

MEDINA CITY COUNCIL MEETING MINUTES OF JANUARY 7, 2020

The City Council of Medina, Minnesota met in regular session on January 7, 2020 at 7:00 p.m. in the City Hall Chambers. Mayor Martin presided.

I. ROLL CALL

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

Members absent: DesLauriers.

Also present: City Administrator Scott Johnson, Assistant City Administrator Jodi Gallup, City Attorney Ron Batty, Finance Director Erin Barnhart, City Engineer Jim Stremel, City Planning Director 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.)

The agenda was approved as presented.

IV. APPROVAL OF MINUTES (7:00 p.m.)

A. Approval of the December 17, 2019 Special City Council Meeting Minutes

*Moved by Anderson, seconded by Pederson, to approve the December 17, 2019 special City Council meeting minutes as presented. **Motion passed unanimously.***

B. Approval of the December 17, 2019 Regular City Council Meeting Minutes

Martin noted that comments from herself and Anderson were distributed to the Council for incorporation.

*Moved by Anderson, seconded by Pederson, to approve the December 17, 2019 regular City Council meeting minutes as amended. **Motion passed unanimously.***

V. CONSENT AGENDA (7:01 p.m.)

A. Approve 2020 Meeting Calendar

B. Approve Amended and Restated Agreement with Randy's Environmental Services

C. Appoint Part-Time Temporary Election Assistant

D. Approve Portable Sanitation Services Agreement with Jimmy's Johnnys

Martin asked when the staff appreciation dinner would be held.

Johnson replied that the dinner would be on the first Thursday of December, which would be December 3rd.

Martin asked staff to send a reminder so that the Council could add the event to their schedules.

Anderson noted that during the previous work session he was struck by the amount of time staff puts into elections. He stated that he believes that if it is necessary the City

should be open to allowing a second election assistant, as he believes that this voting year will have a record turnout.

Martin asked if Item 5C should be removed from the Consent Agenda.

Johnson noted that staff will follow Council's direction regarding the election assistant position, and it was not necessary to remove the item.

*Moved by Pederson, seconded by Anderson, 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

Scherer reported that the Park Commission met in December and considered the OSI request. He stated that the Commission decided to request cash in lieu as no additional trail easements were desired. He stated that the park dedication for the northern parcel will be deferred until that property develops.

Martin asked if the deferred park dedication is based on the amount that would be due now or the amount that would be due when the property develops.

Finke explained the calculation that was used.

Scherer reported that the parks are being heavily used, specifically the sledding hills and rinks.

C. Planning Commission

Finke reported that the Planning Commission will not be meeting the following week as there are no cases to consider and therefore will meet in February.

VII. NEW BUSINESS

A. Arrowhead Holdings, LLC (OSI) – 4101 Arrowhead Drive Rezoning, Preliminary Plat, Site Plan Review, Amended Conditional Use Permit, Easement Vacation (7:07 p.m.)

Finke stated that OSI is looking to build an addition onto its existing facility and reviewed the required land use applications. He identified the location of the subject site and highlighted the location of the proposed addition to the south, with additional parking north of the existing building. He stated that the proposal would shift approximately 12 acres from the vacant property to the north to the existing OSI site. He stated that the rezoning would align the zoning of the OSI property and the lot to the north, noting that the existing OSI site and newly added land, would be Commercial-Highway while the outlot to the north would be Business Park. He noted that a portion of the OSI property would be designated as business under the Comprehensive Plan. He explained that portion of the property would be encompassed by parking which would be a suitable use under the business designation. He stated that additional right-of-way for Arrowhead Drive on the east and Chippewa Road to the north would be required, noting that the

applicant has shown that right-of-way dedication on the Plat. He stated that staff has been working with the applicant regarding the existing OSI driveway, as that currently is not aligned with Meander Road. He noted that those discussions will continue, and it appears the best option may be to align the driveway with Meander Road. He provided additional input on the park dedication calculation, noting that the value from 2010 was used.

Martin stated that she would think the calculation should be based off current values.

Batty stated that certainly if the outlot was being replatted and further subdivided there would be no question that the valuation would be based on today's comparables. He stated that if the deferral of collection is going to continue, it would seem reasonable to recalculate the value or charge some type of interest.

Anderson stated that he would not be in favor of attempting to recalculate the interest but would support recalculating the value based on today's value.

Batty explained that the City could have collected park dedication on the entire parcel when OSI developed ten years ago, but the City allowed that northern portion to be deferred. He agreed that it would make sense to recalculate the park dedication for this request and to then again recalculate the value when the northern most outlot is developed in the future.

Finke reported that the Planning Commission unanimously recommended approval of the rezoning request with the conditions noted in the staff report. He noted that the Site Plan would be contingent upon the approval of the rezoning.

