

MEDINA CITY COUNCIL MEETING MINUTES OF NOVEMBER 17, 2009

The City Council of Medina, Minnesota met in regular session on November 17, 2009 at 7:00 p.m. in the City Hall Chambers. Mayor Crosby presided.

I. ROLL CALL

Members present: Crosby, Johnson, Siitari and Smith.

Members absent: Weir.

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 November 4, 2009 Regular City Council Meeting Minutes

It was noted on page four, line 21, it should state: "...this but she had been advised that staff." On page six, line 43, a statement should be added stating, "The Council and staff pointed out language in the ordinance that they felt allowed that flexibility for developers in regard to low impact development." On page 11, line 13, it should state, "...importance of ~~tree trimming~~ secondary uses, questioned if ~~tree trimming~~ secondary uses were ~~was~~ a higher importance than general operations.

*Moved by Smith, seconded by Siitari, to approve the November 4, 2009 Regular City Council meeting minutes as amended. **Motion passed unanimously.***

V. CONSENT AGENDA

- A. Approve Job Description for Part Time Snow Plowing Position**
- B. Approve Change Order #1 for Hamel Field House**
- C. Approve League of Minnesota Cities Insurance Trust Waiver Form**
- D. Approve University of Minnesota Program Agreement for Manure/Pasture Management Services**
- E. Approve Addendum B to Revise County Road 116 Trail Bid Date to January 13, 2010**
- F. Ordinance Related to Regulations of the Business Park Zoning District and Creating the Business Zoning District; Amending Section 832 and Adding New Sections 832.1, 832.2, and 832.3**
- G. Ordinance Related to Driveway Widths for Single Family Homes Amending Section 400**
- H. Resolution Authorizing Publication of Business Regulations Ordinance by title & Summary**

- I. **Resolution authorizing Publication of Driveway Widths Ordinance by Title & Summary**
- J. **Resolution Authorizing Publication of Concept Plan Ordinance by Title & Summary**
- K. **Resolution Granting Extension of Time to File Final Plat for Hamel Commons Amending Resolution 2009-43**

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

VI. PRESENTATION

A. **Open Space Economic Benefits – Mark Schiffman, Embrace Open Space**

Mark Schiffman, on behalf of Embrace Open Space, explained the purpose of the organization as being encouraging to the preservation of open space in Hennepin and Washington counties, and provided some background information on himself and his past local government experience. He stated that he thought Medina has been thoughtful in regard to open space and provided a definition of different types of open space such as hunting land, parks, and golf courses. He presented information in regard to the amount of open space within the metro area and the importance of balancing development and open space, and also summarized research that had been gathered in regard to the financial benefit of open space within a community.

Crosby stated that the City of Medina previously appointed an Open Space Task Force that had come to those same conclusions and that the open space plan had been attached to the comprehensive plan. He stated that Medina does not receive the same amount of funding as other neighboring communities, such as Plymouth, which have a larger tax base and permits for open space.

B. **Open Systems International**

Adams stated that the Hennepin County Common Bond Revenue program had been discussed at a Council meeting in August and explained that the program was now proposing to be used through Hennepin County and the City of Minneapolis for Open Systems International, in order to encourage a Plymouth based company to relocate to Medina.

Crosby welcomed the representatives from Open Systems International and explained that the identity of the company had previously been kept private and that he was happy to formally welcome the business prospect to Medina.

Ed Fitzpatrick, project manager and employee of OSI, summarized the history of the company and described the products offered. He stated that the company has grown from a handful of employees in 1992 to over 100 employees currently and explained that the company has outgrown their current location. He advised that the outcome would be to create a campus setting for the company, which would allow for further growth. He stated that the company would like to move into the new location in 2011, as the total employee base at that time is estimated to be over 200, and estimates further growth to 300 or 400 employees in the future at the new proposed location.

Crosby questioned if the real estate deal had been completed.

