

MEDINA CITY COUNCIL MEETING MINUTES OF MARCH 3, 2015

The City Council of Medina, Minnesota met in regular session on March 3, 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, Planning Consultant Nate Sparks, Police Sergeant Jason Nelson, and Recording Secretary Amanda Staple.

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

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

Johnson requested to add an item to New Business titled Resolution Supporting Dedicated State Funding for City Streets.

*Moved by Martin, seconded by Pederson, to approve the March 3, 2015 agenda as amended. **Motion passed unanimously.***

IV. APPROVAL OF MINUTES (7:03 p.m.)

A. Approval of the February 17, 2015 Special City Council Meeting Minutes

*Moved by Martin, seconded by Pederson, to approve the February 17, 2015 special City Council meeting minutes as presented. **Motion passed unanimously.***

B. Approval of the February 17, 2015 Regular City Council Meeting Minutes

It was noted on page two, line 36, it should state, "Mitchell ~~confirmed~~ asked and received confirmation that the vehicle value..." On page three, line 16, it should state, "Martin ~~confirmed~~ inquired if..." On page four, line 29, it should state, "...response time of ~~5.18 five minutes 18 seconds~~ 5.39 five minutes 39 seconds..." On page four, line 32, it should state, "...Martin ~~clarified~~ noted..." On page five, line 30, it should state, "...services portions of five..." On page six, line six, it should state, "...~~buffer setback...~~" On page six, line seven, "...mounted equipment to a ~~percentage~~ 20 percent of the lot with and up to a one acre maximum".

*Moved by Anderson, seconded by Martin, to approve the February 17, 2015 regular City Council meeting minutes as amended. **Motion passed unanimously.***

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

A. Approve American Legion Consumption and Display Liquor License

B. Approve Site Lease Agreement with Verizon Wireless

C. Approve Dismantle and Removal Services Agreement with Iseler Demolition, Inc.

D. Appoint Part-time Temporary Planning Office Assistant

E. Resolution No. 2015-21 of Support for the Three Rivers Park District Baker/Carver Regional Trail Master Plan

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

VI. COMMENTS (7:13 p.m.)

A. Comments from Citizens on Items not on the Agenda

Mary Shimshock, 582 Medina Road, stated that she is present tonight to speak in regard to the decline in the Monarch Butterfly populations. She stated that many communities are encouraging monarch habitats. She provided an example of milkweed and stated that the Council could assist through educational efforts, such as information being included in the newsletter, and could also distribute packets of milkweed seeds at the upcoming recycling event in April.

Johnson stated that staff can work with Shimshock to continue this effort.

Mitchell stated that perhaps Shimshock could also work with the Park Commission.

Shimshock stated that she would be willing to work with the Park Commission.

B. Park Commission

Park Commissioner Lori Meehan stated that the Park Commission met on February 18th and heard a presentation from a representative of Three Rivers Park District regarding the Baker/Carver Regional Trail Master Plan. She noted that the Council approved that Resolution of support during the Consent Agenda. She advised that the Commission also reviewed the development proposal from Property Resources Development Corporation, which the Council will consider tonight on the agenda, and recommended a trail connection between the property and Medina Morningside as well as turf trails and bike trails through the property to Baker Park.

Mitchell advised of the comment he made at the last Council meeting regarding trails and whether trails will be all season and need to be plowed and asked that the Commission discuss that issue.

C. Planning Commission

Finke stated that the Planning Commission will meet the following week to hold two public hearings. He advised that the first hearing will be to consider an amended CUP for Pup Town at 810 Tower Drive and the second hearing will be to consider an accessory storage building request.

VII. PRESENTATIONS

A. Minnehaha Creek Watershed District Update (7:15 p.m.)

Peter Rechelbacher reported that the Watershed is in the process of updating their ten year plan and noted that one aspect of the plan will focus on specific areas during certain years in order to improve water quality. He advised that the Watershed is also in the process of developing a new program for grading bodies of water, which will provide more in depth results. He referenced the Board of Managers, advised that two Manager positions will be expiring this year, and noted that although those two Managers will be

reapplying, the County has also received nine additional applications for the two positions.

