

MEDINA CITY COUNCIL MEETING MINUTES OF NOVEMBER 17, 2020

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

Martin read aloud a statement explaining that all Council, Board and Commission meetings continue to be held in a virtual format due to the ongoing pandemic.

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, Planning Consultant Nate Sparks, Finance Director Erin Barnhart, City Engineer Jim Stremel, City Planning Director Dusty Finke, Public Works Director Steve Scherer, Chief of Police Jason Nelson, and Alison Harwood of WSB.

II. PLEDGE OF ALLEGIANCE (7:07 p.m.)

III. ADDITIONS TO THE AGENDA (7:08 p.m.)

The agenda was approved as presented.

IV. APPROVAL OF MINUTES (7:08 p.m.)

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

Moved by Martin, seconded by DesLauriers, to approve the November 4, 2020 regular City Council meeting minutes as presented.

A roll call vote was performed:

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

Motion passed unanimously.

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

A. Approve 2021 Agreement with TimeSaver Off Site Secretarial, Inc.

B. Approve 2021 Rate Schedule with WSB

C. Appoint Dino DesLauriers as Acting Mayor through the end of 2020

D. Motion to Confirm Moving Forward with a Fire Service District/Joint Powers Agreement to Explore Options and Opportunities

E. Approve Letter to State Fire Marshal Requesting Facilitation Services

F. Resolution No. 2020-92 Accepting Donation from Memorial for Vicki Perri

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

A roll call vote was performed:

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

Motion passed unanimously.

VI. COMMENTS (7:12 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 discuss park dedication and trail options related to the Weston Woods development request. He stated that the group will also discuss the lakeshore park plan and how to gain community input.

C. Planning Commission

Planning Commissioner/Councilmember Elect Robin Reid reported that the Planning Commission met the previous week and held three public hearings. She stated that the first hearing was for the Weston Woods project noting that two written comments were received prior to the meeting in support of the project. She stated a few Commissioners were hesitant to advance the staging but agreed that the benefits outweighed that concern and the Commission recommended unanimous approval. The second hearing was to consider the Holy Name Estates project and highlighted some of the comments expressed during the discussion. She noted that substantial improvements will be made to Pinto Drive and some utilities as part of the project. The Commission ultimately did not have concern with the longer cul-de-sac length and recommended unanimous approval of the request and variance. The third public hearing was to consider an amendment to the Three Rivers Park CUP to add a new building, no public comments were received, and the Commission recommended unanimous approval of the request.

DesLauriers congratulated Reid on her election win and commented that he looks forward to working with her on the Council.

VII. PRESENTATIONS

A. Resolution No. 2020-87 Recognizing Joshua McKinley for Five Years of Service to the City of Medina (7:17 p.m.)

Martin read aloud the draft resolution recognizing Joshua McKinley for five years of service to the City of Medina.

Moved by Pederson, seconded by Albers, to adopt Resolution No. 2020-87 recognizing Joshua McKinley for Five Years of Service to the City of Medina.

Further discussion: Nelson commented that Josh is a great member of the department and was a CSO more than five years ago before he went to the Buffalo Police

Department and then returned when there was a position available in Medina. He commented that Josh does great work with investigations and fills in wherever he is needed.

Martin commented that Medina is fortunate to have a great Police Department and thanked Josh for his willingness to wear multiple hats in the department.

A roll call vote was performed:

Albers aye
DesLauriers aye
Anderson aye
Pederson aye
Martin aye

Motion passed unanimously.

B. Resolution No. 2020-88 Awarding the Sale of General Obligation Refunding Bonds, Series 2020A, in the Original Aggregate Principal Amount of \$5,720,000; Fixing Their Form and Specifications; Directing Their Execution and Delivery; Providing for Their Payment; and Providing for the Redemption of Bonds Refunded Thereby (7:22 p.m.)

Martin applauded staff for its perseverance to find options to save the City money. The bond refunding will save Medina a total of \$512,000.

Johnson thanked Eldridge and Barnhart for their work on the refunding noting that the results were much better than expected.

