

## MEDINA CITY COUNCIL MEETING MINUTES OF MARCH 7, 2017

The City Council of Medina, Minnesota met in regular session on March 7, 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 Andrew Biggerstaff, City Engineer Jim Stremel, City Planner Dusty Finke, Public Works Director Steve Scherer, and Chief of Police Ed Belland.

### **II. PLEDGE OF ALLEGIANCE (7:02 p.m.)**

### **III. ADDITIONS TO THE AGENDA (7:02 p.m.)**

The agenda was approved as presented.

### **IV. APPROVAL OF MINUTES (7:02 p.m.)**

#### **A. Approval of the February 21, 2017 Special City Council Meeting Minutes**

*Moved by Anderson, seconded by Pederson, to approve the February 21, 2017 special City Council meeting minutes as presented. **Motion passed unanimously.***

#### **B. Approval of the February 21, 2017 Regular City Council Meeting Minutes**

It was noted on page four, line 34, it should state, "...to high density if ~~that would mean that the units would count towards that requirement.~~ we could ensure our density is not in excess of our required numbers. On page four, line 22, it should state, "Anderson noted that ~~this may be the straw that breaks the camel's back in regard to the applicant should be aware of the potential cost of expanding Chippewa that would come along with that road project and the applicant should be aware of the cost that would come along with that.~~ Anderson noted that this may be the straw that breaks the camel's back in regard to the applicant should be aware of the potential cost of expanding Chippewa that would come along with that road project and the applicant should be aware of the cost that would come along with that. On page six, line 45, it should state, "He stated that after the Superbowl of 2018 transportation will continue ~~continues~~ to be a key issue for the legislature."

*Moved by Anderson, seconded by Cousineau, to approve the February 21, 2017 regular City Council meeting minutes as amended. **Motion passed unanimously.***

### **V. CONSENT AGENDA (7:04 p.m.)**

#### **A. Approve American Legion Consumption and Display Liquor License**

#### **B. Approve Temporary Liquor License to Church of St. Anne at 200 Hamel Road on August 27, 2017**

#### **C. Approve Street Sweeping Services Agreement with Carefree Services Inc.**

#### **D. Approve Street Striping Services Agreement with Twin City Striping Inc.**

#### **E. Approve Garden Maintenance Services Agreement with Designing Nature Inc.**

#### **F. Call for a Special Meeting on March 21, 2017 at 8 a.m. for the Annual Business Forum**

- G. **Call for a Special Meeting on March 21, 2017 at 9:15 a.m. for the Spring Business Tours**
- H. **Ordinance No. 609 Establishing Fees for City Clean-Up Day**
- I. **Resolution No. 2017-16 Authorizing Publication of Ordinance Establishing Fees for City Clean-Up Day by Title and Summary**

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

## VI. PRESENTATIONS

### A. **Hennepin County Commission Jeff Johnson (7:06 p.m.)**

Hennepin County Commissioner Jeff Johnson provided the county budget summary for 2017, noting that the budget had an increase of five to six percent. He stated that today the Committee passed the intersection project of Hwy 55 and CR 116, noting that the item will go before the whole Board the following week. He stated that the first step was taken to dissolve the transit improvement board. He stated that the County does not have a procedure to regularly evaluate the programs run by the County to determine their effectiveness and noted that there seems to be a willingness to develop an evaluation program. He explained that they would be able to better determine which programs are working and not working. He stated that he is also interested in finding a method to change the way in which County employees are paid; explaining that he would like to see some level of merit pay.

Pederson thanked County Commissioner Johnson for his support on the Hwy 55 and CR 116 intersection as that is an important issue for this area.

Mitchell stated that people are always surprised that the percentage of property taxes the City receives is low compared to the County and School District and appreciates the efforts the County Board makes to better control the budget.

County Commissioner Johnson stated that it seems the County is in a rut increasing the budget by five percent each year, which is not sustainable.

Mitchell asked if the County provides an annual summary, not just of the budget but on programming.

County Commissioner Johnson did not think there was such a report.

