

MEDINA CITY COUNCIL MEETING MINUTES OF JANUARY 3, 2017

The City Council of Medina, Minnesota met in regular session on January 3, 2017 at 7:00 p.m. in the City Hall Chambers. Mayor Mitchell presided.

I. ROLL CALL

Members present: Anderson, Cousineau, Pederson, Martin, and Mitchell.

Members absent: None.

Also present: City Administrator Scott Johnson, City Attorney Ron Batty, City Engineer Jim Stremel, City Planner Dusty Finke, and Chief of Police Ed Belland.

II. PLEDGE OF ALLEGIANCE & CEREMONIAL MATTERS (7:00 p.m.)

A. Oath of Office for Mayor Bob Mitchell

Johnson administered the Oath of Office to Mayor Mitchell.

B. Oath of Office for Councilmember John Anderson

Johnson administered the Oath of Office to Councilmember Anderson.

C. Oath of Office for Councilmember Jeff Pederson

Johnson administered the Oath of Office to Councilmember Pederson.

III. ADDITIONS TO THE AGENDA (7:03 p.m.)

Mitchell asked to add an item to the agenda so that Anderson could discuss an issue with deer crossings. He also requested to add an item to the agenda regarding the worksession discussion two weeks prior regarding conservation development.

Moved by Martin, seconded by Cousineau, to approve the agenda as amended.

Motion passed unanimously.

IV. APPROVAL OF MINUTES (7:04 p.m.)

A. Approval of the December 20, 2016 Special City Council Meeting Minutes

Johnson noted that the draft minutes did not include Batty and noted that he would update the list of those present to include him.

It was noted on page one, section 2, the second to last line, it should state, "...~~ed~~..."

*Moved by Anderson, seconded by Pederson, to approve the December 20, 2016 special City Council meeting minutes as amended. **Motion passed unanimously.***

B. Approval of the December 20, 2016 Regular City Council Meeting Minutes

It was noted on page three, lines 13, 18, 21, it should state, "...~~the~~ bond counsel..." On page three, line 18, it should state, "...in place,..." On page three, line 21, it should state, "...bond counsel and,..." On page three, line 22, it should state, "...change language,..." On page three, line 41, it should state, "...~~park~~ Park..." On page three, line 48, it should state, "...and unanimously recommended ~~unanimous~~ approval..." On page three, line 51, it should state, "...~~their~~ its..." On page four, line three, it should

state, "...~~their~~ its..." On page four, line eight, it should state, "...the settlement..." On page four, line nine, it should state, "...stated that..." On page four, line 21, it should state, "...but mostly with ~~in~~ a residential developments..." On four, line 23, it should state, "...that..." On page four, line 24, it should state, "...tool, the City has ~~they have~~..." On page five, line 41, it should state, "...~~setup~~ set up..." On page six, line one, it should state, "...~~their~~ its..."

*Moved by Anderson, seconded by Cousineau, to approve the December 20, 2016 regular City Council meeting minutes as amended. **Motion passed unanimously.***

V. CONSENT AGENDA (7:08 p.m.)

- A. Resolution No. 2017-01 Approving Residential Recycling Grant Agreement with Hennepin County**
- B. Resolution No. 2017-02 Accepting Donation from Hamel Volunteer Fire Department Relief Association**
- C. Approve Final Payment to Municipal Builders for Wellhouse No. 3 Addition**
- D. Approve Final Change Order for Medina City Hall Lower Level Improvements Project**

*Moved by Pederson, seconded by Anderson, to approve the consent agenda. **Motion passed unanimously.***

VI. COMMENTS (7:09 p.m.)

A. Comments from Citizens on Items not on the Agenda

There were none.

B. Park Commission

Johnson stated that the Park Commission did not meet in December. He noted that there is one vacant position on the Commission and welcomed interested residents to apply. He noted that the Park Commission is also looking for a youth member and is researching the age range for the position. It was noted that the youth member would not have a vote but would be able to provide a unique perspective.

C. Planning Commission

Finke reported that the Planning Commission will meet the following week to hold three public hearings. He noted that the first request is related to a Concept Plan under the conservation design subdivision. He noted that the second request is for a Comprehensive Plan amendment and rezoning request for Woodridge Church, which is part of the approvals needed for the requested expansion. He noted that the third item would be a Preliminary Plat for the Olkons, noting that the variance request was considered previously but action would still be needed on the Preliminary Plat.

