

## MEDINA CITY COUNCIL MEETING MINUTES OF MARCH 2, 2010

The City Council of Medina, Minnesota met in regular session on March 2, 2010 at 7:00 p.m. in the City Hall Chambers. Acting Mayor Smith presided.

### **I. ROLL CALL**

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

**Members absent:** Crosby

**Also present:** City Attorney Ron Batty, City Engineer Tom Kellogg, City Planner Dusty Finke, 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 February 16, 2010 Special City Council Meeting Minutes**

*Moved by Weir, seconded by Siitari, to approve the February 16, 2010 Special City Council meeting minutes as amended. **Motion passed unanimously.***

#### **B. Approval of the February 16, 2010 Regular City Council Meeting Minutes**

It was noted on page five, line 29, it should state: "...update from a higher density." On page seven, line 34, it should state, "would be open to the MUSA line extension high density." On page seven, line 36, it should state, "...summarized-items-connecting roads to Brockton Lane and Hamel Road." On page seven, line 40, it should state, "Weir submitted her written comments into the City record." On page eight, line five, it should state, "...need the extension and the additional housing units." On page nine, following line nine, it should state, "Smith requested that staff not assume a PUD without negotiation for elements that better match the current comprehensive plan." On page ten, line 18, it should state, "...reduction in the total maximum daily load requirements for most other cities but not for Medina..."

*Moved by Weir, seconded by Johnson, to approve the February 16, 2010 Regular City Council meeting minutes as amended. **Motion passed unanimously.***

### **V. CONSENT AGENDA**

#### **A. Accept Donation from Bill Waytas for Two Hockey Nets at Hamel Legion Park**

#### **B. Approve Raffle Permit to Water for People at Medina Entertainment Center on April 16, 2010**

#### **C. Approve Change Order No. 2 to Hamel Field House**

#### **D. Ordinance Establishing Fees for City Clean-Up Day**

#### **E. Resolution to Publish Ordinance for Clean-Up Day Fees by Title and Summary**

- F. Resolution Granting Extension of Time to File Final Plat for Hamel Commons Amending Resolution 2009-43
- G. Resolution Authorizing City to Apply for Election Assistance for Individuals with Disabilities (EAID) Grant from Office of the Secretary of State
- H. Approve Resident Cost-Share Grant Program Agreement with Christopher P. Kane for Shoreline Restoration Program

Smith asked to remove item H (Approve Resident Cost-Share Grant Program Agreement with Christopher P. Kane for Shoreline Restoration Program) from the consent agenda.

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

- H. Approve Resident Cost-Share Grant Program Agreement with Christopher P. Kane for Shoreline Restoration Program

Adams reported the total project cost was estimated near \$52,000. He explained that Hennepin County uses a design consultant and has been working for several months to determine whether consensus could be met on a qualifying project. He reported that it had been decided that \$20,000 would qualify for the program consisting of rip-rap and plantings. He advised that 75 percent of the project cost would come from the City, including grant funds. He advised that four parties have been involved in the review of the project including the City of Medina, Hennepin County, the design consultant and the resident. He stated that the project does qualify for funding but not for the total estimate cost of almost \$52,000.

Smith stated that the question had been brought up as to why a wall was being used rather than natural landscaping. She stated that she was not familiar with the property in question but wanted to be sure that the issue was addressed. She advised that if the landowner was willing to contribute a fair amount of money to help she believed the project should proceed.

Kellogg commented that elevation would be a factor in decisions, but natural landscaping is normally preferred for this program.

*Moved by Weir, seconded by Siitari, to approve a resident cost-share grant program agreement with Christopher P. Kane for shoreline restoration program. Motion passed unanimously.*

## VI. COMMENTS

### A. Comments from Citizens on Items not on the Agenda

There were none.

### B. Park Commission

Park Commissioner Janet White stated that at the February meeting the Commission discussed a park dedication request for OSI; the development of a more detailed future park study plan; the Tomann parcel, including the management plan and maintenance agreement; and the use of hockey rinks at Hamel Legion Park. She briefly summarized the discussion points and recommendations of the Park Commission. She advised that the Park Commission would also be researching the creation of a "friends of the park" group or committee in the community.

