

MEDINA CITY COUNCIL MEETING MINUTES OF FEBRUARY 1, 2005

The City Council of Medina, Minnesota met in regular session on February 1, 2005 at 7:00 p.m. in the City Hall Chambers. Mayor Workman presided.

I. ROLL CALL

Members present: Brinkman, Cavanaugh, Smith (arrived at 7:27 p.m.), Weir, and Workman.

Members absent:

Also present: City Attorney Ron Batty, City Engineer Tom Kellogg, Public Works Director Jim Dillman, Police Chief Ed Belland, City Planner Rose Lorsung, City Planner Consultant Sarah Schield, City Administrator Chad Adams and Recording Secretary Liza Weniger.

II. PLEDGE OF ALLEGIANCE

III. ADDITIONS TO THE AGENDA

*Moved by Weir, seconded by Brinkman, to approve the agenda as presented. **Motion passed unanimously.***

IV. APPROVAL OF MINUTES

A. Approval of the January 18, 2004 Regular Council Meeting Minutes

It was noted on page four, the second line of the first paragraph under **B. Park Commission** should state: "...to Park members and deems it to be very..."

It was noted on page five, the second line of the tenth paragraph should state: "He questioned if the thirty potential connections along Lindgren Lane was for existing homes."

It was noted on page five, the fourth line of the tenth paragraph should state: "...the City should be careful of what it dictates to other cities. "

It was noted on page six, the third line of the third paragraph should state: "...into performing a study ~~in~~ which the City of..."

*Moved by Brinkman, seconded by Weir, to approve the January 18, 2005 Regular City Council meeting minutes as amended. **Motion passed unanimously.***

V. CONSENT

A. Dedicate Hamel Community Building Assembly Hall as the "Hamel Lions Assembly Hall"

Item B removed for discussion.

*Moved by Weir, seconded by Brinkman, to approve item A of the consent agenda as presented. **Motion passed unanimously.***

B. Approve the City Engineering Standards

Brinkman asked Dillman and Kellogg if the emergency vehicle turnarounds would still be evaluated by the Fire Department for criteria standards.

Kellogg and Dillman both stated that the Engineering Standards are meant for private development and turnarounds, which would indeed be reviewed by the Fire Department.

*Moved by Brinkman, seconded by Weir, to approve the 2005 revision of the City's Engineering Standards. **Motion passed unanimously.***

VI. COMMENTS

A. Comments from Citizens on Items Not on the Agenda

None heard.

B. Park Commission

Dillman stated that the Park Commission had a good meeting in January and is planning to meet in February as well.

Cavanaugh expressed gratitude to Dillman, in part due to a letter from a citizen expressing their gratitude to the City on the maintenance of the ice skating rink.

C. Planning Commission

Lorsung stated that the Planning Commission is planning on meeting on February 8, 2005 to review the preliminary plat for Dave Moore on 500 Hamel Road, preliminary plat, rezoning to PUD for Ryan Companies, a simple site plan review for the Cities water treatment plant, and review an application for senior housing at 185 Hamel Road.

Workman stated that he plans to attend the February 8, 2005 meeting. Weir stated that she would be present.

VIII. NEW BUSINESS

A. Storm Sewer Improvement Tax District – Park Ridge Acres

Ron Batty summarized his memo that discusses the need for a public hearing and ordinance adoption on establishing a storm sewer tax district for the development. Council directed staff to prepare the ordinance during final plat review. If drainage improvements are needed in this development in the future, this tax district is available to raise necessary funds (ad valorem taxes) to pay for the improvements. Park Ridge Acres will not have a Homeowners Association to be responsible for future drainage improvements. A public hearing is first needed before consideration of the ordinance. Upon closing of the hearing, staff recommends approval of the ordinance.

Workman stated that it was his personal opinion that setting up the tax district is a good idea. Brinkman agreed.

Batty stated that this is only the second time that something like this has been done. This type of procedure may be something that the City may want to incorporate on a Medina City Council Meeting Minutes
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regular basis. To have this type of system in place, if this Council or future Council wanted to activate it, then it is all ready for use.

