

MEDINA CITY COUNCIL MEETING MINUTES OF AUGUST 18, 2020

The City Council of Medina, Minnesota met in regular session on August 18, 2020 at 7:00 p.m. in the City Hall Chambers. Mayor Martin presided.

Martin read a statement explaining that all Council and Commission meetings will continue to be held virtually due to the ongoing pandemic. She reviewed the instructions on how members of the public can participate in the meeting.

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, Finance Director Erin Barnhart, City Engineer Jim Stremel, City Planning Director Dusty Finke, Public Works Director Steve Scherer, and Sergeant Kevin Boecker.

II. PLEDGE OF ALLEGIANCE (7:09 p.m.)

III. ADDITIONS TO THE AGENDA (7:10 p.m.)

The agenda was approved as presented.

IV. APPROVAL OF MINUTES (7:10 p.m.)

A. Approval of the August 4, 2020 Regular City Council Meeting Minutes

Martin noted that prior to the meeting Johnson distributed proposed corrections to the minutes that she submitted.

Moved by Martin, seconded by Anderson, to approve the August 4, 2020 regular City Council meeting minutes as amended.

A roll call vote was performed:

*Pederson aye
Anderson aye
DesLauriers aye
Albers aye
Martin aye*

Motion passed unanimously.

V. CONSENT AGENDA (7:11 p.m.)

A. Resolution Accepting Donation of Masks

B. Resolution Accepting Public Utilities Within the Reserve of Medina 2nd Addition

Moved by Pederson, seconded by DesLauriers, to approve the consent agenda.

A roll call vote was performed:

*Pederson aye
Anderson aye
DesLauriers aye
Albers aye
Martin aye*

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 Park Commission will meet the following day to discuss the Ditter subdivision request, specific to park dedication. The Commission will also review the three concepts for Hunter Lions Park and will also discuss field improvements with Hamel Athletic Association.

C. Planning Commission

Planning Commissioner Grajczyk reported that the Planning Commission met the previous week to consider the Ditter subdivision request and recommended approval of the Comprehensive Plan amendment, Rezoning, Preliminary Plat, and Interim Use Permit. He stated that the Commission also reviewed a Conditional Use Permit for a Home Occupation Permit for in-home fitness and recommended approval. He noted that the Commission also reviewed the ordinance related to setbacks for accessory structures which included a sliding scale that would link the size of the allowed accessory structure to the size of the property. He stated that the Commission recommended approval of the ordinance as proposed by staff.

VII. OLD BUSINESS

A. Tamarack Drive Corridor Visioning Study – Final Concept Plan (7:27 p.m.)

Johnson stated that at the July 21st meeting the Council reviewed this concept and directed staff to work with the adjacent property owners in order to develop a plan that meets the interests of all parties. He stated that staff held that meeting and thought that all the parties agreed on the proposal being presented tonight. He stated that emails were received from Anderson and Eric Miller, representing the Cavanaughs, that were distributed to the Council. He stated that this is a visioning study that sets the parameters for the corridor.

Martin stated that this does not commit the City or any parties to these improvements and is simply intended to guide future development of the corridor.

Stremel provided background information on the process thus far. He stated that a draft of the final study was presented at the last meeting with a review of the concept plan. He stated that comments were provided from adjacent landowners and the direction from Council was for staff to setup a meeting with the adjacent landowners to further discuss the corridor. He felt that the meeting went well and there were great discussions

for the corridor and adjacent development needs. He provided a comparison of the previous concept and the revised concept. He stated that there is general support for the roundabout in the newly proposed location. He highlighted the additional elements that were added to the new concept following the meeting with those landowners. He stated that the next step would be for the Council to adopt the study with the fully signalized intersection at TH 55.

Martin appreciated the work that was put into the revised plan.

Albers asked how far south the roundabout shifted and whether the amount of right-of-way is equitable between the property owners.

