

MEDINA CITY COUNCIL MEETING MINUTES OF JUNE 18, 2019

The City Council of Medina, Minnesota met in regular session on June 18, 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 (7:01 p.m.)

A. Approval of the June 4, 2019 Regular City Council Meeting Minutes

*Moved by Anderson, seconded by Pederson, to approve the June 4, 2019 regular City Council meeting minutes as presented. **Motion passed unanimously.***

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

A. Approve Court Resurfacing Agreement with Finley Bros. Inc.

B. Resolution No. 2019-37 Approving Off-Site Gambling Permit for the Wayzata Youth Hockey District #284 to Conduct Lawful Charitable Gambling at 3200 Mill Drive

C. Resolution No. 2019-38 Granting Lot Line Rearrangement Approval between 1495 Medina Road and 1585 Media Road

D. Resolution No. 2019-39 Vacating Drainage and Utility Easements within 1495 Medina Road

E. Resolution No. 2019-40 Granting Wetland Setback Variance to Peter and Laurie Maiser for an Individual Sewage Treatment System at 485 Medina Road

*Moved by Pederson, seconded by Albers, 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

Scherer reported that the Park Commission will meet the following night to have a discussion with the Minnesota Cricket Association to determine if a cricket field could fit

within an existing park. He noted that the Commission will also discuss the Capital Improvement Plan and Municipal Park funding, including ideas to engage residents.

C. Planning Commission

Planning Commissioner Amic reported that the Planning Commission met the previous week to consider the Concept Plan for Charlie's, which was well received. He noted that traffic continued to garner most of the discussion. He stated that the Commission also considered the Ditter Concept Plan, for which the Commission had no major concerns. He noted that the Commission also recommended approval on the changes to the Uptown Hamel zoning districts and rezonings.

VII. NEW BUSINESS

A. Charlie's – 172 Hamel Road – Concept Plan Review (7:06 p.m.)

Finke stated that this is a review of the Concept Plan, noting that the applicant is no longer considering a PUD and is instead planning to meet the requirements of the Uptown Hamel zoning district. He noted that this would be a small restaurant. He noted that the Council recently reviewed this plan and he would concentrate on the changes that have been made. He advised that the location of the building was shifted closer to the street with parking to be provided behind the existing office building and proposed restaurant. He noted that the location of the library would be shifted slightly. He noted that the request would meet the dimensional standards. He reviewed the changes to the architectural design, noting that the shipping containers would still be used but would be clad in the materials allowed in the Uptown Hamel district. He stated that if the applicant proceeds forward with an application that meets the standards, the Council would have less discretion. He noted that the Uptown Hamel district requires a concept plan, with the idea to allow additional public comment. He referenced the outdoor and rooftop dining, noting that the Uptown Hamel district currently specifies that in order to have outdoor seating a restaurant must have at least 20 inside seats and then the outdoor seating would be limited to half the amount of inside seating. He noted that while this concept would not include 20 inside seats, the applicant would still desire outdoor seating. He stated that he encouraged the Planning Commission, and encourages the Council, to provide feedback on that issue noting that if desired there would need to be a change to the Uptown Hamel zoning district. He reported that the Planning Commission recommended a change to the zoning district to allow additional flexibility. He reviewed the proposed parking within the plan and noted that the applicant is working with the adjacent church in an attempt to have shared parking which would benefit both parties. He stated that there was discussion by the Planning Commission regarding traffic circulation and noted that the City Engineer recommended that a formal application include a traffic study to confirm that this use would not intensify the existing use or include potential improvements.

Pederson stated that he attended the Planning Commission meeting the previous week, noting that there was discussion regarding potential through access with the church and asked for details.

Finke stated that the concept plan shows a connection between the parking lots.

Pederson noted that if this moves forward, he would want to see a legal agreement between the parties.

Finke confirmed that was included in the staff recommendations.

Martin asked if the shared parking/access should be a condition, or whether the Council would support alternate parking if that agreement cannot be reached. She stated that she would love to see the shared parking agreement with the church, with perhaps a right-in to the restaurant and full curb access for the church. She stated that while she would like to see the agreement, she would not feel an application would be dependent upon that.

DesLauriers stated the shared parking/access agreement is less about shared parking and more about the circulation of traffic on the site, this is a critical piece moving forward. He stated that the traffic circulation would be improved in the new format but believed there would be sufficient parking available in the surrounding area.

