

## **MEDINA CITY COUNCIL MEETING MINUTES OF MARCH 17, 2020**

The City Council of Medina, Minnesota met in regular session telephonically on March 17, 2020 at 7:00 p.m. Mayor Martin presided.

### **I. ROLL CALL**

Mayor Martin called the meeting to order. She explained that in light of the alarming increase in COVID-19 cases in Minnesota in the past few days and Governor Walz' emergency declaration, she, Johnson, and Batty concluded that it is not prudent at this time to hold in-person City Council, Planning Commission, or Park Commission meetings. Until further notice and commencing with this City Council meeting, all future meetings of the Medina City Council, Planning Commission and Park Commission will be held telephonically. The agenda and instructions on how the public may access this meeting has been posted on the City website and on the doors of City Hall. She briefly reviewed the process that could be followed for public participation telephonically.

**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, Chief of Police Ed Belland, and Police Sergeant (soon to be Police Chief) Jason Nelson.

### **II. PLEDGE OF ALLEGIANCE (7:06 p.m.)**

### **III. ADDITIONS TO THE AGENDA (7:06 p.m.)**

Martin requested to remove Item VII, A, Presentation from U.S. Representative Dean Phillips, as that item will be postponed to a future agenda. She requested to remove Item VII, B, Resolution Recognizing Police Chief Ed Belland for 28 Years of Dedicated Service to the City of Medina in the Police Department as He Retires, as that will also be postponed to a future date to allow members of the public to attend. She noted that the retirement party, scheduled for March 31<sup>st</sup> has also been postponed to a future date, to be determined later. She requested to add an Item VII, A, Discussions and Resolution to Continue Emergency Declaration. She stated that at the suggestion of Albers, she would also like to add an item VII, B, Presentations by City Staff of the Emergency Measures and Protocols Implemented to Address the COVID-19 Outbreak.

*Moved by Martin, seconded by Anderson, to approve the agenda as amended. **Motion passed unanimously.***

### **IV. APPROVAL OF MINUTES (7:09 p.m.)**

#### **A. Approval of the March 4, 2020 Regular City Council Meeting Minutes**

Martin noted that prior to the meeting Johnson had distributed the corrections to the minutes proposed by herself and Anderson for incorporation into the minutes.

*Moved by Martin, seconded by Anderson, to approve the March 4, 2020 regular City Council meeting minutes as amended. **Motion passed unanimously.***

V. **CONSENT AGENDA (7:10 p.m.)**

A. **Approve Temporary Liquor License to Wildlife Rehabilitation Center of Minnesota at 3000 Hamel Road on August 8, 2020**

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

VI. **COMMENTS (7:11 p.m.)**

A. **Comments from Citizens on Items not on the Agenda**

There were none.

B. **Park Commission**

Scherer reported that Park Commission meeting was held on February 26<sup>th</sup> and addressed comments from the Hamel Athletic Club to shorten one of the fields which would create space for little league and T-ball.

C. **Planning Commission**

Finke reported that the Planning Commission met the previous week to hold a public hearing for the Adam's Pest Control project and recommended approval of the request, which appears on the Council agenda tonight.

VII. **PRESENTATIONS**

A. **Resolution No. 2020-13 to Continue Emergency Declaration (7:14 p.m.)**

Batty stated that the statute provides the Mayor the authority to declare a local emergency, which invokes certain powers and responsibilities under the City's emergency management plan. He explained that the declaration is valid for three days and can then be extended by the Council. He stated that the proposed action would extend that declaration until further notice.

Belland stated that, to his knowledge, this is the first time Medina has invoked a declaration of emergency. He explained that this declaration allows the City to address the emergency situation and waives certain restrictions to allow the City to respond quickly. He stated that the declaration would also allow the City to apply for federal funds to reimburse those emergency costs.

Pederson asked if the emergency expenses would be federally funded.

Belland stated that there is never a guarantee but in the past cities have been reimbursed for declared emergency expenses, such as tornado and flood expenditures. He stated that the City is taking steps to document costs related to this incident.

