

MEDINA CITY COUNCIL MEETING MINUTES OF MAY 19, 2015

The City Council of Medina, Minnesota met in regular session on May 19, 2015 at 7:05 p.m. in the City Hall Chambers. Mayor Mitchell presided.

I. ROLL CALL

Members present: Cousineau, Pederson, Martin, and Mitchell.

Members absent: Anderson.

Also present: City Administrator Scott Johnson, City Attorney Ron Batty, City Engineer Tom Kellogg, City Planner Dusty Finke, City Planning Consultant Nate Sparks, Public Works Director Steve Scherer, Public Safety Director Ed Belland, and Recording Secretary Amanda Staple.

II. PLEDGE OF ALLEGIANCE (7:06 p.m.)

III. ADDITIONS TO THE AGENDA (7:06 p.m.)

The agenda was approved as presented.

IV. APPROVAL OF MINUTES (7:07 p.m.)

A. Approval of the May 5, 2015 Regular City Council Meeting Minutes

It was noted on page one, line 42, it should state, "...work". On page two, line 51, it should state, "...unmodified ~~objection~~ opinion..." On page three, line 30, it should state, "...that a resident could be ~~prepaying~~ prepay the assessment." On page three, line five, it should state, "...~~balance has been exceeding~~ operating receipts cover the operating expenses..." On page three, line 19, it should state, "...special assessments and property tax levy will fund a portion of the ~~project~~ debt service..." On page three, line 34, it should state, "...always prepay by May 20th of this year..." On page three, line 47, it should state, "...noting that ~~although~~..." On page four, line 34, it should state, "...~~that~~ tree..." On page five, line 15, it should state, "...Shawnee Woods Road..." On page five, line five, it should state, "...~~labeled~~ replaced..." On page six, line 25, it should state, "...referenced a prior discussion..." On page six, line 33, it should state, "...if the trail ~~were~~ was going to be moved, ~~they~~ staff..." On page six, line 40, it should state, "...pertaining to the trail location..." On page seven, line 19, it should state, "...~~should the trail be relocated~~..." On page seven, line 46, it should state, "...that it is questionable if section 1306 has not provided ~~had advanced~~ safety as it has thwarted development." On page eight, line 12, it should state, "...alternate metal building materials for the maintenance facility." On page eight, line 12, it should state, "...~~alternate metal building materials~~ for the new maintenance facility."

*Moved by Martin, seconded by Cousineau, to approve the May 5, 2015 regular City Council meeting minutes as amended. **Motion passed unanimously.***

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

A. Resolution No. 2015-39 Approving Off-Site Gambling Permit for the NW Area Jaycees to Conduct Lawful Charitable Gambling at 500 Highway 55

B. Resolution No. 2015-40 Approving Animal Structure Setback Variance for Todd and Katie Monger at 1272 Homestead Trail

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

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

A. Comments from Citizens on Items not on the Agenda

There were none.

B. Park Commission

Scherer reported that the Commission will hold the park tour the following night.

C. Planning Commission

Planning Commissioner Murrin reported that the Planning Commission discussed a variance request for 50 percent hardcover from Aldi and ultimately recommended denial of the request. She stated that there was also discussion regarding the tree replacement plan as it had been lacking and then the amended plan would have been overplanted. She stated that the Commission was in favor of a smaller building for the site with reduced parking and hardcover. She noted that there was also discussion regarding access to the property and more specifically the affect that could have on the Arnt property. She stated that the Commission also considered a request from Wright Hennepin regarding a Conditional Use Permit for a solar garden and recommended approval of that request.

Martin asked for additional information on the hardcover variance.

Murrin stated that the proposed hardcover ratio was 50 percent compared to the allowed 25 percent for that zoning district.

Mitchell stated that he received three calls from business people in favor of the project and advised that staff is working with Aldi and an amended request will come before the Council on June 2nd.

Pederson stated that he also received calls of support for the project.

VII. NEW BUSINESS

A. Independence Beach Improvement Project (7:18 p.m.)

Johnson stated that the Council discussed the proposed improvement project at the previous meeting and brought the project forward as directed. He noted that a public hearing would be needed for both action items.

Batty stated that one public hearing could be held jointly for the improvement project and the assessment. He explained that the first resolution would order the project and suggested that on their first resolution we add a fourth item indicating that the project will be constructed utilizing the 2015 materials bids previously accepted by the City Council.

Mitchell opened the public hearing at 7:20 p.m.