Shelly Eldridge, Ehlers, confirmed that the results of the sale were wonderful with five bids received and that the results were contained in the sale report sent via email earlier today. She stated that the winning bidder had a true interest cost of .9952, which is less than one percent. She stated that a premium bid was also received which resulted in a reduction of \$320,000. She confirmed that there was a reduction to both the debt and the interest rate. She stated that the bidding results were very tight and close, which can be attributed to the rating of the City, the size of the debt and the 13-year term. She stated that the majority of the savings the City will see as a result of this action are related to the capital improvement bond for the public works and police facility, which reduces the need for the City to include those interest costs within its levy.

Martin thanked Eldridge for her work and presentation.

Johnson also thanked Eldridge and Barnhart noting that the timing was perfect and taxpayer dollars will be saved because of this action.

Pederson echoed his comments and of thanked staff.

Anderson stated that as the Council moves forward it is important to maintain a good bond rating which affords the City these opportunities to save money.

Moved by Martin, seconded by Pederson, to adopt Resolution No. 2020-88 Awarding the Sale of General Obligation Refunding Bonds, Series 2020A, in the Original Aggregate

Principal Amount of \$5,720,000; Fixing Their Form and Specifications; Directing Their Execution and Delivery; Providing for Their Payment; and Providing for the Redemption of Bonds Refunded Thereby.

A roll call vote was performed:

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

Motion passed unanimously.

VIII. NEW BUSINESS

A. Holy Name Lake Estates – Preliminary Plat and Variances – Northeast of Pinto Drive, North of Holy Name Lake (7:33 p.m.)

Sparks stated that the subject property contains three parcels totaling about 90 acres in size, noting that about 25 acres is under the ordinary high water (OHW) for Holy Name Lake. He stated that the proposal would replat the three lots into six lots ranging in size from 10 to 23 acres. The property is zoned rural residential and is guided as such under the Comprehensive Plan. He stated that the applicant is contesting the soil designation and a variance is being sought for the cul-de-sac length. He stated that a portion of the existing road would also be required to be reconstructed and provided details on the extension of Pinto Drive and the reconstructed portion. He reviewed the rural residential zoning district and shoreland overlay standards. He identified the area that Hennepin County does not count towards suitable soils because of the slope. He explained that the applicant's surveyor visited the site and identified additional areas that can be included in the suitable soil configuration because the slope is under 12 percent. He stated that many times in rural subdivisions the City prefers to have a private street system but that was not considered in this proposal as the street would serve two existing properties that are not part of the proposed subdivision. He stated that the proposed cul-de-sac length would exceed the maximum allowed, and therefore a variance would be required. He noted that the standard of 750 feet is more urban related and this proposal could be deemed acceptable because there are no other road connections, there would be minimal abilities to further develop in this area, and this would be the most effective approach to provide access to the site. He identified the substandard portion of Pinto Drive that would be reconstructed to meet City standards. He noted that process would require some tree removal and relocation of utilities but only within the right-of-way. He stated that the Park Commission reviewed this request to discuss trail corridor planning within this area and provided an overview on the recommended park dedication. He reviewed the remaining standards that are met by the request. He stated that the cul-de-sac length variance seems justified because of the limited potential future development in this area and limited capacity for development in this area as well as there being no future road connections to this area planned. He noted that the soil contestation also seems appropriate with the additional information provided by the applicant. He reported that the Planning Commission held a public hearing to consider the request at its meeting the previous week and unanimously recommended approval of the request and variance.

Martin asked for input on the plat in general with discussion then focusing on the cul-de-sac variance and soil contestation. She stated that she finds the plat to be fairly well laid out and the requirements of the ordinance met. She stated that she does not fully understand the soils review and the necessity to contest the soil survey as the lots seem to meet the minimum standards.

Sparks stated that the applicant suspected that there were certain areas on the site where the soils were omitted due to the slope exceeding 12 percent but when those areas were measured the slope was under 12 percent and therefore those areas could be considered as suitable soils for the purpose of calculating minimum lot size. He stated that the Hennepin County soils map is completed on more of a global basis and the specificity of certain areas are lost, therefore the applicant focused on those areas and has proven that in the areas they are contesting. He noted that there may be areas that were counted as suitable by Hennepin County but perhaps exceed the 12 percent slope, which might then cause the lots to shift counterclockwise around the cul-de-sac. He stated that in the past the City has focused on the areas contested and has not looked above the area of review. He stated that in this case the ultimate number of lots would not be changed and therefore the Council could accept the soils contest as such.

Martin asked if the applicant would need to take the soils contest further or whether it would be made a condition of plat approval.