Stremel replied that the roundabout was moved about 60 feet to the south, which was as far south as staff was comfortable with. He stated that staff attempted to make the right-of-way split as equitable as they could.

Pederson asked for details on the Loram property and the wetland.

Stremel confirmed that Loram would need access from Tamarack because of the wetland location.

Pederson asked if Loram was comfortable with the right-of-way being taken.

Stremel stated that he did not receive a response from Loram but noted that the median cannot be reduced because of quiet zone requirements. He stated that they have not yet received a development plan for that portion of the Loram property.

Finke stated that Loram's interest was to minimize the right-of-way as much as possible. He commented that the right-of-way split is 2 to 1 between the City and Loram.

DesLauriers asked if Wayzata Schools was invited to the meeting with staff.

Finke stated that he was unsure if the School District was invited to this discussion as the corridor study concentrated on the north side. He stated that the School District has been a part of the broader process.

DesLauriers stated that the previous discussion was for a desire to move the roundabout closer to the lot lines. He asked if the property owners were in agreement with the alignment.

Stremel stated that it is not a straight alignment, noting that typically roundabouts have some curve to them, and staff did the best they could to balance the right-of-way needed on all properties.

DesLauriers commented that he is concerned with the intersection to the north coming out of Lennar, noting that could be very troublesome with people coming from that access, the roundabout, and from Meander.

Stremel replied that the idea would be that the roundabout would serve as the primary commercial access and the Lennar access would have less commercial access. He stated that the amount of traffic generated from the residential side would be less than

the commercial side and noted that the peak times for residential and commercial are usually different.

DesLauriers stated that he would like to limit the volume to that intersection.

Stremel stated that based on input from adjacent landowners, it was important for them to have a second access to the commercial properties.

Martin asked the concern of DesLauriers.

DesLauriers stated that he is concerned with the volume of traffic in the roundabout and then with the Lennar and Meander intersections.

Martin stated that she is not bothered by the proposed alignment. She stated that other cities have roundabouts and straight intersections that seem to work fine. She believed that there was sufficient length available for those actions.

Anderson stated that he can see the point raised by DesLauriers and asked if there is a right-in or left-out for Lennar.

Stremel stated that there is no right-out but there is a southbound left turn into the development.

DesLauriers asked and received confirmation that vehicles coming from Lennar could go left, right, or straight.

Finke stated that the volumes are slightly higher for Tamarack north of the roundabout than Meander but not by much.

Stremel stated that the traffic flow between the intersections was not updated. He stated that given that the roundabout would serve as the primary access to commercial, there would be a reduction in the flow to the secondary commercial access and then further north to Meander. He again mentioned that the peak times for the commercial and residential properties would be different.

Finke stated that the intent would be to have a low speed for the corridor, at 30 mph, further slowed by the roundabout.

Anderson referenced the projected cost for the south portion of the project and asked if the intent would be that Wayzata Schools and other developers would pay for those improvements.

Stremel replied that much of the cost to the south is the railroad crossing. He stated that cost would be split between the properties to the south side: Wayzata Schools, the City, and Loram.

Finke commented that based on acreage, most of the property in that area is owned by the School District.

DesLauriers commented that Wayzata appears to own the majority of the land on the south side and therefore it would seem that they should have been involved.

Finke stated that the School District has been involved in the process throughout, with the exception of the last meeting to discuss the improvement to the north.

Martin confirmed that the School District was involved in the discussions but most likely did not have any interest in the improvements to the north that were discussed at the last meeting.

Pederson stated that it was his understanding that the railroad crossing improvements in other areas included grant funds to implement quiet zones and the remaining funds were paid by the City.

Stremel stated that the railroad improvements could be paired with the TH 55 intersection. He confirmed that it would be a City project.

Pederson noted that the last three quiet zone projects were City projects that involved grant funds and he would then think this would follow the same process.

Martin agreed that she would not be willing to commit City funds if there were not grant funds involved. She noted that if the improvement is desired without grant funds because of development, that cost could involve participation from the developers.

