

MEDINA CITY COUNCIL MEETING MINUTES OF JULY 2, 2019

The City Council of Medina, Minnesota met in regular session on July 2, 2019 at 7:00 p.m. in the City Hall Chambers. Mayor Martin presided.

I. ROLL CALL

Members present: Albers, Anderson, DesLauriers, Martin, and Pederson.

Members absent: None.

Also present: City Administrator Scott Johnson, Assistant City Administrator Jodi Gallup, City Attorney Ron Batty, City Engineer Jim Stremel, City Planning Director 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 18, 2019 Special City Council Meeting Minutes

Martin noted that proposed revisions were submitted by Albers, DesLauriers and herself to be incorporated.

*Moved by Pederson, seconded by Anderson, to approve the June 18, 2019 special City Council meeting minutes as amended. **Motion passed unanimously.***

B. Approval of the June 18, 2019 Regular City Council Meeting Minutes

Martin noted that revisions were also submitted for this set of minutes.

*Moved by Martin, seconded by Pederson, to approve the June 18, 2019 regular City Council meeting minutes as amended. **Motion passed unanimously.***

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

A. Approve 2020 Contract for Assessing Services with Southwest Assessing

B. Approve 2019 Trail Master Plan

C. Appoint Terry Sharp as Alternate to the Elm Creek Watershed Commission

D. Approve Second Amendment to T-Mobile Site Agreement

E. Approve Agreement for Engineering Services with WSB for Chippewa Road

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

VI. COMMENTS (7:03 p.m.)

A. Comments from Citizens on Items not on the Agenda

There were none.

B. Park Commission

Park Commissioner Weir reported that the Minnesota Cricket Association provided a thorough presentation, noting that the City does not have a park large enough to accommodate a regulation cricket field. She stated that it could be a possibility when building a new park but noted that one match is six hours which would be a long time to reserve a park space. She stated that the Park Commission is proposing to pave the south shoulder of Medina Road and is working with Hennepin County to possibly have the shoulder of Hamel Road paved.

Scherer reported that he discussed the possibility with the County this spring and the County felt there was not enough room on the shoulders for pedestrian traffic.

Park Commissioner Weir reported that the parking area at Morningside Park needs to be updated and is in the proposed Capital Improvement Plan. She stated that she and Steve Lee have been very active in garnering attention from the residents for the improvement of parks and trails, reporting that through the last three events they have collected 172 signatures in support of raising taxes to support this effort. She stated that the City has spent a lot of money on the parks and trails, which add to the quality of life, and believes that there should be a generous fund to keep those amenities in good shape. She stated that they will continue to collect signatures at upcoming events.

C. Planning Commission

Finke reported that the Planning Commission will meet the following week to conduct two public hearings: consideration of an ordinance amendment related to setbacks for a minor collector roadway in the R-2 district and consideration of an ordinance amendment related to illumination of signs in the business and industrial park zoning districts.

VII. PRESENTATIONS

A. Resolution No. 2019-41 Recognizing Ivan Dingmann's Years of Service to the City of Medina (7:10 p.m.)

Martin read aloud the proposed resolution recognizing Ivan Dingmann for his years of service to the City of Medina, as he is retiring July 8th.

*Moved by Martin, seconded by Pederson, to Adopt Resolution No. 2019-41 Recognizing Ivan Dingmann's Years of Service to the City of Medina. **Motion passed unanimously.***

Martin presented the resolution to Ivan Dingmann and thanked him for his years of service.

Ivan Dingmann stated that he is a lifelong resident of Medina and it has been a pleasure to work for the City.

Scherer stated that he will miss Ivan, his leadership and witty attitude in the department. He stated that he has worked with Ivan since the 1970's when they both plowed snow for the City.

B. Senator Osmek – Legislative Update (7:14 p.m.)

Martin stated that she appreciates the value and hard work that Senator Osmek brings to the community.

