMINISTRATOR REPORT (8:06 p.m.)

Johnson had nothing further to report.

X. MAYOR & CITY COUNCIL REPORTS (8:06 p.m.)

Martin commented that Clean-Up Day was a huge success and thanked staff for their efforts. She stated that the Long Lake Fire Department pancake breakfast was also a great event. She stated that she, Belland, and Johnson have been working with the Long Lake Fire Chief on the Minnetonka Beach Contract. She believed that their contributions made improvements although the agreement may not come to fruition.

Mitchell stated that the City received a thank you letter from Hennepin County Sheriff Stanek thanking the City for allowing him to make a presentation.

Pederson also thanked staff for their efforts at Clean-Up Day.

Martin stated that she struggles with how she can personally contribute to the event.

Johnson noted that the hope is that the Council members are able to speak with residents at the event.

Martin stated that perhaps the Council could help with certain duties to have more interaction.

Johnson stated that the goal of staff is to ensure the duties are being handled so that the Council can converse with the residents.

Anderson agreed that residents have a mission to drop off materials and perhaps get lunch or trees and leave.

Martin stated that perhaps it would be helpful for staff and the Council to have nametags at events.

Anderson noted that he attended the Coffee with a Cop event, which was a good event.

XI. APPROVAL TO PAY THE BILLS (8:12 p.m.)

*Moved by Anderson, seconded by Martin, to approve the bills, EFT 004582E-004598E for \$62,632.68 and order check numbers 047212-047268 for \$660,160.62 and payroll EFT 0508601-0508627 for \$52,780.82. **Motion passed unanimously.***

XII. ADJOURN

*Moved by Anderson, seconded by Pederson, to adjourn the meeting at 8:13 p.m. **Motion passed unanimously.***

Bob Mitchell, Mayor

Attest:

Jodi Gallup, City Clerk