1. Public Hearing

Workman opened the Public Hearing at 7:09 p.m.

No comments.

Public Hearing was closed at 7:10 p.m.

2. Ordinance Establishing a Storm Sewer Tax District

*Moved by Weir, seconded by Brinkman, to approve Ordinance No. 380 establishing a Storm Sewer Improvement Tax District. **Motion passed unanimously.***

B. Storm Sewer Improvement Tax District – Keller Estates

Ron Batty summarized the action proposed. Because more progress is needed on the final plat application, staff recommends opening the public hearing and continuing it to a future Council meeting.

1. Public Hearing

Weir asked if the public hearing needed to be continued to a certain date. Batty stated that March 1, 2005 is a reasonable date to continue the public hearing to.

Cavanaugh asked if there would be any problems with approving the ordinance tonight contingent on the approval of the final plat application. Batty stated that he did not foresee this posing any legal problems. However, the reason he felt necessary for delaying the approval was in case the subdivision would never be completed or if there was some change in which this type of system was not necessary; which would then leave a district that was flagged for no reason. Batty stated that it was not a big deal, however he thought it made sense to marry the creation of a tax district with the finalization of a subdivision through approval of a final plat.

Brinkman asked if there was a way to trigger a taxing district every time a subdivision with needs like this came up for approval. Batty stated that a district would need to be created every time so that it matches the legal description of the property and is specific to the property. A notice of a public hearing would also need to be given each time.

Adams stated that staff has looked at the options of creating a storm water utility that could be utilized city wide.

2. Ordinance Establishing a Storm Sewer Tax District

*Moved by Weir, seconded by Brinkman, to continue the public hearing for Storm Sewer Improvement Tax District – Keller Estates on March 1, 2005. **Motion passed unanimously.***

C. Resolution Granting Preliminary Plat to Leawood Farm Subdivision – 3000 Hamel Road

Schild stated that this is generally a consent agenda item; however, staff will be seeking direction from Council on a few policy decisions on park dedication with this Medina City Council Meeting Minutes February 1, 2005

application. Therefore, tabling this approval may be needed through a revised resolution to come back to the February 15, 2005 meeting.

Schild stated that the applicant has requested approval of a preliminary plat to create nine lots from the existing 212-acre parcel located in Section 9, north of Hamel Road.

Schild stated that the applicant has also requested approval of a variance to construct a 4,400-foot long cul-de-sac where Section 820.29 of the Subdivision Regulations limits cul-de-sacs to a maximum of 750 feet.

Schild stated that pages four and five, specifically the "Park and Trail" section, outline concerns that staff has pertaining to the trail issue. Concerns on whether the trail should be designated specifically as a horse or pedestrian trail should be a policy decision made by the City Council. Schild stated that the City has no problems with a horse trail, however thought it should be placed on whether it was sensible for the utilization of a park dedication credit. Cash in lieu of land amount for park dedication fee is \$72,000 based upon \$8,000 per unit.

Schild stated that staff is recommending approval of the variance per conditions. Staff is suggesting that Council discuss some of the items of concern posed by staff or table the item in order to have the applicant address some of the items. The applicant has extended his application to March 1, 2005.

Schild further stated that a change needs to be made to the conditions and Ordinance. Condition number seven of the staff report, and 4i of the ordinance, should be removed as the applicant has turned in a copy of the Wetland delineation report to the City. Schild then reviewed the newly revised twenty conditions.

Brinkman asked how the developer feels about the trails and how it would affect his sales. Schild stated that Bradley would like to see the horse trail remain as part of the development as its neighbors use and enjoy the existing trail.

Mark Gronberg, engineer for the project, stated that there is an existing trail easement along the north side of Hamel Road and would like it to remain as is. He stated that Bradley is not sure whom the trails would be dedicated to.

Workman asked why the City would be opposed to a horse trail. Batty stated that the City is not opposed to the horse trail, and that Schild was simply trying to say that with any subdivision, there are certain park dedication requirements (cash or land) set up as an account with specifications on how to spend it, however the City does not want to see any of its dedications go towards the horse trail. Workman stated that he did not see that as a problem.

