

MEDINA CITY COUNCIL MEETING MINUTES OF JANUARY 6, 2015

The City Council of Medina, Minnesota met in regular session on January 6, 2015 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 Tom Kellogg, City Planner Dusty Finke, Public Works Director Steve Scherer, Chief of Police Ed Belland, and Recording Secretary Amanda Staple.

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 Bob Mitchell.

B. Oath of Office for Councilmember Kathleen Martin

Johnson administered the oath of office to Councilmember Kathleen Martin.

C. Oath of Office for Councilmember Lorie Cousineau

Johnson administered the oath of office to Councilmember Lorie Cousineau.

Mitchell stated that he and Cousineau are very pleased to be joining the Council and he thanked the other members of the Council and staff for their hard work.

III. ADDITIONS TO THE AGENDA (7:05 p.m.)

The agenda was approved as presented.

IV. APPROVAL OF MINUTES (7:06 p.m.)

A. Approval of the December 16, 2014 Special City Council Meeting Minutes

It was noted on page one, section two, the second sentence "In light of the absence of issues related to multi-housing properties in Medina and staff resources required to implement such a program, the City Council..." On page one, section four, the first sentence, it should state, "...building code section 1306..." On page one, section four, the third sentence, it should state, "...building code ~~and using~~ uses of existing buildings for new uses, ~~without which requires adding...~~" On page one, section four, the fifth sentence, it should state, "...keeping section 1306 ~~as a restriction in place...~~" On page one, section four, the last sentence, it should state, "...and find out if lenders that financing ~~finance~~ renovation of existing facilities typically require sprinkling."

*Moved by Anderson, seconded by Pederson, to approve the December 16, 2014 special City Council meeting minutes as amended. **Motion passed unanimously.***

B. Approval of the December 16, 2014 Regular City Council Meeting Minutes

It was noted on page five, line 19, it should state, "...requirements of the PUD, ~~and also~~ benefits the golf course, and also benefits the City by helping the golf course to remain

as open space.” On page five, on line 34, it should state, “...modifying condition 1C to reflect the change to a 35 foot change to the front setback...” On page six, line eight, it should state, “Anderson questioned if confirmed that the...” On page six, line 30, it should state, “She noted that they she and her spouse...” On page six, line 31, it should state, “...property of their properties...”

*Moved by Anderson, seconded by Pederson, to approve the December 16, 2014 regular City Council meeting minutes as amended. **Motion passed unanimously.***

V. CONSENT AGENDA (7:12 p.m.)

- A. Approve 2015 Meeting Calendar**
- B. Approve Settlement Agreement and General Release with Panasonic for Squad Cameras**
- C. Resolution No. 2015-01 Accepting Donation from Elizabeth Weir**
- D. Resolution No. 2015-02 Accepting Donation from the Loretto Fire Department**
- E. Resolution No. 2015-03 Relating to Parking Restrictions on Hamel Road from Pinto Drive to 1300 Feet East of Pinto Drive**
- F. ~~Resolution Recognizing and Honoring Mayor Elizabeth Weir for Dedicated Service to the City of Medina~~**
- G. Resolution No. 2015-04 Recognizing Melissa Martinson for Four Years of Service to the City of Medina**
- H. Resolution No. 2015-05 Recognizing Ann Thies for Her Service to the City of Medina on the Medina Park Commission**

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

F. Resolution No. 2015-06 Recognizing and Honoring Mayor Elizabeth Weir for Dedicated Service to the City of Medina

Mitchell read aloud the Resolution Recognizing and Honoring Mayor Elizabeth Weir for Dedicated Service to the City of Medina.

