

MEDINA CITY COUNCIL MEETING MINUTES OF NOVEMBER 15, 2016

The City Council of Medina, Minnesota met in regular session on November 15, 2016 at 7:00 p.m. in the City Hall Chambers. Mayor Mitchell presided.

I. ROLL CALL

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

Members absent: Pederson.

Also present: City Administrator Scott Johnson, City Attorney Ron Batty, City Engineer Jim Stremel, City Planner Dusty Finke, Public Works Director Steve Scherer, Chief of Police Ed Belland, and Recording Secretary Amanda Staple.

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

III. ADDITIONS TO THE AGENDA (7:01 p.m.)

The agenda was approved as presented.

IV. APPROVAL OF MINUTES (7:01 p.m.)

A. Approval of the November 1, 2016 Regular City Council Meeting Minutes

It was noted on page five, line 21, it should state, "...Martin asked who would pay for the special event permits." On page six, line 15, it should state, "...~~explicitly~~ inexplicably ..." On page six, line ten, it should state, "... ~~inherit~~ inherent..."

*Moved by Martin, seconded by Anderson, to approve the November 1, 2016 regular City Council meeting minutes as amended. **Motion passed unanimously.***

V. CONSENT AGENDA (7:04 p.m.)

- A. Approve Application for Hennepin County Natural Resources "Opportunity" Grant Program**
- B. Resolution No. 2016-84 Requesting a Speed Study by Hennepin County and MnDOT on County Road 19 and County Road 116**
- C. Resolution No. 2016-85 Approving the Layout and Project Budget for the Reconstruction of the TH 55 at CR 116/CSAH 115 Intersection**
- D. Resolution No. 2016-86 Adopting Assessment Roll for Sioux Drive Turn Lane Project**
- E. Resolution No. 2016-87 Adopting Assessment Roll for Cottonwood Trail Commercial Upgrade Project**
- F. Resolution No. 2016-88 Accepting Public Utilities with the Enclave at Brockton 1st Addition**
- G. Resolution No. 2016-89 Accepting Public Utilities within the Enclave at Brockton 3rd Addition**
- H. Resolution No. 2016-90 Accepting Public Utilities within the Enclave at Brockton 5th Addition**
- I. Resolution No. 2016-91 Accepting Public Utilities within the Enclave at Brockton 6th Addition**

J. **Resolution No. 2016-92 Accepting Public Utilities within the Enclave at Brockton 3rd Addition**

K. **Resolution No. 2016-93 Accepting Public Utilities within the Enclave at Brockton 4th Addition**

Johnson noted that there was a petition for the speed study from residents of Lake Independence that will be recorded. He thanked the residents for their input.

Claudia Kauma, 2845 Lakeshore Avenue, asked who would fund the speed study, how long the study would take and the procedure that would be followed after the study.

Johnson replied that the City is requesting Hennepin County and MnDOT to conduct the speed study and the study will take a few months. He noted that once completed the City will request a meeting with neighborhood members and Hennepin County to discuss the results and other issues.

Ben Kyes, 2825 Ardmore, asked what the speed study will entail.

Belland reported that the County will conduct a speed survey to determine the speeds at different times of the day and compile that data to determine if the speed should be lowered.

Mitchell confirmed that the residents would like to have the speed lowered and noted that hopefully the speed will be lowered after the study.

Jeff Martin, 2845 Lakeshore Avenue, stated that hopefully the County will take into account the changes in population and development as well.

Mitchell encouraged residents to write their comments to be included in the speed study.

K. Martin stated that the Council hears the comments of the citizens and has taken the first step towards that process, noting that the City does not have control over the speeds on County roads. She noted that the speed study will be the first step which will be followed up by a meeting. She stated that ultimately the decision will be made between the County and MnDOT.

Patrick Kyes, 4692 Sycamore, asked if the meeting would be held at the City Hall.

Mitchell stated that the City would publicize the meeting location once known.

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

VI. **COMMENTS (7:15 p.m.)**

A. **Comments from Citizens on Items not on the Agenda**

There were none.

B. **Park Commission**

Scherer reported that the Park Commission will meet the following night to discuss the Excelsior Group Concept Plan and how that relates to park dedication.

C. Planning Commission

Robin Reid reported that the Planning Commission met on November 9th to consider the Excelsior Group Concept Plan. She stated that the new Concept Plan does meet the low density residential requirements and therefore the Commission did like the plan, as well as the ability to provide an empty nester housing product. She stated that the Planning Commission determined that it is too late to consider this proposal under the existing Comprehensive Plan as the draft Plan guides this property back to rural residential and therefore the Commission recommended that the Steering Committee reconsider the guiding for this property. She noted that the property has infrastructure benefits and would be a good transition to the neighboring Wealshire development. She stated that this is an acceptable proposal for the property and noted that the Steering Committee did consider the guiding.

