

## MEDINA CITY COUNCIL MEETING MINUTES OF JUNE 20, 2017

The City Council of Medina, Minnesota met in regular session on June 20, 2017 at 7:00 p.m. in the City Hall Chambers. Mayor Mitchell presided.

### I. ROLL CALL

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

**Members absent:** Cousineau.

**Also present:** City Administrator Scott Johnson, City Attorney Ron Batty, City Engineer Jim Stremel, City Planner Dusty Finke, Public Works Director Steve Scherer, and Public Safety Director Ed Belland.

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

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

Johnson noted that the applicant for The Reserve of Medina – Phase II PUD Concept Plan has requested that the item be removed from the agenda tonight.

*Moved by Martin, seconded by Anderson, to approve the agenda as amended. **Motion passed unanimously.***

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

#### A. Approval of the June 6, 2017 Regular City Council Meeting Minutes

Johnson noted that Cousineau provided her comments for the minutes which staff will incorporate.

It was noted on page two, line six, it should state, “...~~their~~ its...” On page two, line six it should state, “...~~reporting~~ stating that the auditor had issued...” On page two, line seven, it should state, “...~~they~~ the auditors...” On page two, line eight, it should state, “...adverse findings...” On page two, line nine, it should state, “...~~are also~~ also are...” On page two, line nine, it should state, “...negative findings...” On page two, line 18, it should state, “...staff should...” On page three, line 16, it should state, “...that Finance Director Erin Barnhart...” On page three, lines 27 and 31, it should state public hearing for the Clydesdale Trail Improvement Project.” On page three, line 46, it should state, “...Wichita Trail improvement project...” On page four, line one, public hearing for the Wichita Trail Improvement Project.” On page four, lines 19 and 23 it should state, “...public hearing for the Willow Drive N Improvement Project.” On page six, line 22, it should state, “...~~over the year~~ throughout this year.” On page five, line 42, it should state, “...an access...” On page seven, line 10, it should state, “...~~are~~ is...” On page ten, line 26, it should state, “...their own...”

*Moved by Anderson, seconded by Pederson, to approve the June 6, 2017 regular City Council meeting minutes as amended. **Motion passed unanimously.***

- V. **CONSENT AGENDA (7:06 p.m.)**
- A. **Approve Cemetery Operation and Maintenance Agreement with Jan's Lawn and Landscape**
  - B. **Approve German Liberal Cemetery Custodian Services Agreement with Joe Kittok**
  - C. **Approve Maintenance Building Painting Agreement with Sunrise Painting and Wallcovering, Inc.**
  - D. **Approve 2018 Contract for Assessing Services with Southwest Assessing**
  - E. **Resolution No. 2017-47 Authorizing the Execution of a Joint Cooperation Agreement Between the City of Medina and Hennepin County for Participation in the Urban Hennepin County Community Development Block Grant Program in FY 2018-2020**
  - F. ~~**Ordinance Regarding Conservation Design; Amending Chapter 8 of the City Code**~~
  - G. ~~**Resolution Authorizing Publication of the Conservation Design Ordinance by Title and Summary**~~
  - H. **Resolution No. 2017-48 Granting Wetland Setback Variance to Donald Dykhoff for an Individual Sewage Treatment System at 3396 Elm Creek Drive**
  - I. **Resolution No. 2017-49 Granting Conditional Use Permit Approval to Robin Johnson at 1325 Tamarack Drive**

Mitchell requested to remove Items F and G, regarding the Conservation Design Ordinance from the Consent Agenda for further discussion.

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

**F. Ordinance Regarding Conservation Design; Amending Chapter 8 of the City Code**

Mitchell stated that the Council received the written ordinance with all the proposed changes incorporated for the first time. He stated that he continues to be concerned about the ordinance in general, specifically the lot size. He stated that he worries about people wanting large houses on smaller pieces of land in Medina and the amenities they desire would not fit on the lot. He stated that as the City goes further into the middle of Medina and something goes wrong with the on-site septic systems there is no way to get sewer to that area.

Anderson stated that he shares that concern and would like to see some minimum lot size included. He stated that it seems that in conservation design he would like everything to work from an environmental and conservation design while still being aesthetically pleasing. He stated that the way this is written seems to allow lots one acre or less in size. He understood that the additional land for lot size would take away from the land to be preserved.