*Moved by Anderson, seconded by Albers, to adopt resolution no. 2020-13 to extend the period of the Mayor declared local emergency. Motion passed unanimously.*

B. **Presentations by City Staff of the Emergency Measures and Protocols Implemented to Address the COVID-19 Outbreak (7:18 p.m.)**

Johnson stated that staff has been working closely with Martin, Batty and other staff to prepare City Hall and other public facilities for this outbreak. He noted that City staff is

telecommuting, or working from home, and the police and public works have implemented measures to make those spaces safer as well.

Belland stated that staff continues to move forward with planning with the goal to maintain essential services to citizens while keeping residents and staff safe. He stated that the priorities for each department have been reviewed and plans are being put in place to maintain those priorities for each department. He confirmed that City Hall staff has been working from home and the police department is working under social distancing guidelines. He reviewed the other agencies with which the department is working to develop plans. He stated that the emergency plan is in place and different sections are being implemented as this moves forward.

Nelson provided an update on the activities that have occurred in the last week including development of an emergency staffing plan for the next 35 days for the patrol division. He provided an update on the Lake Area Emergency Management Group meeting that took place today. He provided an update on the elements that have been implemented at the police department to encourage social distancing and limited interaction with the public. He advised of other actions including voice conferences with Hennepin County and increased cleaning measures. He stated that the department will continue to work with Hennepin County Emergency Management to obtain additional supplies.

Pederson thanked staff for all of their efforts.

Anderson echoed the comments of thanks, noting that everyone has done a terrific job under this stressful situation.

Martin also echoed the comments of thanks for the Police Department. She stated that she and Johnson will meet with Dean Phillips and his office later this week and welcomed any input from the Council or staff.

## **VIII. OLD BUSINESS**

### **A. Mark Smith (Mark of Excellence Homes) – Weston Woods – Comprehensive Plan Amendment and PUD Concept Plan Review – East of Mohawk Drive, North of HWY 55 and 1952 Chippewa Road (7:26 p.m.)**

Finke stated that the Council previously reviewed this request at the November 6, 2019 meeting and tabled the request to allow for a neighborhood meeting that took place on January 20<sup>th</sup>. He explained that the Comprehensive Plan amendment would change the staging of the northern parcel from 2025 to 2020 and would change the use of the southern parcel from business development to a mix of residential development and dedicated park property. He provided an update on the neighborhood meeting, stating that approximately 50 to 60 residents, mostly from the Bridgewater neighborhood, attended. He stated that most of the comments opposed the request, specifically the change in staging, while one comment supported the request as it would allow for the more imminent completion of Chippewa Road. He stated that there was not a lot of discussion related to the change in land use on the southern property but more focused on the timing of the project and additional traffic that would be brought to the area. He stated that there is also a PUD concept plan for comment but noted that the PUD would be contingent upon the Comprehensive Plan amendments. He stated that the vision and goals of the Comprehensive Plan should be considered as guides for the request. He explained that the purpose of staging is to ensure development of infrastructure that

could support the development. He commented on the limited access of Mohawk Drive at Highway 55 and the need for an extension of a watermain. He stated that the Comprehensive Plan also includes language related to population growth and the desire to slow that growth. He reviewed the objectives as they would apply to the southern parcel, noting that both parcels are within the MUSA. He stated that the applicant provided a narrative which includes the public benefits of the two parcels developing as one parcel rather than two separate developments under two different land uses and time frames. He reviewed those benefits including dedication of the highest value natural resource area, that exceeds the minimum park dedication requirements, to the City, the full construction cost of Chippewa Road from Mohawk to Arrowhead along with floodplain mitigation costs and stormwater management areas, and construction of the watermain. He stated that it would be difficult to project the costs for the infrastructure improvements in the future. He noted that, while it would be likely that the City would receive some contributions from adjacent landowners, there would still be a City contribution to those projects if completed in the future and not in conjunction with this proposed development. He stated that a Comprehensive Plan amendment provides the City with the highest level of discretion. He advised that a number of public comments received were included in the packet, along with comments from other jurisdictions. He reported that the Planning Commission held a public hearing in fall of 2019 and recommended on a vote of 4-2 to recommend denial. He stated that the minutes from that meeting were included in the packet as well.