Mitchell stated that Medina is at the top of this watershed, location wise. He provided his address and stated that he participated as a volunteer in collecting water samples the previous year and was told that the phosphorus level had increased on the lake near his home. He asked for additional information and whether phosphorus levels were increased across the City.

Rechelbacher stated that he is the President of the Moody Lake Association and the phosphorus levels in that lake were decreased. He noted that the high amount of rain received in June did flush the phosphorus into nearby water bodies. He introduced Lars Erdahl, the new Administrator of the Watershed.

Lars Erdahl introduced himself, noting that this is his fourth week with the Watershed, and stated that he has lived in Minnetrista for the past 16 years. He stated that the Annual Report for the Watershed should soon be received by the City.

VIII. NEW BUSINESS

A. Property Resources Development Corporation – PUD Concept Plan for a Conservation Design Subdivision of 42 Lots on 170 Gross Acres Located East of Homestead Trail and West of Deerhill Road (7:23 p.m.)

Sparks presented the PUD Concept Plan for a Conservation Design Subdivision on 170 gross acres located east of Homestead Trail and West of Deerhill Road. He reviewed the current zoning and allowed density of the property. He stated that there are 42 lots proposed for the property. He stated that the base density for the property would be 22 homes but explained that under the conservation design ordinance there could be up to a 200 percent density bonus. He identified the proposed access points for the development, noting that the main access point would be through Orono and explained that the applicant also owns that property. He advised that another access point is proposed at Deerhill Road and noted that there are no plans to improve Deerhill Road. He stated that the Park Commission reviewed the plans and recommended some slight modifications to the proposed trails and connections. He provided additional information regarding the conservation easement area. He reviewed the plans for septic treatment proposed by the applicant and advised that the tree preservation plan will need to be addressed by the applicant further along in the process. He stated that the conservation design ordinance outlines specific objectives that need to be met in order to qualify for this type of development. He reported that the Planning Commission reviewed this item at their February meeting and noted that a summary of their comments were included in the Council packet.

Mitchell stated that he lives on the east end of Deerhill Road and Willow Drive and noted that his sister lives on the west end of Deerhill Road. He stated that he also knows many of the residents along Deerhill Road and noted that he discussed the possible conflict of interest with City Attorney Batty. He stated that he does not have a financial interest and therefore he does not believe that he has a conflict of interest.

Jennifer Haskamp stated that she is present on behalf of the applicant Property Resources Development Corporation (PRDC) and Stonegate Farm. She thanked staff for their cooperation thus far and during the Planning Commission meeting. She

referenced the first two objectives of the Conservation Design Ordinance and stated that under the Comprehensive Plan much of the property is identified as moderate to high quality natural resources. She identified resources on the property including the Tamarack swamp, Maple-Basswood trees, 49 acres of wetlands and buffer areas, and 40 acres of upland buildable land that will be protected through this plan. She noted that a total of 53 percent of the site will be preserved under this plan. She identified the third objective of the Ordinance and stated that the plan was careful to identify methods to meet the intent of the north/south corridor. She stated that because of the interest they have heard through this process, from the Planning and Park Commission and the Watershed, they would be willing to relocate lot 12 in order to strengthen that corridor. She referenced the fourth objective of the Ordinance, noting that Homestead Trail is identified as the scenic road and advised that the homes near that road have a setback of at least 300 to 500 feet. She stated that additional landscaping measures will assist in buffering and protecting the view from the road. She referenced objectives five and six of the Ordinance and reviewed the trail plans for the development. She stated that all trails on the site would be proposed as turf trails because of the connection to the regional trail adjacent to the property. She summarized how the property would meet not only the objectives of the Conservation Design Ordinance but also the criteria for a Planned Unit Development (PUD).

Mitchell submitted a written letter from Olivia Munger who objects to the number of lots proposed.

Katie Munger, 1272 Homestead Trail, stated that the letter is actually from her daughter who is nine. She stated that her family moved here 18 months ago in order to get away from high density housing and loves living in Medina. She referenced the location of her property and is concerned with the proposed wells and potential runoff that could occur from the steep sloping. She stated that while this is an improvement from the plan submitted one year ago, she would like to see larger lots and fewer homes.