Mitchell noted that Orono did some residential development with a 2.5-acre minimum lot size that he found pleasing.

Pederson noted that those are good concerns.

Martin stated that she can envision a beautiful townhome project that could use conservation design and would not need 2.5-acre lots. She stated that everyone seems to be so concerned about someone else's house and how they feel in it rather than preserving the natural area in the City. She noted that the underlying zoning would also come into play with the base density. She stated that she would not want to lose the ability to do the smaller homes as people want small walkable communities as well. She noted that the individual septic systems have come a long way since the Medina Morningside development.

Mitchell stated that his concern is that people will have high demands for what they will want on their own property.

Anderson stated that perhaps within the rural residential area a minimum acreage should be specified to provide a better aesthetic.

Martin stated that this is a planned unit development (PUD) and therefore the City has maximum discretion. She stated that there is no reason to limit the City on what can be done.

Anderson noted that one goal for the Council is to help future Councils as well.

Martin stated that you are then not helping future Councils by removing flexibility.

Mitchell stated that the answer is because he feels that there should be a minimum size for lots.

Martin noted that the City can require larger lots under the proposed ordinance language because the PUD provides that control and flexibility.

Anderson asked if it would be to the advantage of this Council and future Councils to codify that requirement.

Martin asked why Anderson would constrain a future Council in ten years from doing something that could be great at that time.

Mitchell stated that he would only be requesting a minimum lot size for rural residential.

Finke stated that the reality is that the ordinance is meant to be an incentive that gives the Council the most amount of control. He stated that the minimum requirement is to put 30 percent of the buildable land into conservation and you would still need to add the base density plus the approved density bonus and therefore it may become difficult to meet a minimum lot size as well within the remaining buildable area.

Martin referenced the Stonegate development which is not visible from the arterial roads and provide access to the open space areas to the general public. She noted that conserved areas cannot be built into something else as it is preserved in perpetuity. She stated that younger families in the community have spoken to having a sense of community and having a walkable community.

Mitchell stated that the minimum lot size would only apply to the rural residential area. He noted that would not apply to many properties.

Martin stated that it would be silly to rob future Councils of the flexibility that this ordinance provides.

Mitchell stated that he disagrees. He stated that Stonegate is a cornfield that continues to be a cornfield.

Martin noted that area will be restored to a prairie area that will be conserved in perpetuity.

Mitchell stated that he is not completely sold that central planning works best and would like a little bit of a safety net in providing a minimum lot size for conservation design rural residential lots.

Martin reviewed the setbacks required.

Mitchell stated that he did not see any harm in having a 2.5-acre lot size for the rural residential zoning district.

Finke noted that there are a handful of lots in the Stonegate development under 2.5 acres.

Martin asked how a townhome project area would then work.

Anderson noted that a townhome project would most likely be developed in a sewerred area.

Finke suggested that this ordinance, as proposed, would not impact the discussion the Council is having now. He noted that the proposed ordinance would provide the clarification the Council has desired. Then, if the Council desires, they could continue the discussion on whether or not to add a minimum lot size. He stated that the PUD ordinance allows more flexibility, as many of the clauses that would normally be considered under a regular PUD would not be available under this ordinance. He suggested that the Council adopt this ordinance and can then continue discussions on minimum lot size if desired.

*Moved by Anderson, seconded by Pederson, to direct staff in regard to the ordinance regarding Conservation Design to amend the rural residential district to include a minimum lot size of 2.5 acres. **Motion passed 3-1 (Martin opposed the amendment).***

Finke suggested Council still adopt the ordinance as presented.

Mitchell suggested that staff prepare the requested amendments and then bring it back for approval.

~~G. **Resolution Authorizing Publication of the Conservation Design Ordinance by Title and Summary**~~

**VI. COMMENTS (7:32 p.m.)**

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

There were none.

**B. Park Commission**

Scherer reported that the Park Commission will meet the following night to consider the park dedication review of the Marx Conservation Design Subdivision.