Pederson noted that the applicant should be aware that if the use is intensified for the restaurant use, the parking would be constrained for the existing office use.

Albers stated that he would agree that having a one direction flow for traffic would be helpful if the shared access agreement could be obtained.

Martin asked if the Council would support relaxing the limitations on outdoor seating. She noted that she does not see a rational basis on the current limitation and would be amenable to looking at outdoor seating on a case by case basis.

Finke stated that the Planning Commission and staff recommended allowing a certain number as a baseline and then maximizing at half the indoor seating; specifically, a baseline of 16 outdoor seats could be allowed, or up to half the inside seating, whichever is greater.

Martin noted that seems to make sense.

Pederson agreed that would help to create an area for the community to come together and also agreed. He suggested that a pedestrian crosswalk occur to the west, perhaps on the west side of the church parking lot. He stated that perhaps a right-in, right-out access be provided if the shared access is not obtained with the church.

Anderson agreed that there needs to be a firm agreement in writing between the restaurant and church regarding access and parking. He agreed that there would be difficulties with people attempting to turn left from the restaurant site.

Finke explained that Mill Drive is as much of a problem as this driveway location.

Anderson stated that he has a high degree of confidence that the operator would be good, and this would be a good amenity for the neighborhood.

Albers asked if this restaurant concept is successful, would there be an opportunity to expand for additional indoor seating.

Grant Bender, 714 Aster Road, the applicant, stated that the traffic flow is first and foremost for any business with activity at that location because of the tricky corner that exists. He stated that as he moves forward, he has instructed the civil engineer to attach

the parking lot. He stated that this concept could expand but his goal is to develop other properties in the Uptown Hamel area. He believes that the area needs a full sit-down restaurant but noted the potential location is to be determined. He stated that another shipping container could connect to the stairwell location to provide additional indoor seating. He noted that the applicant has taken a lot of the feedback from the previous review from the Planning Commission, City Council and general public. He referenced the pedestrian crosswalk and noted that his thought was that it would not make sense to cross at the corner and instead move that down towards the church. He believed that a crosswalk from the church to Argent Park would make the most sense. He stated that he has spoken with officials from the church and discussed preliminary concerns regarding liability but noted that both parties would like to reach an agreement for shared parking and traffic flow.

DesLauriers asked for input on the library location, noting that the plans show it moving to the west but there have been comments that there were plans to move the library offsite.

Bender replied that the group was under the assumption that the library needed to be moved without speaking to him. He stated that he has clarified that he would like it to remain as it improves the character of the area and is a marker for Uptown Hamel. He stated that the group is happy to keep the library on the property in the adjusted location.

Pederson stated that he is excited to see that something like this could happen in Uptown Hamel.

Martin stated that she likes the grain elevator approach but noted that something in the presented changes strikes her a bit more contemporary than Uptown Hamel. She stated that it could simply be the coloration of the rendering. She referenced the coloring of other uses in the area and asked if the architect could recast the colors with red or white to match similar colors in the area.

Albers stated that it appears the applicant would use reclaimed wood.

Bender confirmed that he would be using reclaimed barnwood from the area and noted that the colors in the rendering were inspirational and advised that when he brings the formal application forward, he can provide more accurate coloring.

Martin asked if the front could be a bit more porch like as well.

Bender confirmed that he is on the same page with Martin and noted that a more refined rendering would come forward in the formal application. He stated that he is concerned with the crosswalks and traffic flow in terms of civil engineering.

B. Ditter Properties – 2032 to 2052 Holy Name Drive – Concept Plan Review
(7:40 p.m.)

Finke stated that this proposal was reviewed one year ago as a concept noting that this concept reduces the previous request to subdivide four lots into five lots, rather than the previous request for six lots. He noted that two of the four existing lots are proposed to be smaller lots and proposed to be rezoned to suburban residential and reguided as low density residential under the Comprehensive Plan. He stated that those two properties are connected to the City sewer system and the applicant would propose to shrink those

lots to better match the proposed rezoning standards, noting that the excess land would be used to create the additional fifth lot. He provided additional information on the Comprehensive Plan amendment that would be necessary and whether it would be appropriate to reguide and rezone the two properties connected to municipal sewer. He reported that the Planning Commission held a public hearing the previous week where one resident spoke in favor of the requests and raised concern about drainage between the properties which could be addressed through the subdivision. He noted that the Planning Commission was supportive of the reguiding of the two properties to low density residential and the creation of the additional lot. He provided background information on the sewer bailout which occurred in the early 2000's for the properties along Holy Name Lake. He stated that the other properties that were connected to City sewer were rezoned to suburban residential, with the exception of four properties. He explained that perhaps the thought behind excluding those four properties is that they exceeded 60,000 square feet and the intent was to prevent those lots from being subdivided into additional suburban residential lots. He explained that this request would not create additional sewer lots but would shrink the two lots connected to City sewer and create an additional rural residential lot.