Gronberg stated that in regard to the horse trail and buffer strip, Bob Bradley has stated he wants the trail to remain status quo, and was not looking to improve the trail.

Weir asked how the trail would be accessed, and whether it would be open to the public, or just as a private horse trail. Cavanaugh also asked whom the horse trail is dedicated to. Gronberg stated that the trail is not dedicated to anybody and is open to everybody.

Weir asked Schield whether the wetland buffers would be a Park Dedication credit on the fee. Schield stated yes they could if the Council chooses that as a policy, because the City is taking land away from the developer.

Gronberg stated that Bradley has always been conservation minded of the environment.

Schild stated that buffers would be built as a filter strip in a natural type of construction.

Workman stated that he agrees with keeping the horse trail as-is, however has a problem with it being taken from the park dedication fund.

Cavanaugh stated that he agrees.

Smith entered at 7:27 p.m.

Weir asked Gronberg how the City could ensure that somebody would not go in and slash cattails. Gronberg stated that overall wetland area would be dedicated to the City.

Batty stated that he sees this as very similar to the situation of the horse trails. To a certain extent, he is not opposed to the conservation rules. However there are standardized utility easements over the wetland areas, and is questioning where the City's authority stands. He is not aware of the City having any authority; therefore, if the property owner wants to volunteer subject traditional land to the easement, dedicating their land to the watershed district, it seems fine. If a landowner does not want to volunteer land and no other jurisdiction has any authority to advent, then the question still stands as to where the City has authority. A policy question to consider would be to determine how much could be spent on this type of buffer out of all the limited number of acres or dollars from the subdivision.

Weir stated that she would like to come up with a compromise that would give some form or portion of park dedication, as this is an important piece of wetland for wildlife.

Workman asked if Council could handle making a decision on this matter tonight.

Gronberg stated that he thinks that it would be nice to wait on this until the final plat discussion and approval.

Batty stated he would like to have the conditions of final plat approval be settled upon. If there were to be some form of discussion, then it would make sense to bring back the final plat for review, and then draw up a resolution at that time. Also at that time, the City would have to determine if the City is interested in taking some of that area's park dedication, and also determine what public interest is in that land that merits the use of park dedications.

Smith asked about the SWPPP plan and whether it would affect any of the wetlands. Dillman stated that this does not affect the buffers.

Smith stated that the City should find out if there is a setback variance. And if the City does not need to give a variance for a long cul-de-sac, the City needs to change its ordinance now to require a setback. Smith stated that the City used to have this in the

business park, and now needs to do this in the rural residential areas. She asked if this was part of the DNR protected wetland area and asked if there were setbacks for those.

Smith stated she would be willing to forgive a small amount of the park dedication fee.

Cavanaugh stated that he agrees with Smith and asked for verification on whether the trails would change. Gronberg stated no, the trails would not change.

Batty stated in order to clarify terminology; a setback is different from an easement. The City has the authority to require setbacks, however what is being talked about here is a buffer easement, which is entirely different than a setback.

Lorsung stated that she has seen in other cities that are more up on conservation issues, where an easement would be made in addition to the buffer.

Workman stated Council is at a point in which owners are willing to resolve the issue.

Weir asked if he would like a motion to table this. Workman stated yes.

Batty stated that property owners have granted City an extension deadline of March 1, 2005.

Smith stated that she would like to have more information on the watershed districts and setbacks from staff.

Schild stated that she has contacted the staff of the watershed district and they will not review the plat until the plat has been moved further through the City process.

Smith stated that if Council puts the setback into ordinance, she would be more interested in going with the Minnehaha Creek Watershed District (MCWD) as they are more environmentally conscious and proactive.

Gronberg asked if she still felt that way even if the land is not currently in the MCWD. Smith stated yes.

Workman asked Schild if any of these issues could be resolved so that this matter could be returned on February 15, 2005. Schild stated that the City is not interested in the horse trails in relation to park dedications and stated that she does think that she can get the MCWD involved.

