

## MEDINA CITY COUNCIL MEETING MINUTES OF APRIL 18, 2017

The City Council of Medina, Minnesota met in regular session on April 18, 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, Public Works Director Steve Scherer, and Police Sergeant Jason Nelson.

### **II. PLEDGE OF ALLEGIANCE (7:00 p.m.)**

### **III. ADDITIONS TO THE AGENDA (7:00 p.m.)**

The agenda was approved as presented.

### **IV. APPROVAL OF MINUTES (7:01 p.m.)**

#### **A. Approval of the April 4, 2017 Regular City Council Meeting Minutes**

Johnson noted that Martin submitted written comments prior to the meeting that were distributed at the dais.

It was noted on page three, line 17, it should state, "...stated that the Three Rivers Park District's..." On page seven, line 37, the following sentence should be added, "The applicant's plan had changed from the previous issue and this issue hinges on whether a kitchen is installed."

*Moved by Anderson, seconded by Cousineau, to approve the April 4, 2017 regular City Council meeting minutes as amended and with the written amendments submitted by Martin. **Motion passed unanimously.***

#### **B. Approval of the April 5, 2017 Board of Appeal and Equalization Meeting Minutes**

*Moved by Martin, seconded by Pederson, to approve the April 4, 2017 Board of Review and Equalization meeting minutes as presented. **Motion passed unanimously.***

### **V. CONSENT AGENDA (7:06 p.m.)**

#### **A. Resolution No 2017-23 Approving a Conditional Use Permit Amendment to Three Rivers Park District for a Public Safety Facility**

#### **B. Resolution No. 2017-24 Approving a Conditional Use Permit Amendment to Three Rivers Park District for an Equine Therapeutic Riding Program Operated by "We Can Ride" Located at the Public Safety Facility**

#### **C. Resolution No. 2017-25 Requesting a Speed Study by Hennepin County and MnDOT on County Road 19 and County Road 101**

#### **D. Resolution No. 2017-26 Approving Proposed Transfer and Closing of Independence Beach Outlet Project**

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

## **VI. COMMENTS (7:08 p.m.)**

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

There were none.

### **B. Park Commission**

Scherer reported that the Park Tour will occur the following night and welcomed members of the Council to attend. He stated that the bus will be leaving City Hall at 5:00 p.m. to tour the different park properties.

### **C. Planning Commission**

Murrin reported that the Planning Commission met the previous week to consider a concept plan for Elim Care. She stated that the Commission liked the plan, but noted that the timing would most likely be impacted by the Comprehensive Plan review. She stated that the Commission discussed the topic of allowing nursing home uses into high density zoning and the consensus was that developers should be allowed to construct nursing homes if that is the zoning district the developer would desire. She stated that the Commission also considered a request regarding solar panel installation. She stated that the Commission discussed the ordinance and recommended changing the ordinance to allow up to 1,500 square feet in the rural residential zoning district without the use of a CUP. She stated that the Commission believed that up to 2,500 square feet could be installed with a CUP if the criteria are met. She stated that the Commission also recommended approval of the CUP request from the Rechelbachers, in the case the Council does not agree with amending the ordinance language. She noted that the Commission also considered a setback variance request for a chicken coop from a family and recommended approval.

Martin noted that the solar array calculations seemed very small compared to the size of the lot and asked for direction on how that was determined.

Murrin stated that because there has not been a lot of experience with solar equipment in the community, the Commission erred on the side of caution.

Martin stated that it seems like a big jump for the CUP to require 20 acres for up to 2,500 feet.

Murrin noted that additional changes can be made in the future and stated that the Commission still wanted to have some control over the solar panel requests. She noted that these limitations apply to ground mounted solar and advised that applicants can still use roof mounted solar.

## **VII. NEW BUSINESS**

### **A. Peter and Mindy Rechelbacher – 1822 Homestead Trail – Zoning Ordinance Text Amendment (7:17 p.m.)**

Finke summarized the history on the ordinance related to solar, noting that roof mounted solar equipment is allowed in almost every district in the City. He noted that ground mounted solar is allowed in certain zoning districts under a CUP, with size limitations.