Pederson stated that he believed that access should be provided to the Cavanaugh property to ensure that area is viable and successful and therefore supports the alignment as proposed.

Stremel commented that turn lanes were added along with the slow speed to ensure that could be provided safely.

Eric Miller, representing the Cavanaugh's, stated that they recognize that a certain amount of the improvements are going to move forward with the townhome development that will set an alignment for the roadway based on the visioning study. He stated that they are still uncertain as to the financial obligations, stormwater management allocations and right-of-way dedication that would be necessary. He stated that they are concerned that there will be a question placed upon the Cavanaugh's for right-of-way dedications to be provided to support the development to the south. He stated that they will want a clear picture of the entire project and related obligations. He stated that they would like to move forward with full transparency and hopes that they will not be put in a position where they do not have time to think through the requests in a thoughtful and responsible manner. He stated that just because they are not objecting to this does not mean they fully support requests that could be made in the future to support development to the south.

Anderson commented that this is a visioning study that would not commit the City to expenditure of funds. He referenced a portion of the study that states it is not anticipated that a cost share of the Hamel Road or TH 55 would be possible, and that the City would need to fund a portion of the watermain loop. He stated that on the one hand the City wants to move ahead and adopt the visioning study, but within the study it is clear that two primary funding sources, Hennepin County and MNDOT, would not be available for the cost-shares of those intersections. He stated that if a motion is made,

he would want a statement made that makes it clear that at this time the City will not bear any costs associated with this project.

Martin stated by adopting the visioning study the City is not committing any funds. She stated that in the future there may be a decision for the City to contribute funds. She recognized the language and at this time the City does not have funding partners but that does not mean there may not be partners in the future. She confirmed the consensus of the Council that adopting the visioning study would not commit the City to expenditure of funds.

Moved by Martin, seconded by Anderson, to adopt the Tamarack Drive Corridor Visioning Study with fully signalized intersection at TH 55 provided, however that in adopting such visioning study the City Council does not commit to spending funds for any of the road improvements envisioned by the study or taking any additional steps as outlined in the study.

A roll call vote was performed:

<i>Pederson</i>	<i>aye</i>
<i>Anderson</i>	<i>aye</i>
<i>DesLauriers</i>	<i>nay</i>
<i>Albers</i>	<i>aye</i>
<i>Martin</i>	<i>aye</i>

Motion passed.

DesLauriers stated that he supports the roundabout and signalized traffic signal but does not support the secondary Lennar access.

VIII. NEW BUSINESS

A. John and Mary Bartzen – Variance for Setback for Individual Sewage Treatment System (ISTS) to Wetland – 1075 Oak Circle – Public Hearing (8:18 p.m.)

Finke stated that the 75-foot setback from wetlands is an additional regulation that the City chose to adopt as State Code does not require a minimum setback from wetlands. He stated that the Septic Ordinance and State Statute allows the City to consider a variance. He commented that this is a fairly small lot for a rural lot and is similar in size to the other adjacent lots. He stated that there is no other viable alternative for treatment on this site and therefore the alternative would be to convert to holding tanks which would be extremely expensive. He stated that the septic designers recommended annual review to determine if operational changes are needed to extend functionality and the life of the system. He stated that staff recommends approval based on the criteria noted and the conditions suggested. He stated that the applicants have sold the property since application, but the new property owner is on the call.

Martin stated that she appreciates that the City setbacks are more stringent than the State in order to protect natural resources. She stated that she does support the variance for this request and finds the City regulations to be reasonable and appropriate.

Martin opened the public hearing.

No comments made.

Martin closed the public hearing.

Moved by Anderson, seconded by DesLauriers, to direct staff to draft a resolution approving the variance subject to the conditions noted in the staff report.

A roll call vote was performed:

*Pederson aye
Anderson aye
DesLauriers aye
Albers aye
Martin aye*

Motion passed unanimously.