Pederson stated that it might be interesting for the Council to hear about the staging and the potential to jump ahead if this were not approved.

Finke stated that there is flexibility to the staging plan, provided through the Comprehensive Plan, which would allow the parcel to develop up to two years prior to the staging time, which would equate to 2023. He explained that the flexibility is linked to a point system in the Code.

Anderson referenced the comments from financing and administration, noting that WSB has provided estimates of over \$6,000,000 to complete Chippewa Road. He stated that the applicant is offering to pay for the majority of those expenses with the exception of the \$600,000 expense for wetland mitigation. He stated that an outline of public benefits from the applicant was provided in the packet and identifies a cost of \$2,500,000 and \$3,400,000 plus right-of-way for the construction of the roadway. He asked if the City would be responsible for that gap between the projected costs.

Finke explained that the difference in most of the numbers is trying to project difference scenarios. He stated that if the project moves forward the applicant would fund the construction of Chippewa Road, along with the adjacent trail, and noted that the outstanding amount would be wetland mitigation and would have an estimated cost of \$600,000. He stated that the difference in cost between the engineer's estimate and applicant's estimate is that the engineer's estimate does not include efficiencies that might be provided by completing the road project in conjunction with adjacent development. He explained that materials from the adjoining sites could be used for the road projects, along with other cost savings elements outside of hard construction costs. He explained that if the project is approved as proposed, the wetland mitigation would be the outstanding amount contributed by the City. He stated that the applicant could contribute towards the wetland mitigation in return for water connection fee credits, if desired by the City.

Anderson stated that it sounds like the developer could construct the road for about half of the cost of the City.

Stremel confirmed that it would cost the City more to construct the road as a public project.

Anderson asked if staff anticipates any additional City costs associated with the construction of Chippewa Road, outside of the \$600,000 for wetland mitigation costs.

Finke stated that he did not anticipate any additional City costs. He noted that there would be costs for permitting and such, which are comparatively small amounts.

Martin asked if staff is comfortable that whatever is proposed by the developer would yield a completed road and watermain at no cost to the City, outside of the wetland mitigation cost estimated at \$600,000.

Stremel stated that he believes the preliminary plans to be complete and would include the items discussed. He stated that staff would be involved during the process of plan development and construction to ensure that City requirements are being met.

DesLauriers stated that he appreciated the clarification that the developer could construct the road at about half the cost of the City. He asked if the City would still anticipate the same contributions from the developer if the project is not allowed to move ahead in staging to 2020 and instead jumps ahead to 2023.

Finke stated that the staging plan flexibility does not require a Comprehensive Plan amendment but would still be a PUD that also has a high level of discretion. He stated that the PUD and jump ahead would only link to the northern parcel and therefore the necessary land may not be secured from both parcels as the parcels may not develop at the same time. He stated that a lack of right-of-way could prevent a public project from moving ahead.

Albers asked the net change between this proposal and the proposal reviewed by the Council in November of 2019. He asked if the only change was the developer holding the public meeting and agreeing to fund the construction of the road.

Finke replied that the PUD concept plan and proposed Comprehensive Plan amendments remain the same from those reviewed in November. He confirmed that some of the infrastructure costs that the developer is willing to contribute have been made more concrete, as requested by the Council. He confirmed that the neighborhood meeting was also held as directed.

Martin reviewed the requests from the public that she has received to speak on this topic and asked for input from the Council on whether that public input should be received. It was the consensus of the Council to allow those members to speak.

William Griffith, representing the applicant, stated that this project started almost three years ago and has evolved since that time with the intention of identifying the public benefit. He stated that they have understood that it is the developer's burden to prove the public benefit that would warrant the PUD and Comprehensive Plan amendments.

He stated that the surrounding communities have provided input and have either not provided comment or provided support. He stated that staff has also commented on the significant public safety improvements and preservation of natural open space that would be provided as a benefit. He believed that the Council has significant legal basis to approve the requests. He recognized that this will come down to timing. He stated that the desire would be allow this project to move forward as soon as 2020, but more likely work would begin in 2021. He stated that during the current climate it will be important to have projects that bring work to the community. He stated that this project will provide certainty on public infrastructure and will provide opportunity to the marketplace. He stated that this project is not final until it is all final, noting that the Comprehensive Plan amendments would be dependent upon approval of the PUD and preliminary and final plat, along with the infrastructure plans and development.

