

MEDINA CITY COUNCIL MEETING MINUTES OF SEPTEMBER 15, 2009

The City Council of Medina, Minnesota met in regular session on September 15, 2009 at 7:00 p.m. in the City Hall Chambers. Mayor Crosby presided.

I. ROLL CALL

Members present: Crosby, Johnson, Siitari, Smith, and Weir.

Members absent:

Also present: City Attorney Ron Batty, City Engineer Tom Kellogg, City Planner Dusty Finke, Public Works Superintendent Steve Scherer, Finance Director Jeanne Day, City Administrator Chad Adams and Recording Secretary Amanda Staple.

II. PLEDGE OF ALLEGIANCE

III. ADDITIONS TO THE AGENDA

The agenda was accepted as presented.

IV. APPROVAL OF MINUTES

A. Approval of the September 1, 2009 Regular City Council Meeting Minutes

It was noted on page seven, line 37, it should state: "...feet were had not previously ~~being been~~ inspected as a level of service by the City service, but..." On page ten, line 21, it should state, "...natural appearing material, as they do not want to use redwood."

*Moved by Weir, seconded by Smith, to approve the September 1, 2009 Regular City Council meeting minutes as amended. **Motion passed unanimously.***

V. CONSENT AGENDA

- A. **Accept Donation from YWCA and Candace Multi-Sports Co. for Police Reserve Unit**
- B. **Accept Donation from Twinco Romax**
- C. **Approve Raffle Permit for Restart, Inc. at 400 Evergreen Road on October 31, 2009**
- D. **Approve Street Sweeping Services Agreement**
- E. **Approve Spray Injection Services Agreement**
- F. **Approve Sewer Cleaning and Televising Services Agreement**
- G. **Approve Continuing Education Program for Police Officer Charmane Domino**
- H. **Approve 2010 Lake Minnetonka Communication Commission Budget**
- I. **Approve Closure of City Hall on October 8, 2009 from 8:00 a.m. to Noon for Staff Training**
- J. **Approve Sale of Two Police Forfeiture Vehicles at Public Auction**
- K. **Resolution Certifying Delinquent City Charges for Services to the Hennepin County Auditor for Collection in 2010**
- L. **Schedule City Council Special Meeting for October 6, 2009 at 6:00 p.m. in City Hall**

*Moved by Weir, seconded by Johnson, to approve the consent agenda. **Motion passed unanimously.***

VII. COMMENTS

A. Comments from Citizens on Items not on the Agenda

There were none.

B. Park Commission

Park Commissioner Bill Waytas stated that he had recently been appointed to the Park Commission and was looking forward to contributing. He advised that the Commission had discussed the Hamel Legion Park master plan and the proposed park signs at the previous meeting.

C. Planning Commission

Planning Commissioner Michelle Litts stated that the Commission reviewed and discussed the Business Park zoning district at their last meeting. She summarized the discussion and recommendations that the Commission had in regard to that zoning district. She stated that the Mixed Use zoning district would be discussed at the next meeting.

VIII. OLD BUSINESS

A. Ace Properties CSAH 101 Access Agreement

City Administrator Adams provided background information regarding the request. He explained that Ace Properties was requesting an amendment to extend the current agreement, which would expire in September 2010. He stated that Ace Properties was requesting a two-year extension but advised that staff was recommending a one-year extension. He explained that an additional extension could be issued in the future.

Crosby questioned the impact to public safety in regard to the access point.

Adams reported that he did not think that the access point has caused any accidents or problems with traffic recently.

Smith stated that the access point was supposed to be closed in the past and an extension had already been granted.

Larry Palm, Ace Properties, advised that originally the Ryan Co. agreement was modified.

Smith stated that she did not have a problem granting the extension but thought that the businesses should be made aware that the access is going to be closed in the future and encourage their customers to use to the other entrance point. She stated that she believed the access point should eventually be closed because of the issue of public safety.

Weir confirmed that Palm has educated the business owners of the fact that the access point would be closed sometime in the future.

Palm stated that this request was solely a matter of survival. He reported that every business in the development was struggling and some had filed bankruptcy or asked for financial help. He stated that the problem the businesses were having was in response to the economy and felt that closing the access point would be another hurdle for those businesses to overcome. He stated that unless the economy turns around in the next year he would most likely be back to request another extension the following year.

