

MEDINA CITY COUNCIL MEETING MINUTES OF APRIL 4, 2017

The City Council of Medina, Minnesota met in regular session on April 4, 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 Chief of Police Ed Belland.

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 (7:00 p.m.)

A. Approval of the March 21, 2017 8:00 A.M. Special City Council Meeting Minutes

*Moved by Martin, seconded by Anderson, to approve the March 21, 2017 8:00 a.m. special City Council meeting minutes as presented. **Motion passed unanimously.***

B. Approval of the March 21, 2017 9:15 A.M. Special City Council Meeting Minutes

Anderson stated that he was pleasantly surprised to see the quality of the businesses and the large number of employees employed.

*Moved by Anderson, seconded by Martin, to approve the March 21, 2017 9:15 a.m. special City Council meeting minutes as presented. **Motion passed unanimously.***

C. Approval of the March 21, 2017 6:00 P.M. Special City Council Meeting Minutes

*Moved by Anderson, seconded by Martin, to approve the March 21, 2017 6:00 p.m. special City Council meeting minutes as presented. **Motion passed unanimously.***

D. Approval of the March 21, 2017 Regular City Council Meeting Minutes

It was noted on page three, line 29, it should state, "...to the high density zoning district and that this would require reexamination on the entire plan." On page four, line 37, it should state, "...Comprehensive Plan application before us."

*Moved by Anderson, seconded by Cousineau, to approve the March 21, 2017 regular City Council meeting minutes as amended. **Motion passed unanimously.***

V. CONSENT AGENDA (7:03 p.m.)

A. Resolution No. 2017-18 Accepting Donation from Long Lake Glass

- B. **Resolution No. 2017-19 Resolution of Support for the Hennepin County Sheriff's Office #NOverdose Drug Abuse Awareness and Prevention Public Awareness Campaign**
- C. **Approve Job Description and Authorize Recruitment and Hiring for a GIS & Planning Intern**
- D. **Resolution No. 2017-20 Adopting a Comprehensive Plan Amendment for Woodridge Church at 1542 County Road 24**
- E. **Resolution No. 2017-21 Granting Extension of Time to File the Loram First Addition Plat; Amending Resolution No. 2016-102**

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

VI. COMMENTS (7:05 p.m.)

A. Comments from Citizens on Items not on the Agenda

There were none.

B. Park Commission

Scherer reported that the Park Commission did not meet the previous week but will hold the annual park tour on April 19th.

C. Planning Commission

Finke reported that the Planning Commission will meet the following week to consider three public hearings. He stated that the Commission will consider a Concept Plan for a senior housing development, a requested amendment to the City zoning code regarding solar equipment and a CUP to install solar panels, and a variance for a small animal setback.

VII. NEW BUSINESS

A. Three Rivers Park District Public Safety Facility – Conditional Use Permit Amendment to Allow “We Can Ride” Program (7:07 p.m.)

Finke presented a request for an amendment to the CUP at the Three Rivers Park District Public Safety facility to allow a therapeutic riding program. He stated Three Rivers Park District Public Safety no longer operates the mounted patrol and therefore this is an opportunity for a partnership to allow this activity on the site. He stated that the applicant proposed to construct a structure for riding in addition to the stable already in place. He stated that the applicant proposed to house a maximum of 20 horses on site, while the existing CUP allows 16 horses on site. He stated that We Can Ride provides therapeutic riding programs for individuals with disabilities. He identified the subject site and displayed an aerial photograph. He identified the grazable acres and the total acres for the public safety site, but noted that the property is within the bigger Three Rivers Park District property. He noted that a number of improvements would be included in the project as the mounted patrol activities had ceased on the property. He stated that the property is located within the public/semi-public zoning district and noted that this is a relatively unique use and while it is not listed in any zoning district, there are similar uses that fall under the zoning district. He stated that staff believes that this activity would be similar to other activities allowed under the zoning district with the use of a CUP. He identified additional paddocks space that would be added. He stated that the existing CUP for mounted patrol had a limit of 16 horses on site, while this request is asking for up to 20 horses. He noted that the current operation in Minnetonka is lower