Senator Osmek stated that the legislative session was finished, with a little overtime involved. He stated that he was one of the few votes against the opioid bill, noting that his problem is not with the program itself but with the funding. He explained that funding is just as important as a program itself. He stated that he worked with another representative on an alternate local government aid formula but noted that the House did not pass the bill. He noted that he will continue to work on that opportunity for the next legislative session. He stated that he has received concern from residents of Medina and Greenfield that lack cable and internet services and noted that he continues to work on that issue. He stated that Johnson expressed interest in the civil forfeiture bill and noted that although he is not familiar with that issue he will follow up.

Martin stated that she appreciates the follow up on the internet service availability, as that continues to be an issue for many Medina residents.

Senator Osmek encouraged residents lacking internet service to reach out to his office so that he can better understand the problem.

Pederson echoed the comments that the number one issue he hears from residents and the business community in Medina is related to lack of internet.

DesLauriers referenced the universal service fund, which is funded by a tax on cellular phone users and believed that is supposed to be used for underserved communities.

Senator Osmek stated that he can check into that but believed that fund is used for deaf and hard of hearing access issues. He explained that there is a slight difference between unserved and underserved, noting that Medina would fall into the category of underserved. He noted that he will continue to express urgency for communities like Medina.

C. Municipal Park Fund Report (7:24 p.m.)

Weir stated that the parks and trails are aging and have been a large investment in the community. She stated that the parks and trails need improvement and equipment replacement and urged the community to continue to be a role model in good government.

VIII. NEW BUSINESS

A. Munsell Wetland Buffer Vacation – Public Hearing (7:25 p.m.)

Finke stated that this lot is in the eastern portion of the Enclave development. He noted that in 2015 the City previously reduced the upland buffer by 142 feet. He stated that originally the buffer was 35 feet in width. He explained that the ordinance allows for an average of the buffer, which means that the buffer could be shortened in some areas and increased in other areas. He stated that the developer did not take advantage of that and created a buffer of 35 feet around the wetland. He noted that the majority of the buffer falls on City owned land. He stated that the applicant would like a further reduction. He noted that the lawn is currently 15 to 20 feet in width prior to reaching the upland buffer. He stated that the request would further reduce that buffer by 471 square feet, which combined with the previous reduction would be a total reduction of 40 percent for this lot. He stated that the remaining buffer would be 25 to 30 feet in width. He stated that staff reviewed the wetland to determine an average buffer, noting again that most of the buffer lies within the City property. He stated that there would be no

benefit to enlarging the buffer on the City property as that property is largely undeveloped and would remain so. He noted that the ordinance would have allowed the averaging when created but the developer did not choose to do so.

Martin stated that the proposed buffer would be 25 feet in width all the way around the wetland.

Finke confirmed and noted that is the minimum allowed under Code, even with averaging. He noted that upon the original subdivision the averaging would have been allowed. He noted that there are other circumstances where there has been averaging on open space property or City owned property. He explained that this request would not require a variance and provided additional information on activities that could require a variance.

Martin opened the public hearing at 7:34 p.m.

Tim Sedabres, 3169 Cyprus Circle South, asked if this request would have any impact on the adjacent trail.

Finke stated that the wetland buffer has not been fully implemented and therefore there would not be any practical difference if the buffer were narrowed by five to ten feet.

Martin asked the current status of the buffer area.

Finke explained that much of that area remains sod. He noted that the City is still holding escrow for the planting of the wetland buffer.

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

1. Resolution No. 2019-42 Vacating Upland Buffer Easement on 3157 Wild Flower Trail

Moved by Pederson, seconded by Albers, to Adopt Resolution No. 2019-42 Vacating Upland Buffer Easement on 3157 Wildflower Trail.

Further discussion: Martin noted that she is struggling with the issue of public interest.