Sparks stated that the applicant has completed further investigations on the identified areas, which allows the City to amend its review of the soils on this specific subdivision. He stated that the Hennepin County map would be amended through this process and the applicant has successfully done that in the opinion of staff.

Martin asked and received confirmation that the City would be the decision maker on whether the Hennepin County map is incorrect.

Scherer asked if there would be an easement on the entire northern border all the way to the west.

Sparks stated that this is the drawing the Park Commission reviewed prior to its recommendation and confirmed that would occur.

Donavan DesMarais, applicant, confirmed that the northern border could continue all the way to the west and along Lots One and Two as discussed by the Park Commission, which provides the option to go west or south.

Martin referenced proposed condition seven of the recommendation from the Planning Commission, which speaks to park dedication. She stated that perhaps additional language should be added to include the language "...easements granted for trail purposes will be extended along the north boundary".

DesLauriers asked if there was a possibility to extend this road to connect to another roadway.

Sparks commented that staff reviewed where the road could potentially go. He stated that this area is rural, designated for one unit per acre and it would not be possible to connect to another roadway without subdividing additional parcels that are too small to

divide. He stated that there would be no way to connect to another road or cul-de-sac without impacting additional properties.

Martin asked and received confirmation on the details on Pinto Drive to be improved and extended. She stated that she is comfortable with the cul-de-sac but asked for input from the other members of the Council.

Pederson stated that the cul-de-sac extension is a concern but if public safety is not concerned, he believed that the upgrade of Pinto would be a nice trade off.

Scherer provided input noting that this would provide additional space for public works and public safety to navigate and turn around. He stated that he would also want to see a clause that requires the developer to cost share the final overlay lift for the first 300-400 feet of the roadway as damage will be done from the construction vehicles. He confirmed that in discussions with the applicant, and the applicant has agreed to pay the 50 percent assessment which would avoid the residents having to pay the assessment.

DesMarais confirmed that he discussed that with staff and agrees with that statement. He noted that the forecasted damage may not exist, but he still agrees to split the cost at the rate proposed by the City for that section of up to 400 feet. He stated that he and staff agree with the desired outcome for the road after the development is completed.

Martin confirmed the consensus of the Council that the developer is correct in its assessment that the Hennepin County soils assessment was incorrect in the areas shaded in orange on the plans presented and it is appropriate that those areas be included in the suitable soils calculation for the purposes of meeting the five-acre minimum standard. She stated that ten conditions were proposed by the Planning Commission and reviewed the suggestions to amend condition seven to clarify the extension of the trail easement and add a condition that the applicant shall pay 50 percent of the cost to improve up to the first 400 feet of Pinto Drive measured from CR 24 to ensure conformity and consistency with the remainder of the improved Pinto Drive.

Pederson asked if the regional trail has been addressed as it appears that could move forward in the future and just wanted to ensure that the easement provided was sufficient.

Scherer confirmed that was included and explained that the extension to the west was provided in the case that those properties to the west subdivide, therefore two options are provided.

DesLauriers stated that it seems excessive that the Diamond Lake regional trail would be proposed to be 25 feet wide and asked for details.

Scherer replied that the easement would be that large for the purpose of drainage, but the surface of the trail would most likely be ten feet.

Sparks confirmed that the easement is wider to accommodate the trail and any drainage needs.

Moved by Martin, seconded by DesLauriers, to direct staff to prepare a resolution of approval subject to the conditions noted in the staff report, the amendment to condition

seven and the inclusion of the additional condition related to the improvement of the first 400 feet of Pinto Drive as measured from CR 24.

A roll call vote was performed:

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

Motion passed unanimously.

B. Chippewa Road Extension/Weston Woods EAW (8:21 p.m.)

Finke stated that the public comment period for this environmental assessment worksheet (EAW) occurred in October and ten comments were received from different agencies. He explained that an EAW is intended to summarize the environmental impacts of a project and solicit input. He stated that ultimately an EAW leads the decision-making body, in this case the Council, to determine whether additional environmental study is necessary through an environmental impact statement (EIS). The criteria are summarized in the staff report, noting that the natural resources expert from WSB is present, as she coordinated the City portion of the EAW. He noted that much of the work was completed by the applicant's consultant. He stated that the EAW was mandatory because of the wetland impacts anticipated for the extension of Chippewa Road. He stated that a summary of the comments from the agencies received was included in the staff report. He noted that the moderate quality woodland on the site was called out by multiple agencies and was discussed at length during the concept plan review. He noted that the seven acres identified by the City are proposed to be preserved through this development. He stated that the DNR also commented that there are Blanding's turtles in this area and suggested construction practices. He stated that most of the other comments were more technical related to each of the agencies review practices. He stated that none of the agencies recommended requiring an EIS and therefore staff believes that the existing regulatory practices would provide sufficient review and recommends that an EIS is not necessary.

