

MEDINA CITY COUNCIL MEETING MINUTES OF APRIL 16, 2019

The City Council of Medina, Minnesota met in regular session on April 16, 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, 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 April 2, 2019 Regular City Council Meeting Minutes

Martin noted that she submitted written comments that have been incorporated and distributed to the Council.

*Moved by Anderson, seconded by Albers, to approve the April 2, 2019 regular City Council meeting minutes as amended. **Motion passed unanimously.***

B. Approval of the April 3, 2019 Board of Appeal and Equalization Meeting Minutes

Martin noted that she provided comments and revisions, along with comments from the assessor relating to the table on page one and a PID number correction.

*Moved by Anderson, seconded by Pederson, to approve the April 3, 2019 Board of Appeal and Equalization meeting minutes as amended. **Motion passed unanimously.***

V. CONSENT AGENDA (7:02 p.m.)

A. Approve Bidding Policy

B. Approve 2018 Annual Report

C. Approve Change Order for CSAH 115/CR 116 Reconstruction Project

D. Approve Street Stripping Services Agreement with Twin City Stripping Inc.

E. Resolution No. 2019-22 Accepting Donation from the Hamel Volunteer Fire Department Relief Association

Martin referenced the 2018 Annual Report and commended Assistant City Administrator Jodi Gallup on compiling the information from each department and presenting it in an appealing and consistent fashion.

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

VI. COMMENTS (7:04 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 consider the Raskob Preliminary Plat at 500 Hamel Road, to receive updates from the Hamel Athletic Club, and continue to update the Trail Plan. He stated that the Commission will also discuss goals and how to engage residents and increase park funding. He provided additional details on discussion that will occur with Hamel Athletic Club regarding the batting cage.

C. Planning Commission

Planning Commissioner Galzki stated that the Planning Commission met the previous week to consider three items. He reported that the Commission reviewed a Site Plan to construct a mini-storage building at 4790 Rolling Hills Road and unanimously recommended approval of the request. He stated that the Commission held a public hearing to consider a subdivision of the property at 500 Hamel Road and unanimously recommended approval. He noted that the Commission also held a public hearing for a PUD Concept Review for a restaurant at 172 Hamel Road. He noted that there were members of the public present at the meeting that provided input. He stated that three of the five members of the Commission present supported the plan while the other two members expressed concerns with the architectural plans and location.

VII. PRESENTATIONS

A. Resolution No. 2019-23 Recognizing Tom Gregory for 15 Years of Service to the City of Medina (7:10 p.m.)

Martin read aloud the proposed resolution recognizing Tom Gregory for 15 years of service to the City of Medina.

Moved by Martin, seconded by Anderson, to adopt resolution no. 2019-23 recognizing Tom Gregory for 15 years of service to the City of Medina.

Further discussion: Martin stated that this resolution speaks to Tom's caring, personal, and professional manner.

Motion passed unanimously.

Martin presented the resolution to Tom Gregory and thanked him for his service to the community.

Belland stated that Tom does a great job for the department with his numerous responsibilities and is a great team player that is dedicated to the City of Medina. He stated that Tom comes to work on nights, weekends and holidays and has for the past 15 years. He explained that it takes a lot of dedication to work rotating shifts while still balancing a personal life. He thanked Tom for the great work he does for Medina.

VIII. NEW BUSINESS

A. Storm Water Pollution Prevention Plan (SWPPP) – Annual Public Hearing (7:16 p.m.)

Scherer provided the annual review of the Storm Water Pollution Prevention Plan (SWPPP) which is a part of the City's MS4 Permit. He reviewed the storm water projects that occurred in Medina during 2018 and highlighted upcoming projects. He reviewed the minimum control measures and construction inspection reports. He provided details on public education and participation. He reviewed information related to illicit discharge, post-construction and highlighted the partners that the City works with to accomplish its storm water goals.

Anderson thanked Scherer and his staff for their efforts.

Martin also thanked Scherer and his department. She asked who helps Scherer on finding possible grants and completing applications.