than 20. He explained how horse limits are calculated in other zoning districts. He stated that the primary interest of limiting horses is overgrazing and manure management. He stated that staff recommends conditions to address both of those concerns. He stated that the applicant proposes to build 13 horse stalls in the stable and house up to seven additional horses in other buildings on the property. He noted that the flexibility in the number of horses would allow the applicant to address sick or healing animals. He stated that the public/semi-public zoning district does not have specifications on building materials. He stated that the Planning Commission held a public hearing and recommended approval with a 3-1 vote, increasing the number of horses from 16 to 20.

Bo Carlson, Superintendent of Three Rivers Park District, reviewed the mission of the Park District, noting that the horse trail system within the Park District is second to none. He stated that the Three Rivers Park District has 2,700 acres of land within Baker Park Reserve. He stated that the relationship with We Can Ride was established two years ago through Hennepin County, which has had a relationship with the program for 30 years. He stated that the Park District got out of the mounted patrol program a few years ago and therefore has the space available. He stated that this provided an opportunity to determine if the mission of the Park District and program aligned. He stated that the Park District would simply be the "landlord" and the program would lease the property and would provide another service to park guests. He stated that the program would have much better exposure for its clients in a park setting compared to the detention facility setting where the program is now located. He noted that this type of partnership has been successful all over the county and would add an amenity to this facility as well.

Martin stated that one mission of the Park District is preservation of ecological resources and one concern is that the pasture could cause erosion and that manure could seep into the wetlands. She asked for the input of the Park District Board.

Mr. Carlson stated that, as a natural resource agency, water quality and land preservation is important. He stated that these are not horses that are utilizing the pasture land for nutrition and it is more for exercise purposes. He stated that the Park District would monitor the issues closely. He stated that the manure management program at the current site has been successful over the last 35 years and a similar program would be in place in this setting.

Martin asked if the Three Rivers Park District lease with We Can Ride would also have conditions regarding manure maintenance and grazing conditions.

Mr. Carlson agreed that there would be additional conditions in the lease, above the language in the City CUP. He noted that there may even be additional opportunity to reuse the manure in the Park District nursery.

Mary Mitten, Director of We Can Ride, stated that the organization has been in existence for 35 years and is the oldest therapeutic horse riding organization in Minnesota. She stated that the organization is a premier accredited center through PATH. She stated that they serve over 100 clients per week between their two locations. She noted that more than 250 volunteers and ten staff members are also involved with the organization. She estimated 3,500 to 5,000 clients have been served through this program who have disabilities. She reviewed some of the positive feedback that clients have provided and

the milestones that they have reached through participation in the program. She stated that this would be a great opportunity to provide services to those with special needs and for Medina residents to volunteer and be involved.

Mitchell stated that he visited the facility and is less concerned with the number of horses than the facilities. He stated that when he visited the site he commented that the first set of plans did not seem to include turnout paddocks. He stated that he is less concerned with the pasture than he is with paddocks. He stated that the new plans still do not include turnout paddocks. He asked if the clear span facility would be insulated.

Ms. Mitten replied that the clear span facility would not be insulated but the current facility has an indoor riding arena that would be used for the smaller winter classes.

Mitchell asked and received confirmation that the current barn facility is insulated. He referenced the manure disposal program and asked for more information.

Ms. Mitten replied that the Planning Commission okayed the use of a dumpster, which the organization currently utilizes at the other locations. She stated that she verified that the company that would pick up the manure would be able to access the dumpster in the proposed location.

Mitchell asked if the paddocks included in the plans would be where horses will live or whether that would be used as turnout paddocks.

Ms. Mitten stated that they could be used for both. She noted that some of the horses have very low metabolism and do not eat the grass and some cannot be exercised on the grass. She noted that the indoor arena could be used for turnout as well. She confirmed that a similar system is used at the existing facility. She stated that they use a lot of older horses that do not require the same type of activity. She stated that Hennepin County used to house 30 horses at the facility they are currently utilizing and noted that they currently have 17 horses. She reviewed the current setup at Hennepin County, noting that a letter was also included from the Assistant Hennepin County Manager that states that there has never been a problem with manure management or over grazing.