VII. NEW BUSINESS

A. Resolution No. 2017-03 Establishing 2017 Appointments and Designations to Various City Services, Authorities, Commissions, and Agencies (7:11 p.m.)

Mitchell stated that he appreciates everyone for their contributions on the list of appointments. He suggested that the list not be changed for Council appointments and would like to leave the list as is for this year with changes to be made in 2018.

*Moved by Martin, seconded by Pederson, to Adopt Resolution No. 2017-03 Establishing 2017 Appointments and Designations to Various City Services, Authorities, Commissions, and Agencies. **Motion passed unanimously.***

B. 2020-2040 Comprehensive Plan Update (7:13 p.m.)

Johnson thanked the Steering Committee for the excellent work and the time they have spent to get the City to this point. He also commended staff, specifically Finke for the exceptional work that he has done.

Finke stated that the Comprehensive Plan sets the vision and goals of the City and helps to guide infrastructure and investments. He noted that the Comprehensive Plan has a submittal deadline of December 2018 and advised that the City is far ahead of schedule. He stated that the City will most likely be the first community to submit their plan. He acknowledged that the Council did want the City to be in this position because of the decreases that were made to the Metropolitan Council system statements. He thanked the Steering Committee, staff, and residents for their involvement and contribution to the process. He noted that there are certain items that the City is required to be consistent with by law, such as the Metropolitan Council system statements. He noted the substantial reduction in what the City has planned for 10 years ago within the existing Comprehensive Plan. He noted that the vision statement and community goals had already been reviewed with the City Council as those guide the various chapters in the plan. He stated that another major component of the plan was the future land use section, as that helps to guide other aspects of the plan. He noted that a draft of the future land use plan was shared with the residents last spring and acknowledged the major changes including the reduction in residential development and shifts to the staging plan. He highlighted aspects of the future land use plan and staging plan. He provided an additional map which identifies the changes to future land use under the draft Comprehensive Plan.

Anderson asked why the additional map would not be included.

Finke stated that the map could certainly be included. He stated that the Metropolitan Council does not provide requirements for commercial/business development and therefore that discretion is left up to the City. He stated that the Steering Committee did not feel it necessary to stage the commercial/business development to the extent the residential is staged. He noted that the market will ultimately drive that development. He stated that the Park Commission took the lead on the parks and trails plan, which follows the work of the Parks and Trails Master Plan. He noted that there is a need for three future parks in the City to serve the objectives of the Master Plan.

Mitchell acknowledged the barrier that Highway 55 is for residents to cross, specifically children, when trying to reach parks.

Finke stated that during the open house meetings, one of the major consistent items was the need for a safe pedestrian crossing on Highway 55. He stated that the implementation chapter outlines a process for the City to follow in the nine months following the adoption of the Comprehensive Plan to ensure the framework and policies of the City are updated to meet the new Comprehensive Plan. He noted that the capital improvement chapter addresses the needs to meet the objectives outlined in the Comprehensive Plan. He stated that if there is relative comfort from the Council on the

future land use map, engineering staff will then start the modeling process for the sewer and water section of the plan. He identified infrastructure needs for sewer and water which would be needed to support the proposed residential development, including an additional lift station, a 1,000,000-gallon water tower, and expansion to the water treatment plant. He stated that once directed by the Council, the City is required to send the plan for review by affected jurisdictions which include neighboring cities, watersheds, and other State agencies. He noted that a six-month comment period is required. He noted that an informal review from the Metropolitan Council is also included in the six-month comment period. He noted that once the City receives comments, they would decide whether to incorporate those comments prior to the final submission to the Metropolitan Council.

Pederson referenced the water tower and asked for additional details on whether participating communities would be asked to share the cost.

Finke stated that the water tower would most likely occur outside the timeframe for this Comprehensive Plan and therefore a decision would not be made at this time but agreed that the issue could be investigated as to whether that could be shared.

Pederson stated that he has additional questions but believed he should recuse himself to ask them.

Pederson recused himself.

Jeff Pederson stated that his family has a property on Mohawk Drive and the guiding was low density near the memory care facility under the current Comprehensive Plan. He noted that he was out of town for the November Steering Committee Meeting and Planning Commission Meeting on December 13th when a decision was made to change the guiding of his family's property to rural residential rather than low density. He noted that the property faces a parking structure.

