

## **MEDINA CITY COUNCIL MEETING MINUTES OF FEBRUARY 3, 2015**

The City Council of Medina, Minnesota met in regular session on February 3, 2015 at 7:03 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 (7:03 p.m.)**

### **III. ADDITIONS TO THE AGENDA (7:04 p.m.)**

The agenda was approved as presented.

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

#### **A. Approval of the January 20, 2015 Special City Council Meeting Minutes**

*Moved by Anderson, seconded by Martin, to approve the January 20, 2015 special City Council meeting minutes as presented. **Motion passed unanimously.***

#### **B. Approval of the January 20, 2015 Regular City Council Meeting Minutes**

It was noted on page two, line 21, it should state, "...requests ~~and consensus to~~ subject to various conditions including the request to require..." On page three, line 39, it should state, "...regarding the sloping depth of the pond and whether..." On page one, line six, it should state, "Mayor ~~Weir~~ Mitchell..."

*Moved by Anderson, seconded by Cousineau, to approve the January 20, 2015 regular City Council meeting minutes as amended. **Motion passed unanimously.***

### **V. CONSENT AGENDA (7:07 p.m.)**

#### **A. Approve 2015 Work Plan Goals**

#### **B. Ordinance No. 574 Establishing Fees for City Clean Up Day**

#### **C. Resolution No. 2015-15 Authorizing Publication of Clean Up Day Fee Ordinance by Title and Summary**

*Moved by Pederson, seconded by Anderson, 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**

Park Commissioner Reid reported on the election of officers, which occurred at the previous meeting of the Commission as well as identifying the new members of the Commission. She stated that the Commission reviewed proposed plans for the Hamel Legion Park project. She stated that the Commission also considered a request for support from Three Rivers Park District regarding a regional trail connection, noting that the Commission did not feel comfortable endorsing the subject without first obtaining additional information. She reported that a representative from the Park District will be present at the next meeting to provide additional details. She advised that the Commission also set goals for the year and briefly summarized those goals.

**C. Planning Commission**

Finke reported that the Planning Commission will meet the following week to consider three hearings including a request for a PUD Concept Plan for development on the Stonegate Farms property, a request from Wellshire and rezoning of that property, and continued discussions regarding solar regulations.

**VII. OLD BUSINESS**

**A. Ordinance No. 575 Regarding Nursing Homes, Assisted Living Facilities and Housing with Services Establishments; Amending Chapter 8 of the City Code (7:13 p.m.)**

Johnson stated that this item had appeared before the Council and additional direction was given to revise some of the language. He advised that such revisions had been made at this time.

*Moved by Martin, seconded by Pederson, to adopt ordinance No. 575 regarding nursing homes, assisted living facilities, and housing with services establishments; amending Chapter 8 of the City Code. **Motion passed unanimously.***

**1. Resolution No. 2015-16 Authorizing Publication of Ordinance No. 575 by Title and Summary**

*Moved by Martin, seconded by Anderson, to adopt resolution no. 2015-16 authorizing publication of ordinance no. 575 by title and summary. **Motion passed unanimously.***

**VIII. NEW BUSINESS**

**A. John Day Companies – Variance and Site Plan Review – 695 – 765 Tower Drive – Public Hearing (7:15 p.m.)**

Finke presented a request for a variance from the parking setback from the front property line for the subject property located at 695 – 765 Tower Drive. He stated that the variance would reduce the front setback for the parking from 25 feet to 10 feet. He provided background information on the property location and noted that the current Code would require 36 parking stalls while only 24 parking stalls are currently provided. He acknowledged the parking currently occurring on street. He stated that without a variance there would be no method to create additional parking at this location. He stated that the applicant would make the parking available to the users of this site as well as the users of the other buildings he owns along Tower Drive. He stated that the Planning Commission reviewed the request at their last meeting and recommended approval as well as conditions that would require additional landscaping and that additional parking be made available to the general public. He stated that staff

recommends a storm water improvement that would provide a water quality benefit in exchange for the additional hardcover, noting that there currently is not water quality treatment for the existing hardcover. He noted that a sump catch basin would be a cost-effective method. He confirmed that the applicant is planning to replace the necessary amount of trees. He reviewed the variance criteria and addressed how those criteria are met by this request. He explained that the Site Plan could not be approved without the issuance of a variance. He highlighted some points of discussion that occurred during the review of the Planning Commission including landscaping, whether the parking be made available to the general public and cars parked for sale. He noted that the City is following up on the cars parked for sale as that is an enforcement issue. He stated that the applicant has expressed concern with making the parking available for the general public and advised that staff has included two alternative options. He highlighted other properties that the applicant owns on Tower Drive that are also short on parking. He stated that if the Council feels that the criteria for a variance has been met, staff has recommended a list of recommended conditions.

John Day, 783 Tower Drive, stated that there will be less parking with the Tower Drive improvement project and believed the additional parking would be a benefit. He stated that he would not want to tie the parking to a condition that would allow parking for the public but would be willing to share the parking between the properties that he owns.

Martin provided additional input that an agreement could occur between the two shared buildings, both owned by the applicant, agreeing to share the parking.

Day stated that he would like to avoid passing on that agreement to future owners of the building.

Martin explained that in regard to the variance the Council must consider the need for parking and that is where the shared parking agreement comes into play. She believed that it would make more sense for the agreement to be between this property and the property owned by the applicant that is directly across the street.

Mitchell opened the public hearing at 7:29 p.m.

No comments made.

Mitchell closed the public hearing at 7:29 p.m.

Martin questioned the other uses that are permitted within this zoning district. She questioned the parking requirements should this building be a retail use.