Mitchell stated that these types of horses live in their stall for the majority of their day and are exercised through riding and are satisfied with that activity.

Ms. Mitten stated that the horses work in lessons about five times per week and will utilize the trails for lessons. She noted that volunteers also help to exercise the horses. She stated that they have had a lot of experience in their 35 years including their manure management, fly management, and systems in place that help with the challenges that come with keeping horses on smaller acreage.

Pederson commented that this is a really good program and asked if the horses are donated.

Ms. Mitten stated that the majority of the horses are donated while others are leased for free as the owners do not want to give up ownership.

Pederson asked how it would be determined that the donated horses are disease free.

Ms. Mitten stated that an evaluation is done over the phone, an evaluation is done at the owner's property and noted that many times the horses are deemed inappropriate for the program. She noted that if believed to be acceptable the horse is then brought on site and put into a trial program and reviewed further by the veterinarian. She confirmed that horseback riding helmets are required.

Pederson asked if the Three Rivers Park District would require the program to carry insurance.

Ms. Mitten replied that the program does have a \$1,000,000 liability limit insurance at the Hennepin County site and will carry that insurance on this site.

Pederson stated that erosion control is a big concern and noted that it seems the issue will be well watched.

Ms. Mitten noted that currently they are near wetlands and have programs in place to prevent erosion issues.

Cousineau asked for information on watering for the horses.

Ms. Mitten noted that there is a hydrant indoors and a hydrant outdoors that will be used for watering. She stated that each stall will have its own water and the outdoor areas will have heated water buckets.

Cousineau echoed the comments about erosion control.

Ms. Mitten stated that they have had discussions with Three Rivers Park District about being good land stewards.

Cousineau asked the height of the building as she believed the height limit to be 30 feet in this zoning district.

Finke stated that the clear span building would meet the maximum height standards.

Ms. Mitten noted that the company proposed to build the clear span building also built a similar structure at the State Fair grounds for their horse shows and is well constructed.

Pederson referenced the number of horses allowed. He stated that it seems that 16 horses would be closer to what staff would prefer.

Johnson noted that three Planning Commissioners supported 20 horses while one Commissioner supported 16 horses.

Mitchell asked and received clarification on the type of action requested from the Council tonight; it was clarified that staff direction to prepare documents is what is requested.

Finke stated that staff will work with the applicant on the alignment of the paddocks. He noted that staff would like to see larger paddocks even if that eats up some of the pasture land, as a majority of the horses will not be grazing at pasture.

Mitchell asked for input on the number of horses.

Anderson stated that he would agree with the number of 16 horses because it is a small area.

Cousineau agreed that 16 would be a compromise, noting that it would be hard to justify jumping to 20.

Mitchell asked and received confirmation that the Planning Commission supported 20 horses.

Martin stated that she would support 20 horses because the Planning Commission supported that number and because of the vast amount of trails available on the site. She stated that if there is testimony that 20 works, she did not feel that she would need to micromanage the number of horses.

Pederson stated that he understands why the program wants 20 horses. He stated that perhaps more land could be used for the facility as a compromise to allow 20 horses. He stated that he does understand that the horses burn out and that is why they want that number of horses. He stated that his sister ran a similar program before so he does have some experience. He stated that, if more pasture land could be given to the paddocks, he would be comfortable with 20 horses.

Mitchell stated that the pasture land is less important than paddocks. He stated that the number of horses is not the issue for him but the proper care of the facility and paddocks.

*Moved by Anderson, seconded by Pederson, to direct staff to prepare documents approving the CUP Amendment subject to the conditions recommended by the Planning Commission and modifying condition two to enhance the size of the paddocks, modifying condition six to install the improvements as shown on the preliminary site plans and based upon the conditions, and modifying condition seven to allow a dumpster as long as truck access is provided. **Motion passed unanimously.***

Mitchell briefly recessed the meeting at 7:59 p.m.