Martin stated that she will also recuse herself from the discussion because of a potential conflict of interest on this topic.

Mitchell stated that there was movement throughout October through December regarding the changes in low density and rural residential, which happened to coincide with Pederson being out of town. He believed that the Council should send this back to the Planning Commission and Steering Committee to ensure that the right decisions were made.

Finke stated that the Planning Commission has held a public hearing and recommended approval as is. He stated that the change to the future land use map was done at the November 14th Steering Committee meeting and that topic was an explicit discussion.

Kathy Martin, Chair of the Steering Committee, stated that the area in discussion has been contentious. She believed that the decision was deliberate and the property was laid out as is, primarily to surround the Wealshire property in residential development.

Anderson stated that there was also discussion on a possible lift station that would be needed for properties to the north and that is why low density was not recommended for that area.

Mitchell stated that the Council does not have to act tonight as the item will come back to the Council. He asked that the staff review the Pederson property to determine if an additional review is needed to make the best decision. He noted that the Council does not even need to act on January 17th and therefore if an additional two weeks is needed at that time, the City would still have that time.

Jeff Pederson thanked the Council for listening as his family has owned the property since 1965.

Mitchell confirmed the consensus of the Council to have staff review the Pederson property.

Anderson asked that the matter be handled by staff as the Steering Committee has already been adjourned and he would want to avoid having to reconvene the Committee.

Johnson stated that would place staff in a difficult position as this would be a policy decision for the Council.

Mitchell stated that staff could review the decisions that were made to support the changes and review that with Pederson.

Cousineau stated that perhaps it would be best for the three members of the Council having this discussion to have the minutes from the discussions when the changes were made.

Johnson confirmed that staff will provide the minutes from those meetings and can summarize the changes that were made.

Anderson agreed that this would be a Council decision and the three members of the Council having this discussion should be prepared to make a decision.

Pederson and Martin rejoined the Council.

Mitchell referenced the bus service in Maple Plain and the connection to affordable housing.

Bob Franklin, 2819 Lakeshore Avenue, stated that he is a member of the Steering Committee. He explained that bus service to Maple Plain is a recent development and because of that access to bus service, the Committee felt the property identified for affordable housing would be best suited in that location to provide a connection not only to the bus service but also for those that work in the nearby commercial portion of Maple Plain. He thanked the other members of the Committee, staff, and Finke for their work on the draft Comprehensive Plan. He stated that the Committee has stated that the confines of the infrastructure constrain the City, specifically regarding transportation.

Cousineau referenced the issue of affordable housing, specifically the additional information that was proposed to be included, noting that it was not included in the previous plan. She stated this seemed to be an advocacy piece.

Martin stated that the language was also included in the previous version of the plan. She noted that the City actually does very little to support affordable housing, although some on the Committee would advocate for affordable housing.

Cousineau referenced language that says "Medina will provide for affordable housing" and asked whether that should state Medina will guide rather than provide.

Finke confirmed that the language could be changed. He noted that a checklist is provided from the Metropolitan Council to meet the requirements and also includes what could be done in addition to the minimum requirements. He noted that the language regarding affordable housing is a minimum requirement of the Metropolitan Council. He noted that if the Council has additional comments or input they could provide those comments to him.

C. Issue with Deer Crossing (7:58 p.m.)

Anderson stated that he has discussed the issue with Johnson. He noted that the previous week heading east on County Road 24 a small herd of deer crossed CR 24 in front of him to access the park. He noted that he proceeded to watch the deer bang themselves into the fence. He asked staff if there is something they can do to contact the park to find out the purpose of the fence. He noted that it is a potential hazard to have dazed deer coming back onto the roadway after hitting the fence.

D. Worksession Discussion Regarding Conservation Development (8:00 p.m.)

Mitchell stated that conservation development was discussed at the worksession two weeks ago. He stated that he would like staff to determine why the ordinance reads as it does. He noted that he would favor a lower requirement for conservation development. He asked whether the Council would support lowering the requirements.

Pederson stated that he felt that the Council asked staff to do something the Council would need to decide to do, specifically regarding whether that percentage should be lowered.

Mitchell stated that the guideline was developed for some reason and he would simply like staff to provide a summary of why that is set at that limit.