Albers asked if there would be septic concerns for the new lots.

Finke explained that two septic sites would be required, similar to any other rural residential lot. He noted that practically speaking, the two properties connected to sewer could have probably installed new septic systems, but the cost would have been similar to simply connect to the sewer that was made available.

Martin stated that both of the proposed suburban lots would be under 60,000 square feet and therefore could not be subdivided further. She noted that the family has already paid for the two sewer connections and should be able to utilize those connections. She stated that this is a beautiful property and the ability to keep the two lots in front and create three beautiful residential lots would fit with the intent of the City to preserve rural residential areas when possible. She stated that she is comfortable with the requests.

Pederson stated that he also agrees with this request. He noted that this is adjacent to the cemetery and this would create a great atmosphere in that area.

C. City of Independence Comprehensive Plan Update Review (7:51 p.m.)

Johnson noted that the next two items are similar, reviews of the Comprehensive Plan updates for Independence and Maple Plain.

Finke provided a brief review of the Independence growth projections and respective draft comments from Medina staff.

Martin noted that the draft Independence Comprehensive Plan suggested that Independence may look elsewhere for municipal water resources. She asked if Medina should make a comment that it is not interested in sharing that resource, similar to a comment that Medina made to Corcoran.

Pederson stated that perhaps an additional comment should be made suggesting that Independence not use its full sewer capacity along the lake as Medina does not have additional capacity.

Finke stated that their plan does acknowledge that any amendment would require an amendment to the current Tri-City Agreement by all parties.

Martin confirmed consensus of the Council with adding the statement regarding Medina's desire to not expand its water resources in that area.

D. City of Maple Plain Comprehensive Plan Update Review (7:56 p.m.)

Finke reviewed the Comprehensive Plan update from Maple Plain including growth projections and related comments from Medina staff. He mentioned the additional cost for Medina customers to connect to the Maple Plain water system and identified the properties that utilize that connection.

Martin confirmed the consensus of the Council to make an additional comment regarding that higher cost.

VIII. CITY ADMINISTRATOR REPORT (8:01 p.m.)

Johnson stated that Belland will provide an update on recent criminal activity in the area.

Belland provided an update on recent burglaries which continue to happen across the metro area. He reminded all residents to lock their vehicles and garage doors. He stated that this group is hitting unlocked vehicles and using the garage door opener to access the home.

Martin stated that she wrote to a few people connected to homeowner's associations to advise them of the problem after the last update. She asked if the City has a list of homeowner's associations that could be used.

Belland noted that the City does not currently have an updated contact list of that nature.

Johnson stated that perhaps staff could write a paragraph that could be sent out to the City e-mail contact list.

Martin stated that perhaps something could be mailed with water bills as well to help communicate this issue.

IX. MAYOR & CITY COUNCIL REPORTS (8:05 p.m.)

Martin stated that she attended the West Metro Mayors Meeting and was provided an update on recent legislative action.

X. APPROVAL TO PAY THE BILLS (8:07 p.m.)

*Moved by Anderson, seconded by Albers, to approve the bills, EFT 005110E-005129E for \$59,575.98 and order check numbers 048874-048957 for \$181,870.75 and payroll EFT 0509490-0509523 for \$54,413.61. **Motion passed unanimously.***

XI. 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 Martin, seconded by Anderson, to adjourn the meeting to closed session at 8:08 p.m. to discussion attorney-client privileged litigation matter, specifically WW Farm and George Wessin v. City of Medina. **Motion passed unanimously.***

The meeting returned to open session at 8:43 p.m.

XII. ADJOURN

*Moved by Anderson, seconded by Albers, to adjourn the meeting at 8:44 p.m. **Motion passed unanimously.***

Kathy Martin, Mayor

Attest:

Jodi M. Gallup, City Clerk