Stuart Alger, spoke on behalf of resident Steven Pflaum, stated that the Concept Plan does not call for any improvements to Deerhill Road but stated that it appears under the City requirements that Deerhill Road would need to be widened. He referenced language located in the City Ordinance relating to subdivision requirements and stated that perhaps this application is premature because of the second access proposed for Deerhill Road. He stated that the widening of Deerhill Road would require a taking or condemnation of land, to which the residents object. He suggested that a secondary access be provided elsewhere to avoid this issue. He stated that Mr. Pflaum consulted Westwood for engineering services in order to provide four alternate Concept Plans for the property, which would not access Deerhill Road. He reviewed the first two alternative plans that would use Morningside Road as the secondary access rather than using Deerhill Road while the other two alternative plans would utilize Homestead Trail for both access points. He noted that Deerhill Road could still be used for emergency access, through the use of knockdown posts or an emergency gate. He stated that Mr. Pflaum requests that the City work with the developer to consider these alternative plans and preserve Deerhill Road in its current state.

Steven Pflaum, 2725 Deerhill Road, stated that he appreciates that the developer is responsive to the questions that have been brought forward through this process, referencing the comments made in regard to lot 12. He stated that he is comfortable with the general plan with the exception of Deerhill Road. He stated that Deerhill Road

is only 19 feet wide at the narrowest point and is an old farm road, which has a steep drop off, and widening of the road would require a substantial amount of tree removal and work because of the sloping. He believed that the subdivision could move forward with an alternate secondary access or with only one access, using Deerhill Road as only an emergency access.

Mitchell questioned the amount of land the applicant owns.

Haskamp identified the land owned by the applicant including the subject parcel as well as the 23 acres south of the site. She stated that the plans for the land owned in Orono at this time only include the roadway connection while the remaining property would remain in an outlot.

Mitchell referenced the minutes of the Planning Commission and asked for clarification.

Finke explained that Deerhill Road is a public road and therefore if the road remains public full access should be provided.

Mitchell stated that is not the law.

Finke stated that is staff's recommendation from a practicality point.

Martin asked for additional clarification.

Finke explained that Homestead Trail is a County Road and Deerhill Road is the only City street in the area, without traveling at least four miles in another direction.

Martin asked for additional information in regard to the upland areas within the conservation area as to what will be planted and/or how the area will be utilized in order to make that open space in addition to just simply being open.

Haskamp stated that the developer has engaged an ecologist to prepare a landscaping and planting plan for the area as well as in consultation with the Watershed. She stated that there will be special attention to the wetland areas in the middle areas, specific to the settlement agreement between the applicant and the City. She stated that there is also discussion as to a possible community gathering area or pool within the development.

Martin referenced the main road from Homestead Trail to Deerhill Road and asked and received confirmation that the main road will be public while the cul-de-sacs will be private. She asked for comparisons in the amount of public road for this plan and the plan presented the previous year.

Haskamp stated that there was still discussion previously regarding the portion of roadway that would be private versus public as well as a desire for a reduction in the amount of hardcover. She stated that there has been a reduction in hardcover in order to improve water quality.

Martin referenced the objectives of the Conservation Design Ordinance, specifically objectives five and six, and asked for additional information regarding the areas that will be available for public access.

Haskamp stated that the trail system proposed to be public is consistent with the Parks Trails and Master Plan, which are identified in red in the plans. She referenced the open space area that would be public and stated that the northeastern portion of the site would be public and provided additional information on the private open space areas within the site.

Anderson asked for clarification regarding trail 30 referenced in the presentation and whether that would connect to Baker Park.

Haskamp provided additional information regarding trails 29 and 30. She stated that the connection would be available should the adjacent property develop which could provide further connection.

Anderson questioned if all the septic systems would be private or whether there would be a community septic system as well.

Haskamp stated that the site is frozen right now so she could not be 100 percent certain but stated that the objective would be to provide individual septic systems on every lot. She stated that if necessary a community septic system could be used.