Martin stated that she would not support changing the density bonus as that allows for protection of resources. She thought that the direction was that the Council directed staff to make the eligibility requirements for the density bonus more clear.

Mitchell explained that is why he brought the topic up tonight to determine the clarity.

Martin stated that the decision was made at the last worksession and now the item has been added to this agenda without proper notification. She stated that now Mitchell is unilaterally asking to move the item back for discussion because he did not agree with the decision.

Pederson stated that he would also support lowering the density bonus and having staff provide a summary of why the bonus was set at that amount to begin with.

Finke stated that when the ordinance was developed staff worked with consultants to make the best determination. He noted that the density bonus was discussed at length

throughout the process of creating the ordinance to create a balance between allowing flexibility to incentivize and placing a limitation on the development. He noted that the density bonus was thought about more than anything when creating the ordinance. He believed that the ordinance was established in 2009.

Johnson stated that the takeaway by staff following the worksession was to review the criteria. He noted that the sample size is small as there have only been three requests since the ordinance was enacted.

Cousineau stated that she agrees that the density bonus of 200 percent is high, but noted that perhaps the criteria could be strengthened as the conservation that would be required for the 200 percent.

Bob Franklin stated that for a developer coming in the ceiling becomes the floor, as they will automatically go for the high end. He noted that the comments received by the Steering Committee time after time was that residents want to keep Medina rural.

Anderson stated that he agreed that whatever number is set as the high limit is what developers will request. He stated that the number itself is somewhat arbitrary and the real basis is that the Council needs to make the decision on what they want.

Martin noted that a density bonus is not even allowed for discussion until a significant amount of buildable land is set aside for conservation.

Cousineau asked if conventional development would protect the land.

Martin stated that from an open space aspect conventional development does not protect that land.

Finke stated that a minimum amount of 30 percent of buildable land must be set aside for conservation before a density bonus can be considered.

Martin stated that the City has a very creative conservation design ordinance that follows everything in the Comprehensive Plan.

Mitchell stated that typically the lot sizes are larger and provide open space in themselves and half as many houses because of the restraints of the land itself. He acknowledged that the land is not public open space. He asked if staff can provide a summary and place the item on the agenda for the 17th.

Batty stated that there is a very small sample size in the city. He noted that the one dominant example the City has, was a very contentious one. He hoped that would not unduly influence the Council's examination of the ordinance moving forward.

Johnson asked Finke what would be a reasonable amount of time for staff to compile the requested information.

Finke stated that it is his understanding that what is requested is a summary of the discussion surrounding the maximum density. He noted that he could have that prepared for the next meeting but noted that he would not be able to review the criteria

and the Council would not be able change the ordinance as a public hearing would be required.

VIII. CITY ADMINISTRATOR REPORT (8:16 p.m.)

Johnson reported that on January 25th from 6:30 to 8:00 p.m. there will be a meeting at City Hall to discuss traffic issues on County Roads 19, 116, and 101 with Hennepin County and MnDOT.

IX. MAYOR & CITY COUNCIL REPORTS (8:17 p.m.)

Mitchell stated that there was a report via email from the Minnehaha Creek Watershed which will be sent to the members of the Council. He noted that the details are not very specific. He stated that in November and December the final numbers were provided for the 2017 Fire Department budgets. He noted that an updated chart would be sent out to the Council. He stated that he would like to get Dominion and their development as involved as possible with City events. He wanted to ensure that the residents of the development receive the City newsletter and publications even though they are renters.

Martin referenced the concept plan public hearing which is scheduled for January 10th under the current Comprehensive Plan and asked how that would occur.

Finke stated that the existing regulations are in place until the new Comprehensive Plan is adopted.

X. APPROVAL TO PAY THE BILLS (8:21 p.m.)

*Moved by Anderson, seconded by Cousineau, to approve the bills, EFT 003958E-003976E for \$50,369.81, order check numbers 045312-045368 for \$182,310.03, and payroll EFT 507627-507652 for \$47,399.77. **Motion passed unanimously.***

XI. ADJOURN

*Moved by Anderson, seconded by Pederson, to adjourn the meeting at 8:21 p.m. **Motion passed unanimously.***

Bob Mitchell, Mayor

Attest:

Scott Johnson, City Administrator