Ed Fitzpatrick stated that the landowner was present at the meeting tonight and advised that the deal was almost complete. He advised that this was not a hypothetical deal and explained that OSI had contributed a large amount of money towards this project. He stated that OSI would appreciate the support of the Council in the attempt to secure the funding.

1. **Resolution Providing Local Approval for a Project to be Financed by the City of Minneapolis through a Joint Powers Agreement with Hennepin County and the Hennepin County Redevelopment Authority**

Motion by Johnson, seconded by Smith, to approve the Resolution Providing Local Approval for a Project to be Financed by the City of Minneapolis through a Joint Powers Agreement with Hennepin County and the Hennepin County Redevelopment Authority. Motion passed unanimously.

VII. COMMENTS

A. Comments from Citizens on Items not on the Agenda

There were none.

B. Park Commission

Park Commissioner Ben Benson advised that the Commission would be meeting the following night to discuss the issue of park signs, which he believed was almost complete, as well as the issue of field house recognition and a maintenance plan for the Tomann property.

C. Planning Commission

City Planner Finke stated that the Planning Commission finished their review of the mixed use zoning district and recommends approval of that ordinance, which would be reviewed by the City Council at a meeting during the month of December, and briefly summarized the discussion points of the Planning Commission.

VIII. OLD BUSINESS

A. Kucala Driveway Waiver

Finke explained that the amendment to the driveway width ordinance had been approved through the consent agenda tonight and had previously been discussed at more than one Council meeting recently. He explained that the driveway waiver request from Mr. Kucala had been received prior to that discussion and advised that the Council would now need to make a decision whether to approve or deny that request. He briefly summarized the history of this driveway width request for the Council, including the original as-built plan review showing the note from staff stating that the driveway width would need to be reduced. He stated that the site otherwise conforms to the City ordinances and the Bridgewater PUD, with the exception of the driveway width. He then noted the other out of compliance driveways within the Bridgewater development, which exceed the new driveway regulations and noted that only 3 of the violations occurred after 2007, when the as-built review was added. He stated that during the previous Council meeting the consensus was that all out of compliance driveways would need to come into compliance with the new regulations to gain as-built approval, and advised that staff recommends denial of the request.

Crosby confirmed that the new regulations expand the previous driveway width of 22 feet to 24 feet at the curb and 28 feet at the property line. He questioned how the two other properties were identified by staff and separated from the other out of compliance properties.

Finke advised that the home in question tonight along with two others had been built after 2007 and were subject to as-built review.

Mr. Kucala thanked the Council for their consideration tonight. He explained that the builder had been informed of the driveway width limit but did not pass that information to him, as he was left in charge of the driveway construction. He stated that the family required a four-car garage as the Bridgewater community does not allow for routine parking of vehicles in the driveway and there are four licensed drivers in his home. He stated that the survey provided to him from his builder included a 30-foot wide driveway but did not include the comments made by staff. He questioned why the ordinance does not make additional allowances for larger garages, as the same width is allowed for a one-car garage as for a four-car garage. He stated that he felt that it would be a safety issue to remove an additional portion of his driveway as he does have a four-car garage. He commented that his driveway also has less impervious surface than allowed by code, even with the additional width. He advised that his lot is one of the largest in Bridgewater and believed that his property would qualify for a circle driveway, which would actually have a combined width of 34 feet, and would be larger than the existing driveway. He requested a waiver to the code.

Crosby commented that in this case the City did a fairly substantial review of the issue and developed a new standard in regard to the regulations. He did not think that the City could be responsible for lack of communication between the property owner and his builder and stated that he felt that the Council should follow the staff recommendation to deny the request and agree that the property should come into compliance.

Johnson confirmed that the conformance to the ordinance would not render the four-car garage unusable.

Finke stated that two feet of the driveway would need to be removed at the curb, most likely on the right side of the driveway, which would then taper in until it meets the existing driveway, and would then aesthetically match the other side.

Mr. Kucala thanked the City Council and staff for the large amount of work and research that was involved in this issue, but commented that other cities are often more lenient in regard to approval of requests for waivers.