**C. Planning Commission**

Planning Commissioner John Anderson noted that the Planning Commission has not met since the last Council meeting. He stated that the Planning Commission would be meeting on March 9, 2010 to discuss the staging point system ordinance.

**VII. NEW BUSINESS**

**A. Open Systems International Preliminary Plat, Rezoning, Site Plan Review, and Conditional Use Permit at Northwest Corner of Highway 55 and Arrowhead Drive**

Finke reported that the applicant, Open Systems International, a software development company, is requesting the construction of a 92,000 square foot building at the northwest corner of Highway 55 and Arrowhead Drive and also to subdivide the property to create a 20 acre parcel. He provided a description of the property and stated that the first request would be to rezone a portion of the parcel. He explained that staff recommends rezoning more than one portion of the property to be consistent with future land uses identified in the comprehensive plan. He stated that another issue in this discussion is the consistency with the 2011-2015 timeframe of the staging plan and advised that staff recommends the Council review the request, issue permits, but does not allow occupancy until 2011. He advised that this recommendation would allow for the construction to begin but would also be consistent with the comprehensive plan.

Smith stated that because of the green space she believed that the points system could be utilized in regard to allowing development ahead of the timeframe.

Finke stated that the next land use application is the preliminary plat of the property and advised that the request would divide the property into one lot and three outlots. He explained that the applicant is requesting to subdivide the property and develop on lot one, block one, a 20 acre portion of the property. He explained that staff would require the three outlots to be replatted prior to develop as little detail was requested at this time. He summarized information regarding right-of-way, easements, and park dedication. He stated that staff believes that the conditions are met and recommend approval of the preliminary plat. He stated that the last two requests are for the site plan review and conditional use permit. He explained that any structure over 50,000 square feet in floor area must go through the conditional use permit in this district which is why that request was triggered. He reported that the primary use of the proposed building would be office along with limited warehouse activity. Finke reviewed the setback and hardcover information. He advised that staff recommends that the applicant reduce the impact to the wetlands onsite. He further reviewed the wetland information and also stormwater and low impact development for the site. Finke displayed a proposed sketch of the building and reviewed the proposed building materials. He advised that the City Engineer is concerned with the proposed intersection which would be off-set from the Meander Road intersection by 110 feet and reviewed the alternatives that staff had discussed. He stated that there are 262 existing significant trees and reported that none are proposed for removal. He summarized the landscaping plan, trash and recycling enclosures, mechanical equipment storage, and utility information. He moved onto the loading dock and stated that the applicant requests that additional screening to the north be delayed until residential development occurs. He advised that staff recommends approval of the site plan review and conditional use permit. He reported that in regard to the preliminary plat staff would like to add a condition that the applicant shall obtain final

approval of wetland delineation prior to approval of final plat, and dedicate easements over wetlands.

Ed Fitzpatrick, Project Manager for OSI, stated that this has been a significant project for both OSI and the City of Medina. He expected 250 employees to be moved into the site once constructed and hoped to grow the employee base to 350 in the proposed facility. He introduced the project architect and asked that he speak in regard to the aesthetics.

Paul Whitenack, RSP Architects, stated that his firm has been working with OSI for the past six months and described the design of the building. He advised that the building is split into three lobes, one for amenities, another for the loading dock and administrative services and the last lobe for office area. He stated that the building has an honest clean look and described the materials proposed for construction including brick, concrete, glass and metal. He advised that a geothermal system would be utilized and would not require a transformer, rather than a chiller. He reported that two small enclosures would screen this equipment and also the trash storage.

Weir questioned if further detail would be added to the east wall of the building.

Whitenack advised that OSI had first thought of using a green screen, where vines or greenery is encouraged to grow up the wall but advised that portion of the building is the warehouse area and would be the area that would expand, should further expansion be needed.

Fitzpatrick stated that wall would be split up by landscaping as well.

Johnson pointed out that only the owners of OSI would be subject to that view as there is over 500 feet between the building and Arrowhead Drive.

