

MEDINA CITY COUNCIL MEETING MINUTES OF JUNE 19, 2018

The City Council of Medina, Minnesota met in regular session on June 19, 2018 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 June 5, 2018 Regular City Council Meeting Minutes

Johnson noted that changes had already been submitted by Martin and Anderson. The proposed changes will be incorporated into the draft minutes.

*Moved by Martin, seconded by Anderson, to approve the June 5, 2018 regular City Council meeting minutes with the revisions noted by Martin and Anderson. **Motion passed unanimously.***

V. CONSENT AGENDA (7:01 p.m.)

A. Resolution No. 2018-38 Appointing Election Judges for the August 1, 2018 Primary Election and the November 6, 2018 General Election

B. Resolution No. 2018-39 Appointing Absentee Ballot Board Election Judges for the August 14, 2018 Primary Election and the November 6, 2018 General Election

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

VI. COMMENTS (7:02 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 Eagle Scout park pavilion project for Maple Park, continue to review notes from the park tour, and discuss the capital improvement plan.

C. Planning Commission

Finke reported that the Planning Commission did not meet this month and instead held an open house related to the mixed residential land use regulations. He noted that the event was well attended and advised that staff will put that information together for the land use public hearing in August. He stated that in July the Planning Commission will review the storm water regulations.

VII. PRESENTATIONS

A. 2018 CenterPoint Energy Community Partnership Grant (7:04 p.m.)

Roger Schmitz, CenterPoint Energy, provided background information on the grant program noting that since 2003 the company has given \$1,500,000 in grant funds to communities. He presented a Community Partnership grant to the City of Medina in the amount of \$1,405, which will be used to purchase a sensor for a portable alarm system.

Mitchell accepted the grant and thanked Mr. Schmitz and CenterPoint.

VIII. NEW BUSINESS

A. Ditter Properties – Concept Plan Review – 2023 – 2052 Holy Name Drive (7:06 p.m.)

Finke stated that this is a concept plan review and therefore formal action is not required. He stated that the concept would entail rearrangement and division of the four parcels into 6 total parcels. He noted that two of the properties are connected to the City's sewer system but remain guided and zoned as rural residential. He noted that a number of similar properties that were connected to sanitary sewer along Holy Name Drive have been rezoned to suburban residential. He stated that the applicant is proposing to reduce the size of the properties served by sanitary sewer to match the requirements of the suburban residential zoning district and then redistribute the remainder of those lots with the remaining parcels to create four additional lots. He stated that the southern portion of the site contains the two lots proposed for suburban residential and the four lots that would remain rural residential. He noted that all the properties would be served by a private road in the location of the driveway that currently serves the properties. He provided additional details on the sanitary sewer connection. He asked Council to consider rezoning the properties served by sewer to suburban residential, similar to the other properties along Holy Name Drive. He noted that there may be one other property that could be in a similar situation. He stated that if the concept were to come forward as a formal request, there would be a Comprehensive Plan amendment, rezoning, and subdivision. He stated that the Planning Commission held a public hearing on May 8th and there were no public comments made. He stated that the Commission believed that this would make sense and expressed support of the concept.

Martin referenced the wetland to the northeast of the site and asked for details.

Finke replied that there is some wet property in the center eastern and northeastern portions of the property.

Martin referenced the two lots that would be proposed for suburban residential and asked for details on the amount of contiguous suitable soils.

Finke replied that he would need to look into it and noted that but for the wetlands on the site, most of the parcels contain suitable soils.

Pederson asked why the suburban residential lots would not be connected to water and if there are other similar lots in the City.

Finke stated that there is no water infrastructure in the area, estimating that the closest connection would be 1.5 miles away. He provided examples of other developments that are similar with only sanitary sewer connection and not water.

Martin asked for additional details on the bail outs that were done, to connect lots to sanitary sewer.

Scherer explained that the Lakeview properties are small lots and were right on the lake with septic systems and that is why the bail outs were done to connect those to the City sanitary sewer.

Martin asked if there would be a disadvantage to disconnect the properties from the sanitary sewer.

Finke replied that the infrastructure is already in place and the properties were already assessed 100 percent of the cost.

Jim Ditter, 2052 Holy Name Drive, stated that he already paid for the sewer and the connections are already there for the two homes. He stated that he lives in the original Ditter homestead. He stated that they purchased the properties from their uncle's years ago and have brought forward this concept plan as an idea. He hoped to work with the City to develop a plan that will work.

Finke stated that staff had not considered disconnecting the properties. He explained that the question at hand is that when the lots were connected it was not intended to shrink the size of the lots. He explained that the Council should weigh the land use principles of the Comprehensive Plan to determine if the request is in character.