He stated that the allowance for ground mounted solar panels was only added as a conditional or permitted use in 2015 and there has only been one installation by Wright Hennepin Electric. He stated that the size limitations for rural residential ground mounted solar equipment was written conservatively in order to minimize impacts on neighboring properties while still producing enough energy to supply the average home size in Minnesota. He noted that the average home size in Medina is larger than the average home in Minnesota. He stated that the array proposed by the Rechelbachers would supply half of the energy for their home. He stated that the Planning Commission reviewed this request and recommended an increase up to 2,500 square feet under a CUP. He further explained how the size limitations were determined in conjunction with net metering.

Martin noted that along with the larger size homes in Medina, there are often accessory structures on the rural residential properties as well.

Finke stated that the Planning Commission recommended raising the limit to 1,500 square feet without the use of a CUP and allowing ground mounted arrays of 2,500 with the use of a CUP. He noted that this ground mounted equipment would only be allowed in the rural residential zoning districts. He noted that requests would be subject to the tree preservation ordinance but noted that there are exceptions under State law.

Mitchell asked if there have been any adverse comments about the Wright Hennepin array.

Finke stated that he was not aware of any complaints.

Martin stated that it seems to be good public policy to permit ground mounted solar equipment and promotes the rural character of the City to allow people to be more self-reliant. She stated that she has no objection to a larger array and did not see the connection between 2,500 square feet and needing 20 acres. She confirmed that she would support up to 2,500 feet on five-acre lots.

Mitchell stated that when the ordinance was created the City was being more conservative and agrees with letting out a little more space for flexibility, but would agree that the ordinance should be expanded slowly.

Mindy Rechelbacher thanked the Council and staff for their time. She stated that Finke has wrapped this up very well, noting that she asked for this request in 2015. She stated that now running the numbers they have determined an appropriate size that would be needed for their property. She stated that as a society the electrical use is not decreasing but increasing and society would be benefitted by harnessing natural energy sources such as solar. She stated that they are making a big investment and the payback period would be outside of 12 years. She stated that spending \$1,000 on a CUP is cost prohibitive and could deter people from seeking this natural energy source.

Chris Pederson, 4130 Feske Drive, stated that glare has been brought up a few times and noted that solar creates the opposite of glare. He stated that grass actually produces more glare than solar panels. He stated that even though items are becoming more efficient, electric cars could skew those energy costs as they would charge overnight. He urged the Council to consider the 2,500-square foot ground mounted

solar arrays on five acre rural residential lots rather than continuing to amend the ordinance as requests come forward.

Martin asked for additional information on number nine, located on page three of the staff report.

Finke provided additional details on the condition that applies to ground mounted arrays between 1,500 and 2,500 square feet with the use of a CUP.

Martin stated that she was a bit concerned with how certain elements could be subjective and also did not understand why 20 acres of land would be required. She stated that while she would favor larger steps, she would also agree with these baby steps and would look forward to the next amendment of the ordinance that will eventually come.

Mitchell stated that he would support taking smaller steps, such as this, to ensure the ordinance is being amended in the best manner.

Cousineau asked and confirmed that staff would still be approving landscaping plans.

There was additional discussion regarding the proposed 20-acre lot size and Finke noted that staff would support a lower acreage size.

Mitchell stated that a lot of work has gone into this and the ordinance can always be amended in the future as needed.

Anderson stated that the Council was in agreement with the applicant's request but the policy discussion was of more concern. He stated that he could support reducing the lot size to 10 acres for up to 2,500 square feet.

Pederson confirmed that he could also support the request.

Martin stated that she would also support allowing up to 2,500 square feet with a ten-acre lot. She noted that an additional comment could be added protecting the rural view shed.

It was the consensus of the Council to allow up to 1,500 square feet without a CUP and to allow 2,500 square feet on lots ten acres in size with a CUP.

Martin stated that she would like to remove one of the standards from the ordinance and instead place that within the CUP criteria as it can be very subjective. She advocated for removing condition ten.