*Moved by Martin, seconded by Anderson, to approve Resolution No. 2015-06 Recognizing and Honoring Mayor Elizabeth Weir for Dedicated Service to the City of Medina. **Motion passed unanimously.***

VI. COMMENTS (7:18 p.m.)

A. Comments from Citizens on Items not on the Agenda

Fernando Vivanco, 4508 Bluebell Trail South, congratulated the new Mayor and Councilmembers that were recently elected as well as exiting Mayor Weir. He stated that this was one of the closest Mayoral elections in the history of Medina, noting that the Councilmember races were also close. He reminded the Councilmembers of the platforms they ran on, that of slowing growth and keeping Medina rural. He stated that the Medina community is following the Council actions closely and wished everyone luck on continuing the path on which they ran their campaigns.

B. Park Commission

Scherer reported that the Park Commission met on December 17th to hear two separate presentations from two separate Eagle Scouts. He stated that the Park Commission has

recommended moving forward on the Holy Name project while a few additional details were requested for the ball field project.

C. Planning Commission

Finke reported that the Planning Commission will meet in the next week to consider two items; the first to consider a variance and site plan review for expansion of the parking lot at 695 Tower Drive and the second to consider regulations regarding solar energy.

VII. OLD BUSINESS

A. Villas at Medina Golf and Country Club General Plan PUD/Preliminary Plat (7:23 p.m.)

Pederson recused himself from the discussion.

Finke stated that the Council directed staff to prepare these documents for approval at their December 16th meeting. He noted that normally this item would have been included on the Consent Agenda but explained that staff presented the item in this manner because Pederson would need to recuse himself.

Mitchell reviewed the guidelines regarding conflict of interest.

Cousineau stated that she was a member of the Country Club but left the club as of December 31, 2014 and simply wanted to state that information although that would not be a conflict of interest.

1. Ordinance No. 573 Establishing a Planned Unit Development District for “Villas at Medina Country Club” and Amending the Official Zoning Map

*Moved by Anderson, seconded by Cousineau, to approve Ordinance No. 573 Establishing a Planned Unit Development District for “Villas at Medina Country Club” and Amending the Official Zoning Map. **Motion passed unanimously.***

2. Resolution No. 2015-07 Authorizing Publication of the Ordinance by Title and Summary

*Moved by Anderson, seconded by Martin, to approve Resolution No. 2015-07 Authorizing Publication of Ordinance No. 573 by Title and Summary. **Motion passed unanimously.***

3. Resolution No. 2015-08 Approving a Preliminary Plat and Establishing Findings of Fact for a General Plan Planned Unit Development for a Subdivision to be Known as “Villas at Medina Country Club”

*Moved by Anderson, seconded by Martin, to approve Resolution No. 2015-08 Approving a Preliminary Plat and Establishing Findings of Fact for a General Plan Planned Unit Development for a Subdivision to be Known as “Villas at Medina Country Club”. **Motion passed unanimously.***

B. Comprehensive Plan – Staging and Growth Plan (7:28 p.m.)

Pederson recused himself from the discussion as he owns property in the staging and growth discussion area.

Finke provided background information on the discussion the Council and Planning Commission have had recently regarding staging and growth plans related to the Comprehensive Plan. He advised that the Planning Commission recommends removing the ability for a property to “jump ahead” and to amend the staging and growth plan to shift property into the staging period one staging period later, with the exception of business, commercial and industrial properties. He stated that later discussion of the Planning Commission recommended for a property to be allowed to “jump ahead” but only by two years. He provided information displaying how the capacity for development would be impacted by the proposed amendment, noting that the City would be able to meet or exceed the Metropolitan (Met) Council requirements even with the proposed amendment. He restated that the Planning Commission recommended reducing the ability to “jump ahead” from five years to two years, noting that the incentive based criteria would still apply. He stated that because of the incentive criteria necessary to “jump ahead” staff did not believe that many developers would choose to utilize the option with a period of two years because of the additional measures that are required. He stated that the Council should consider the concentration of development within a staging period, explaining that through this model there will still be large portions of contiguous land that will be developed noting that the development would simply be postponed five years. He stated that in order to avoid this a separate or different amendment would be needed to break up the staging periods to avoid the large contiguous areas.