Mark Smith, applicant, thanked the City for allowing the meeting to be held in this manner during this challenging time. He commended staff for their cooperative efforts over the past years. He stated that they have met with staff since the November meeting to determine ways to better identify the infrastructure costs. He hoped that the City would see the benefits of the development and approve the requests.

Kim Hofstede, 4418 Bluebell Trail S, stated that she has frequently emailed members of the Council and urged the Council to abide by the Comprehensive Plan that the residents and staff worked hard to create. She did not see a reason to change the staging from 2025 for the northern parcel. She stated that PUDs are negotiable and therefore it is unknown as to the benefits that could be provided in the future. She stated that all the Bridgewater residents at the public meeting opposed the development, with the exception of one resident that does not live in the adjacent neighborhood. She stated that if the Council does approve the project, she would want to see that the developer is held to his promises, especially with the possibly impending recession ahead.

Eric Zehnder, 4400 Bluebell Trail S, stated that he disagrees with the applicant's comments that neighbors have spoke in support of the project as all the Bridgewater neighbors spoke in opposition at the community meeting. He stated that there was overwhelming opposition and felt like that input is not being listened to. He commented that it seems the main reason for allowing the change in staging would be in return for the road construction but believed that could occur along with a PUD request in the future. He noted that Mr. Smith already owns both the northern and southern parcels and will likely develop those parcels himself, whether that occurs now or later. He stated that the City could take the right-of-way when the south property develops and then take the northern right-of-way when that parcel develops. He asked the Council keeps the staging as it exists. He stated that he does not oppose the project, but just objects to the change in staging.

Monica Dawson, 4544 Trillium Ave N, stated that she has been a Medina resident since 2003 and stated that the Wayzata schools are under an oppressive amount of pressure because of development in its member cities. She stated that this development would place additional burden on the Wayzata School District and its taxpayers, as the school district continues to operate under the needed amount. She stated that change in zoning from business to residential would place additional burden on the school district. She did not believe that the staging should be changed as it will allow additional planning time for the school district and with adjacent communities.

Pederson stated that this property is within the Rockford School District, not the Wayzata School District.

Finke clarified that the northern parcel is within the Rockford School District while the southern parcel is in the Wayzata School District.

Peter Nohre, 4412 Bluebell Trail S, echoed the comments made by residents thus far. He recognized the input and feedback from residents that helped to shape the Comprehensive Plan, noting that staging was developed for a reason. He did not see a reason to accelerate the staging. He stated that the Planning Commission voted to recommend denial and the majority of residents have spoken out against this proposed development. He stated that he is having a hard time to see the rationale to change the Comprehensive Plan. He stated that there is certainty in the Comprehensive Plan, identifying the guiding and staging for development. He did not see anything driving the need to make the changes requested and asked the Council to consider the guidance and goals of the Comprehensive Plan, leaving the staging as it exists.

Anderson asked the applicant what the cost to the City would be if the project is approved, as it appears that the primary cost would be \$600,000 for wetland mitigation costs. He asked if there would be other costs anticipated, outside of typical development expenses the City may have.

Mr. Smith replied that the only real cost to the City would be the cost of the wetland mitigation. He explained that the development would propose to handle the stormwater for Chippewa Road, noting that they worked with staff and the watershed to develop those plans.

Albers stated that when the City set forth the Comprehensive Plan, that was the vision for how the City wanted to develop the different parts of the City. He recognized the amount of development that continues to occur within the Wayzata School District and the pressure that is placing on the schools. He stated that it is the City's obligation to work within its Comprehensive Plan, as the schools use those plans to create its plan. He asked if the applicant has considered the burden that this could place on the school district. He asked for details on the type of housing that would be placed in the development and the market for those housing products.