Cousineau stated that she would view condition ten as the neighbor's option for objecting to the project. She stated that she would not be opposed to leaving the language in.

**1. Ordinance No. 610 Regarding Solar Equipment Amending Chapter 8 of the City Code**

*Moved by Martin, seconded by Pederson, to adopt Ordinance No. 610 Regarding Solar Equipment Amending Chapter 8 of the City Code with the errors corrected and removing*

subsection B.10, changing the 20-acre requirement in subsection B.11.3 and B.11.1 to 10 acres and adding language to 11.4 to protect the public view shed. **Motion passed 4-1 (Mitchell opposed).**

**1. Resolution No. 2017-27 Authorizing Publication of Ordinance No. 610 by Title and Summary**

*Moved by Pederson, seconded by Anderson, to adopt Resolution No. 2017-27 Authorizing Publication of Ordinance No. 610 by Title and Summary consistent with the changes made. **Motion passed unanimously.***

**B. Storm Water Pollution Prevention Plan (SWPPP) – Annual Public Hearing (8:07 p.m.)**

Mitchell opened the public hearing at 8:07 p.m.

Scherer presented the storm water pollution prevention plan report, noting that the public hearing is an annual requirement. He reviewed the inspections that occurred during 2016 and maintenance activity. He reviewed the minimum control measures and provided more information on salt usage and the application.

Martin noted that some of the roads in Medina are privately maintained and asked if it would be appropriate to regulate usage in commercial applications.

Scherer noted that he could follow up.

Pederson noted that there is a balance between safety and environmental friendliness. He acknowledged that the decision would have to be statewide.

Scherer reviewed other elements of the plan including maintenance and education. He reviewed the elements of illicit discharge and inspection. He stated that post construction they continue to implement the policies. He reviewed the partners the City works with to accomplish the plan.

Anderson thanked Scherer for his presentation.

*Moved by Anderson, seconded by Cousineau, to close the public hearing at 8:21 p.m. **Motion passed unanimously.***

**VIII. CITY ADMINISTRATOR REPORT (8:22 p.m.)**

**A. Police Speed and Weight Limit Enforcement**

Nelson stated that the police department is receiving calls regarding speed and weight limit violations. He stated that the department is short staffed at certain times of the day and therefore utilization of the speed signs and trailers have been helpful. He noted that the speed signs help to slow the speed of traffic as the signs remind people that the speed is changing. He stated that the department actively enforces the weight limits in order to help maintain the road conditions. He stated that the officers do a great job of enforcement and investigations with trucks that may be violating the weight restrictions. He stated that there are always complaints as people feel that they are unfairly targeted but noted that the department is simply attempting to protect the roads in the City.

Anderson asked if there is an area of the City that receives more complaints on speeding.

Nelson noted that they receive complaints and use the data for targeted efforts. He stated that they attempt to address all concerns.

Mitchell stated that he has received calls as well, which he forwards to Belland. He encouraged the police to continue to follow up on complaints in terms of a public relations aspect. He asked how the noise complaints are for motorcycles.

Nelson stated that the weather has not yet been that warm to entice those complaints. He stated that they attempt to educate through the website and Facebook page as well.

**IX. MAYOR & CITY COUNCIL REPORTS (8:29 p.m.)**

Mitchell stated that he attended the mayors meeting the previous week and provided a brief update on the discussions that occurred.

The Council mentioned some upcoming meetings they will be attending.

**X. APPROVAL TO PAY THE BILLS (8:33 p.m.)**

*Moved by Anderson, seconded by Martin, to approve the bills, EFT 004100E-004115E & 94115 for \$45,952.36, order check numbers 045727-045793 for \$361,191.90, and payroll EFT 507824- 507854 for \$47,812.26. **Motion passed unanimously.***

**XI. ADJOURN**

*Moved by Anderson, seconded by Martin, to adjourn the meeting at 8:33 p.m. **Motion passed unanimously.***

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Bob Mitchell, Mayor

Attest:

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Jodi Gallup, City Clerk