Anderson commented that he has always believed that OSI is one of the most attractive buildings along Highway 55 and was pleased to learn about the quality of materials being proposed for the new OSI addition.

Martin confirmed that there were no additional questions or comments related to the Preliminary Plat or Site Plan. She referenced the minimum plantings, noting that the required and proposed amounts did not seem to match.

Finke replied that the applicant is proposing to install more overstory trees rather than ornamental trees. He explained that the overall number of planted trees on the site would exceed the requirement. He stated that the applicant proposes more ornamental grasses as opposed to shrubs. He reviewed the conditions related to the Conditional Use Permit. He noted that the Planning Commission recommended approval of the Preliminary Plat, Site Plan and Conditional Use Permit. He provided additional input on the easements that would need to be vacated in order to support the development. He explained that it would be easier to vacate all of the easements on the original plat, with the applicant then dedicating new easements in the proper locations. He noted that a public hearing would be required for vacation of the easements.

Martin referenced the Preliminary Plat, noting that it does not include easements on the westerly boundary and asked if there were easements on the original plat.

Finke stated that perhaps the western most easement sits further into the site to match the wetland location.

Martin recognized the large drainage and utility easement near that location.

Martin opened the public hearing.

No comments made.

Martin closed the public hearing.

Finke noted that the Planning Commission recommended approval of all the land use requests presented tonight.

Martin referenced the conditions related to the rezoning in the staff report and noted that those should be carried forward to the list of conditions for all approvals with the value of the park dedication updated as discussed. She commented that OSI is a valued business partner in the community that keeps a high standard of development.

Pederson echoed those comments noting that OSI is a well-kept site and is one of the best building aesthetics along Highway 55. He stated that the City appreciates OSI being a member of the community.

*Moved by Pederson, seconded by Anderson, to direct staff to prepare documents approve the rezoning, preliminary plat, site plan review, and conditional use permit subject to the conditions noted in the staff report and that park dedication should be recalculated based on the current value of the property and the deferred park dedication for the outlot to the north should be recalculated when that property develops. **Motion passed unanimously.***

Finke noted that the resolution for the vacation easement has already been prepared but staff could be directed to present that resolution when the resolutions for the other land use approvals are brought forward.

1. **Resolution Vacating Drainage and Utility Easements within Lot 1, Block 1 and Outlot A Cavanaugh's Meadowwoods Park and Lot 1, Block 1, Cavanaugh's Meadowwoods Park 2nd Addition – Public Hearing**

*Moved by Anderson, seconded by Pederson, to ratify the notice to move forward with the vacation process. **Motion passed unanimously.***

B. **Ordinance No. 652 Amending the Regulations Pertaining to Signs; Amending Chapter 8 of the City Code (7:37 p.m.)**

Martin noted that this is another example of proactive thinking by City staff and commended staff for continuing to think ahead.

Finke explained that the proposed amendment would address two changes to the ordinance. He stated that the first portion would apply to internal illumination of signs. He stated that currently that type of signage is only allowed on Highway 55. He stated that there are property owners along other roadways, such CR 116, that desire that type of signage. He noted that the proposal would allow internally illuminated signs along arterial roadways. He stated that the Planning Commission expressed concern in opening up the allowance too broadly near residential properties and therefore

recommended that internally illuminated signs not be allowed within 200 feet of residential property. He stated that the second portion of the amendment would allow transference of signage to create opportunity for shared signage within a development area. He stated that one of the limitations deals with the scale of the sign receiving the transference. He provided examples of the size of sign that would be allowed and compared that to other signs in the community. He explained that a property would be allowed to transfer up to half of their allowed freestanding sign square footage. He noted that the receiving property would also have to be within 1,000 feet of the property desiring to transfer square footage. He stated that the Planning Commission held a public hearing at its meeting in December and one member of the community, representing Adam's Pest Control, spoke in support of the amendment.

*Moved by Anderson, seconded by Pederson, to Adopt Ordinance No. 652 Amending the Regulations Pertaining to Signs, Amending Chapter 8 of the City Code, with the changes directed by the Council. **Motion passed unanimously.***

1. **Resolution No. 2020-01 Authorizing Publication of Ordinance No 652 by Title and Summary**

*Moved by Anderson, seconded by Pederson, to Adopt Resolution No. 2020-01 Authorizing Publication of Ordinance No. 652 by Title and Summary. **Motion passed unanimously.***

C. **Resolution No. 2020-02 Establishing 2020 Appointments and Designations to Various City Services, Authorities, Commissions and Agencies (7:50 p.m.)**

Johnson stated that staff updated the list which was distributed to the Council.