Mr. Smith provided details on the three different housing products proposed for the property. He stated that the north property would be proposed for one level, empty-nester type housing that would cater to older individuals and single residents, which would not add stress onto the schools. He stated that the southern parcel would be proposed to have 40 single-family homes, which would cater to families, and 33 townhomes that would likely cater to young working individuals. He stated that the development would have a combination of housing products that would cater to a variety of residents and therefore would not place a huge burden onto the school districts.

Martin recognized the comments related to the school district. She stated that she would want to ensure that the proper letters of credit and sureties would be posted for the infrastructure improvements in advance to building on the property.

Batty confirmed that letters of credit and surety would be required prior to permits being issued. He noted that plats and development agreements would need to be approved prior to reaching that step. He explained that public improvements are included in the development agreement, with cost estimates provided by the developer and confirmed by the City Engineer with surety being collected at a rate of 150 percent of the estimated improvement cost.

Martin stated that she was a member of the Comprehensive Plan Steering Committee and noted that part of the issue in addressing staging of land at various times was to ensure a variety of housing that would not negatively impact existing property values. She stated that this proposed development would seem to provide a variety of housing products with pricing focused on purchasers in a different price range compared to the surrounding neighborhoods and therefore would not compete in the sales market. She stated that there is a wetland between the Bridgewater neighborhood and this development and asked for additional information on topography and whether the existing tree line would provide some buffering.

Mr. Smith stated that the three different types of housing would attract three different types of customers in the market and again reviewed those details. He stated that there would be over one quarter mile from the closest home in Bridgewater to the townhomes that would back up to the development. He stated that there are some existing trees but recognized that the wetland causes gaps in the tree line. He noted that the upland area would become the floodplain mitigation area and therefore building of homes would not occur in that area.

Pederson stated that the answers that have been provided have been good answers and appreciated everyone's cooperation in working together on this project.

Martin asked the Council for input on the proposed Comprehensive Plan amendments and whether the amendments would be appropriate based on the vision and goals of the Comprehensive Plan.

Pederson stated that he lives the closest to this development of any person in the City, noting that his property is zoned rural residential. He stated that he spoke with Batty and he does not have a reason to recuse himself from the discussion. He commented that this type of development with the public benefits would be positive things that the City needs. He stated that the watermain is included in the City's CIP at a cost of \$325,000, should this project not move forward. He stated that with only one water tower and a 40-year-old watermain under Highway 55, that is a safety concern for the community. He stated that he has lived on Mohawk Drive for a number of years and when there was a fatality, there was no other option to direct traffic therefore there is a great need for the road to be constructed. He stated that there is a future park planned for this area that would provide a benefit to residents in this area as well. He stated that City staff have stated that these improvements are needed, and the City does not own the necessary right-of-way to construct the road. He noted that land acquisition costs can be expensive and, in this case, there is opportunity as the developer owns the land on both sides of the road.

Anderson stated that he was a part of the Comprehensive Plan Steering Committee that directed the development of the Comprehensive Plan. He stated that one of the core elements of that plan was to maintain the rural character of the community and work to

control the growth and development. He stated that he has changed his opinion on this project and is swayed by a single developer controlling these two parcels and coordinating the development in a manner that will provide public benefit, including important public safety improvements. He stated that the developer is willing to invest a significant amount of money in public infrastructure and controls the two developments to ensure that they work together harmoniously and therefore will support this endeavor.

DesLauriers echoed the thoughts of Pederson and Anderson. He stated that there was a Comprehensive Plan amendment in the past for Arrowhead Drive to allow the Bridgewater development. He stated that the savings to the City for the public infrastructure would be between \$3,000,000 and \$6,000,000 and therefore that is something that has to be considered.

Albers stated that he was also a part of the Comprehensive Plan Steering Committee and they put thoughtful input into the staging plan and type of proposed development. He recognized that changing the southern parcel guiding from business to residential does add unplanned housing to the City, which seems to go against the goal of slowing growth in Medina. He stated that this would potentially put stress on the school districts. He stated that he understands the contribution that would be provided to the City with the construction of the public improvements and therefore struggles with whether he could support changing the long-term vision and goals.