Scherer reviewed the process that is typically followed for different types of projects.

Albers asked if there is a list of the top ten prioritized areas for projects.

Scherer commented that they have most likely already addressed the top ten issues. He explained that there are CIP plans for each watershed and the City continues to accomplish those projects.

Martin opened the public hearing at 7:29 p.m.

No comments made.

Martin closed the public hearing at 7:29 p.m.

B. Wally and Bridget Marx – 2800 Parkview Drive (7:29 p.m.)

Finke explained that this request includes two applications. He explained that one action would be the Final Plat for the School Lake Nature Preserve, noting that the Council approved the Preliminary Plat at the previous meeting. He stated that staff believes that the Final Plat is consistent with the Preliminary Plat. He explained that the second action is related to the drainage and utility easements. He explained that when the lot lines were shifted, the easements are also required to be shifted which would require vacation of the previous easements and dedication of new easements. He stated that staff also recommends approval of the easement vacation as proposed.

1. Resolution No. 2019-24 Vacating Drainage and Utility Easements within Lot 2, Block 2, School Lake Nature Preserve – Public Hearing

Martin opened the public hearing at 7:32 p.m.

No comments.

Martin closed the public hearing at 7:32 p.m.

Moved by Anderson, seconded by Pederson, to adopt Resolution No. 2019-24 Vacating Drainage and Utility Easements within Lot 2, Block 2, School Lake Nature Preserve. Motion passed unanimously.

2. Resolution No. 2019-25 Granting Final Approval of the School Lake Nature Preserve 2nd Addition Plat

Moved by Anderson, seconded by Pederson, to adopt Resolution No. 2019-25 Granting Final Approval of the School Lake Nature Preserve 2nd Addition Plat. Motion passed unanimously.

C. Maxxon – 920 Hamel Road – Variance and Site Plan Review – Public Hearing (7:33 p.m.)

Finke stated that the Council granted approval for a lot combination of the subject sites, along with the Site Plan review for the addition in February of 2018. He stated that the applicant is now proposing to move the addition four feet closer to Hickory Drive, which would still meet the setback, but would result in an additional 1,318 square feet of hardcover. He stated that the previous request required an offset of the additional hardcover. He stated that with the Hickory Drive project, there was a desire to forego the grass pave and instead direct the storm water from the site to the storm water pond. He stated that the applicant has requested a variance for the proposed increase in hardcover and has adjusted its plans to direct the storm water into the pond. He stated that superior materials are proposed for the building addition in order to meet the building requirements of the City. He noted that the original plans included an additional loading dock, which has since been removed. He reviewed the variance request related to hardcover and stated that the removal of the loading dock and patio and direction of the storm water to the storm water pond will be improvements that help to offset the additional hardcover. He noted that there will be an improvement to the site in return for a small amount of additional hardcover. He reported that the Planning Commission reviewed the variance request the previous month and found that the variance criteria were met by the request and recommended approval with the noted conditions.

DesLauriers asked for details on grass pave.

Stremel stated that it is a form of pervious paving.

Martin referenced the condition recommended by the Planning Commission requiring the plans to be updated to direct the storm water towards the storm water pond. She asked if the building permit should be conditioned upon that.

Stremel provided additional details on the timing of the ponding project.

Finke stated that there will be interplay between the two projects and it would be unlikely that the site work would be completed until after the pond is complete. He did not believe that the building permit should be conditioned in that way.

Scherer noted that there has been previous discussion related to general housekeeping on the west side of the building and asked if that is included.

Finke confirmed that element is included in the conditions.

Martin opened the public hearing at 7:43 p.m.

No comments.

Martin closed the public hearing at 7:43 p.m.