Johnson stated that while he empathized with the property owner he also recognized that if the request was approved the door for exceptions would be opened and it would be difficult to enforce the agreed upon regulations.

*Moved by Johnson, seconded by Smith, to deny the driveway waiver request at 4517 Trillium Drive South to allow the 30.07 foot in width driveway to remain. **Motion passed unanimously.***

IX. NEW BUSINESS

A. Resolution Adopting the City of Medina 2030 Comprehensive Plan

Adams advised that the comments from the Met Council had been included with the plan for adoption.

*Moved by Johnson, seconded by Smith, to approve the resolution adopting the City of Medina 2030 Comprehensive Plan. **Motion passed unanimously.***

B. Resolution Supporting a Minnesota Board of Water and Soil Resources Clean Water Fund Grant Application for the Loretto Storm Water Treatment Wetland

Adams provided background information to the Council and explained that this request was in regard to City support for a grant application for the Loretto storm water treatment wetland which would reduce phosphorous loading to Lake Sarah related to Medina's storm water runoff. He advised that if the project were to move forward, funds may most likely be borrowed from the Environmental Fund and ultimately paid through the City's Storm Water Utility.

*Moved by Smith, seconded by Johnson, to approve the resolution supporting a Minnesota Board of Water and Soil Resources fund grant application for the Loretto storm water treatment wetland. **Motion passed unanimously.***

C. Financial Management Policies

Adams advised that City staff and the Council have been working on the proposed financial management policy for quite some time and explained that while some policies had already been implemented, others would be implemented in the future. He advised of some small grammatical and technical changes that would be made to the document.

*Moved by Smith, seconded by Siitari, to approve the Financial Management Policies. **Motion passed unanimously.***

X. CITY ADMINISTRATOR REPORT

A. Deferred Assessment – Annual Notices and Payment Program

Adams explained that this program would provide flexibility for staff to work with residents in terms of a payment program for different types of fees and City services, such as deferred assessments.

Crosby questioned if staff would be able to reduce the total amount due through this program.

Adams advised that this would provide staff flexibility in regard to providing a payment plan but would not allow staff, or give staff the authorization, to change the total amount due of the resident.

Day advised that language had been included explaining that the total amount of a deferred assessment would still be due.

Smith thanked staff for their quick work in regard to this issue.

*Moved by Smith, seconded by Siitari, to approve the Payment Plan Program. **Motion passed unanimously.***

B. Schedule Special Meeting for December 1, 2009

Adams advised of the items on the agenda for the December 1, 2009 Council meeting and questioned if the Council would like to hold a special meeting at 6:00 p.m. to discuss the mixed use zoning district.

*Moved by Smith, seconded by Siitari, to schedule a Special City Council meeting at 6:00 p.m. on December 1, 2009 at City Hall. **Motion passed unanimously.***

XI. MAYOR & CITY COUNCIL REPORTS

Crosby stated that he would be out of town on December 3rd and would not be present at the City Holiday event. He stated that he believed another City Council tour of businesses should occur in the beginning of 2010.

Smith stated that she received a resident phone call stating that her daughter and a friend would like to help the City promote organic recycling. She advised that she met with the residents to discuss their proposed plan and summarized that plan for the Council. She stated that they are now attempting to receive grant funds through Hennepin County and that she was very impressed with the amount of work and dedication that these two eighth, or ninth, grade students have contributed. She hoped that the Council would support those efforts.

XII. APPROVAL TO PAY THE BILLS

*Moved by Smith, seconded by Siitari, to approve the bills, EFT 000600-000608 for \$27,208.08 and order check numbers 034741-034798 for \$91,716.29, and payroll checks 020219-020220 for \$408.72, and payroll EFT 502404-502433 for \$42,321.23. **Motion passed unanimously.***

XIII. ADJOURN

*Moved by Smith, seconded by Johnson, to adjourn the meeting at 8:29 p.m. **Motion passed unanimously.***

T.M. Crosby, Jr., Mayor

Attest:

Chad M. Adams, City Administrator-Clerk