Anderson stated that he had dinner recently with a lead engineer from MnDOT. He stated that he would like to see more information shared on the road projects and disruptions that are planned to follow the 2018 Super Bowl.

### B. **Fire Department Annual Reports (7:16 p.m.)**

Jeff Ruchti, Hamel Fire Chief, stated that Hamel Fire serves 75 percent of Medina residents and responded to 157 total calls during 2016. He stated that the average response time was about four minutes 12 seconds. He reviewed the different types of calls the department responded to during the year. He stated that the department also had pinning ceremonies for three full-time members and introduced additional members as well. He reviewed a summary of highlights that occurred during the year including the department securing a FEMA grant in the amount of \$125,000. He stated that about

5,600 hours were spent on training and serving the community between the 22 members of the department. He thanked the community for the opportunity to serve.

James Van Eyll, Long Lake Fire Chief, provided a summary of the highlights from the past year including hiring seven new members. He stated that they lost five firefighters with a combined total of 119 years of experience due to retirement. He advised that about 41 percent of the members have less than five years of experience because of the turnover. He stated that the department and other local fire departments have met and discussed possible shared training and staff opportunities. He reported that currently there are 39 active members in the department.

Jeff Leuer, Loretto Fire Chief, provided information on the number of calls and type of calls that the Loretto FD responded to during the year. He provided information on the years of experience among the 32 members. He stated the department is also working on the shared services grant and provided information on training that occurred the past year. He reviewed the five communities that the department provides services.

Justin McCoy, Maple Plain Fire Chief, stated that his department serves about one percent of Medina but enjoys the interaction they have with Medina residents. He provided the number of calls, noting that 73 hours in 2016 were spent serving Medina. He stated that they are also involved in the shared services grant and are reviewing the options. He reported that they have 26 members and serve three communities.

Mitchell expressed gratitude for the presentations and the service that each department provides.

Martin stated that she has been working with the fire departments for the past year and is impressed with the caliber of leadership that the departments have. She stated that she has witnessed a collaborative spirit among the departments and Medina is always available to assist with the process of communication among the departments.

Belland commented on what a great resource it is for the City to have all of these departments.

## **VII. COMMENTS (7:30 p.m.)**

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

There were none.

### **B. Park Commission**

Park Commissioner Cole stated that the Park Commission met to discuss park dedication for the Lunski concept plan. She reported that the Commission is moving forward on a grant application and also discussed goal setting.

Pederson stated that the Fields of Medina Park seems to be going very well.

Commissioner Cole agreed that the park is good and receives a lot of use.

Mitchell asked for information on the baseball associations.

Scherer reported that staff met with the three baseball groups earlier this week to discuss maintenance and use. He stated that the baseball groups seem to be working much better together.

Johnson noted that there have been phone calls from the media regarding the recent fraud charges involving the Hamel Athletic Club. He stated that the group provides a valuable service to the community, but is a separate organization with no City oversight and is not directly linked to the City.

**C. Planning Commission**

Finke reported that the Commission will meet on Monday, March 20<sup>th</sup> to review a Conditional Use Permit amendment by Three Rivers Park District.

**VIII. NEW BUSINESS**

**A. LJP Development LLC – 1432 Baker Park Road (CR 29) – Comprehensive Plan Amendment and Rezoning (7:36 p.m.)**

Finke stated that this matter includes Comprehensive Plan amendment and rezoning requests. He advised that the draft Comprehensive Plan, which was just released for jurisdictional review, actually required this subject site similar to what is being requested by the applicant. He stated that the applicant is asking for the amendment to allow this project to move forward before the new draft Comprehensive Plan becomes effective. He reviewed the adjacent land uses and reviewed the density standards of the current and draft comprehensive plans. He noted that there appear to be a number of applications that desire to move forward before the new Comprehensive Plan is adopted. He stated that the applicant provided a concept plan of what they are proposing for the site, to provide the Council with a description of what would be planned. He stated that the high density residential land use would anticipate between 26 and 31 units on this property, noting that the concept plan includes up to 42 units. He reported that staff believes that it is reasonable that nursing homes and memory care facilities have a slightly more flexible range of density as there is a lesser demand on parking. He noted that the units themselves are also smaller than typical apartments. He stated that the City Code currently does not specify that difference and therefore staff would recommend reviewing that language going forward. He reported that the Planning Commission held a hearing the previous month and the Planning Commission was supportive of the request moving forward, recommending unanimous approval.