Mitchell reconvened the meeting at 8:04 p.m.

VIII. OLD BUSINESS

A. LJP Development LLC – 1432 Baker Park Road (CR 29) – Comprehensive Plan Amendment and Rezoning (8:04 p.m.)

Johnson noted that the Council considered this twice previously but the decision was made to postpone the decision at the last meeting because two Councilmembers were not present for the policy discussion.

Finke provided some background information on the discussions thus far. He stated that the City is required to identify a certain amount of acreage for high density development in the draft Comprehensive Plan. He stated that the City is required to identify 244 units worth of high density land, noting that 13.5 acres has been designated for high density, which accounts to about 260 units. He stated that if two acres were to be lost from the

high density zoning district, the City would then need to accommodate for the lost units. He stated that he believes that some adjustments could be made to density ranges in order to still meet the requirement but noted that adjustments would need to be made in order to still meet the requirements if this property was to not be included.

Larry Palm stated that there is not much he can do about the timing of his application. He stated there has been much discussion over whether the Metropolitan Council considers senior housing/memory care units to be considered as high density housing. He stated that they have reached out to the Metropolitan Council and has been told that the Met Council considers memory care under their density calculations.

Martin stated that it was so helpful to find this definition of housing units and thanked the applicant for the research. She thanked the applicant for his statement that he would be willing to ensure that the units would meet the requirement. She stated that she and Anderson were very involved in the draft Comprehensive Plan process. She would hate to further disturb the draft Plan because of the time and effort that were put into that process. She stated that she is hesitant to possibly throw the proposed Plan into a situation where the draft Plan would not be compliant.

Palm stated that three people from the Metropolitan Council are in favor of the request and see the need for the project.

Martin stated that the City Council does as well, it is simply an issue of timing.

Palm stated that the Metropolitan Council was very helpful and easy to work with in his experience.

Martin stated that if the acreage is removed from the Plan the Council would then risk the possibility that the City would have to find additional land for high density within the sewered area.

Cousineau stated that it seems new that the kitchen elements will be included. The applicant's plan had changed from the previous issue and this issue hinges on whether a kitchen is installed.

Palm stated that they would now intend to meet the requirements of the Met Council, with connections being provided but noted that the actual installation of appliances would depend on the client.

Robert Braun, 1472 Baker Park, stated that he does not have opposition to the memory care facility as they would be great neighbors. He stated that he would like screening and a berm of some sort. He stated that this would be a two-phased project and asked when the second phase would begin, whether the trees would all be removed during the first phase, and whether landscaping would occur with phase one.

Batty stated that the narrow issue before the Council deals with a Comprehensive Plan amendment and rezoning. He asked Finke if a unit has to have a kitchen to count as a dwelling unit or whether it just has to have space for a kitchen.

Finke stated that the upfront reporting would count space for a kitchen. He was unsure if there would be impacts to the forecasting if a kitchen is not ultimately installed. He

noted that if the connections are available, the units would count as dwelling units on day one.

Palm provided additional details on what would be needed to count as a kitchen under dwelling units.

Pederson stated that he likes that the neighbor supports the project. He stated that he recognizes the timing issue and was not sure how the Comprehensive Plan will ever move forward if this is approved as there are other requests that have already come forward and more that will then follow. He stated that he is in favor of the project, but is not sure how they could deny the next request if this is approved.

Martin stated that she echoes those concerns. The City Council would be making a Comprehensive Plan amendment and the draft Plan would then be impacted. She stated that it makes it harder to deny those land applications if the pending application was approved. She believed that the Council should deny the Comprehensive Plan amendment because not approving this would be an assurance to the residents of the community.

Finke stated that there is a Concept Plan on a fairly similar situated request and staff has discussed the timing with that applicant as well. He stated that there were discussions on how far down the timeline the application can go. He identified the hard lines on what actions could be taken. He stated that if the Council is interested in taking some level of risk, the line could be greyed but noted that there would be some risk on the review of the draft Plan. He stated that the City is responsible for what is in the Plan and the Met Council is in charge of reviewing the consistency.