Martin stated that she finds it to be a difficult decision and appreciated everyone's willingness to discuss this openly. She stated that she tends to support the request because the public benefits are compelling enough to move forward. She stated that she struggled with the change to the staging plan but noted that the goal in staging properties for development was to ensure diversity of housing and minimize competition between new and existing developments. She believed that there was sufficient variety to support that change. She stated that she also believes that it would be difficult to develop the southern parcel as business and therefore supports the change to residential. She stated that she would support the Comprehensive Plan amendments on a conditional basis, with the recognition that there are still hurdles to be overcome.

*Moved by Anderson, seconded by Pederson, to direct staff to prepare a resolution conditionally approving the Comprehensive Plan Amendment and authorizing submission to the Metropolitan Council, subject to the conditions and comments noted in the staff report and discussed by the Council. **Motion passed unanimously.***

Martin asked if there are additional comments related to the proposed PUD concept plan.

Finke stated that from the initial review by the Council, the concept plan remains unchanged. He stated that at this time, through the discussion with the applicant, this is not a fully developed plan at this point and there is an opportunity for comments to guide the design of the development. He explained that the Comprehensive Plan amendments relate to the use and timing on the property with ultimate design to be completed upon formal application.

Martin stated that there is some distance between the proposed development and the existing neighborhood to the east. She stated that she would like to see a more amplified landscaping plan that would speak to the viewshed from Arrowhead or

Chippewa. She stated that she would also like additional information on the diversity in housing elevations and building materials for the homes.

Pederson echoed the same concerns with having adequate screening around the project to the best ability of the developer from the adjacent neighborhoods and roadways. He commented that the driveway would be across from the Wealshire entrance and hoped for a grandiose entrance that would be aesthetically pleasing.

Albers echoed some of the thoughts related to additional screening. He also proposed some boulevard trees along Chippewa Road. He asked if the road would be lit with streetlights.

Finke replied that the road would be a public improvement and therefore the City would provide guidance. He stated that there should be discussion in the future, noting that the roadway would most likely not be lit but lighting for the trail could be important.

*Moved by Martin, seconded by Anderson, to briefly recess the meeting at 9:11 p.m.  
**Motion passed unanimously.***

*Moved by Anderson, seconded by Pederson, to reconvene the meeting at 9:25 p.m.  
**Motion passed unanimously.***

**B. Arrowhead Holdings, LLC (OSI) – Rezoning, Preliminary Plat, Site Plan Review, Amended Conditional Use Permit, Easement Vacation – 4101 Arrowhead Drive (9:25 p.m.)**

Finke stated that the Council reviewed these requests in January and directed staff to prepare the documents for approval for the proposed addition and related parking improvements. He reviewed the different land use approvals that would be required for the request including rezoning, preliminary plat, site plan review, amended conditional use permit and easement vacation. He stated that OSI since informed the City that the surveyor included right-of-way for Arrowhead Drive and Chippewa Drive consistent with the City completed study, but OSI did not desire for that to be included in the plat. He stated that staff, Martin and OSI have been meeting with OSI to work through their comments and developed an alternative that would allow for the provision of right-of-way through an easement agreement for the future alignment of Chippewa and Arrowhead Drive. He noted that this would allow OSI to use that area for parking until the time the easement is needed for the road improvements, at which time the parking would be removed and setback 10 feet from the easement. He noted that a development agreement was also included for review and approval, as OSI wanted to see how all the conditions would be implemented. He stated that some changes may be necessary when the project reaches final plat.

Pederson asked if the screening would continue along Arrowhead Drive.

Finke stated that the landscaping plan met the requirements of the district and there were no changes to what was originally approved at that point. He stated that the northeast corner of the site is not included for a site plan as no development is proposed for the northern portion of that property.

Pederson asked if Batty has reviewed this and has any comments.

Batty explained that he drafted the document and therefore his comments are included.

Martin stated that she spent time working with staff and legal counsel and believes that the product was developed was agreeable to both parties.