Pederson stated that if a community septic site were to be used he would like to see the home owners association (HOA) take ownership and control of the site.

Haskamp confirmed that if a community septic system were to be used, the HOA would be in possession of the land and maintenance.

Pederson stated that the proposed density is at the top of the bonus allowed and noted that it is difficult to know if the property will qualify for that level until further details are known.

Martin clarified that the top density allowed through bonuses would be 44, while this proposal includes 42 homes. She stated that this is a gorgeous piece of property and believed that the City is lucky to have someone that is interested in protecting those natural areas. She agreed that lot 12 should be moved away from the boundary and stated that she would be interested in finding out additional information regarding the septic systems and the conserved areas. She referenced the comments and alternative plans from the residents along Deerhill Road, acknowledging that the plans were just received and desired input from the developer regarding the alternative plans provided which would not access Deerhill Road.

Haskamp stated that they also received the alternative plans as late as the Council. She stated that their desire is to minimize the amount of pavement throughout the development and advised that those plans all significantly increase the amount of pavement. She stated that they have considered some of those options during their planning process but again desire the least amount of pavement as necessary. She stated that their plans do not intend to trigger the improvement of Deerhill Road.

Cousineau commented that this is a beautiful plan to develop and conserve the area. She asked for additional information regarding the type of resident that would live in the area. She explained that families would most likely utilize the connection through Orono

to access the schools while empty nesters may travel along Deerhill Road. She noted that empty nesters may also travel south for the winter and questioned the impact that could have on septic systems.

Haskamp stated that a market study would be done to determine the type of resident that would live in the development but believed that mostly families would occupy the homes because of the proximity to the nearby park and Orono school district. She stated that there will be an HOA document that will address individual septic systems and the maintenance programs.

Anderson also agreed that this is an attractive plan. He stated that in order to become more comfortable with the bonus density he would need to see more details as the application moves along as the applicant is requesting a density bonus of 190 percent.

Mitchell stated that he is thrilled that this is proposed to be developed in this manner rather than plans several years in the past from previous owners for a 24 hour factory. He did express some concern with the septic, referencing a similar plan that failed Medina Morningside prior to their connection to the sewer system. He stated that he was concerned with the through connection to Deerhill Road. He referenced another development in another City that has 190 homes and only has one access point and has not had any concerns. He identified other areas in the City that do not have through roads. He believed a better plan would be to have only one access onto Homestead Trail. He stated that if an emergency gate were to be installed at Deerhill, an electric option could be used.

Pederson referenced the issue of road bonding and stated that he would like surety tied to the HOA.

Haskamp asked for specific details of what the Council would like to see in the conservation areas.

Mitchell stated that there should be further explanation in regard to the tradeoff of the conservation areas to the density bonus.

Martin stated that the restoration of prairie land would be an amazing benefit.

Mitchell agreed that a restored prairie with a fringe of prairie trees and marsh would be great.

Cousineau questioned if the homes would be hidden from each other in some manner.

Haskamp stated that the intent is to have a detailed planting plan and covenants in regard to landscape design and the creation of private home sites.

Mitchell briefly recessed the meeting at 8:50 p.m.

Mitchell reconvened the meeting at 8:57 p.m.

Martin stated that she is struggling with a neighborhood group having property on a public right-of-way being able to suggest to the City that the property not be allowed for use by other residents of the City. She stated that she is having a problem with the idea

that the proposed road would not be available as a through road, noting that she believed that there was always intent to connect the road as a through road. She stated that she is not set on directing the developer into an emergency gate type access.

Mitchell stated that the City has never brought those roads through and noted that there are dead-end roads throughout the City, which contribute to the rural residential character.

Martin stated that connection of a roadway does not mean the area is not rural residential.

Mitchell stated that his philosophy is dead-end roads.

Cousineau stated that she does not see how that connection would not be necessary by the end of the phasing for the development.

Anderson stated that for public reasons there must be an emergency entrance and exit utilizing Deerhill Road.