Crosby suggested granting a two-year extension of the agreement giving the Council the ability to review the agreement after one year, should public safety become an issue.

*Moved by Weir, seconded by Smith, to authorize the drafting of a two year extension of the Ace Properties CSAH 101 Access Agreement; granting the Council the ability to close the access point after one year if public safety becomes an issue. **Motion passed unanimously.***

B. Medina Local Surface Water Management Plan

Bob Barth, Bonestroo, advised that the water management plan was part of the comprehensive plan and explained that the watershed districts reviewed the plan for approval before the City adopts the plan. He stated that because of the Total Maximum Daily Loads (TMDL's) and water reduction there were quite a few water quality implementations within the plan, along with best practices, and streamlining.

Weir questioned the status of the joint Medina/Loretto re-meandering of the stream and wetland extension.

Barth stated that the grant funds would be available within the next few weeks and advised that the City would attempt to gain some of the funds through grant applications. He explained staff would also bring back a Memorandum of Understanding to the Council in coming weeks as a condition of the Minnehaha Creek Watershed District.

*Moved by Weir, seconded by Johnson, to approve Medina's Local Surface Water Management Plan. **Motion passed unanimously.***

C. Ordinance Creating the Residential-Single Family, Residential-Two Family, Residential-Mid Density, Residential-Limited Multiple Family, and Residential-Multiple Family Zoning Districts; Adding New Sections 840-841

City Planner Finke advised that this would be the third Council review of this material, which was last discussed at the August 18th meeting and had since been revised. He briefly reviewed the revisions that had been made by staff at the direction of the Council. He reported additional discussion topics for the Council including density bonuses.

Crosby stated he did not believe that developers would push for higher density in the future as he did not think the trend was going towards that direction. He stated that should a developer desire higher density they could request a Planned Unit Development (PUD).

Finke stated that he agreed with the comments made by Crosby but advised that some developers were interested in higher density for more affordable housing. He explained that the best method to allow that change would be through an amendment to the comprehensive plan, as a PUD is not the recommended method to request the change. He stated that he believed the amendment would be smaller and may only require an

administrative review and would most likely not be a costly process. He stated that staff was unsure if consensus had been reached regarding building height. He discussed the methods that builders use to “cheat” the building height requirements including the pitch of the roof and the use of retaining walls. He explained that because the eave height was already set the pitch could be adjusted to 32 or 33 feet, which would accommodate the specific development in discussion.

Weir questioned how the Council could give a little more latitude in regard to the pitch.

Finke explained that the pitch could be set at 32 or 33 feet without sprinkling and up to 35 feet being allowed should sprinkling be installed. He confirmed that the change would be made in all the residential zoning districts. He then moved the discussion towards the use of EIFS and whether or not it should be allowed as a primary or accent building material. He stated that staff recommends the use of EIFS as an accent building material and not allowed as a primary building material. He summarized additional discussion topics that the Council had not previously made clear decisions on.

Weir stated that incentivizing had been done in regard to Low Impact Development (LID) practices and questioned if some LID aspects could be required.

Adams stated that the Local Surface Water Management Plan (LSWMP) would be the LID tool in regard to storm water practices. He advised that the tool would be evolving and would require all districts to use these techniques and therefore was not needed to add those requirements to each zoning district.

Finke advised that the LID incentives for the specific districts would be above and beyond the LSWMP requirements. He reported that in regard to side yard setbacks a developer was concerned with the requirement of a buffer and an additional setback from the buffer.

Crosby stated that the requirement seemed to be restrictive and may impair the ability to meet the density requirements of the Met Council.

Smith confirmed that the setback is only around the outside of the entire development, not within the development.

Finke stated that staff recommended that if the Council chooses to lower the setback, it should not be less than ten feet. The Council was in agreement with changing the side yard setback from 15 feet to 10 feet for principal structures.

Weir questioned if the City foresees daycare facilities for those other than children and whether the language should be changed to remove the reference to children as adult daycare could also be provided.

Weir suggested that a cap be implemented in regard to use the LID practice incentives.

Crosby suggested a maximum cap of 60 percent for districts R1 and R2.

Johnson suggested specific language to use in that regard.

Weir suggested the addition of language incentivizing low maintenance grass that uses lesser amounts of water.