**1. Ordinance No. 655 Amending the Official Zoning Map to Rezone Lot 1, Block 1, and Outlot A Cavanaughs Meadowwoods Park Third Addition**

*Moved by Martin, seconded by Anderson, to adopt the ordinance no. 655 amending the Official Zoning Map to rezone Lot 1, Block 1 and Outlot A Cavanaughs Meadowwoods Park Third Addition. **Motion passed unanimously.***

**2. Resolution No. 2020-14 Authorizing Publication of Ordinance Amending the Official Zoning Map to Rezone Lot 1, Block 1 and Outlot A Cavanaughs Meadowwoods Park Third Addition by Title and Summary**

*Moved by Martin, seconded by Anderson, to adopt resolution no. 2020-14 authorizing publication of the ordinance amending the Official Zoning Map to rezone Lot 1, Block 1 and Outlot A Cavanaughs Meadowwoods Park Third Addition by title and summary. **Motion passed unanimously.***

**3. Resolution No. 2020-15 Granting Preliminary Approval of the Cavanaughs Meadowwoods Park Third Addition Plat**

*Moved by Martin, seconded by Anderson, to adopt resolution no. 2020-15 granting preliminary approval of the Cavanaughs Meadowwoods Park Third Addition plat. **Motion passed unanimously.***

**4. Resolution No. 2020-16 Granting Approval of a Site Plan Review and Amended Conditional Use Permit to Open Systems International, Inc. (OSI)**

*Moved by Martin, seconded by Anderson, to adopt resolution no. 2020-16 granting approval of a Site Plan review and amended Conditional Use Permit to Open System International, Inc. (OSI). **Motion passed unanimously.***

**5. Resolution No. 2020-17 Vacating Drainage and Utility Easements within Lot 1, Block 1, and Outlot A, Cavanaughs Meadowwoods Park and Lot 1, Block 1, Cavanaughs Meadowwoods Park 2<sup>nd</sup> Addition**

*Moved by Martin, seconded by Anderson, to adopt resolution no. 2020-17 vacating drainage and utility easements within Lot 1, Block 1, and Outlot A, Cavanaughs Meadowwoods Park and Lot 1, Block 1, Cavanaughs Meadowwoods Park 2<sup>nd</sup> Addition. **Motion passed unanimously.***

**6. Development Agreement by and between the City of Medina and Arrowhead Holdings, LLC for Cavanaughs Meadowwoods Park Third Addition**

*Moved by Martin, seconded by Anderson, to approve the Development Agreement by and between the City of Medina and Arrowhead Holdings, LLC for Cavanaughs Meadowwoods Park Third Addition. **Motion passed unanimously.***

**C. Jan Har LLP (Adam's Pest Control) – Rezoning, Preliminary Plat, Site Plan Review, Conditional Use Permit – PIDs 04-118-23-21-0001 & 04-118-23-24-0001 (North of Hwy 55, West of Willow Drive) (9:39 p.m.)**

Finke stated that the Council reviewed these requests in December of 2019 and directed staff to prepare documents of approval. He explained that this proposal would include a change in access. He explained that the original discussion anticipated a primary access of a frontage road that would connect to Willow Drive. He stated that property is owned by a third-party and the applicant and staff have been unsuccessful as of yet in negotiating for the necessary right-of-way, therefore the applicant has reviewed alternate options for access to the property. He stated that staff met with MnDOT to discuss alternate access, as the property has frontage along Highway 55. He stated that if the frontage road cannot be constructed, the applicant would propose a full access onto Highway 55, with left and right turn lanes provided. He stated that staff and MnDOT believe that full access along Highway 55 would be the preferred option. He stated that the Planning Commission held a public hearing the previous week and unanimously recommended approval subject to the conditions in the staff report.

Pederson stated that he attended the Planning Commission and heard the comments related to public safety from Belland. He asked if the utilities would be extended to the property to the east regardless of whether the right-of-way is provided.

Finke confirmed that there is a public drainage and utility easement along the property to the east that would allow the installation of utilities across the site, but not right-of-way.

Pederson commented that he understands that the City cannot landlock a parcel and does not have say over MnDOT as far as Highway 55 decisions. He stated that originally the applicant offered a contribution of \$100,000 for the construction of the roadway to the east but that seems to have disappeared with this alternate access plan.

Johnson stated that part of the original discussion included a contribution, but that request has been eliminated.