Martin commented that this is an excellent compilation of the comments received and the staff responses thereto. She noted that she has no additional comments.

The Council had no further questions and commended staff for the well-done work.

Moved by DesLauriers, seconded by Albers, to approve the Response to Comments, Findings of Fact, and Record of Decision.

A roll call vote was performed:

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

Motion passed unanimously.

1. Resolution No. 2020-89 Approving the Response to Comments, Findings of Fact, and Record of Decision for the Chippewa Road Extension and Weston Woods EAW and Making a Negative Declaration of Need for an Environmental Impact Statement

Moved by DesLauriers, seconded by Albers, to adopt Resolution No. 2020-89 Approving the Response to Comments, Findings of Fact, and Record of Decision for the Chippewa Road Extension and Weston Woods EAW and Making a Negative Declaration of Need for an Environmental Impact Statement.

A roll call vote was performed:

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

Motion passed unanimously.

IX. OLD BUSINESS

A. US Home Corp (Lennar) – Meadowview Commons – North of Hwy 55, South of Meander Road, West of County Road 116 (8:31 p.m.)

Finke stated that this first phase of development would include 42 townhomes along with various outlots. He stated that the purpose of the final plat review is to ensure consistency with preliminary plat and review whether the conditions of preliminary have been met, or will be met, with this final plat. He stated that the final plat is consistent with the preliminary plat, noting that some alignment was changes for the outlots to include the private road and accommodate utilities. He stated that the staff report discusses how the conditions of preliminary plat have or will be met. He called attention to the construction of Tamarack Drive along the western portion of the plat, noting that the proposed resolution for final plat calls for the construction of the northern 500 feet of Tamarack Drive south of Meander. He noted that additional right-of-way would be needed from another property and provided additional details on what could occur if that right-of-way cannot be secured. He stated that the preliminary plat resolution included a condition that allowed the City to secure a petition and waiver to contribute towards additional improvements on Tamarack at Highway 55. He noted that staff does not however recommend a petition and waiver for the improvements at Highway 55. He explained that if the City collects petition and waiver as developments come forward it gives the idea that the City will complete that improvement. He stated that staff believes that perhaps those improvements can be constructed with an adjacent development project and therefore a public improvement project would not be necessary. He stated that in the case that the City needs to complete those improvements as a public improvement project, the City could collect petition and waiver or assessments from properties in the area, therefore that opportunity will still exist. He explained that there are a number of items that could change between now and the time the ultimate project is completed, including the cost, which is why staff does not want to collect petition and waiver at this time. He noted that 45 percent of the anticipated traffic generation will be

developed in the future which provides the City with additional opportunities for contributions.

Martin stated that she received a letter dated November 12, 2020 from the civil engineer for the Cavanaugh's, which has been circulated to the Council, noting that the civil engineer is present tonight to address any questions. She commented that much of the content from the letter was addressed through the staff report.

Pederson commented that a traffic analysis was completed for Meander Road, noting that significant traffic will try to enter from CR 116. He did not believe that assistance would be received from Hennepin County for improving that intersection and commented on the other paths the traffic could take. He stated that he believes that this would be the last opportunity for the City to have a nice retail development on the westerly property and wants to ensure that the road is sufficient to handle the traffic. He asked if the applicant would be paying their share towards the stoplight improvement at Highway 55 and whether the applicant would be constructing the full width of roadway for the first 500 feet. He used the example of Bridgewater in which the developer was supposed to build the full width of road but because of the recession did not complete that task.

Finke replied that the conditions within the proposed development agreement would require the construction of the 500 feet of Tamarack. He stated that related to the Highway 55 intersection improvements, the City could not require construction of that improvement because traffic counts do not warrant that improvement. He stated that the alternative would be to require petition and waiver of properties that develop. He noted that although the preliminary plat required a condition as such, staff now recommends against that.