Weir stated that this was brought before the Planning Commission and asked if the Fire Chief had any problems. Schild stated that the Fire Chief did get the plans, but has not made any comments.

*Moved by Weir, seconded by Smith, to table discussion and approval of the Resolution Granting Preliminary Plat to Leawood Farm Subdivision – 3000 Hamel Road for the February 15, 2005 Council meeting. **Motion passed unanimously.***

D. Preliminary Plat, Rezoning to Residential PUD, PUD General Plan for Bridgewater at Lake Medina (Charles Cudd Co.) – East of Arrowhead Dr./Hackamore Rd.

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Schild stated that Charles Cudd, LLC has submitted a request for approval of a Rezoning from RR-UR to PUD, PUD General plan and Preliminary plat for a single-family residential development that will consist of 106 single-family homes within the 124-acre site. The property is located north of State Highway 55, north of Chippewa Road and east of Arrowhead/Hackamore Road. Schild reviewed findings from the Planning Commission Public Hearing, as well as the discussion from the Park Commission Meeting as reported in staff's Planning Report. Schild also provided an analysis of the application for consistency with Comprehensive Plan, Zoning Ordinance, Subdivision Ordinance and City Code requirements, as well as City policies.

Schild stated that staff is seeking Council authorization to prepare the resolution for preliminary plat and PUD General Plan, and to prepare the ordinance for rezoning subject per conditions. Schild reviewed the conditions posed for approval.

Adams summarized the public improvement funding commitment from Charles Cudd Co.

Workman stated he would be recusing himself from the vote as he has sold a small piece of property to the developer.

Brinkman stated he has nothing to comment on. He is excited to see how this has progressed since the last meeting.

Smith stated that she is curious as to the issue of guest parking. She stated that there should be room for four to six parking spots including room for guests.

Rick Denman, Charles Cudd Company, stated that there are three to five parking spaces with the setback. The front spacing between the garage and the street is 25'.

Smith stated that she believes that there may still be a concern for a requirement of additional parking.

Schild stated that there are eleven proposed stalls for guest parking. The City does not have any guidelines concerning guest parking and Staff feels the parking is sufficed.

Schild stated that if parking were to be a problem, the developer has shown future potential parking.

Workman stated that there are assumptions of making a private road public and he has a problem with that.

Smith stated that the idea of the island is not to have it be used as a park; it is to be of a conservation area. Smith asked what the standard for naming the streets was.

Schild stated that there is a tradition, which has been followed, requiring a certain ruling on the naming: Diagonal streets are trails, and north/south streets are drives.

Smith asked for clarification on whether the streets could be named freely as long as the use of trails/drives were used sufficiently. Schild stated yes.

Workman stated that at the Park Commission meeting, a discussion was made on the park dedication fees, and he stated that the park dedication of donated land is an

uncomfortable idea for him. Workman stated that the City should continue to raise park funding for future City needs.

Weir stated that she would like to see a compromise as far as the park dedication fee goes. She also wanted to verify the WO and LO abbreviations and whether they meant walkout and lookout.

Denman stated yes. He stated that they are taking great care to create highly designable rear accesses of the houses to accommodate lookouts and walkouts.

Workman asked if the developer was familiar with the maximum building height of walkouts. Lorsung clarified that the building height is 33-35'. Brinkman clarified the ruling states that 35' feet of the lowest point to the median point of the roofline is the maximum height for walkouts.

Workman stated that the maximum height was due to a fire requirement. The fire requirement is set because Medina's fire equipment cannot reach anything over thirty feet. The only flexibility to the requirement would be if the homes were installed with fire sprinkler systems. Workman stated Council/City would not be sacrificing public safety.

Weir stated that she would be happy with proof of parking, as she believes that there will be a low need for public parking. She stated that she would hope that the children's play area is not kept private, as children like to play together.

Smith stated that privatizing the tot lot is to serve the City's purpose of not having to keep up on the upkeep and maintenance.

Lorsung stated that a discussion has been made that the private play area would have a public road, leading to the public park.