**C. Planning Commission**

Planning Commissioner Albers reported that the Planning Commission met the previous week and welcomed two new Commissioners, Kerby Nester and Aaron Amic. He reported that the Commission considered the Reserve of Medina Phase II, noting that variances were being requested for lot width in lieu of creating a park in the northeastern section of the development. He noted that the Planning Commission voiced several concerns with the request, specifically regarding the location of the park and the proposed lot widths. He stated that the Commission was not supportive of reducing the lot width, as that seems too restrictive and would rather preserve the 90-foot lot width. He stated that the Commission considered the Marx Conservation Design Subdivision, noting that the Commission strongly supported the request and recommended unanimous approval. He stated that the Commission also reviewed the request from Brian Fragodt regarding a rear setback zoning ordinance, noting that the Commission supported the request with a 6-1 vote, noting that the opposing Commissioner was not comfortable reducing a setback. He noted that the remainder of the Commission was comfortable with the setback reduction because the wetland setback would supersede the rear setback.

**VII. NEW BUSINESS**

**A. Reserve of Medina – Phase II PUD Concept Plan**

**B. Brian Fragodt – Multi-Family Residential (MR) Rear Setback Zoning Ordinance Text Amendment (7:40 p.m.)**

Johnson noted that this is a request that would reduce the setback from 40 to 20 feet in the rear yard on a wetland which would allow a homeowner to rebuild a deck; and would also allow a neighboring property owner to do so.

Finke stated that this is a request to amend the zoning ordinance related to the rear setback in the multi-family residential zoning district. He noted that there is a relatively small amount of land that would qualify and would only apply to land adjacent to open space or common area. He noted that the intent of a rear setback is to provide a setback from something else, whereas in the case where land abuts an open space or common area, that setback is being provided through the open space. He noted that if there is another setback that trumps the 20-foot setback, that would still hold, such as a wetland setback or buffer setback. He stated that the Planning Commission did recommend approval with a vote of 6-1.

Mitchell asked if the setback in this instance would be 20 or 25 feet.

Finke replied that one home would have a 20-foot setback while the other home would have a 25-foot setback, because of the wetland location.

1. **Ordinance No. 614 Regarding Rear Yard Setbacks Abutting Open Space in the Multi-Family Residential Zoning District**

*Moved by Anderson, seconded by Pederson, to adopt Ordinance No. 614 Regarding Rear Yard Setbacks Abutting Open Space in the Multi-Family Residential Zoning District. **Motion passed unanimously.***

2. **Resolution No. 2017-50 Authorizing Publication of Ordinance No. 614 by Title and Summary**

*Moved by Anderson, seconded by Pederson, to adopt Resolution No. 2017-50 Authorizing Publication of Ordinance No. 614 by Title and Summary. **Motion passed unanimously.***

**VIII. OLD BUSINESS**

**A. Resolution No. 2017-51 Granting Extension of Time to Submit Final Plat for Woods of Medina Amending Resolution 2014-04 (7:44 p.m.)**

Pederson recused himself from the discussion.

Johnson noted that this is a request to extend the timeline to submit the Final Plat for Woods of Medina, which would extend to March 2018 and would coincide with the adoption of the Comprehensive Plan.

Martin stated that it looks like the total extension from the time the plat was approved has been four years.

Finke stated that this is one of the longest series of extensions the City has given but noted that there was one other case which was extended to that time period but agreed that it is uncommon.

Martin asked if an extension request has ever been denied and it was the decision of staff that they could not remember denying an extension request in the past.

*Moved by Anderson, seconded by Martin, to Adopt Resolution No. 2017-51 Granting Extension of Time to Submit Final Plat for Woods of Medina Amending Resolution 2014-04. **Motion passed 3-0 (Pederson recused).***

Pederson rejoined the Council.

**IX. CITY ADMINISTRATOR REPORT (7:48 p.m.)**

Johnson reported that on July 5<sup>th</sup> they will be missing one Councilmember and confirmed that the other Councilmembers would be in attendance.

**X. MAYOR & CITY COUNCIL REPORTS (7:48 p.m.)**

No comments.

**XI. APPROVAL TO PAY THE BILLS (7:48 p.m.)**

*Moved by Martin, seconded by Anderson, to approve the bills, EFT 004177E-004197E for \$45,526.33, order check numbers 045960-046017 for \$297,175.34, and payroll EFT 507963-507992 for \$48,037.76. **Motion passed unanimously.***

**XII. ADJOURN**

*Moved by Pederson, seconded by Anderson, to adjourn the meeting at 7:48 p.m.*

***Motion passed unanimously.***

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Bob Mitchell, Mayor

Attest:

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Jodi M. Gallup, City Clerk