Pederson stated that he agrees with construction of 500 feet of Tamarack Drive but does not support removing the condition related to petition and waiver.

Finke stated that the Council can choose to include that condition if it feels appropriate.

Anderson echoed the comments of Pederson related to the concern of traffic and the desire to require the construction of the northern 500 feet of Tamarack Drive and include the petition and waiver.

Martin used the example of the Brockton Lane project, which came a number of years after the Enclave project. She stated that part of the City's cost for that project came from funds received in the Enclave approval process. She asked why this developer would not also be required to contribute to the cost of those future improvements as it will benefit the development and these homes contribute to the necessity of the improvement.

Batty stated that there have been several court cases that have indicated that it is not a permissible way to pay for public roads, which is why the City has avoided that. He stated that the alternative has been described by staff. He explained that the conclusion was that petition and waiver are of the most value when used immediately. He explained that when improvements are delayed, land uses, and costs can change which are risks to a petition and waiver.

Martin stated that it would appear that either the developer commit to that contribution towards the improvement now or the homeowners would be hit with an assessment later. She stated that she would not want to see residents of the townhomes responsible for the assessment rather than the developer. She asked if the prospective purchasers of the townhomes could be made aware of the potential future improvements and related assessments to ensure that they have been informed.

Batty commented that there are two improvements to consider, the first being the construction of the northern portion of Tamarack Drive, which Lennar will be required to build that full width of the 500-foot road segment, as long as the necessary right-of-way can be obtained from the other property owner on the west side. He stated that with regard to the stoplight and other intersection improvements, those would be warranted more in the future and therefore a petition and waiver would not be utilized for some time. He stated that the Council was very clear during the numerous meetings related to the Tamarack Drive study that the Council did not want to see the City put funds into the project. He explained that requiring petition and waiver signals that the improvement would be completed as a public improvement project and therefore staff does not support requiring a petition and waiver.

Pederson stated that Wayzata School District has a property on the south side of Highway 55 and has a projected timeline of three to five years and will need a stoplight. He asked how that property owner would feel when the City tells them that a petition and waiver was not done. He stated that an inflation rate could be added to the petition and waiver.

Batty stated that the City always includes an inflator in petition and waivers but uses a construction cost index. He explained that while that is a good general estimator, construction costs can change disproportionately. He stated that the improvement may be completed as a public improvement project which would include assessments but there is also the possibility that a developer may be willing to complete a disproportionate amount of work in order to move forward with the project. He noted that requiring a petition and waiver would discourage against the second possibility.

Anderson commented that Batty did a good job explaining why a petition and waiver was not recommended.

Albers commented that his questions have been addressed.

DesLauriers agreed with the comments of Batty. He asked if the road would be large enough to support emergency vehicles if the right-of-way is not obtained from the property owner to the west and Lennar only constructs their half of the road. He also asked if there would be a concern with vehicle stacking on that short segment of road if only half the road is constructed.

Finke stated that the design would need to be shown in order to make those determinations, noting that it could possibly only be used as a secondary emergency access as there is alternative access to the site.

DesLauriers asked if there would be any ideas as to the possible width in that scenario.

Stremel commented that the proposed segment of Tamarack would be 32 feet wide, therefore if only the east half is constructed that would be 16 feet wide and could suffice for emergency access. He stated that perhaps a temporary two-way segment could be constructed within the Lennar right-of-way.

Finke confirmed that the temporary road would be very different and would remove other options, noting that the trail area could be used for additional width and the trail could then be constructed in the future with the remainder of the road.

Batty stated that the development agreement states that Lennar will build the full width of the road as long as the necessary right-of-way is dedicated by the property owner to the west by December 31st. He stated that if the right-of-way is not dedicated, Lennar would only be responsible for construction within the right-of-way that would be dedicated by Lennar.

Pederson commented that while he respects the position of staff, he disagrees with it because of the safety concerns. He stated that a 16-foot road would only place additional burden on Meander Road.

Scherer clarified that the road would not be 16 feet wide, as there is additional right-of-way proposed for trail that could be used if the right-of-way from the other property owner cannot be obtained. He stated that while it would not be the road envisioned, it could support the temporary use.