Doug Dunly, 4292 Arrowhead Drive, asked if there was a public easement to get to the public park. Schield stated yes.

Charles Cudd stated that he has never had a development in which a lot of kids have played on the playground equipment.

Weir stated that she would like to see a sign indicating that the road along the south is a private driveway and that there is to be no parking along the street.

Dunly stated he lives along the southern part of development and would also like to have a sign indicating a private driveway. He stated there is a sign there now that indicates no public parking.

Cavanaugh stated he has concern that public park is not going to be listed in the public registrar.

Denman asked for clarification on whether the park was not going to be published as a public park.

Workman clarified that the intent is to leave the park as more of a natural park.

Smith clarified that tot lot would be kept quiet, however public park would be published.

Cavanaugh stated that he would like to see some form of park dedication fees, as there are quite a few more people that are coming into the area. There is quite a bit of pressure on existing parks, and there could be some form of compromise.

Cavanaugh asked how many of the total units would be ramblers. Cudd stated that about one third of the homes, possibly forty percent, would be rambler style.

Denman stated that Cudd has so many walkout lots, and that ramblers really work well.

Cudd stated that the proposed 11.2 acres of donated land was to accelerate the City's decision to go through with Cudd's plan. The donated land area represents 22% of potential dollars that will now be used as a passive park. The Park Commission thought it was fair, and at the time, Cudd would have appreciated a compromise. Ten percent of park dedication in lieu of the 22% of the donated land would have been a nice compromise. Cudd stated that he would have rather paid the park dedication fees and then keep the park as an outlot for future development.

Workman stated that he thinks that the donated land is a great incentive, and felt that was why the board was fine with moving the development plan forward. Workman stated that he did not think that Cudd should have to pay the full dedication fee, and the Council is looking for a compromise.

Bruce Smith, CFO of Charles Cudd Company, stated that the dock and trail have been discussed to be also dedicated and that Cudd has already invested an estimated \$150,000 to grade the park and put in a dock.

Workman stated that Cudd now has a better quality development for its residents because of the park, and now the City is asking for a compromise.

Cudd stated that this park is for the public, and that is what Cudd Co. is compromising.

Brinkman stated that in all honesty, he had assumed full park dedication fees in addition to land when he first agreed to the development. He asked Charles Cudd if it would break the deal if the developer were required to pay the full dedication fee.

Cudd stated that the discussion would need to be tabled for further investigation.

Smith stated that she understands how Cudd is feeling as the City has required quite a few things from the developer. Smith stated that she is concerned with the number of trails that the City will have to put in and asked if the developer would agree to a third of the dedication fees, which she approximated at \$266,000.

Cudd asked if the developer would be credited for the \$150,000 for improving the park.

Bruce Smith questioned the \$3,500 dedication per lot. Adams stated that if 10% of the land is not taken by the City then a cash in lieu of land formula applies, in which 8% of the pre-developed land value is used to determine the fee, but the fee shall be no less than \$3500 per unit and no more than \$8000 per unit.

Bruce Smith stated that if the City was to use the land value as a starting point, he reminded the Council that the developer is giving up acreage for the park, which does not include the trails and easements.

Adams stated that he feels staff needs time to negotiate.

Workman stated that it is not the City's intent to extort the developer/development.

Cudd asked for clarification on whether the developer is being credited for giving up twice the amount of land, paying for improvements, and helping with water and sewer.

Workman stated there currently is not a resolution, and therefore this issue can be tabled.

Smith stated she would like to reiterate that the proposed benefits that Cudd is providing, is the ticket for allowing Cudd Company to develop fifteen years early via the Comprehensive Plan Amendment.

Cavanaugh stated that he does not know the entire history of the proposed development, and feels that this project needs to be fair for everyone involved. There does need to be a compromise. He clarified that he understood that Cudd has proposed to get this development in fifteen years early; however, the City needs to protect its future parks for the City.

Denman stated that Cudd has had internal discussions that have not included paying full park dedication fees.

Workman stated that Council has felt the need for dedication fees, however did not give direction to staff to require dedication fees in cash, beyond the land being provided.