Finke confirmed that a retail use would require additional parking space. He stated that if the building were entirely retail, 75 parking stalls would be required. He stated that currently a retail use would not be allowed in the building as a tenant because there would not be sufficient parking.

Mitchell stated that it appears that the proposed parking would meet the required parking stalls for this building and the building across the street.

Martin stated that if there was a change in use for one of the tenants the variance would be very justified.

Anderson stated that parking is a terrible issue in that area and the on street parking will be further reduced through the Tower Drive improvement project. He believed that this request would be reasonable.

Finke stated that there will be more parking than there is adequate space to park currently. He stated that the City has not posted the road as no parking because of the parking shortage in that area but advised that some of the road will be posted as no parking through the project.

Martin stated that perhaps there could be assurance that the users of the property will park in the available parking and would not continue to park on the street, but noted that the new stalls most likely will be used as most people choose to park closest to their location.

Cousineau questioned if there is a count of the number of employees compared to the number of spaces.

Day stated that he could get that information.

Martin provided additional information regarding a potential agreement between the two properties located across the street that are both owned by the property owner.

Day stated that he would not like to have an agreement like that tied to the title. He noted that he would have no problem sharing the parking between the two properties but would not want anything tied to the title.

Batty stated that undercuts the justification for the additional parking.

Mitchell stated that the applicant may have trouble selling the other property without that agreement because there is not sufficient parking for the building.

Martin suggested a range of eight to 13 parking stalls to be shared.

Pederson questioned if no parking on street will occur regardless of this project.

Johnson confirmed that although a portion of the roadway will be posted no parking there will be some on street parking allowed.

*Moved by Martin, seconded by Pederson, to approve variance and site plan subject to the conditions listed one through six amending condition four that the applicant's shall record an agreement that burdens the applicants property and benefits another property owned by the applicant and that abuts Tower Drive, which allows the benefiting property to use between five and 15 of the newly created parking spaces and all of the parking spaces in the subject property shall be used only by the owners, tenants, occupants and respective users of the burdened property and the property benefited by the agreement; the provision cannot be modified by private contract without the approval of the City.*

***Motion passed unanimously.***

## **B. Fire Department Questionnaire (7:52 p.m.)**

Johnson stated that staff has worked with Anderson and Mitchell to develop the questionnaire. He asked for comments from the Council prior to the document being sent to the Fire Departments servicing the City.

Martin referenced the question regarding whether the land is owned by the department and believed that if the answer is that the department does not own the land, additional questions should be added that would provide additional information on the current lease/user agreement. She stated that if the answer is that the department does own the land she would also like to know if there is debt against that land/facility and the maturity date of that debt. She stated that regardless if the property is leased or owned she would also like to know if property tax is being paid.

Mitchell stated that the purpose of the document as proposed is that anyone at the facility could fill out the information. He stated that this is intended to be more general and advised that the second round of questions should include the more detailed information.

Martin believed that those questions could be easily answered.

Anderson acknowledged that Martin's questions are good and deserve to be answered, whether that be in the first or second round of questions.

Martin stated that rather than asking for information specifically on trucks, she would make that question more general to address other equipment as well. She also believed that it would be beneficial to differentiate between the residential and business calls answered by the department.

Mitchell referenced page three, which addresses the future. He questioned if this should be limited to gathering objective facts at this point or whether plans for the future should also be included in this round of questions. He stated that the intent is to have a turnaround of one month for this data and does not want to see that delayed by requiring additional information.

Anderson stated that perhaps page three should be delayed until the second round of questions.

Mitchell stated that the City already knows which departments will need to expand.

Pederson stated that perhaps the age of the building should be asked as well.

Mitchell stated that it is already known which buildings are old and did not think it would matter how old the building really is.

Cousineau did not see a reason page three could not be included at this time as the intent is to receive general information.

It was the consensus of the Council to move forward with pages one and two of the questionnaire at this time and for further questions to occur at a later date.

**IX. CITY ADMINISTRATOR REPORT (8:05 p.m.)**

Johnson stated that at the Worksession on March 17<sup>th</sup> Belland will provide information regarding emergency incident response plans and Batty will also discuss the open meeting law. He advised that the Planning and Park Commissions will also be included in that training. He referenced Clean-Up Day and noted that the tree prices would be subsidized, encouraging residents to take advantage of that discount. He stated that the City was not able to obtain the DEED broadband grant but advised that staff will continue to work on plans for the future.

**X. MAYOR & CITY COUNCIL REPORTS (8:08 p.m.)**

Cousineau stated that she and Mitchell attended the League of Minnesota Cities Leadership Conference this past weekend and summarized what was learned and discussed at the conference.

Mitchell stated that he and Cousineau were really able to appreciate the level at which the Medina Council and staff operate.

Johnson stated that he could provide copies of the written materials that were received at the conference by e-mail to the City Council.

Mitchell questioned when the issue of sprinkling would occur.

Johnson advised that would occur at the next Council Worksession on February 17<sup>th</sup>.

Pederson commented on a fun run he attended which was well run by the Lions Club and was very well attended.

Mitchell stated that perhaps staff could write a letter commending their efforts.

**XI. APPROVAL TO PAY THE BILLS (8:13 p.m.)**

*Moved by Anderson, seconded by Pederson, to approve the bills, EFT 002988E-003005E for \$1,137,190.76, order check numbers 42417-42474 for \$178,683.53, and payroll EFT 506183-506208 for \$45,543.30. **Motion passed unanimously.***

**XII. ADJOURN**

*Moved by Anderson, seconded by Pederson, to adjourn the meeting at 8:15 p.m. **Motion passed unanimously.***

---

Bob Mitchell, Mayor

Attest:

---

Scott Johnson, City Administrator