Mitchell stated that he was on the Planning Commission the previous month and voted in favor of this request. He stated that most of the Councilmembers ran their election based on slowing growth.

Anderson stated that as he understands the plan it will simply slow down the growth within a limited geographic area of the City and does not alleviate the concentration of that growth. He noted that if that concern is to be addressed it would need to be done in a different manner. He stated that this plan is not lacking but simply believed that additional measures could be done through planning to break up that growth.

Cousineau agreed that this would simply be slowing the growth and noted that further changes could be made when the Comprehensive Plan is amended in the next few years.

Martin agreed that this plan follows the direction of the Council to slow the growth until the time when the Comprehensive Plan is amended, which also allows additional time for possible intersections to be upgraded. She commended staff for their efforts.

Johnson stated that this was the product of Finke's phenomenal work and he should receive the credit.

Martin stated that this is also a result of public input and comment.

Anderson stated that this is a great first step.

Mitchell stated that his decision was based on the decrease in the forecast from the Met Council as well as the public sentiment. He agreed that this is the first step in the process in a better method of planning.

Moved by Martin, seconded by Anderson, to direct staff to prepare a Resolution Approving the Comprehensive Plan Amendment. **Motion passed unanimously.**

Pederson rejoined the Council.

VIII. NEW BUSINESS

A. Daniel Munsell – Easement Vacation – 3157 Wild Flower Trail – Public Hearing (7:52 p.m.)

Finke stated that the property owner at 3157 Wild Flower Trail has requested the vacation of an existing upland buffer easement. He explained that during construction the patio was inadvertently constructed in the buffer. He advised that the applicant proposes a replacement easement approximately four feet narrower in return. He stated that staff believes it to be in the public interest to vacate the easement as requested, with the replacement easement, as the regulations would have allowed for an easement of this width.

Mitchell opened the public hearing at 7:55 p.m.

No comments made.

Mitchell closed the public hearing at 7:55 p.m.

Anderson referenced the language “inadvertently constructed” and questioned if that was the fault of the developer.

Finke believed the error to be of the landscaping contractor used by the property owner.

1. Resolution No. 2015-09 Vacating Upland Buffer Easement on 3157 Wild Flower Trail

Moved by Pederson, seconded by Anderson, to approve Resolution No. 2015-09 Vacating Upland Buffer Easement on 3157 Wild Flower Trail. **Motion passed unanimously.**

B. Ordinance Regarding Nursing Homes, Assisted Living Facilities, and Similar Uses; Amending Chapter 8 of the City Code (7:58 p.m.)

Finke stated that staff reviewed this language in the City Code because of a recent application of this nature. He explained that staff reviewed the regulations related to this type of use, while the issue was still fresh in their minds, to identify any conflicts in the different zoning districts. He identified certain aspects such as the proximity to an arterial roadway and stated that the current regulations are not comparable to other similar multi-family housing buildings, such as apartments. He advised that the Planning Commission considered the information and recommended the amended language apply to the business district but not to amend the language applying to the commercial or lower density districts.

Cousineau questioned if the current regulations for assisted living facilities also apply to group homes.

Finke explained that group homes are addressed separately in another area of the Code.

Cousineau referenced the language “and similar uses” and questioned if that language is a bit broad.

Finke noted the language “and similar uses” could simply be removed. He stated that

Martin suggested the language “similarly licensed facilities”.

Batty stated that there are other elements, such as independent living, and was unsure if that use would be licensed. He stated that the Council may not want to inadvertently exclude that use.

Finke noted that there is no timeline for this amendment and advised that additional staff time could be used to gather additional information and definitions.