Mary Lou Kunz, 2785 County Road 19, stated that she did not know about the project until she received the mailing. She stated that her neighbors were unaware of the project as well and wanted to learn more about the project. She stated that some of the neighbors that have access to CR 19 did not receive the mailing.

Scherer explained that the residents that have access to CR 19 do not access onto Lakeshore Drive and therefore will not be assessed. He advised that there were neighborhood meetings and public involvement throughout the process. He explained the road improvements and assessment policy. He reviewed the streets that would be included in the project.

Clint Lueck, 2997 Lakeshore Avenue, questioned when the information gathering took place.

Scherer estimated that the neighborhood meeting took place in March. He stated that letters were sent to all affected residents.

Lueck stated that he had spent some time in Arizona and was not aware of the project details.

Scherer explained that the project would simply be an overlay of the street and they would attempt to correct drainage issues as they go. He stated that this will be a giant improvement from what is in existence.

Lueck questioned how the assessment amount for each property owner would be assessed.

Scherer explained that the project cost is split in two halves, the City and the assessed portion, and the assessed portion is then split between the assessed properties.

Lueck asked for additional details regarding the interest rate.

Scherer replied that the interest rate would be four percent and the assessment would be split over seven years. He stated that residents can choose to pay the assessment earlier if desired.

Batty explained that the letter sent to homeowners explains the two public hearing items considered tonight. He advised that this project will be assessed on a per lot basis and stated that homeowners have the right to appeal the assessment if desired. He stated that in order to appeal the assessment, a written objection must be filed prior to the close of the public hearing tonight. He stated that would preserve the right for the property owner to appeal, but advised that the resident would then have to follow through with the appeal process. He stated that if the Council adopts the assessment resolution tonight, the assessed property owners would have a 30-day period to pay the assessment without interest.

Mitchell closed the public hearing at 7:36 p.m.

- Resolution No. 2015-41 Approving Plans According to Feasibility Report and Ordering Independence Beach Improvement Project**

Moved by Martin, seconded by Cousineau, to approve Resolution No. 2015-41 Approving Plans According to Feasibility Report and Ordering Independence Beach Improvement Project, with an additional paragraph four to be added stating "The project will be constructed utilizing the 2015 material bids previously accepted by the City Council". **Motion passed unanimously.**

2. Resolution No. 2015-42 Adopting Assessment Roll for Independence Beach Overlay Project

Moved by Martin, seconded by Pederson, to approve Resolution No. 2015-42 Adopting Assessment Roll for the Independence Beach Overlay Project. **Motion passed unanimously.**

B. Mill and Paving Services Agreement with Omann Brothers, Inc. (7:38 p.m.)

Scherer stated that the agreement is based on the bids received and approved by the City for the Independence Beach Improvement Project.

Moved by Martin, seconded by Pederson, to approve the Mill and Paving Services Agreement with Omann Brothers, Inc. for the 2015 paving projects. **Motion passed unanimously.**

Scherer stated that work will begin on the northern end working towards the park in June while work on the southern half would begin later this summer.

C. Wealshire of Medina – Rezoning, Site Plan Review and Interim Use Permit (7:40 p.m.)

Finke presented a request for a new commercial building, a 150 resident memory care facility, noting that the project would begin with the first phase of 84 units. He stated that the land use requests include a rezoning, Site Plan review and Interim Use Permit (IUP). He stated that the Planning Commission held a public hearing on the requests in February and recommended approval. He stated that the Council should first consider the rezoning request, as the Site Plan would be contingent upon that change. He stated that the applicant had brought forth a Comprehensive Plan amendment previously to regulate the property and advised that this step would be likely to follow in order to match the guiding of the property. He stated that the proposed use would be an allowable use in the requested zoning district. He stated that detailed information is included in the staff report and he could answer any questions. He referenced the access to the site and stated that staff does have recommendations in the case of future development and recommends a petition and waiver be required for the potential future assessment should the public improvement projects move forward. He referenced sewer and water and stated that staff is recommending language within the development agreement justifying lower connection fees based on the water usage at the applicant's other facilities, with a full fee being required if actual water usage is higher. He referenced the IUP request and stated that the southern portion of the lot is currently agricultural and would like to remain as that use until the time of future development. He stated that staff does not oppose that request as proposed. He reported that the Planning Commission recommended approval of these requests subject to the conditions detailed in the staff report.

Pederson stated that the typical policy is the first development builds the road and questioned why that is not the case in this area. He noted that staging area has been shut down and did not want to see those properties assessed.