B. US Home Corp (Lennar) – Meadow View Townhomes – Rezoning and Preliminary Plat – North of Hwy 55, South of Meander Road, West of CR 116 (8:27 p.m.)

Finke presented a request for a 125-unit townhome development on the subject property. He stated that in order to carry forward a rezoning to R-3 and a preliminary plat would be necessary. He stated that the portion of the site proposed to be developed with townhomes is part of a larger site that is split in the Comprehensive Plan between medium density residential in this location and commercial for the remainder of the property south to TH 55. He stated that the proposed density falls within that identified density range and the site is within the current staging period. He reviewed the adjacent property uses and future land guidance. He displayed the proposed site layout and provided details on the primary and secondary access points and noted that the streets are proposed to be private. He stated that this proposal includes less units than the original concept plan and noted that the garage size would meet the City's requirement for minimum garage size. He stated that staff recommends approval of the rezoning contingent upon the development moving forward.

Martin asked if anyone has questions related to the rezoning.

DesLauriers stated that there do not appear to be any other options for rezoning.

Batty stated that zoning has to be consistent with the Comprehensive Plan. He stated that with other cases there are multiple zoning districts that would fit within the guidance of the Comprehensive Plan but in this case this is the only zoning district that would fit within the guidance of the Comprehensive Plan.

Finke stated that the range of density within this land use is fairly narrow and therefore it would not make sense to have multiple zoning districts that would apply. He stated that all of the units are proposed to be side by side townhome units. He stated that there are 27 buildings, most with four or five units. He stated that the applicant has proposed private trails, open space, and additional sound suppression to gain the additional .75 density proposed.

Martin asked for details on the bonus density and how that is calculated.

Finke replied that one half unit per acre is provided for sound suppression and the private trails and open space would equate to the .25 unit per acre. He commented that staff is suggesting that the grading be adjusted in one of the open areas to be more conducive to a recreational play area.

Martin asked if anyone had questions in respect to the layout, density, bonus density or site plan.

Anderson referenced the density and stated that he is curious as to whether there was any discussion with the development about the inclusion of affordable housing within this project.

Finke stated that there were discussions early on in the process and the applicant investigated that option but did not carry on with that element.

Anderson stated that he does not believe that 6.25 should be allowed if the developer is not interested in pursuing affordable housing and should receive the base minimum in terms of density.

Batty stated that the Council has some discretion with the recreational facilities but is unsure that the Council would have the same discretion with the sound suppression as that is laid out in the Ordinance.

Finke agreed with Batty's comments that based on the information in the ordinance that 6.5 units per acre would be met. He stated that the .25 for open space and other amenities would also seem appropriate but noted that the Council could discuss that further. He noted that the developer would also be constructing a public trail adjacent Tamarack Drive which is above the park dedication requirements.

Pederson stated that it seems that this meets the straight zoning aspects and he is fine with the density.

Martin agreed that she believed that this met the requirements.

Albers commented that he is also okay with the proposal and increased density based off the additional elements being provided.

DesLauriers stated that he spoke with Finke earlier today to gain additional information on sound suppression. He stated that perhaps the City could discuss that element more in the future as he is unsure of the public benefit provided through sound suppression. He commented that he believes that sound suppression should instead perhaps be a Code requirement and not something that generates an additional density bonus.

Finke stated that the proposed units are similar to the constructed units in the northeast corner of the Enclave. He stated that the front facades facing the interior townhome roads appear to meet the requirements of the zoning district, however the rear of the units do not appear to include those accent materials. He stated that staff suggests that the accents be added to the rear of the buildings facing the public roadways. He provided details on transportation noting that the interior roads would be privately

maintained. He stated that the existing traffic volume on Meander plus this development would not generate the needed traffic counts to trigger the signal at TH 55. He stated that this development would trigger some development of the Tamarack Drive project including dedication of the designated right-of-way for the Tamarack Drive project. He stated that staff also recommends that the portion of Tamarack Drive adjacent the residential development be constructed with the stormwater from that segment being contained within the subject site. He stated that there would also be a requirement of contribution towards the broader Tamarack Drive improvements in the future.