The applicant stated that when he purchased the home in 2014, the property was improperly marked. He explained that they went through the proper channels through the HOA to do the approved landscaping. He noted that they discovered during the process of building their deck that the buffer posts had been removed. He explained that they have since then discovered that some of their landscaping would need to be removed because of the buffer locations. He stated that reducing the buffer would prevent he and his wife from having to rip up that area once again.

Martin noted that it could be considered in the public interest to correct an error that was not made by the homeowner.

Finke confirmed that additional plantings will be needed for the buffer area. He explained that the ordinance was created to provide flexibility for the public interest, regardless of whether this is done before or after the fact.

Martin noted that it could also be in the public interest to provide adequate play space for the applicant's children.

Pederson stated that he agrees and believes that this was not the error of the homeowner but instead of the developer or builder.

Motion passed unanimously.

B. Uptown Hamel Ordinance Amendment and Rezoning (7:42 p.m.)

Johnson noted that this item and the next are related. He advised that staff has identified items that need to be updated.

Finke stated that there are two items that require separate action tonight. He stated that the first would be amendments to the text related to the Uptown Hamel zoning districts, which will become one district if adopted. He noted that the second action would rezone all Uptown Hamel properties into the one district. He stated that the second action would also incorporate two properties, 500 and 492 Hamel Road, into the Uptown Hamel district. He provided information on the proposed residential density that would be allowed in the proposed Uptown Hamel zoning district, which would match the full range specified in the 2040 Comprehensive Plan. He stated that the broader discussion of Uptown Hamel will continue but these changes are to ensure that the City is consistent with the Comprehensive Plan prior to the deadline for doing so. He provided details on the outdoor dining element, noting that the Planning Commission supported providing flexibility to allow outdoor seating for smaller restaurants/businesses. He reported that the Planning Commission held public hearings on both ordinances in June and recommended approval of both ordinances.

Anderson referenced the language pertaining to outdoor seating and noted that it appears that there would not be adequate seating permitted with this language.

Martin agreed.

Albers stated that he would be fine with the ordinance as written. He referenced the language related to seating on the sidewalk or right-of-way and asked if that should be included in this ordinance rather than addressed at a later time.

Martin stated that in her experience use of public right-of-way for public seating is done using a permit, rather than specifically allowing the activity.

Finke stated that perhaps the place for that activity would be within the right-of-way ordinance rather than within this ordinance.

Batty agreed that he would not include that language in this ordinance and would instead include that ability outside of the land use ordinances.

Martin stated that perhaps staff should be directed to find an appropriate place in the ordinance for use of sidewalks for public seating.

Finke stated that would be a broader change. He noted that the intent of this ordinance change would be to meet the requirements to be consistent with the Comprehensive Plan prior to the deadline. He confirmed that the City has not received the request for

public seating within the sidewalks but acknowledged that some businesses have used the sidewalks.

Batty agreed that this is a broader issue that expands past restaurants and can include retail merchandise.

Johnson agreed that there would be additional work to do on this topic and confirmed it could come back to the Council in the future.

Martin referenced the rooftop seating issue and agreed that she would not want to further restrict that activity.

Anderson noted that it would seem to be an easy fix to the language to allow rooftop dining.

Finke stated that rooftop would be differentiated from patio seating, exempting rooftop and placing the restriction on patio seating. He confirmed that the use would remain as a conditional use.

Martin confirmed the consensus of the Council to remove the restrictions on rooftop seating, as long as that remains a conditional use. She asked for additional clarification on the setback language.

Finke explained that there would either have to be a zero lot line or eight feet or more.

Martin provided a grammatical suggestion for the language.