Denman asked for clarification on what it is that Council is asking for. He stated that Cudd would need a resolution.

Brinkman stated Council is not ready to have a resolution, as Council will need to look at the numbers and Cudd will have to determine if the dedication would break the deal.

Workman stated that he would rather go back to the old rules of \$2500/unit for Park Dedication fees in cash for this project.

Smith proposed that the dedication be split into three payments. A payment would be made prior to phase 1, phase 2 and then the final payment upon completion of the job.

Denman asked if the dedication could be as part of the permit. Staff had no objections.

Cudd proposed that this discussion would have been better to take place in a work session. Cudd asked Council if they would be willing to take \$2,000/unit (x 106 units) plus the cost of improving the park and the land dedications.

Bruce Smith stated that the park would need to be seeded, cleaned up, as well as a wood chip-walking path constructed around the perimeter of the park.

Smith motioned to change the wording of the conditions to include \$2,000 per lot with a credit for the park improvements as the condition for the park dedication fees.

Moved by Smith, seconded by Weir, to authorize staff to prepare the resolution for the Preliminary Plat, Ordinance for Rezoning to Residential PUD and PUD General Plan for Bridgewater at Lake Medina (Charles Cudd Co.) – East of Arrowhead Dr./Hackamore Rd. including a \$2000 per unit cash fee for park dedication.

Weir asked if the wording of condition number ten could exclude “provide additional parking”, as the proof of parking plan for the private park deems it to be quite adequate.

Smith agreed to amend her motion to include Weir’s statement.

Motion passed. (Workman abstained.)

IX. CITY ADMINISTRATOR REPORT

A. Schedule Special Meeting (Open House) for Uptown Hamel Traffic Study

Adams stated that an Open House is suggested for either Thursday, February 17, 2005 or Thursday, February 24, 2005. The Planning Commission has a special meeting on Tuesday, February 22, 2005 making that date unworkable.

Kellogg stated that being prepared for the meeting is dependent on his discussion with Shelly Johnson from Bonestroo on Wednesday, February 2, 2005.

Workman stated that the notice advertising the open house should be sent to the residents of the north, along Wild Meadows and to the South to County Road 24.

Smith asked if the traffic study from Ryan Companies would be included in the discussion at the open house. Workman stated no. It is too early to discuss Ryan’s study, as it is yet to go before Planning Commission.

Weir asked if the traffic study is simply a traffic study. Adams stated that the future roads would also be laid out via options. Weir asked if the study and roads would be laid out for public review. Adams stated yes.

*Moved by Weir, seconded by Smith, to Schedule Special Meeting (Open House) for Uptown Hamel Traffic Study on February 17, 2005 at the Community Building. **Motion passed unanimously.***

B. Schedule Special Meeting (Work Session) for Urban Commercial Public Improvements and TIF

Adams stated that Staff is recommending a special work session to discuss the potential use of TIF for public improvements related to the Ryan Companies application. Ehlers and Associates (TIF consultants on this project) would be present for the work session, but no other participation from the public or developers would be welcomed (however, attendance is open to the public). The earliest the Ryan Companies application for land use would come before the Council is March 1, 2005 and staff recommends having a discussion on the TIF and public improvements prior to that meeting. The Council’s discussion of using TIF in this area would be similar to that of the discussion for Uptown Hamel before land use applications were made.

*Moved by Cavanaugh, seconded by Brinkman, to Schedule Special Meeting (Work Session) for Urban Commercial Public Improvements and TIF at 5:00 p.m. on February 17, 2005 at the Community Building. **Motion passed unanimously.***

X. APPROVAL TO PAY THE BILLS

*Moved by Smith, seconded by Weir, to approve the bills order check numbers 027496-027556 for \$107,415.19 and payroll check numbers 019079-019098 for \$25,637.89. **Motion passed unanimously.***

XI. ADJOURN

*Moved by Smith, seconded by Cavanaugh, to adjourn the meeting at 8:53 p.m. **Motion passed unanimously.***

Bruce D. Workman, Mayor

Attest:

Chad M. Adams, City Administrator-Clerk