Finke stated that there are no assessments discussed for this or any properties in the area as the right-of-way and ability to construct the road does not exist at this time. He stated that the petition and waiver would be the best way to assess the property in the future should it become a possibility to construct the road in the future.

Mitchell questioned if the numbered conditions include the language regarding the sewer and water fees.

Finke stated that the language is not addressed specifically as it would be included in the development agreement, which would come forward at a later date.

Martin referenced a three-foot right-of-way dedication but noted that she could not find that on the plans.

Finke stated that would include Mohawk but was unsure if that would include Chippewa.

Martin stated that perhaps a right-of-way dedication along Chippewa should be included in the case that the roadway can develop in the future.

Thomas Wiskow, President of the Wealshire of Bloomington, thanked the Mayor and Council, Planning Commission and especially City Planner Dusty Finke and staff for their cooperation and availability throughout the process. He stated that one of the biggest challenges had been the 75-foot setback requirement, noting the 30 to 45 foot setbacks in Rogers and Bloomington. He stated that today he has a tremendous appreciation for the pastures and green space within the City. He noted that even though they had to purchase additional land to meet the setback requirement he does now believe that to be well worth the purchase. He stated that the building materials and landscaping proposed would fit well with Medina. He stated that initially he wanted to begin building in May of this year but advised that several factors delayed that construction start including, an unfavorable construction environment, lack of materials because of the Vikings Stadium, and additional clarity needed on the sewer and water connection fees. He hoped that the City would look at the sewer and water connection fees as Finke had mentioned. He stated that staff has also agreed to eliminate the park dedication fees as the memory care residents would not be using the parks.

Martin clarified that park dedication would not be applicable as the property would not be replatted or subdivided.

Wiskow stated that this facility does not deal with senior or assisted living and would instead be dealing with high care residents that do not drive. He stated that staff reduced the parking at a ratio of one stall to three residents but believed that ratio to even be higher than needed. He stated that they would be doing underground parking in order to preserve the green space. He also clarified the assessment period to be seven years, should Chippewa develop. He stated that they will most likely exceed the landscaping requirements of the City. He referenced sewer and water connections and advised that they received a refund from Bloomington in regard to the connection fees that had originally been charged and were reduced by the Metropolitan Council. He stated that he is excited and believes that this will be an unbelievable project for Medina that will be beautiful and will bring jobs to the community. He thanked the Council and the staff for their time and cooperation.

Mitchell stated that he drove to the facilities in Bloomington and Rogers and thanked the applicant for being very open and accessible during the process.

Cousineau stated that this would be a great neighbor for the adjacent properties.

*Moved by Martin, seconded by Cousineau, to direct staff to prepare documents approving the rezoning, site plan review, and interim use permit subject to the conditions recommended by the Planning Commission with the added condition that the sewer and water charges be based on actual use. **Motion passed unanimously.***

VIII. OLD BUSINESS

A. Resolution No. 2015-43 Supporting the Job Creation Fund Application for InCity Farms (8:15 p.m.)

Mitchell stated that the Council discussed this item at length at the work session earlier in the night and were able to agree to support the grant request.

*Moved by Martin, seconded by Pederson, to adopt Resolution No. 2015-43 Supporting the Job Creation Fund Application for InCity Farms with the added language “submitted in 2015”. **Motion passed unanimously.***

B. Medina Golf and Country Club – General Plan PUD, CUP Amendment and Site Plan Review (8:16 p.m.)

Sparks stated that this discussion is continued from the last Council meeting as the Council desired additional details regarding the proposed building materials. He stated that the applicant provided the requested information and brought a material sample with them tonight. He stated that if the Council is in agreement with the request an ordinance and resolutions have been prepared for approval, noting that alternate language has also been drafted if the proposed materials are not desired by the Council.

Erin McManus, Superintendent at the Medina Golf and Country Club, stated that they have prepared pictures following the last meeting to address the concerns of the Council. He provided renderings of the building along with the line of sight distances to neighboring developments. He advised that additional trees had been planted previously to provide screening in anticipation of the future development of the neighboring property. He advised that additional trees would be planted near the proposed maintenance facility. He provided photographs of the sight lines from neighboring developments. He noted that there is a gap in screening near the Dominion property and they are working with them to more appropriately screen that area with a berm and trees planted atop the berm. He also included photographs of buildings with the same proposed materials used at other similar facilities. He noted that the proposed material would be relatively maintenance free and the color palette can blend more appropriately with the surroundings.

Mitchell questioned the coloring of the materials proposed.