Mitchell asked if the easterly lot line is the border with Plymouth.

Finke confirmed that is true.

Mitchell stated that if Plymouth continues to build up to the border, the four lots may be back.

Finke stated that the property to the east has already been developed.

Mitchell acknowledged that the bailouts created some awkward situations and the Council must consider what to do now.

Martin noted that the Comprehensive Plan identifies this area as rural residential and therefore she does not understand why a portion would be rezoned to suburban residential.

Finke stated that the most obvious issue is that the two parcels are served by sanitary sewer and generally speaking, the other properties within the MUSA are guided and zoned by a district that is intended to be served. He stated that the other properties that were bailed out were all rezoned and therefore these properties are outliers.

Martin stated that having two properties zoned suburban residential but surrounded by rural residential would seem out of character. She stated that these comments are not personal against the Ditter family, because they are great members of the community and explained that there must be a consistent basis for the decision.

Mitchell stated that he understands that it does not track. He stated that his concern would be that this would create four rural residential lots surrounded by suburban residential lots and therefore that could bring future requests to subdivide the rural residential lots.

Tom Ditter stated that he and his Brother, Jim, are making the request. He stated that the rural residential has to have five acres of suitable soils for septic. He noted that the two lots connected to City sewer no longer need the extra land for septic. He stated that the family has been in the community for years and has paid property taxes and asked the City to give the request consideration.

Chris Clennon, 2425 Holy Name Drive, referenced the comment made by Mitchell with the concern that there would be a future request to subdivide the four rural residential lots. He referenced the draft Comprehensive Plan which designates the land as rural residential and requires at least five acres of land for lots.

Martin explained that rural residential lots must have a minimum of five acres of suitable soils.

Finke stated that the property to the north and west is guided for rural residential land uses under the draft Comprehensive Plan for the next 20 years. He stated that all the land in this area is included in the Metropolitan Council's long-term sewer area for the potential consideration for extension of the sewer services.

Mitchell stated that a future request to subdivide the four rural residential lots could be denied because the land is guided for rural residential. He noted that the Council would simply need to be prepared to say no.

Martin asked if the Council would also have to be prepared to say no tonight.

Finke stated that properties that are zoned rural residential are not to be connected to City sewer and properties guided for low density residential are to be connected to City sewer. He stated that definitionally there is an obvious objective. He stated that if there are other bailouts in the future this could perhaps set a precedent.

Martin asked if the planning ordinance allows a piece of property to be platted with two different zoning districts.

Finke confirmed that there could be multiple zoning designations within the plat. He noted that the approvals would be lined up in a method that makes that possible.

Martin suggested perhaps combining the two sewer lots into one lot. She recognized the history of the site that would be the entrance to rural residential. She stated that the two sewer lots would then be one lot 1.8 acres in size that is connected to sewer but not water. She stated that the lot would still need to be rezoned which would require a Comprehensive Plan amendment that would have to go before the Metropolitan Council.

Finke stated that the draft Comprehensive Plan would be approved by the Met Council before this request would move forward.

Pederson asked about the zoning for the other cases in which bailouts were done.

Finke stated that the other properties along Lakeview, all the properties that were connected to the sanitary sewer were rezoned to suburban residential. He stated that these properties were not rezoned at that point, noting that there is no good record on why that was done. He stated that perhaps the justification was that the lots exceeded the minimum lot size and they did not want to allow future subdivision that would require additional sewer connections. He stated that it was never considered that the lots be shrunk to fit the requirements of the suburban residential zoning district.

Mitchell referenced the adjacent property uses, stating that perhaps the four properties would be suitable as rural residential lots.

Pederson noted that in the past there was opposition from existing homeowners for the cemetery use but, in this case, the new property owners would know about the cemetery before purchasing the property. He stated that this is a unique property because it is between the cemetery and the City of Plymouth.

Finke stated that there may be an argument to this being a transition between rural residential and the City of Plymouth. He noted that currently there are four lots, two of which are served by City sewer.

Martin asked for details on the existing lot lines.

Finke highlighted the existing lot lines, which are shown in yellow. He stated that the discussion on this began years ago because of the misshapen lot. He stated that it is an odd shaped lot and regardless, a lot line rearrangement would still probably move forward.

Conrad Miller, 2475 Holy Name Drive, stated that with all this talking he believes that it would be a good idea to talk to Plymouth and negotiate with them to put Brockton all the way from Hamel Road to 24, which would make more sense. He stated that the City could then negotiate with the Ditters. He stated that would make more sense than this discussion.

Martin noted that the road would then need to go through a lake.

Mitchell stated that it may be awkward, but he does not object to the request.

Martin stated that her objection stems from the existing and draft Comprehensive Plan. She was concerned with precedent that could be set.