Pederson stated that if the trail is removed to create additional road width, that would create additional safety concerns for pedestrians.

Anderson stated that he now believes it would be inadvisable to use a petition and waiver as this is not a City road and he would not want this to be a City improvement project. He stated that if the road has to be constructed in a temporary manner, as long as it is safe, he will support that.

DesLauriers agreed with the comments of Anderson. He stated that after receiving input from staff he does not believe that a petition and waiver would be the best course. He stated that like Pederson, he would prefer the full segment of road be constructed but recognized that without right-of-way from the other property owner, that is something that is out of the control of the City and Lennar.

Albers echoed the comments of Anderson and DesLauriers and agrees that at this time it would not be in the best interest of the City to pursue a petition and waiver.

Martin confirmed the consensus of the Council not to include a petition and waiver and provided suggested language for the condition related to the construction of the 500-foot segment of Tamarack Drive to ensure that a safe roadway could be constructed if the necessary right-of-way is not received from the western property owner.

1. Easement Vacation – Public Hearing Continuation

Martin reopened the public hearing.

No comments made.

Martin closed the public hearing.

2. Resolution No. 2020-90 Granting Final Approval of the Meadowview Commons Plat

Martin asked if it would be appropriate to add an addition to item 11 requiring that homeowners be made aware of the potential assessment.

Batty stated that he does not object to the action but commented that he has not seen that in other instances. He stated that the developer could be required to add language to the HOA documents attempting to notify purchasers of the property.

Albers commented that he would support that.

Anderson asked for input from Martin as to why she believes that should be done.

Martin explained that if the developer will not incur the additional costs for the intersection improvements, then the potential cost could be absorbed by the homeowners via future assessments of which potential buyers should be advised.

Anderson asked why would the Council potentially put homeowners at risk rather than make it clear to all parties that the developer would be responsible to build out the roadway.

Martin stated that everyone is in agreement that the developer is responsible for building out the segment of Tamarack contiguous to the development. She stated that her statement regarding notice would be for the other future improvements related to the segment and intersection at Highway 55.

Finke clarified that the City could require the physical construction of whatever portion of the road that can be constructed depending upon right-of-way. He stated that if the right-of-way can be obtained, the developer would be responsible to construct that full 500-foot segment of roadway. He stated that if the right-of-way is not provided from the other property owner, the physical construction can only be required on the right-of-way provided by the applicant. He stated that Lennar would not be required to reconstruct the other portion of Tamarack Drive if the other property owner does not provide the right-of-way and explained that portion of the roadway would be constructed along with a future development project that necessitates that portion of the roadway.

Anderson stated that he does not object to the language proposed by Martin.

Martin acknowledged that it would be unusual in this instance to include this type of language in a HOA document but believed it could be appropriate.

DesLauriers stated that he agrees it would be transparent, noting that perhaps that language could be added to condition 16 related to HOA documents.

Pederson stated that he also likes being transparent and would agree to the additional language.

Moved by Martin, seconded by Albers, to adopt Resolution No. 2020-90 Granting Final Approval of the Meadowview Commons Plat with the conditions noted and amended as

follows: condition four should state in the event that the property owner to the west does not contribute the necessary right-of-way by the identified deadline, the applicant shall submit plans to be reviewed by the City Engineer related to the second access to the site which shall be constructed as a full roadway utilizing the road right-of-way and area marked as streetscape/greenspace/trail; and condition 11 shall be amended to include the language that the documents shall include a notice to prospective owners that the full construction of Tamarack to Highway 55 has not been assessed nor budgeted for by the City and any such future road improvements may subject the property to future road assessments.

Further discussion: Johnson noted that two people have requested to speak on this item.

Anderson stated that while he respects the requests to speak, he would have thought those requests would have come forward at an earlier time in the discussion, such as when the public hearing was opened. He stated that it is now late in the discussion to receive input.

Martin noted that the public hearing was related to vacation of easement and did not specifically concern the road improvement topic.

Pederson commented that he would accept the comments if they were kept brief. He asked that the comments be kept under three minutes.

Martin agreed with the comments of Pederson and confirmed the consensus of the Council.