McManus stated that the darker color would be used for the bottom section, approximately 48 inches, while the lighter color would be used for the top portion of the building, with a dark colored roof as well.

Mitchell questioned if the intention of the remodeling of the existing building would be to match the newer material.

McManus confirmed that the intent would be to improve that existing facility to match the aesthetic and pitch of the other roofs.

Mitchell stated that perhaps some architectural features could be added to break up the roof area.

McManus confirmed that some of those aspects could be added in to add interest and break up the solid roof. He stated that the intent with the proposed material would be to fit with the character of the campus rather than a concrete block building that would stand out.

Cousineau questioned if there was a reason multiple materials were not proposed.

McManus stated that the intent is to blend the facility with the existing facility without adding too many materials.

Mitchell questioned the impact approval would have on the ordinance.

Sparks stated that this is part of a Planned Unit Development (PUD) and therefore there is flexibility from the strict regulations of the ordinance.

Martin stated that she is struggling with the fact that this would not comply with the code. She stated that she does appreciate the presentation but was not aware that any metal buildings have been allowed in the City.

McManus stated that is where the PUD element comes into play as this is a unique campus. He stated that the proposed material is high in quality, noting that some people are building homes out of the material.

Cousineau stated that the code does not allow more than 20 percent of this building material while the applicant is requesting 100 percent. She stated that perhaps a compromise could be made.

Martin stated that she is unsure that a compromise could be made as this would not comply with the code.

Mitchell stated that he would prefer this material compared to the concrete allowed and used by the adjacent City building. He also noted that the building façade would be softened with additional architectural elements. He stated that today's metal building materials are not the same materials that were undesirable in the past.

Martin questioned if there are other metal structures within the City.

Finke confirmed that there are some metal buildings that were allowed prior to the revised ordinances in the 1980's.

Todd Hyde, Board member of the Medina Golf and Country Club, stated that McManus does have a hard and fast budget as approved by the Board. He explained that budget

was used to propose a building that is nice looking and will allow additional funds for landscaping and buffering. He stated that if another more expensive material is used, the landscaping elements will not be to this level.

Martin stated that as this is a PUD the Council would have the flexibility to provide for something other than what would normally be required. She stated that the PUD language states that the flexibility raises the bar rather than coming up with something less. She stated that the PUD intent provides for something better and questioned if the building as proposed with these materials is something that creates a higher standard. She stated that she cannot visualize that.

Cousineau stated that she is also struggling with that element.

Hyde stated that they believe that this material would provide that enhancement over the concrete, which would be allowed.

Martin questioned if the applicant has researched other materials that have the appearance of residential wood siding.

McManus stated that hardie siding would be an option but stated that his home is composed of that material and is failing after eight or nine years. He stated that the proposed materials would be a lot less maintenance and would be reliable. He believed that a concrete building, similar to the City building, would not be as aesthetically pleasing and would not fit with the harmony of the campus.

Martin stated that the regular code not only applies but there are other levels of code, which also apply including PUD and an element regarding accessory buildings. She stated that the City building is not within a PUD and therefore would not have that additional layer of requirements. She stated that the City has been cooperative with the Golf Course in the development of The Villas but has concern that this would be in violation of the ordinance.

Hyde commented that he believed that this proposed structure would meet the stipulations of the PUD ordinance.

Martin questioned why the maintenance facility is not composed of the same material proposed for the restrooms.

McManus explained that those are member buildings and therefore match the Country Club building while the maintenance facilities would be more aesthetically matching as they would not be for members.

Mitchell stated that he is not persuaded that the Council could not approve this request as the materials would be an improvement from concrete. He stated that there are architectural elements that could be added to provide more style. He stated that he does not oppose the materials or colors but would suggest some architectural elements to soften the aesthetic. He stated that he would like to find a way to approve the request.

Pederson agreed that the suggested architectural elements would soften the façade. He stated that the City decided to use cheaper materials for the salt storage shed for the same reasoning.

Cousineau stated that the architectural elements would soften the façade and would like to find a way to compromise. She stated that personally she would like to stick to the 20 percent metal limitation but was unsure that would be in the applicant's design plans. She stated that perhaps artificial stone or blocks could be placed at the bottom of the building.

Mitchell stated that would reduce the amount of metal but the metal would still exceed the 20 percent limit.

Hyde stated that they could agree with that type of compromise and could use a different material rather than the dark colored metal. He explained that they do not want to exactly mimic the clubhouse as the clubhouse is 16 years old and therefore the buildings will never match. He stated that they would attempt to match the maintenance facilities to each other.