Finke explained that the discussions have been ongoing for some time. He stated that at one point the property owner to the east had requested compensation for the area which was necessary for stormwater ponding. He explained that the compensation request was for area that may be needed for stormwater purposes outside of the easement area.

Batty stated that the deal that everyone hoped would occur with access to the east, would relieve the property owner to the east of a significant financial burden as the estimated cost of the road to Willow would be about \$600,000.

Anderson asked if there is any reason the property owner to the east has not taken advantage of that offer.

Batty stated that he was unaware.

Anderson stated that in previous discussions, Council Member Albers brought up a viable concern related to the placement of the parking lot, which would face the south or southwest and the possible disturbance to the eagle's nest. He stated asked if that issue has been addressed with this version of the plat.

Finke replied that with the exception of the change in access, the site plan is otherwise unchanged. He stated that he has spoken with the Fish and Wildlife Service, as

previously discussed, and noted that organization did not recommend any changes to the site plan.

Albers asked if the organization had any concerns with the proximity of the building to the nest.

Finke replied that the organization did not have any concerns with the site plan as proposed. He stated that there was input placed on timing of construction related to seasons to minimize the impact.

DesLauriers stated that it is unfortunate that the easement could not be gained. He stated that another intersection along Highway 55 could bring challenges. He asked if there would be raised concrete median at that intersection point or whether it would simply be striped.

Finke replied that MnDOT standards would not require a raised median and would only require striping. He stated that in the ultimate scenario, if the Highway 55 access were to be constructed, the City would still be in a position to have the frontage road constructed in the future through the property to the east and to this site, at which time MnDOT may consider limiting that Highway 55 access, which could include construction of a median.

Pederson stated that this applicant has an outstanding facility on Highway 55 and has tried tremendously to secure the right-of-way to no avail. He understood that the applicant needs to move forward with their plans but hoped that this would not close the door in the future to entertain options to the east.

*Moved by Pederson, seconded by DesLauriers, to direct staff to prepare documents approving of the rezoning, preliminary plat, site plan review, and conditional use permit subject to the conditions noted in the staff report.*

*Further discussion: Anderson stated that he is concerned with the potential safety impacts of this full access on Highway 55 in this location.*

***Motion passed 4 - 1 (Albers opposed).***

## **IX. NEW BUSINESS**

### **A. Arrowhead Drive Railroad Improvement Project – Received Bids (10:00 p.m.)**

Johnson stated that the City received five bids with the low bid being \$426,969.10, which does exceed the engineer's estimate for the project. He reviewed some of the costs that came in higher than expected. He stated that the project improvement costs would still be covered by the grant from the State of Minnesota but simply wanted the Council to review the information.

It was the consensus of the Council to accept the bid as recommended.

## **X. CITY ADMINISTRATOR REPORT (10:04 p.m.)**

Johnson had nothing further to report.

**XI. MAYOR & CITY COUNCIL REPORTS (10:04 p.m.)**

Pederson thanked Martin and Johnson and City staff for the hard work they have completed this past week in order to allow for the meeting to occur electronically.

Albers echoed those thoughts of thanks. He stated that this is an interesting time the City is in and hoped that it would be over soon.

Martin commended staff, the police and firefighters, and members of the Council during this time. She stated that there has been excellent service from everyone this past week in response to an unprecedented and unexpected threat to the citizens and the people they hold dear. She recognized that people are working overtime and hoped that everyone in the community does their best to stay healthy. She stated that staff remains committed to providing the best level of service to the citizens of Medina.

**XII. APPROVAL TO PAY THE BILLS (10:07 p.m.)**

*Moved by Martin, seconded by Anderson, to approve the bills, EFT 005428E-005449E for \$69,709.46, order check numbers 049986-050058 for \$168,300.08, and payroll EFT 050074-0510108 for \$56,477.03. **Motion passed unanimously.***

**XIII. ADJOURN**

Martin commended Batty for his assistance in developing all of the documents necessary over the past week.

*Moved by Pederson, seconded by Anderson, to adjourn the meeting at 10:10 p.m. **Motion passed unanimously.***

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Kathleen Martin, Mayor

Attest:

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Jodi M. Gallup, City Clerk