Whitenack discussed the plans for landscaping and irrigation with the Council.

Fitzpatrick addressed the issues brought forward by staff and advised that in regard to the access point and off-set intersection OSI would like the second option, which would leave the driveway as identified. He stated that OSI is open to having discussion with the City in regard to traffic on Arrowhead Road but stated that he did not feel that OSI has a voice in the agreement specified and would instead like for staff and OSI to meet and discuss the impact to the roadway. He addressed the tree issue brought forward by the Fire Marshal and requested flexibility for OSI to work with the Fire Marshal. He summarized the mitigation information for the wetlands proposed and asked that the Council allow OSI to work with staff to determine the best method for mitigation which also allows for a turnaround, should a fire truck need to access the site. He also briefly summarized his thoughts regarding staff comments on open space and landscaping.

Finke stated that in regard to the impact of the wetlands, shifting the fire lane would only be one alternative and agreed that all the alternatives would have a cost. He stated that the proposed mitigation does meet the minimum standards and noted that the Council could request that condition be removed.

It was the consensus of the Council to delete condition 13 in regard to the wetlands.

Finke stated that in regard to the landscaping plan the elevation should also be reviewed due to the low elevation of the proposed location of the trees, they would provide little or no visual relief for some years.

Smith stated that in many landscaping agreements it is written that staff will work with the applicant, which allows flexibility. She was unsure whether the condition specifying that fire lanes be left clear should be removed.

Whitenack explained that the Fire Marshal was concerned with the type of tree that would be planted in regard to the fire lane, as that could not be deciphered from the sketch. He explained that OSI did not think of the trees located on the east side as screening, as screening was only required for the loading dock area.

Finke confirmed that the Council would like the north and northeastern walls be broken up with vegetation and noted that flexibility was built in to the conditions.

Johnson commented that further landscaping could be added into outlot C.

Fitzpatrick noted that future development for OSI is planned for those areas and explained that if landscaping were forced for that area it would not only be money wasted should that further expansion develop, but would also not fit with the prairie landscaping design of the outlot areas.

Finke brought the discussion back to the rezoning request.

Fitzpatrick confirmed that OSI would not be ready for occupancy until approximately March 2011, which would fit with the recommendation made by staff that construction be allowed ahead of the staging timeframe but occupancy not take place before 2011.

Smith discussed the private open space and picnic area on the site and compared the setting and amenities to other similar areas in the City. She requested that other specifications be attached to the open space parcel.

Weir stated that she did not think that a structure with a concrete slab should be allowed on the parcel as OSI would not be paying taxes on that parcel.

Fitzpatrick stated that OSI would like the employees to go outside and utilize the outdoor space, and he believed that small structures should be allowed. He stated that OSI also views the space as possible use for team-building activities. He requested that the Council not exclude OSI from building a structure on that site at this time and instead give OSI the opportunity to come back in front of the Council with a presentation, should that be a desire.

Smith stated that the City is already giving OSI a reduction in park dedication and did not believe that any shelter buildings should be allowed on that space.

Johnson stated that he did not oppose a structure.

Weir was opposed to a permanent structure.

Siitari stated that he was in favor of a structure as it would allow for further flexibility.

Smith stated that a structure would not be allowed at this time but OSI could come back with a proposal for a structure in the future. She requested to know the amount of park dedication that would be waived.

Finke reported that \$28,160, or 16,000 square feet of dedicated land, would be waived through this request.

Smith briefly recessed the meeting at 9:00 p.m.

Smith reconvened the meeting at 9:05 p.m.

Finke stated that staff recommended leaving details such as wood chips and trails to the discretion of staff and that any building of a structure would need to come back before the Council.

Smith requested that the language "permanent" be added to structures as it is private open space and she felt that it should remain in that manner as it otherwise becomes a private park for OSI that the residents of the City subsidize. She suggested that staff research the park dedication issues further and compare the information to that of neighboring cities.

Finke suggested discussion related to the access point and offset intersection and to determine the best solution.

Kellogg explained that the applicant would like to leave the access point in the current proposed location in order to utilize the most buildable area on the two outlots bordering the driveway. He advised that staff would agree with that concept, with the condition that OSI is willing to work with staff in regard to intersection improvements in the future once data is gathered.