Martin stated that the Steering Committee did meet the previous night, although she recused herself from the discussion regarding the Excelsior Group development matter.

Anderson stated that the Steering Committee did review the request and the consensus was to reguide the property to low density residential in the draft Comprehensive Plan, for the same reasons the Planning Commission mentioned. He stated that this would be a good fit for the property and would provide a good buffer between the Wealshire development and the larger residential properties.

VII. NEW BUSINESS

A. Excelsior Group LLC – Concept Plan Review – 2120 and 2212 Chippewa Road (7:22 p.m.)

Martin recused herself from the discussion due to a potential conflict of interest as her firm represents the Excelsior Group.

Finke stated that the Concept Plan includes a 61 lot residential subdivision immediately west of the Wealshire development. He stated that the property is currently zoned low density residential for development under the staging plan in 2021. He explained that in the staging plan there is a “jump ahead” provision which would allow the property to move up to 2019. He stated that the Steering Committee has been determining how to appropriately slow the projected growth to match the updated projections from the Metropolitan Council. He stated that the Steering Committee reviewed the request the previous night and made the decision to leave this property guided for low density residential and make changes to other areas to equal out the balance between low density and rural residential. He stated that the applicant has submitted the Concept Plan at this time, even though the property is not available for development, in order to be considered in the Comprehensive Plan update process. He identified the subject site and neighboring property uses and zoning. He displayed the Concept Plan including the 61 residential lots, a small tot lot, and access onto Chippewa Road. He stated that the new Comprehensive Plan is expected to be in effect prior to the available time of development for this property. He provided highlights regarding transportation, a recommended reduction of impacts to the wetlands, infrastructure, and parks and trails. He noted that the property is split into two different school districts. He stated that comments from the Planning Commission were included in the packet in addition to the comments made by Commissioner Reid.

Reid stated that the Planning Commission did not review the “jump ahead” criteria and therefore that criteria would need to be considered if the application moves forward.

Ben Schmidt, Excelsior Group, stated that they came before the Council several months ago and incorporated the comments that were made to decrease the density and increase the lot sizes. He stated that they believe this will be a good fit next to the Wealshire development and act as a transition. He noted that there are infrastructure benefits to the site that will make it easier to develop. He stated that their desire was to determine if the Council likes the land use and if so, they can further develop the plans. He noted that the intention would be that a portion of the units on the eastern portion of the lot would be geared for empty nesters which would provide an ability for spouses and family of those living in the Wealshire building to live nearby. He stated that the Wealshire folks are excited to work collaboratively as well. He stated that so far he has heard some consensus that the plan makes sense from a land use standpoint and therefore they would like to work further to create a plan that would be great for the site. He noted that his plan is to provide more affordable products than are currently available in Medina. He stated that he would love to keep moving ahead on this plan. He noted that it is his understanding that he could start this sooner than the 2019 “jump ahead” as long as the certificate of occupancies are not issued until 2019. He noted that would allow them to construct in conjunction with Wealshire.

Cousineau stated that the request this summer was under a PUD and asked if that is still the intent or whether this would be a conventional request.

Schmidt replied that the intent would be to have a conventional application.

Anderson referenced the potential staging for the property and noted that it was his understanding that the Steering Committee had agreed that the property was staged for 2021.

Finke provided clarification on the staging and stated that ultimately it was determined to leave the staging at 2025-2030 under the draft Comprehensive Plan.

Mitchell reviewed the projection changes that were provided from the Metropolitan Council, which reduced the projected growth for the City, and asked if the draft Plan takes into account those reductions in growth.

Finke confirmed that the Steering Committee has worked to reduce the development guides and that when this change was made to the subject property under the Comprehensive Plan, changes were made in another area to continue that balance.

Mitchell stated that when Wealshire was approved the previous year it was his understanding that the development would be appropriate next to low density residential. He stated that he would be in favor of this property providing buffering on the north and west to buffer from the larger lots, noting that perhaps there could be a trade-off to allow for smaller lots near the Wealshire development to provide that additional buffering.

Anderson agreed that buffering would be beneficial on the west side as that would provide a good transition into the five acre lots.

Cousineau stated that she is much more supportive of this version of the plan. She liked the idea of buffering Wealshire from the rural residential lots. She stated that for her this is a timing issue and asked for additional information on when the applicant could come forward to request development.