Martin stated that the Comprehensive Plan identifies existing and future connections of public roads. She stated that perhaps Mitchell is too close to the issue.

Cousineau stated that while Deerhill is a quaint charming road, she believed the connection would be necessary although it is not what she would prefer.

Pederson stated that for public safety reasons there should be more than one way in and out of a development. He stated that he would not agree with a padlock emergency gate, if there were an emergency gate it would need to be able to be tripped by the police/fire electronically.

Mitchell questioned if this would be a simple majority when this moves forward.

Batty confirmed that this would be a simple majority vote.

**B. Wakefield Limited Partnership, LLLP – Final Plat – 3385 County Road 24
(9:06 p.m.)**

Sparks stated that the Council previously approved a Preliminary Plat to subdivide the property at 3385 into three parcels. He advised that the applicant submitted a Plat that meets the conditions of the Preliminary Plat and therefore a Resolution is available which approves the Final Plat.

1. Resolution No. 2015-22 Approving the Final Plat of Wakefield Valley Farm

*Moved by Pederson, seconded by Cousineau, to approve Resolution No. 2015-22 Approving the Final Plat of Wakefield Valley Farm. **Motion passed unanimously.***

**C. Subsurface Sewage Treatment System (SSTS) Regulations – Discussion
(9:08 p.m.)**

Finke stated that over a series of years the Minnesota Pollution Control Agency (MPCA) updated their rules, which then triggered necessary updates by counties and municipalities to conform to the new rules. He stated that much of the Ordinance

language is required under the new rules from the MPCA, noting that much of the language is highly technical and advised that staff worked with two septic professionals as consultants during the process. He stated that the local government can be more restrictive and noted that the more restrictive language was developed in conjunction with the consultants. He advised that the proposed update has been submitted for review and would require a 30 day review period; therefore, the item will be brought back before the Council at a future meeting for approval. He briefly reviewed some of the language proposed regarding replacement of failing systems.

Mitchell questioned if these updates were in response or would apply to the septic systems proposed by PRDC.

Finke stated that the rules are being updated because of the updates made by the MPCA and the requirement that the City update their plan within a specific timeline. He noted that the rules would apply to the PRDC property because this applies to septic systems and they will have septic systems. He confirmed that the Council would support a stricter timeline in regard to imminent health threats but does not have interest in the point of sale inspection/updates. He stated that he will bring the item back at the March 17th meeting under Old Business.

**D. Resolution No. 2015-23 Supporting Dedicated State Funding for City Streets
(9:27 p.m.)**

Johnson provided a brief explanation of the Resolution in support of dedicated State funding of City streets from the League of Minnesota Cities.

*Moved by Martin, seconded by Anderson, to adopt Resolution No. 2015-23 Supporting Dedicated State Funding for City Streets. **Motion passed unanimously.***

IX. CITY ADMINISTRATOR REPORT (9:28 p.m.)

Johnson reviewed the upcoming agenda for a Council worksession regarding emergency incidents on March 17th.

X. MAYOR & CITY COUNCIL REPORTS (9:28 p.m.)

Pederson stated that he, Mitchell and Belland attended the Annual Hamel Fire Report meeting. He noted that he will also attend a meeting at the Orono Fire Station the following night with Mitchell.

XI. APPROVAL TO PAY THE BILLS (9:29 p.m.)

Johnson advised of a missing payment of check #42533 and advised of the amended check payment amount.

*Moved by Martin, seconded by Pederson, to approve the bills, EFT 003031E-003047E for \$44,290.14, order check numbers 42527-42574 for \$226,623.26, and payroll EFT 506240-506265 for \$45,970.92. **Motion passed unanimously.***

Mitchell stated that he has been informed by a resident that has recently been able to obtain high speed internet through CenturyLink and asked for additional information.

Johnson stated that staff is in discussions with CenturyLink regarding their service area in Medina to provide updated information to residents.

XII. ADJOURN

*Moved by Pederson, seconded by Martin, to adjourn the meeting at 9:33 p.m. **Motion passed unanimously.***

Bob Mitchell, Mayor

Attest:

Scott Johnson, City Administrator