Martin referenced an email received tonight from a resident, noting the comments are related to the right-of-way and conditions five, six and seven.

Martin commented that she believes that it is important to have the secondary access for the development to ensure there are two ways in and out of the development and confirmed that consensus of the Council. She agreed that the right-of-way for Tamarack Drive should be dedicated at this time with the plat.

Batty stated that the comment from the property owner objected to taking right-of-way on the southern portion of the property as that is not being developed. He stated that this platting includes the subdivision and it has been the practice of the City to obtain right-of-way when it is being platted and therefore he highly recommended that the right-of-way be dedicated on the east side down to TH 55. He stated that even though the Lennar property is proposed to be developed, the entire property is being platted.

Martin asked staff if the financial contribution towards broader improvements in the corridor would be done through an agreement or whether that contribution would be required at this time.

Batty stated that he believes this would take the form of a petition and waiver and a proportionate share would be allocated in the future.

Martin stated that the City would not look for this property owner to fund the improvements entirely, but it would instead be an appropriate cost-share.

Batty confirmed that this property owner would not be responsible for the entire cost. He stated that part of the Study was allocating specific traffic counts to each parcel based on future development projections and the development costs would be similarly split.

DesLauriers referenced the fourth condition and stated that he agrees with the language as the City will be asking for a contribution towards the broader improvements and therefore does not believe that should be a discussion. He confirmed that condition seven contains the appropriate language.

Martin stated her understanding that if the right of way is available, the entire width of Tamarack Drive adjacent to the Lennar Development would be constructed. She stated that if the neighboring property owner does not contribute the land, Lennar would only build out the portion of the road possible. She asked if Lennar would need to contribute to the additional cost of widening the road when the additional right-of-way becomes available.

Finke stated that was the intent and confirmed that condition five provides language.

Martin stated that she would prefer that language be made clearer.

Finke confirmed that staff could review that language to ensure it is clear. He stated that the park dedication for the subject site was previously dedicated as a portion of what is now Fields of Medina. He explained that the full park dedication requirement was taken for the entire property when the Fields of Medina was constructed and therefore additional park dedication is not required for this development or the future development to the south when that occurs. He noted that the construction of the trail along Tamarack Drive and interior private trails will be provided as part of the density bonus. He stated that the developer proposed to have the interior trails public as well, but the Park Commission recommended that the interior trails be private and maintained by the development.

Anderson commented that his only concern is that the plat does not include affordable housing, recognizing that it is not necessarily a criteria to consider but will be a consideration of whether he approves the request.

DesLauriers stated that he does not support the access onto Tamarack and believes the second access should be placed on Meander.

Paul Tibone, Lennar, thanked the City for working with them to get to this point. He thanked City staff for working with them on the Tamarack Drive elements. He stated that they are excited about this opportunity and to make a contribution to the City and fulfill a substantial market need in this area for townhomes. He stated that in April they provided a Concept Plan and serious concerns were raised by the residents to the north and members of the Council related to density. He stated that following that direction he reduced the number of units by 13, which makes it more difficult to allocate affordable units and spread the cost over the remaining unit. He stated that they have had discussions with staff related to adding additional architectural measures to the rears of the buildings as mentioned by staff and will continue to work with staff to meet that requirement. He thanked Stremel for holding the additional meeting with the landowners related to the Tamarack Drive improvements. He stated that Lennar supports the alignment as adopted tonight but they would like more clear definition of the future contribution that would be required for the broader improvements. He stated that they would want to ensure that the cost-share is equitable to everyone in the corridor. He stated that it appears that as written Lennar would be responsible for full construction of Tamarack Drive from TH 55 through to their access point if the full right-of-way can be dedicated from the other property owner. He stated that Lennar would not want to be responsible for the cost of the full width of the road. He stated that Lennar included a second access to Meander, but the City instead wanted that off Tamarack Drive. He noted that they would be willing to change that second access if the City desires that. He stated that they will continue to work with staff on the Final Plat and hope to begin grading this fall.