It was the consensus of the Council to leave the access point in the proposed location, with the condition that OSI work with the City to develop intersection improvements in the future, if needed.

Mike Tobin, Cresa Partners (representing OSI), questioned if there would be an opportunity to do an area wide assessment for road improvements in the future, rather than assessing OSI for that cost 15 years in the future.

Smith explained that the City is stating that the driveway is not in the best location and that since the applicant would like the driveway to remain in that position this would be the cost.

Batty stated that if a public improvement project was required the City would normally review the benefitting parcels and split that cost between properties and the City would also bear a portion of that cost. He explained that in lieu of moving the driveway position the City is willing to let the position stay as proposed, but this condition would come into play. He advised that a time limit would be set as well as a maximum cost for that improvement. He advised that when this agreement has been made in the past the future improvements were not needed and those applicants had not incurred those costs.

Finke summarized the discussion and Council comments in regard to landscaping and confirmed that the material proposed for the trash enclosure would be accepted.

*Moved by Weir, seconded by Johnson, to direct Staff to prepare an ordinance for rezoning and resolutions for site plan, preliminary plat and conditional use permit approvals as discussed. **Motion passed unanimously.***

**B. 2010 Road Projects**

Adams began with the mill and overlay projects, which would be funded by street assessments and road bonding, Holy Name Drive and Pioneer Trail. He advised that two other roadways were also slated for mill and overlay but were able to be pushed back to a later date. He then reviewed the project schedule for the mill and overlays.

**1. Resolution Authorizing Preparation of Feasibility Reports**

*Moved by Weir, seconded by Johnson, to approve resolution authorizing preparation of feasibility reports. **Motion passed unanimously.***

**C. Open Space/Conservation Design Ordinance**

**1. Consultant Services Proposals**

Adams reported that the existing planning consultants had submitted a proposal as well as two other agencies. Staff recommended moving forward with Barr Engineering for consultant services regarding the open space conservation design ordinance. He suggested holding a concurrent Park and Planning Commission meeting to allow both Commissions to participate in the process.

*Moved by Weir, seconded by Siitari, to approve Barr Engineering to provide the open space/conservation design ordinance services and authorize the Mayor and City Administrator-Clerk to execute the services agreement. **Motion passed unanimously.***

**2. Reschedule March 16 Special Council Meeting at Medina City Hall to a 5:30 p.m. Concurrent Session with the Medina Planning Commission**

*Moved by Weir, seconded by Siitari, to approve the rescheduling of the March 16, 2010 Special Council Meeting at Medina City Hall to a 5:30 p.m. Concurrent Session with the Medina Planning Commission. **Motion passed unanimously.***

**VIII. CITY ADMINISTRATOR REPORT**

**A. U.S. Census Take Ten Challenge**

Adams stated that he received communication from the U.S. Census Department asking the City to take part in a Take 2010 Challenge, which monitors the number of responses. He advised that he could include a blurb in the City Newsletter.

**IX. MAYOR & CITY COUNCIL REPORTS**

Weir stated that she would be interested in screening the arborists that worked with the development applicants and determining their qualifications. She believed that the City should have minimum standards for arborists in the future.

Smith noted that the Northwest League meeting would be held on Wednesday the following week at 6:30 p.m. and confirmed that one or possibly two Councilmembers

would be in attendance, as she would not be able to attend. She also provided information to Adams in regard to possible funding opportunities from the State.

**X. APPROVAL TO PAY THE BILLS**

*Moved by Weir, seconded by Johnson, to approve the bills, EFT 000674-000688 for \$28,697.57 and order check numbers 035168-035215 for \$120,107.67, and payroll EFT 502599-502624 for \$41,022.18. **Motion passed unanimously.***

**XI. ADJOURN**

*Moved by Weir, seconded by Siitari, to adjourn the meeting at 9:43 p.m. **Motion passed unanimously.***

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Carolyn A. Smith, Acting Mayor

Attest:

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Chad M. Adams, City Administrator-Clerk