Eric Miller, civil engineer representing the Cavanaugh's, stated that he attempted to respect the process and appreciated the allowance to speak. He recognized the evolution of the discussion but noted that even though this is the final plat approval there are still unresolved issues. He referenced the future funding of the roads and referenced the City's study and the allocation of traffic that can occur to Meander Road until the connection to Highway 55 is provided. He noted that this development would only consume 30 percent of the trips needed to trigger the connection to Highway 55. He stated that the total development area is 70 acres and this development area is 22 acres of that. He stated that as identified, following this development, a four-acre development would be the trigger to fund the remaining construction of Tamarack Drive, which will hinder potential development opportunities. He asked that the Council withhold final approval until those items have been resolved.

Joe Jablonski, Lennar, appreciated the discussion tonight. He referenced the second proposed change to the resolution related to HOA documents. He stated that while he appreciates the attempt of the Council, the additional language could cause problems because there is not identified dollar figure which could cause hesitation from buyers. He stated that they would not be able to provide clarity as to when that could occur or how much the amount could be.

Pederson commented that he appreciated the input from staff related to the issue of petition and waiver. He stated that although he still feels differently, he will support the action.

A roll call vote was performed:

Pederson aye
Anderson aye
DesLauriers aye
Albers aye
Martin aye

Motion passed unanimously.

3. Resolution No. 2020-91 Vacating Drainage and Utility Easements within Outlot A, Rolling Green Business Center

Moved by Martin, seconded by DesLauriers, to adopt Resolution No. 2020-91 Vacating Drainage and Utility Easements within Outlot A, Rolling Green Business Center.

A roll call vote was performed:

Pederson aye
Anderson aye
DesLauriers aye
Albers aye
Martin aye

Motion passed unanimously.

4. Development Agreement by and between the City of Medina and U.S. Home Corporation for Meadowview Commons

Moved by Martin, seconded by DesLauriers, to approve the Development Agreement by and between the City of Medina and U.S. Home Corporation for Meadowview Commons with the added conditions related to final plat approval as modified to be incorporated into the development agreement.

A roll call vote was performed:

Albers aye
DesLauriers aye
Anderson aye
Pederson aye
Martin aye

Motion passed unanimously.

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

Nelson provided a brief update on recent liquor license violations of two businesses conducted on October 28th. He stated that these are first offenses for both businesses which typically result in a \$500 fine and/or ten-day suspension of the liquor license. He asked that the Council accept the \$500 fine and stay the ten-day suspension of the liquor license for 12 months so long as there are no additional violations.

The Council confirmed consensus with the recommendation of Nelson to impose the \$500 fine and stay the ten-day license suspension for a period of 12 months as long as there are no additional violations.

Johnson stated that Albers had brought forward an idea for an ordinance against protests on private residences or property, like what was enacted in Lino Lakes. He asked for direction from the Council on whether to investigate the issue.

Anderson agreed that he would strongly support that idea.

The Council confirmed consensus with directing staff to research that topic.

XI. MAYOR & CITY COUNCIL REPORTS (9:46 p.m.)

No comments.

XII. APPROVAL TO PAY THE BILLS (9:47 p.m.)

Moved by DesLauriers, seconded by Albers, to approve the bills, EFT 005710E-005727E for \$61,653.82, order check numbers 050873-050950 for \$96,973.34, and payroll EFT 0510615-0510649 for \$56,538.52.

A roll call vote was performed:

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

Motion passed unanimously.

XIII. CLOSED SESSION: ATTORNEY-CLIENT PRIVILEGED DISCUSSION ON POTENTIAL LITIGATION RELATED TO ZONING VIOLATION AT 2402 STATE HIGHWAY 55 PURSUANT TO MINN. STAT. SEC. 13D.05, SUBD.3(b)

Moved by Martin, seconded by DesLauriers, to adjourn to closed session at 9:48 p.m. to discuss potential litigation related to zoning violation at 2402 State Highway 55 pursuant to Minn. Stat. 13D.05, Subd. 3(b).

A roll call vote was performed:

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

Pederson noted that he has a conflict and will not be able to participate in the closed session.

Motion passed unanimously.

The meeting returned to open session at 10:28 p.m.

XIV. ADJOURN

Moved by Anderson, seconded by DesLauriers, to adjourn the meeting at 10:28 p.m.

A roll call vote was performed:

Anderson aye

DesLauriers aye

Albers aye

Martin aye

Motion passed unanimously.

Kathleen Martin, Mayor

Attest:

Jodi M. Gallup, City Clerk