*Moved by Anderson, seconded by DesLauriers, to direct staff to prepare a resolution approving the variance and site plan review subject to the conditions recommended by the Planning Commission. **Motion passed unanimously.***

D. Charlie's – 172 Hamel Road – PUD Concept Plan (7:43 p.m.)

Finke presented a request for a Concept Plan review of a PUD for development of Charlie's Restaurant, which would primarily be takeout. He stated that the applicant is proposing to construct the restaurant out of shipping containers, which is why the PUD is requested as that is not currently an allowed building material. He stated that the Comprehensive Plan provides guidance for a PUD request and reviewed the current guiding and zoning of the parcel. He provided additional details on the process the City is currently undergoing with students from the University of Minnesota related to the Uptown Hamel area. He provided information on the proposed site layout and parking. He stated that architectural design is the main reason for the PUD request, in order to incorporate the shipping containers. He stated that Uptown Hamel places a premium on porches and overhangs and therefore if this moves forward, those elements should be incorporated in addition to more windows. He referenced the future outdoor dining proposal, which would include rooftop dining, and provided additional details on related regulations. He provided additional details on the available parking, additional parking proposed and shared parking. He reviewed the proposed access, noting that while it is not ideal to have offsets, the roadway is low speed and there is not a safety concern. He noted that the biggest traffic concern would be related to potential stacking that could occur. He stated that there is a public storm water system in Uptown Hamel and any new hardcover would need to drain to that area. He reported that the Planning Commission held a public hearing the previous week and the resident comments and written comments received were included in the Council packet.

Anderson asked and received confirmation that a resident from Argent Park attended the Planning Commission meeting to provide input.

Grant Bender, applicant, stated that he is very excited about the project. He stated that a City is defined by restaurants, schools, places of worship and government. He stated that this is an opportunity to bring a nice restaurant to Uptown Hamel. He recognized that building a restaurant is not the best choice for financial investment but ranks high with residents. He thanked the planning staff for putting together a well thought out report. He stated that he is looking to attract the residents of the City to the restaurant and is willing to incorporate the comments received in order to provide a great restaurant.

Steve Andres, land owner, stated that Mr. Bender approached him with the idea of using shipping containers for a restaurant. He stated that he is proud of the plans that have evolved and would be proud to bring this restaurant to the community.

Mr. Bender stated that the architect is also present that has worked with shipping containers at Target Field and in Chicago as well. He stated that he has seen this material used in many communities throughout the country. He stated that this material

allows a restaurant to be constructed that is adaptable to any site, provides an opportunity for a less costly initial building and is also less impactful to the overall site. He highlighted the patio area out front that could be used for community gathering space.

Anderson asked if Mr. Bender is an owner/operator of the restaurant and whether he has restaurant experience.

Mr. Bender confirmed he would be a partner and reviewed his culinary education and experience.

Albers stated that this is an interesting concept. He stated that the restaurant could be a draw for the Uptown Hamel area but expressed concern with a drive-up takeout service compared to a sit-down service.

Pederson stated that Uptown Hamel definitely needs a food service business but expressed concern with the safety of the intersection. He stated that he would like to see perhaps an entrance through the church parking lot, as that would be a better angle for traffic.

DesLauriers stated that this would be within walking distance of his home and this is a business that the community has wanted for some time. He believed that the mix of 90/10 for takeout would be a good fit, especially during baseball season. He stated that the number one issue would be parking and accessibility. He agreed that access through the church would solve a lot of problems for the site. He stated that this is a creative idea and he likes the idea of using shipping containers.

Anderson echoed the comments that have been made, recognizing that the City has struggled for years to bring some type of food service to the Uptown Hamel area. He felt confident that the quality of the food would be good, given the applicant's background. He shared concerns with traffic and parking. He encouraged the applicant to move forward with the plan.

Martin stated that she would also be excited to have a restaurant with a chef having the credentials and background. She stated that she does struggle from a legal position because of the deviations from the zoning code and Uptown Hamel regulations, specifically the setback and building materials. She stated that if this type of deviation is granted through PUD, the City could have difficulty denying a similar request in the future.

Mr. Bender stated that the idea to have the additional setback would be to preserve the library. He stated that there has been discussion with Finke about possibly moving the library to another public area. He stated that the building could be moved closer to Hamel Road. He stated that he has talked to the church and they love the idea of sharing the parking space, as the church needs additional space. He stated that he does like the idea of increasing the flow through the church parking lot and noted that he can continue to pursue that idea.