Martin asked if the draft Comprehensive Plan would not meet the requirements for high density residential if this parcel was to be rezoned and the existing Comprehensive Plan were to be amended.

Finke stated that the property would still be counted towards the requirement.

Martin stated that she does not typically view memory care units as high density housing units.

Finke confirmed that memory care units are counted differently than high density housing units by the Metropolitan Council. He explained the different zoning districts allow memory care units as a conditional use.

Martin noted that developing a memory care facility zoned for high density residential property would reduce the land available for HDR. She noted that this site is actually near public transportation and businesses and could make use of those amenities, but noted that the memory care facility would make very little use of the public transportation and nearby commercial areas. She stated that the architecture is lovely, she is just worried about the impact on the planning process and how the Metropolitan Council might view the request.

Anderson agreed that this will not only have an impact on the physical units but the available space as well.

Jennifer and Larry Palm, the principles and the applicant, Plymouth residents, stated that they lived in this area for a long period of time. Ms. Palm stated that this is a service that is needed, as they have completed extensive market research studies, and that is why they want to move forward now. She stated that her father has struggled with the disease for seven years and it is difficult for families to find care. She stated that she will be the owner/operator and will be on site daily.

Mitchell asked for information on phasing.

Ms. Palm stated that this will be expensive and therefore they will be building in two phases. She stated that you cannot move in 28 residents at once, it needs to be phased as each resident changes the dynamic of the facility.

Mitchell asked if the Palms own a similar business.

Mr. Palm replied that they have owned this property in excess of 10 years. He stated that he is an electrical contractor and owns several commercial properties. He stated that they have done extensive research and have not gone into this lightly and would like to move forward because of the demand for this service. He stated that he lived within one mile of the site for 28 years.

Ms. Palm stated that she will do the business and other operations and will have a staff person to manage the health care providers. She reviewed the different staff positions. She stated that this planned facility has a very residential feel and encourages people to be out of their rooms doing activities and being stimulated.

Pederson asked if they would accept waiver programs.

Ms. Palm stated that they are planning to accept the elderly waiver program but have not determined how much of their care would be on waiver.

Pederson stated that will be important to him to know as this moves forward. He asked if the applicant has approached the property owner to the north in an attempt to purchase their property, as this will end up similar to Wealshire.

Mr. Palm noted that the resident was present at the Planning Commission meeting and expressed concerns with screening and landscaping.

Pederson asked if the County has provided input on the road system.

Mr. Palm stated that it is his understanding that they are conceptualizing what was proposed in 2008/2009.

Mitchell asked how this could move forward in concert, noting that he would not want to move the Comprehensive Plan amendment forward if this is not built.

Finke explained that the Comprehensive Plan amendment could move forward whether or not something is built as the change would then match the draft Comprehensive Plan guiding. He stated that there may be some discussion from the Council whether they would like to continue to allow nursing homes and memory care units within the high-density zoning district, but noted that would be separate from this request. He reviewed the requirement for the City to guide for a minimum of eight units per acre for high density residential areas.

Pederson stated that he agrees that there is a big need in the City and believed that the architectural drawings look great. He stated that although this is a great need, he would be concerned with a future developer that comes in wanting to do a similar thing.

Biggerstaff stated that typically the Council has the most discretion when considering a Comprehensive Plan amendment, so it would be a case by case basis. He stated that the approval or denial would be hinged upon the ultimate desire of the Council for the parcel.

Cousineau stated that there are a lot of things in the air with this request for her because the desire for this parcel was to develop into high density residential.

Martin stated that although she loves the development concept, the parcel is right in the middle of what the Council had planned for multi-family high density residential that could take advantage of the park, park and ride and commercial resources which are not available in other areas of the City and would not be utilized by the memory care facility.