1. Ordinance No. 648 Amending the Requirements of the Uptown Hamel Zoning District; Amending Chapter 8 of the City Code

*Moved by Anderson, seconded by Pederson, to Adopt Ordinance No. 648 Amending the Requirements of the Uptown Hamel Zoning District per the comments and discussion of the City Council tonight. **Motion passed unanimously.***

a) Resolution No. 2019-43 Authorizing Publication of Ordinance No. 648 by Title and Summary

*Moved by Anderson, seconded by Pederson, to Adopt Resolution No. 2019-43 Authorizing Publication of Ordinance by Title and Summary. **Motion passed unanimously.***

2. Ordinance No. 649 Amending the Official Zoning Map to Rezone Various Properties to the Uptown Hamel (UH) Zoning District

*Moved by Anderson, seconded by Albers, to Adopt Ordinance No. 649 Amending the Official Zoning Map to Rezone Various Properties to the Uptown Hamel (UH) Zoning District. **Motion passed unanimously.***

a) Resolution No. 2019-44 Authorizing Publication of Ordinance No. 649 by Title and Summary

*Moved by Anderson, seconded by Pederson, to Adopt Resolution No. 2019-44 Authorizing Publication of Ordinance by Title and Summary. **Motion passed unanimously.***

C. Presbyterian Homes Conduit Bond Request (8:02 p.m.)

Johnson stated that staff was contacted by the business, which has two cities in place to issue bonds at 50 basis points. He asked if Medina would be willing to accept the request at 50 basis points, as the business would like to keep the rate consistent between the cities. He noted that the business only requires three cities, not four, because of the reduced scope of its project.

DesLauriers stated that if Medina does not accept the 50 basis points, the business would have other options.

Pederson asked the total amount the City would receive. It was noted that the City would receive \$50,000.

Batty confirmed that there would be no cost or obligation to the City. He stated that the other action would be that if the request is found acceptable by the City, the Council should direct staff to call for a public hearing at the August 7th meeting.

Martin noted that in the past the Council has discussed where the funds should be applied and asked if the Council would like to discuss this topic.

Johnson noted that additional discussion could occur at the next worksession.

The Council agreed additional discussion should occur, as it appears the Council would prefer to see those funds applied to the Municipal Park Fund.

Johnson confirmed that staff would bring forward options for discussion at the worksession.

*Moved by Anderson, seconded by Pederson, to direct staff to call for a public hearing on the possible issuance of conduit bond financing for Presbyterian Homes at the August 7, 2019 meeting. **Motion passed unanimously.***

IX. CITY ADMINISTRATOR REPORT (8:08 p.m.)

Johnson stated that in the past seating arrangements for the Council have been switched throughout the year and asked for direction from the Council. It was confirmed that the Council is supportive of the idea. He noted that a request from Hamel Fire to discuss a Transition Study Group will appear on the next Council agenda. He reported that City Hall will be closed on July 4th and 5th.

X. MAYOR & CITY COUNCIL REPORTS (8:09 p.m.)

Martin reported that the West Metro Mayors Meeting will occur the following Wednesday, July 10th. She noted that she is unable to attend and asked that an interested Councilmember reach out to Johnson if they would like to attend.

XI. APPROVAL TO PAY THE BILLS (8:09 p.m.)

*Moved by Anderson, seconded by Pederson, to approve the bills, EFT 005130E-005141E for \$53,592.49 and order check numbers 048958-049025 for \$223,946.72 and payroll EFT 0509524-0509553 for \$54,379.83. **Motion passed unanimously.***

XII. CLOSED SESSION: CLOSED SESSION PURSUANT TO MINN. STAT., SECTION 13D.50, SUBD. 3(b) TO DISCUSS THREATENED LITIGATION

**INVOLVING ZONING VIOLATIONS AT THE PROPERTY AT 2402 HIGHWAY
55**

*Moved by Anderson, seconded by Albers, to adjourn the meeting to closed session at 8:10 p.m. to discuss threatened litigation involving zoning violations at the property at 2402 Highway 55. **Motion passed unanimously.***

The meeting returned to open session at 8:52 p.m.

XIII. ADJOURN

*Moved by Anderson, seconded by Albers, to adjourn the meeting at 8:53 p.m. **Motion passed unanimously.***

Kathleen Martin, Mayor

Attest:

Jodi M. Gallup, City Clerk