Pederson stated that staff should work with the Ditters further to determine if the lot lines could be rearranged further. He stated that there would be a benefit to having a private road. He referenced the sewer line, which may have been changed.

Finke provided additional details and noted that if this were to move forward, the line for the Metropolitan Council's long-term sewer service area that encompasses the two sewer lots would be shrunken to match the smaller lot sizes.

Pederson stated that he would support the request as long as precedent is not set.

Anderson stated that he was concerned about tempting fate with the Metropolitan Council, given the issues the City has had with the Met Council. He encouraged the Ditters continue to work with staff, noting that a lot line rearrangement would still be a good idea.

Cousineau echoed the comments of Martin, stating that it would be a little difficult to make this work. She also agreed that perhaps a lot line rearrangement would be a better option. She was hesitant to ask the Metropolitan Council for anything additional at this time.

Pederson asked the expectations on timing from the Ditters.

Ditter replied that it would be at least one year from now but would like direction on whether to move forward.

Mitchell stated that it would seem the best thing to do is to continue to work with staff to determine if there are better ways to reach the desired outcome as this proposal has question marks.

Martin referenced Outlot A and asked why that is an outlot.

Finke replied that it is part of the odd shaped lot and generally there is a tendency to not have a lot straddling a roadway.

Martin stated that if that were combined with lots one and two, that would be perhaps closer to two acres in size if those were combined into one lot. She stated that there are issues because there is not a water connection.

Mitchell encouraged the Ditters to continue to work with staff.

Ditter asked why the water would be important.

Martin stated that the definition of suburban residential includes water and sewer service.

IX. CITY ADMINISTRATOR REPORT (7:53 p.m.)

Johnson had nothing further to report.

Mitchell asked Batty for input on the panhandling issue.

Batty stated that Belland recently asked him for an opinion on the ability of the City to regulate panhandling. He stated that another attorney in his office has recently done work on the issue and noted that cities are almost never successful in regulating panhandling based on first amendment rights. He stated that one possible exception is making panhandling a public safety issue. He stated that the example city has busy highways with people perched on small medians attempting to panhandle. He stated that the attempt would be to prohibit anyone from being out there based on public safety. He stated that there may be very limited circumstances on which you could successfully prohibit that activity.

Mitchell noted that this discussion came forth from a call he received from someone concerned with panhandling activity. He stated that legal counsel looked into the matter and based on first amendment rights the City would not be successful in attempting to regulate the activity.

Belland confirmed that a person has a first amendment right to be there unless the person is causing a problem.

X. MAYOR & CITY COUNCIL REPORTS (7:58 p.m.)

Mitchell reported that he attended a mayors' meeting last week where he discussed the pension issue. He noted that the legislature passed a pension bill, which takes baby steps towards the right direction.

Pederson reported that he attended the Corcoran City Council meeting the previous week for their Fire Department Report. He stated that the three fire departments who serve Corcoran have been engaged and the city will have many decisions to make.

Martin stated that she watched the meeting on video. She stated that perhaps when Councilmembers want to attend, perhaps that could be coordinated with Johnson to ensure that open meeting laws are not violated.

Pederson stated that it was his understanding that the Council can attend other meetings, as long as they do not sit together and talk about City business.

Batty stated that if more than two Councilmembers are going to attend, it is important that they do not sit together.

Martin stated that she simply did not want to put herself in that position and watched the meeting from home to avoid a conflict as Pederson and Anderson attended.

Martin stated that the open house the previous week was well done and there was more interest than she envisioned. She stated that people were interested in mixed use residential and staff was very helpful.

Martin stated that there was a good meeting earlier this morning on the strategic planning process related to the four fire departments that serve the City. She stated that the packet of materials was prepared and provided to the City Council. She noted that there will be two more meetings on the topic and advised that Pederson will be joining the group.

Pederson asked what would happen if there is a CIP adjustment while the City has a contract in place.

Martin provided details on the different elements of the contracts. She noted that in one contract the payment obligation springs once the City approves the CIP of the fire department. She stated that each department is good about sharing information and allowing discussions, but only one contract requires City approval.

XI. APPROVAL TO PAY THE BILLS (8:08 p.m.)

*Moved by Anderson, seconded by Pederson, to approve the bills, EFT 004645E-004666E for \$64,523.59 and order check numbers 047392-047455 for \$249,434.08 and payroll EFT 0508715-0508747 for \$53,449.47. **Motion passed unanimously.***

XII. ADJOURN

*Moved by Anderson, seconded by Cousineau, to adjourn the meeting at 8:09 p.m. **Motion passed unanimously.***

Bob Mitchell, Mayor

Attest:

Jodi M. Gallup, City Clerk