Mitchell stated that perhaps this identifies the errors with central planning as there has not been a request that comes forward to build that product. He stated that housing trends change and perhaps there will be more demand for memory care housing.

Cousineau stated that the question is about the timing and whether this is an appropriate time to allow this to move forward.

Finke stated that this use would be allowed under the high-density zoning proposed in the draft Comprehensive Plan. He stated that in the normal course of business, once the Comprehensive Plan is adopted the City would have nine months to review the City's control and adjust any zoning regulations as appropriate. He stated that through that process an amendment to the underlying zoning district may be deemed appropriate. He stated that staff will likely initiate a review of the land use in anticipation of the ultimate adoption of the Comprehensive Plan. He stated that it seems reasonable to consider a memory care use within a high-density zoning district.

Martin asked if the City could ask for input from the Metropolitan Council.

Cousineau stated that she would like to have that confirmation before they go ahead with the Comprehensive Plan amendment consideration.

Anderson stated that a number of memory care facilities take their residents on outings and asked if this facility would also do that.

Mr. Palm replied that they are very passionate. He stated that they have looked at multiple options for developing the site, including apartments but could not get enough apartments on the property to provide a sufficient business plan. He stated that this market is in need of care and they would be able to use the nearby park with the residents and their families. He stated that the building will also be proposed to take advantage of the views as well so people indoors can also enjoy the activity.

Cousineau asked if a variance would be needed for the density if the facility builds out to the second phase.

Finke stated that it would make more sense to address that concern under the zoning regulations, specifically whether differences in density should be spelled out for memory care units. He stated that staff could solicit the input of the Metropolitan Council if desired.

Martin stated that the architecture does resemble residential and perhaps there is a distinction between memory care units of this nature compared to other models.

Finke displayed a sketch plan of the facility.

Ms. Palm stated that residents do not walk outside alone and noted that while the units have outdoor windows, they do not have doors to the outside and instead provide access through common areas.

Steve Oliver, architect, noted that the sketches Martin was referencing are architectural elements and not specific sketches of the units. It was confirmed that the units would not have direct doors to the outside.

Ms. Palm noted that when you walk into the facility it will feel like a very nice home.

Bob Franklin, 2819 Lakeshore Avenue, stated that the park historically has been concerned about what would be built next to it and a one-story building would be more in tune with the site rather than a two or three story building. He noted that the park and ride could service some people who may work at the facility. He noted that if apartments are built nearby, their spouse may be in memory care and therefore that could be convenient. He stated that the number of trees may be challenging for the property. He stated that the applicants might be helped by reciting the needs and inability to find an apartment project for the site, if the Metropolitan Council becomes an issue.

Martin requested further input from Franklin, as he was a member of the Steering Committee.

Franklin replied that the property is a good use for high density residential, but noted that if this use would count as residential it could provide that density without providing additional strain on traffic in the same way an apartment building would. He stated that the Committee viewed this site as the best site in Medina for more multi-family housing.

Pederson stated that it is apparent to him that a multi-tenant building would not work because of the parking limitation and therefore this would be a good fit for the property. He noted that the applicants own other property in the City that is well maintained. He stated that this is a high need product with a great concept.

Anderson stated that he believes staff should be directed to seek answers from the Metropolitan Council to determine if this use would qualify as high density.

Mitchell stated that he would like to continue to move this along, as the response time of the Metropolitan Council is unknown. He stated that this is a good use.

Martin stated that she would want to have staff ensure that this would still count in terms of units and would not impact the draft Comprehensive Plan if it is constructed before adoption.

Cousineau stated that there is a huge need for this product and this is a high-quality product, but would want to ensure that the well thought out planning process is not affected.

Martin requested the timeline for when the applicant would actually break ground.

Mr. Palm stated that the intent would be to bring a site plan application forward next month and based on how that timeline would play out they would anticipate a July groundbreaking.

Oliver anticipated a six-month construction process once they break ground.

Cousineau received clarification on the timeline for the Comprehensive Plan amendment.