McManus stated that they will attempt to reuse architectural elements from the barn and if those cannot be reused they will purchase new ones.

Mitchell stated that this could move forward under a PUD but stated that perhaps the ordinance should be reconsidered as well.

Finke stated that those enhancements are built into the PUD ordinance.

Hyde stated that no one will be closer to the buildings than the members of the facility and advised that not one person was opposed to the material.

Mitchell referenced other cities and areas, noting that you can never exactly match an existing building.

McManus explained that this redesign will be more efficient than moving between the existing facility and the barn and advised that the equipment will be stored within the building rather than outdoors. He confirmed that all the equipment will be stored indoors once the new facility is constructed.

Martin questioned if the storm water elements have been resolved.

Kellogg stated that he was unaware of any resolution.

Finke stated that the applicant would have to meet the storm water management ordinance.

Martin stated that if the applicant is willing to add the architectural elements suggested by Mitchell, perhaps the Council should see that noting that there is additional time left in the review period.

Mitchell agreed that he would like to see those elements added.

Johnson confirmed that the Council would like to see added block at the bottom of the facility, dormers, cupolas, and window treatments.

Martin stated that she would also like to see a more close-up view of the renderings showing the proposed building on the site. She stated that perhaps not all of the elements would be needed.

Mitchell questioned if the Council would like to direct staff to prepare a resolution of approval, which would allow the applicant additional time to provide that information.

Martin stated that it would also be helpful for the applicant to review the PUD and accessory building ordinances to better meld to those criteria.

Mitchell stated that the applicant should better define the style of the new maintenance buildings to explain why they would complement and not compete with the existing clubhouse. He noted that the green space and landscaping would also support the PUD.

Hyde questioned if the consensus of the Council would then be to allow the metal building. He stated that he does not want to direct the architects to go further down the design path to add the architectural elements and then go back to the discussion of whether metal would be allowed.

Martin provided further clarity to the PUD ordinance and stated that perhaps adding the rock to the bottom of the maintenance building and adding architectural elements would accomplish the elements of the PUD.

Cousineau stated that perhaps the building could better match the existing facility.

Hyde stated that the existing building is concrete block and would be made to better match the new facility.

Mitchell stated that perhaps the stone would make the building jump out more. He stated that the Council believes that the applicant and their architect can do a better job on the design.

Cousineau questioned if the Council was in agreement with the 100 percent metal if the architectural elements would be added.

Mitchell and Pederson stated that they would be in agreement with the 100 percent metal.

Martin noted that the additional trees would help support that request as well.

Johnson confirmed that three out of the four Councilmembers would be in agreement with the 100 percent metal building with the additional architectural elements.

Martin stated that she does appreciate the effort of the applicant but noted that she is struggling with the language of the ordinance.

Mitchell suggested that the applicant meet with staff to get further clarity on the ordinance language in an attempt to move forward.

*Moved by Cousineau, seconded by Martin, to table the General Plan PUD, CUP Amendment and Site Plan Review for the Medina Golf and Country Club. **Motion passed unanimously.***

IX. CITY ADMINISTRATOR REPORT (9:26 p.m.)

Johnson reported that Mayor Mitchell, Council Member Pederson, Belland, and him, met with Ray McCoy who has stated that the two Fire Departments are willing to discuss consolidation and will attempt to bring an update back to the Council by June 16th.

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

Pederson stated that he attended a Mayor's meeting the previous week and found it to be one of the best meetings he has ever attended. He reported that he also attended the Uptown Hamel meeting as well as a relief meeting for the Hamel Fire Department.

Mitchell reported that there was a luncheon the previous week to honor law enforcement.

Belland stated that two Officers, Sgt. Nelson and Officer Converse, were recognized for their efforts during critical incidents at the luncheon referenced by Mitchell.

Martin stated that she attended the Lake Independence Citizens Association meeting and found it to be informative.

Cousineau stated that she would be attending an upcoming watershed meeting as well as the park tour.

XI. APPROVAL TO PAY THE BILLS (9:31 p.m.)

*Moved by Pederson, seconded by Cousineau, to approve the bills, EFT 003132E-003161E for \$51,888.35, order check numbers 42810-42870 for \$165,269.01, and payroll EFT 506381-506412 for \$46,636.05. **Motion passed unanimously.***

XII. ADJOURN

*Moved by Pederson, seconded by Cousineau, to adjourn the meeting at 9:32 p.m. **Motion passed unanimously.***

Bob Mitchell, Mayor

Attest:

Scott Johnson, City Administrator