Mitchell asked for the timing of the draft Plan and when that would come into effect.

Finke stated that staff anticipates reviewing comments from reviewing jurisdictions by September and will formally submit the Plan after that point. He estimated that the draft Plan would be in place during winter 2018.

Palm stated that they are looking for approval to spend the hundreds of thousands of dollars necessary to move forward in the process.

1. **Resolution No. 2017-22 Denying a Comprehensive Plan Amendment and Rezoning for LJP Development LLC at 1432 Baker Park Road**

Moved by Martin, seconded by Cousineau, to adopt Resolution No. 2017-22 Denying a Comprehensive Plan Amendment and Rezoning for LJP Development LLC at 1432 Baker Park Road.

Further discussion: Anderson noted that he met with the applicant and his wife and appreciated the comments that they have carried the property for ten years. He hoped that the applicant was not deterred by this action as the Council does support the project, it simply does not fit into the timeline with the Met Council approval of the draft Plan.

Mr. Palm stated that he is simply asking for the approval to move forward with the design documents necessary and noted that the Council could then hold off his development.

Pederson stated that he was not involved with the Steering Committee but does support the input of those involved.

Mitchell also agreed that although he supports the project, he does not want to risk the draft Comprehensive Plan not moving forward as there has been a lot of time and effort put into creating that document.

Motion passed unanimously.

B. Medina Mini-Storage – Setback Violation/Covenant (8:35 p.m.)

Pederson recused himself from the discussion.

Johnson noted that building three of the project was constructed by the contractor in violation of the required setback of 75 feet. Building three was constructed at a setback of 69 feet. He noted that the owner, Pederson, has worked with staff to provide additional landscaping to screen building three from the nearby residential development and staff supports the additional landscaping.

Martin stated that the City has faced similar issues like this before where a contractor has placed a wrong footing. She noted that the amount of this error is less than 10 percent and the additional landscaping will provide the desired outcome.

Johnson noted that if building three is damaged in a storm or fire, it would need to be rebuilt to match the required setback of 75 feet.

1. Declaration Regarding Screening Landscaping

*Moved by Martin, seconded by Cousineau, to adopt the covenant regarding screening landscaping for Medina Mini-Storage. **Motion passed unanimously.***

Pederson rejoined the Council.

C. 2020-2040 Comprehensive Plan Update – Housing Allocation Update (8:38 p.m.)

Johnson noted that the housing allocations from the Metropolitan Council have slightly changed and therefore staff would like to update those allocations under the draft Comprehensive Plan.

Mitchell asked if affordable housing units are included in the total number of housing units or whether they are separate.

Finke explained that the City's plan is required to recognize their allocated share of the forecasted housing in the metropolitan area within certain price points. He stated that the City must then guide for land uses in the City that would allow for those opportunities. He noted that the City must plan for densities that would allow affordable housing but would not necessarily have to have those levels of housing developed.

*Moved by Martin, seconded by Pederson, to direct staff to update Chapter 4 of the DRAFT Comprehensive Plan update as shown on the attached document. **Motion passed unanimously.***

IX. CITY ADMINISTRATOR REPORT (8:41 p.m.)

Johnson reminded the Council that the Board of Appeal and Equalization will occur the following night at City Hall.

X. MAYOR & CITY COUNCIL REPORTS (8:41 p.m.)

Mitchell stated that he received an email from Bob Franklin that Ray Anderson, a former Medina Councilmember from the 1960s, passed away recently.

XI. APPROVAL TO PAY THE BILLS (8:42 p.m.)

*Moved by Anderson, seconded by Martin, to approve the bills, EFT 004082E-004099E for \$61,548.11, order check numbers 045681-045726 for \$146,246.89, and payroll EFT 507798-507823 for \$47,034.77. **Motion passed unanimously.***

XII. ADJOURN

*Moved by Anderson, seconded by Cousineau, to adjourn the meeting at 8:43 p.m. **Motion passed unanimously.***

Bob Mitchell, Mayor

Attest:

Jodi M. Gallup, City Clerk