Pederson asked if there would still be a need for Lennar to dedicate Tamarack Drive right-of-way if the secondary access is provided from Meander rather than Tamarack.

Martin stated that part of the reason the secondary access on Tamarack was provided was to minimize the traffic impact immediately across from the Fields of Medina.

Pederson stated that he agrees and prefers the secondary access onto Tamarack.

Martin stated that access is needed for fire and public safety purposes.

Batty stated that he does not think that changing the access would make any difference in the dedication of right-of-way. He noted that the dedication of right-of-way would still be required as the property is being platted and it would not be linked to the access.

Finke stated that there are benefits to having the secondary access on Tamarack in order to minimize the impact onto Meander. He stated that having the access on the west provides the best circulation for school buses and delivery trucks.

Tibone asked for clarification on whether Lennar would be responsible for the cost of construction of the northern portion of Tamarack Drive and whether there would be cost sharing for any of the property to the west.

Martin confirmed that it would be the responsibility of Lennar.

Tibone asked if that would be proportionate.

Batty stated that his comments related to proportionate cost were related to the petition and waiver for the broader corridor improvements. He explained that whoever comes in first often bears a more significant portion of the construction of the road.

Martin stated that she would assume that if the first developer does not construct that improvement, it would fall to the City and the City would not develop a roadway that only benefits one property owner at this time.

Batty explained that someone has to go first in development and the City has traditionally said that one of the costs of being first in is that developer bears a disproportionate portion of that cost. He stated that the City is attempting to make that fair, to the extent possible in only having Lennar construction the amount of roadway necessary to support its development.

Finke stated that what is being required are the public improvements necessary to support the development proposed at this time. He stated that it can be considered unfair that the improvement could provide benefit to another property owner, but this improvement would be necessary to support this development.

Moved by Martin, seconded by Albers, to direct staff to prepare documents granting rezoning and preliminary plat approval for the Meadow View Townhomes, subject to the conditions noted in the staff report with additional clarity added to condition five.

A roll call vote was performed:

<i>Pederson</i>	<i>aye</i>
<i>Anderson</i>	<i>nay</i>
<i>DesLauriers</i>	<i>nay</i>
<i>Albers</i>	<i>aye</i>
<i>Martin</i>	<i>aye</i>

Motion passed.

Anderson stated that he believes that any development that does not include some portion of affordable housing is not only a mistake but bad public policy.

Martin stated that she would agree that the City needs more affordable housing but does not believe the City has the authority to deny the request based on that element.

DesLauriers stated that he has a huge safety concern with the secondary access for Lennar onto Tamarack Drive.

IX. CITY ADMINISTRATOR REPORT (9:43 p.m.)

Johnson had nothing further to report.

X. MAYOR & CITY COUNCIL REPORTS (9:43 p.m.)

Anderson stated that he understands Matrix conducted a review of Fire Stations and asked if there was a report provided.

Johnson stated that a draft report should be provided in a few weeks and noted that once the draft report is ready, he will forward it to the Council.

XI. APPROVAL TO PAY THE BILLS (9:43 p.m.)

Moved by Anderson, seconded by DesLauriers, to approve the bills, EFT 005608E-005624E for \$50,646.06, order check numbers 050527-050587 for \$232,733.83, and payroll EFT 0510407-0510438 for \$51,842.07.

A roll call vote was performed:

*Pederson aye
Anderson aye
DesLauriers aye
Albers aye
Martin aye*

Motion passed unanimously.

XII. ADJOURN

Moved by Anderson, seconded by DesLauriers, to adjourn the meeting at 9:45 p.m.

A roll call vote was performed:

*Pederson aye
Anderson aye
DesLauriers aye
Albers aye
Martin aye*

Motion passed unanimously.

Kathy Martin, Mayor

Attest:

Scott Johnson, City Administrator