Martin stated that the issue for her is whether this land would count towards the required commitment to zone for a certain number of units if the ground breaking occurs prior to the adoption of the draft Comprehensive Plan.

Anderson stated that in looking at the request from the greater good, this use does fit and therefore if the Steering Committee needs to be reconvened, he would be okay with that.

Johnson clarified that the motion is simply staff direction and therefore formal approval is not being given tonight.

*Moved by Anderson, seconded by Pederson, to direct staff to prepare documents approving the Comprehensive Plan Amendment and Rezoning subject to the conditions recommended by the Planning Commission and further to direct staff to contact the Metropolitan Council to glean whatever information necessary with respect to this project and include the opinion of the City Attorney. **Motion passed unanimously.***

**B. Housing Ordinance Changes/Study for Predatory Offenders (8:50 p.m.)**

Biggerstaff stated that he recently worked with other municipalities that have adopted housing ordinances of this nature. He explained that there is the designation as a predatory offender but then also the classification of different levels of offenders. He



reviewed different crimes that would cause a person to register as a predatory offender and the types of offenders that must register and the process of registration. He noted that there is a significant number of folks that fail to register. He noted that there are unique data practices requirements and therefore if enacted the City would need to follow those practices to ensure that data is not compromised. He explained that an offender's designation level is based on the expected likelihood to reoffend and is determined at the state level by a committee following review of the individual's file and consideration of certain statutorily required conditions. He reviewed the different limitations for notification. He provided input on the different regulations some municipalities have chosen to enact, noting that they are typically public safety ordinances. He reviewed some of the considerations that a City should consider if they chose to enact this type of ordinance.

Mitchell asked if the Council would like staff to consider an ordinance, noting that in a rural setting the diameter of the circles would say a lot.

Pederson asked if there is currently a problem.

Mitchell stated that there is not a problem, but eventually the jail will be emptied.

Belland noted that the City has never had a level three offender live in Medina. He stated that in looking at the different ordinances, they vary greatly. He stated that realistically there is a state mandated policy on where level three predatory offenders can live. He stated that it's easier to track offenders when you know where they are, and if everyone eliminates them from their city it will make it harder to track where they are actually living.

Johnson stated that if desired, staff could study the topic more and bring it back for further discussion.

Mitchell noted that if the whole city is circled the court will eventually shoot that down. He stated that perhaps staff could bring back a few options for circle diameters to determine what that would look like. He confirmed Council direction to review possibilities.

#### **IX. CITY ADMINISTRATOR REPORT (9:18 p.m.)**

Johnson stated that he and Finke will meet with Mediacom the following week, noting that Mediacom received a grant from DEED. He noted that although the City has contract language that state grant funds must be used to reimburse Medina, the grant specifies that the funds must be used for infrastructure. He noted that staff will investigate options for additional build-out. He confirmed that 2017 is the last build out season under the contract.

#### **X. MAYOR & CITY COUNCIL REPORTS (9:22 p.m.)**

Mitchell stated that he met with the auditors today and spoke about the annual report that staff composes.

Johnson noted that the annual report would be on the consent agenda for the next meeting.

Martin provided an update on the recent activity she has had with the fire departments, noting that all seems to be going well.

Anderson stated that the previous week he attended a presentation from the Loretto Fire Department and noted it was a good presentation that was well received by all five cities.

Mitchell stated that he and Anderson were at the joint training session the past summer. He stated that he was interested to hear that most departments have young firefighters and do not necessarily have a long waiting list.

**XI. APPROVAL TO PAY THE BILLS (9:26 p.m.)**

*Moved by Martin, seconded by Anderson, to approve the bills, EFT 004042E-004063E for \$66,414.72, order check numbers 045564-045613 for \$45,308.56, and payroll EFT 507741-507766 for \$47,875.76. **Motion passed unanimously.***

**XII. ADJOURN**

*Moved by Anderson, seconded by Martin, to adjourn the meeting at 9:26 p.m. **Motion passed unanimously.***

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Bob Mitchell, Mayor

Attest:

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Jodi M. Gallup, City Clerk