Finke noted that information was included in the staff report related to the Planning Commission terms.

Martin stated that the Council had a difficult issue to address, as there are excellent applicants but not enough room for them. She stated that perhaps it would be time to review the issue of term limits to make room for new candidates. She noted that Reid has provided great service to the Planning Commission and has provided great leadership. She asked if the policies are detrimental to the City given that we have interviewed qualified candidates that have been declined because of a lack of vacancies.

Pederson asked if an additional member could be added to the Commission if there are qualified candidates.

Anderson also inquired if an additional member could be added to the Commission.

Martin stated that it is helpful to have an odd number to prevent a tie vote.

Batty stated that there is no legal limit to the number the City can have. He stated that the City has had nine members in the past but noted that in his experience that is large. He noted that as the group expands people sometimes feel less obligated to show up.

Albers asked if there is a minimum number required.

Batty stated that he does not recall a minimum. He noted that most Planning Commissions have either five or seven members, with seven being the most common.

Albers stated that he believes the issue is not only consecutive years but also total number of years. He stated that perhaps it states three consecutive terms or ten total years.

Finke stated that ultimately the Council has that discretion but recognized that it can be difficult.

Martin agreed that it is a difficult decision as the Council can see the value a person adds over a period of time.

Batty stated that the ordinance currently reads nine years.

Albers stated that he would not be in favor of expanding the Commission to add more members.

Anderson agreed that he could also see the downside of having too many members.

Batty stated that this is a good problem to have and may not be a permanent problem, as there is sometimes a drought of applicants. He stated that rather than binding the Council, perhaps criteria is developed that will be reviewed for appointments. He used the example of geographical mix, a mix of backgrounds, and a balance of longevity and new members.

Martin stated that the consensus of the interview panel was to appoint Robin Reid to the one-year term, to appoint Cindy Piper to the three-year term, and Ron Grajczyk to the three-year term.

Pederson stated that it is astounding to see the quality of the candidates. He stated that he would tend to appoint the additional candidate to a one-year term, even if that creates eight members on the Commission.

Anderson stated that he would agree, as he would hate to see that person discouraged from applying again.

Albers noted that this would create eight members for only one year and in 2021 the Commission would reset to seven members.

Finke noted that he is unsure how that would work under the ordinance.

Batty confirmed that the current ordinance states seven members appointed to three-year terms.

Albers noted that another option would be to switch out an existing Commissioner for reappointment to the remaining applicant that has "come in second" for the second year.

Pederson asked if there is any indication that a member of the Commission may not wish to continue in the future.

Finke stated that is difficult to anticipate.

Batty stated that the City could always turn someone down with a sincere explanation of what happened without promising something in the next year.

Albers noted that the Planning Commission will not be meeting in January which would allow the decision to be delayed to the next Council meeting.

Finke noted that the applicants were made aware that staff would alert them to a decision following tonight's meeting.

Martin noted that an alternate position could be created for the Planning Commission.

Pederson stated that while he would hate to turn down the applicant that has applied for a second time, he would propose to reappoint the two current members that are reapplying. He agreed that Reid should be appointed to the one-year term with the other two appointed to three-year terms, as suggested by Martin.

*Moved by Albers, seconded by Pederson, to appoint Robin Reid to a one-year term, Cindy Piper to a three-year term, and Ron Grajcyk to a three-year term on the Planning Commission. **Motion passed unanimously.***

Barnhart requested to update the investment brokers to the current brokers used by the City.

Martin noted that the updated list also shows Albers remaining as the liaison to the Planning Commission and Anderson remaining as the liaison to the Parks Commission.

*Moved by Albers, seconded by Pederson, to Adopt Resolution No. 2020-02 Establishing 2020 Appointments and Designations to Various City Services, Authorities, Commissions and Agencies with the changes suggested by staff. **Motion passed unanimously.***

VIII. CITY ADMINISTRATOR REPORT (8:15 p.m.)

Johnson had no further comments.

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

*Moved by Anderson, seconded by Pederson, to approve the bills, EFT 005350E-005363E for \$50,696.06, order check numbers 049695-049758 for \$193,820.38, and payroll EFT 0509922-0509949 for \$51,920.90. **Motion passed unanimously.***

X. MAYOR & CITY COUNCIL REPORTS (8:15 p.m.)

Albers reported that he most likely will not be present at the February 4th meeting.

Martin noted that she will also be absent.

It was noted that Pederson, DesLauriers and Anderson are planning to attend that meeting.

XI. ADJOURN

Moved by Anderson, seconded by Pederson, to adjourn the meeting at 8:16 p.m.

Motion passed unanimously.

Kathleen Martin, Mayor

Attest:

Jodi M. Gallup, City Clerk