Mr. Andres stated that they would be open to having a more storefront feel, noting that they simply were attempting to preserve the library and save a tree. He provided additional details on the management and ownership of the library.

Johnson stated that there was discussion about moving the library to the park in the past.

Scherer confirmed that there was discussion about moving the library at some point. He noted that a possible location was discussed along the trail in Hamel Legion Park, near the public parking area.

Finke noted that the library was originally in a different location and was moved to this location.

Martin stated that perhaps there could be an agreement with the church that could provide additional parking alignment and parking entrance through the church to create more of a storefront feel for the restaurant. She stated that many of the farming communities have metal grain type structures and noted that if the storefront could look less rectangular in feel, perhaps that would help it blend more into the Uptown Hamel area. She explained that the proposal is a significant departure from the existing ordinances and even if using a PUD, the conditions for granting a PUD may be more difficult to satisfy.

Pederson noted that his concern would be resolved if an agreement can be reached with the church.

IX. CITY ADMINISTRATOR REPORT (8:15 p.m.)

Scherer provided an update on the Sioux Drive railroad crossing. He stated that the crossing is currently very rough, and he has been in contact with the railroad company. He stated that the railroad company would be interested in cost sharing the improvements, noting that the City would pay for the concrete panels and the railroad would install the panels. He stated that the cost of the panels would be about \$20,000. He stated that he could make the improvement work within the public works budget, as this is most likely the biggest complaint that his department receives.

Martin commented that the condition has become very bad and recognized that negotiation with the railroad is very difficult. She stated that although that is a large amount, it could be money well spent.

DesLauriers agreed that the condition is very bad and believed the City should agree to the improvement.

Anderson asked what fund would be used to pay for this improvement.

Scherer replied that the road improvement fund would be used. He confirmed that he would speak with the railroad in the morning to further discuss the improvement.

Pederson agreed that the improvement would be funds well spent.

Johnson reminded the Council that the business forum and tour would occur the following day at 7:30 a.m.

X. MAYOR & CITY COUNCIL REPORTS (8:20 p.m.)

Martin noted that she will be traveling during Clean-Up Day and apologized that she will not be able to attend.

Anderson commented that, given Council Member Pederson's proclivity for eating large amounts of food, that there should be a large number of hotdogs available for the event.

Pederson stated that he and Johnson attended the Highway 55 Coalition meeting the previous week and they were able to meet the new representative for the Metropolitan Council, Judy Johnson, whom is a past Mayor of Plymouth. He noted that a member of the Coalition will be traveling to Washington D.C. in June in an effort to increase Highway 55 to four lanes.

Anderson commented that he attended the Long Lake pancake breakfast the previous weekend.

XI. APPROVAL TO PAY THE BILLS (8:22 p.m.)

*Moved by Anderson, seconded by DesLauriers, to approve the bills, EFT 005035E-005047E for \$49,460.36 and order check numbers 048647-048699 for \$246,918.34 and payroll EFT 0509344-0509374 for \$55,204.19. **Motion passed unanimously.***

XII. CLOSED SESSION: ATTORNEY CLIENT PRIVILEGED DISCUSSION ON LITIGATION MATTER SPECIFICALLY WW FARM AND GEORGE WESSIN V. CITY OF MEDINA, PURSUANT TO MINN. STAT. SEC. 13D.05, SUBD.3(b)

*Moved by Anderson, seconded by Pederson, to adjourn to closed session at 8:23 p.m. for the purpose of attorney client privileged discussion on litigation matter specifically WW Farm and George Wessin V. City of Medina. **Motion passed unanimously.***

The meeting reconvened to open session at 9:23 p.m.

XIII. ADJOURN

*Moved by Anderson, seconded by Albers, to adjourn the meeting at 9:24 p.m. **Motion passed unanimously.***

Kathy Martin, Mayor

Attest:

Jodi M. Gallup, City Clerk