Finke stated that overall there were only about four changes and a few additional language suggestions.

*Moved by Johnson, seconded by Weir, to approve the ordinance adding new sections 840 and 841 as amended. **Motion passed unanimously.***

*Moved by Johnson, seconded by Smith, to approve the resolution authorizing publication of the ordinance by title and summary. **Motion passed unanimously.***

IX. NEW BUSINESS

A. 2010 Budget Insert with Hennepin County Truth in Taxation Mailing

Crosby stated that this item had been discussed during the worksession. He advised that the changes would stress the reduction of the overall budget, removal of the table, and added language in regard to what tax dollars buy within the City.

Johnson suggested a possible language change, using the word “could” instead of “would,” in regard to the issue of road bonding.

Siitari stated that he agreed with the changes proposed.

Crosby stated that Adams would email the revised copy to the Council for additional comments. He advised that Adams would be the final editor for the document.

Johnson questioned if Council and Administrative should be re-titled as it currently states that 20 percent of the budget is used for that purpose.

Adams advised that those costs are used for other departments as well and stated that he would re-title that item.

Smith questioned if there was any news regarding the Police labor contract.

Adams stated that a recent discussion took place and the two parties were not yet in agreement. He reported that a closed session with Council could occur on October 6, 2009 to discuss the agreement.

X. CITY ADMINISTRATOR REPORT

A. Update

Adams stated that there were two upcoming events. He advised that one or two Councilmembers would be needed for Board of Appeal training on November 17th from 1:00 to 4:00 p.m. He advised of an H1N1 training session in Loretto on Monday September 21st for any interested Council members.

XI. MAYOR & CITY COUNCIL REPORTS

Crosby suggested having Belland review the hunting policy within the City.

Johnson stated that he was also concerned with whether permanent or temporary blind structures would be allowed.

Smith stated that some residents allow a number of people to hunt on their property and questioned if the number should be limited.

Crosby stated that he believed that it would be hard to regulate that requirement.

Scherer advised that a permit is required in the City, unless you are hunting on your own property or with the owner of the property.

Crosby stated that he believed the 500 feet should be reviewed.

Johnson stated that there was an issue with the permission of the landowner as a person shot a deer on his property and used the excuse of the deer being injured and running onto the Johnson property. He stated that he did not think that all people actually have the permission of the landowner.

Weir stated that she thought it was time to increase the buffer setback to hunting.

Crosby confirmed that staff could forward this issue onto Belland for further clarification.

Smith stated that she believed the problem was the number of people being allowed to hunt on a parcel of property.

Crosby stated that there was a request from three business owners to meet with himself and Finke to discuss the proposed changes to the Business Park zoning district. He advised that a tour would be provided of the three facilities as well and suggested opening the tour to the entire Council.

Batty confirmed that the tour could be open to the entire Council and explained that depending on the number of Councilmembers that attend it may need to be titled as a meeting.

Crosby stated that he would not be in attendance at the November 4, 2009 meeting.

Adams reported that he also would have a conflict attending that meeting as well.

Crosby stated that the Council spent a fair amount of time in regard to the green acres deferred assessments and reported that the item would be brought back to a regular Council meeting.

Weir stated that the rain garden at Holy Name Park was outstanding this year.

Scherer stated that the Holy Name open house would take place on September 26th.

XII. APPROVAL TO PAY THE BILLS

Moved by Smith, seconded by Weir, to approve the bills, EFT 000553-000558 for \$25,343.85 and order check numbers 034485-034545 for \$89,845.29 and payroll checks 020213-020214 for \$1,678.58 and EFT 502267-502295 for \$41,783.57.

XIII. CLOSED SESSION: ACQUISITION OF PROPERTY

The meeting was recessed at 9:05 p.m. The City Council went into closed session at 9:10 p.m. to discuss the acquisition of property at 3365 to 3375 Mill Drive and 2392 Pioneer Trail. The City Council came out of closed session at 9:40 p.m.

Mayor Crosby stated that City Administrator Adams was directed to discuss the acquisition proceedings with the landowners of the properties listed.

XIII. ADJOURN

*Moved by Weir, seconded by Smith, to adjourn the meeting at 9:42 p.m. **Motion passed unanimously.***

T.M. Crosby, Jr., Mayor

Attest:

Chad M. Adams, City Administrator-Clerk