Finke stated that ultimately the existing Comprehensive Plan is effective until the draft Comprehensive Plan is effective, noting that the City has to submit the draft Plan by 2018 which will then go through the review process. He stated that the objective of the City has been that the City would like to have the new Plan effective well before the deadline. He anticipated that the draft Plan would be submitted soon and could be effective in 2017. He noted that this is only 31 acres of more than 300 acres that would become developable in 2019 and that is why the City has made the decision to progress the draft Comprehensive Plan process.

Batty stated that the City has adopted interim ordinances in the past for the purpose of preserving the planning process. He explained that often someone brings in an application which identifies a hole in the ordinance and the moratorium allows the City to fix the hole in the ordinance. He stated that a moratorium is a tool that the City should keep in mind.

Anderson stated that it was one year ago that the decision was made that the City would like to be first in line with the Metropolitan Council for its Comprehensive Plan review and the Steering Committee thought that decision through and worked hard to reach that end goal.

Mitchell confirmed the consensus of the Council that this would be a good project. He noted that timing will be a challenge going forward that the applicant should work on together with staff.

Anderson stated that from the Steering Committee there were two issues, the first being what is best from a land use perspective and the second in that what would be an applicable use of the property if the property did go into low density residential. He stated that the Steering Committee approved the final draft of the Comprehensive Plan which will go forward to a public hearing of the Planning Commission on December 13th and will then go to the City Council. He assumed that this application would fall under the new draft Plan because of the timing.

Mitchell asked when the applicant would be able to develop under the draft Comprehensive Plan.

Finke replied that the staging under the draft Plan would identify this parcel for development in 2025 with a "jump ahead" of 2023.

Cousineau asked if there would be additional public meetings after the change made the previous night.

Kathleen Martin, Chair of the Steering Committee, stated that the change made to the draft Plan the previous night was reflective of comments heard from the public during the public input process. She stated that she was unsure whether the Steering Committee fully understood that the staging period for the property would be changed by changing

the guiding of the property. She stated that may be something for the Planning Commission to consider at its public hearing.

Martin rejoined the Council.

B. Resolution No. 2016-94 Approving Canvass of Results and Declaring the Results of the Municipal Election Held on November 8, 2016 (8:02 p.m.)

Johnson stated that action is needed for the Council to canvass the results of the recent election.

Anderson noted that Medina had 88 percent of voter turnout, Minnesota had a voter turnout of 79 percent while the nation as a whole had a 55 percent voter turnout. He commended Jodi Gallup and her staff for their excellent work during the election season.

*Moved by Cousineau, seconded by Martin, to adopt Resolution No. 2016-94 approving canvass of results and declaring the results of the municipal election held on November 8, 2016. **Motion passed unanimously.***

VIII. CITY ADMINISTRATOR REPORT (8:03 p.m.)

Johnson stated that staff will meet with the Police Union to discuss contract negotiations which will then be discussed in closed session by the Council in December.

Stremel provided an update on the Deerhill Road improvement project noting that there was consensus to delay the paving of the roadway until next spring.

Johnson stated that staff continues to have problems getting the contractor back to complete punch list items on the lower level remodel.

IX. MAYOR & CITY COUNCIL REPORTS (8:04 p.m.)

Batty referenced the AutoMotorPlex application, which will be on the next Council agenda. He stated that the item was continued for a few reasons, one of which being whether the project would be required for a mandatory EAW. He stated that he does not believe that a mandatory EAW is required and will report such at the next Council meeting when the item is considered. He believed that this project falls into the discretionary category and therefore an EAW is not mandatory. He reviewed the actions that will be before the Council at the December 6th meeting.

Martin stated that she had requested that those that had believed an EAW was required submit their rationale on their firm's letterhead and asked if that occurred.

Batty stated that he spoke with the attorneys for both parties during a break at the previous Council meeting and directed them to call him. He noted that resulted in a meeting with all parties. He stated that he has not seen anything that changes his opinion on the matter.

X. APPROVAL TO PAY THE BILLS (8:11 p.m.)

*Moved by Martin, seconded by Anderson, to approve the bills, EFT 003893E-003910E for \$57,515.62, order check numbers 045051-045115 for \$335,779.74, and payroll EFT 507508-507539 for \$48,355.79. **Motion passed unanimously.***

XI. ADJOURN

*Moved by Anderson, seconded by Martin, to adjourn the meeting at 8:11 p.m. **Motion passed unanimously.***

Bob Mitchell, Mayor

Attest:

Scott Johnson, City Administrator