*Moved by Anderson, seconded by Cousineau, to table the Ordinance Regarding Nursing Homes, Assisted Living Facilities, and Similar Uses; Amending Chapter 8 of the City Code, directing staff to provide additional information including definition to bring the matter back no later than the second Council meeting in February. **Motion passed unanimously.***

1. ~~**Resolution Authorizing Publication of the Ordinance by Title and Summary**~~

C. **Resolution No. 2015-10 Establishing 2015 Appointments and Designations to Various City Services, Authorities, Commissions and Agencies (8:09 p.m.)**

Johnson presented the annual action item to establish the appointment and designations for 2015. He referenced page two and advised that *South Crow River News* is now titled *Crow River News* and will be updated as such.

Mitchell stated that he was able to talk to the other members of the Council to ensure that everyone was satisfied with their appointment and designations. He was pleased that the liaison position has become more robust. He was also pleased with the recruiting efforts and appointments to the Planning Commission.

*Moved by Martin, seconded by Anderson, to approve Resolution No. 2015-10 Establishing 2015 Appointments and Designations to Various City Services, Authorities, Commissions and Agencies. **Motion passed unanimously.***

D. **Saturday City Council Office Hours Discussion (8:13 p.m.)**

Johnson stated that in the past the Council has set Saturday City Council hours, which have previously been held the third Saturday of each month. He stated that he has been approached by members of the Council who questioned why the hours are still being held. During the past three years there have only been one or two residents that have taken advantage of the Saturday hours. He stated that residents are able to request meetings with members of the Council as needed.

Pederson stated that in his experience he would plan to attend his Saturday hours and would then not meet with anyone.

Martin stated that she had only had one resident come into the Saturday hours. She stated that she found the conversation to be nice and would welcome meeting with any residents at their request.

Johnson confirmed that staff could take a request from a resident and set the necessary appointment with a member of the Council if necessary.

It was the consensus of the Council to not hold Saturday City Council hours going forward.

IX. CITY ADMINISTRATOR REPORT (8:15 p.m.)

Johnson reported that the 2015 Council Goals Planning Session will be held on January 20th at 4:00 p.m.

A. Clean-Up Day Trees

Scherer stated that staff reviewed a request to determine if there are areas that could benefit from additional tree planting. He stated that the previous year Pederson donated funds which were used to reduce the price of trees at Clean-Up Day and advised that the trees were sold quickly. He stated that perhaps a similar subsidy could be used to purchase 100 trees that could then be planted by residents on private property. He stated that he would like to use some of the environmental funds that will be gained through the Tree Ordinance to subsidize the trees at 50 percent, noting that trees would need to be ordered soon in order to be available at the Clean-Up Day. He advised that 60 trees were purchased the previous year and were sold out in 90 minutes. He stated that in the past 100 trees were purchased and would recommend moving back to that number.

It was the consensus of the Council to direct staff to purchase trees for Clean-Up Day with a subsidy of 50 percent.

B. Lake Ardmore

Johnson stated that staff would also like to provide additional information to the Council regarding Lake Ardmore and engineering costs.

Scherer stated that the WSB quote stated an amount not to exceed \$3,750. He explained that this work would be in conjunction with a paving project in Independence Beach which would capture some of the water before it goes into Lake Ardmore. He advised that engineering services would be needed before a project can be brought forward.

Johnson stated that the item is within the budget and was simply to advise the Council.

X. MAYOR & CITY COUNCIL REPORTS (8:23 p.m.)

No comments made.

XI. APPROVAL TO PAY THE BILLS (8:23 p.m.)

Moved by Anderson, seconded by Pederson, to approve the bills, EFT 002927E-002962E for \$82,782.12, order check numbers 042263-042343 for \$347,442.11, and payroll EFT 506100-506151 for \$94,027.28 and payroll check 020430 for 713.23.

Motion passed unanimously.

XII. ADJOURN

*Moved by Martin, seconded by Anderson, to adjourn the meeting at 8:23 p.m. **Motion passed unanimously.***

Bob Mitchell, Mayor

Attest:

Scott Johnson, City Administrator