

**MEDINA CITY COUNCIL MEETING MINUTES OF APRIL 20, 2021**

The City Council of Medina, Minnesota met in regular session on April 20, 2021 at 7:00 p.m. in the City Hall Chambers. Mayor Martin presided.

Martin read a statement explaining that this meeting is being held in a virtual format due to the ongoing pandemic and provided instructions on how members of the public can participate.

**I. ROLL CALL**

**Members present:** Albers, Cavanaugh, DesLauriers, Martin, and Reid.

**Members absent:** None.

**Also present:** City Administrator Scott Johnson, Assistant City Administrator Jodi Gallup, City Attorney Ron Batty, Finance Director Erin Barnhart, City Engineer Jim Stremel, City Planning Director Dusty Finke, Public Works Director Steve Scherer, and Chief of Police Jason Nelson.

**II. PLEDGE OF ALLEGIANCE (7:03 p.m.)**

**III. ADDITIONS TO THE AGENDA (7:04 p.m.)**

The agenda was approved as presented.

**IV. APPROVAL OF MINUTES (7:04 p.m.)**

**A. Approval of the April 6, 2021 Regular City Council Meeting Minutes**

Martin stated that prior to the meeting Johnson distributed changes proposed by her.

*Moved by Martin, seconded by Albers, to approve the April 6, 2021 regular City Council meeting minutes as amended.*

*A roll call vote was performed:*

*DesLauriers    aye  
Albers            aye  
Cavanaugh    aye  
Reid              aye  
Martin          aye*

***Motion passed unanimously.***

**B. Approval of the April 7, 2021 Special City Council Meeting Minutes**

*Moved by Martin, seconded by Reid, to approve the April 7, 2021 special City Council meeting minutes as presented.*

*A roll call vote was performed:*

*DesLauriers    aye*

Albers aye  
Cavanaugh aye  
Reid aye  
Martin aye

***Motion passed unanimously.***

**V. CONSENT AGENDA (7:06 p.m.)**

- A. Approve Mill and Paving Services Agreement with Omann Brothers, Inc.**
- B. Approve Seal Coating Services Agreement with Pearson Brothers, Inc.**
- C. Approve Curb and Concrete Installation Services Agreement with Schmidt Curb Co. Inc.**
- D. Approve Restaurant and Bar Liquor License Fee Waiver**
- E. Appoint Emily Jans and Katya Cavanaugh to Youth Park Commission Seats**
- F. Resolution No. 2021-21 Accepting Donation from 21<sup>st</sup> Century Bank**
- G. Resolution No. 2021-22 Accepting Donation from Empire Cycle**
- H. Resolution No. 2021-23 Accepting Donation from Harbor Freight Tools**
- I. Resolution No. 2021-24 Accepting Donation from Rockford Fire Department**

Cavanaugh referenced Item D. He stated that this would seem to target a specific group and would like to see more equitable treatment for all restaurants and not just those with liquor licenses or a discount on the license based on the number of days the business was allowed to be open.

Martin asked if that item should be removed from the Consent Agenda or whether it was simply a comment.

Cavanaugh requested to remove Item D from the Consent Agenda

*Moved by Cavanaugh, seconded by Reid, to remove Item D from the consent agenda for further discussion.*

*A roll call vote was performed:*

DesLauriers aye  
Albers aye  
Cavanaugh aye  
Reid aye  
Martin aye

***Motion passed unanimously.***

Martin commented that she attended the Northwest Hennepin League of Municipalities meeting earlier this month and it was mentioned that many cities are receiving higher bids on road projects. She asked staff if they have experienced any increased costs for that type of work.

Johnson replied that he is not aware of high costs.

Scherer replied that there were not giant increases, noting that paving held flat, and he did not notice much in the sealcoating. He stated that some of the curb work was higher but believed that to be labor related.

*Moved by Cavanaugh, seconded by DesLauriers, to approve the consent agenda as amended.*

*A roll call vote was performed:*

*DesLauriers aye  
Albers aye  
Cavanaugh aye  
Reid aye  
Martin aye*

***Motion passed unanimously.***

**D. Approve Restaurant and Bar Liquor License Fee Waiver**

Johnson stated that staff proposed the fee waiver to try to help the restaurants and bars as they experienced the brunt of the impact during the COVID-19 closures. He stated that he believed this was the direction Council wanted to follow but noted that a prorated approach could also be followed if desired.

Barnhart commented that one of the thought processes is that the City is taking heed from the State in trying to determine ways to give back and help businesses. She stated that one method to do so is with the fees the City charges and noted that this would be an easy place to start as staff continues to discuss how the City can help other businesses that do not fit in this category.

Martin asked if there are excess CARES Act funds that could supplement the waived fees.

Barnhart replied that the City has roughly \$315,000 that went into reserves as a result of CARES Act funds and provided additional details on that process. She stated that the idea of placing that in the reserves was to address future expenses related to COVID. She stated that the City is still awaiting guidance on how the next round of aid can be used, which it seems may include more flexibility.

Martin asked into which fund the fees would have been paid.

Barnhart replied that the funds would go into the general fund.

Reid asked if this would only affect restaurants that have a liquor license.

Barnhart confirmed that this would only impact the six restaurants that have a liquor license.

Reid asked if the restaurants without a liquor license have a similar fee that could be waived.

Barnhart replied that there is not such a fee, but those businesses would be included in the continued discussion of staff as how to help other businesses.

Martin asked when the fee is typically required to be paid.

Barnhart replied that this motion would be needed in order to meet the deadline. She provided details on the small business assistance that was available through Hennepin County last year that some Medina businesses may have pursued.

Gallup commented that half of the fee is due June 1<sup>st</sup> and the second half is due December 1<sup>st</sup>, but applicants have a May deadline in order to appear on the Council agenda to meet that deadline.

DesLauriers appreciated all the additional background and noted that he looks forward to continuing to help more businesses as this continues and supports this item as presented.

Albers confirmed that he also supports the item as presented in the packet and is also looking to help additional businesses as discussions continue.

Cavanaugh clarified that he is an advocate of helping local businesses, so it was not that he did not want to help, he just wanted to ensure that assistance is equal to all businesses. He stated that if the consensus is to move forward, he can support that.

*Moved by Albers, seconded by Cavanaugh to approve restaurant and bar liquor license fee waiver.*

*Further discussion: Barnhart commented that staff also agrees with Cavanaugh that there should be a wide approach rather than picking and choosing and being exclusive. She stated that additional ideas will come before the Council.*

*A roll call vote was performed:*

<i>Reid</i>	<i>aye</i>
<i>Cavanaugh</i>	<i>aye</i>
<i>Martin</i>	<i>aye</i>
<i>DesLauriers</i>	<i>aye</i>
<i>Albers</i>	<i>aye</i>

***Motion passed unanimously.***

## **VI. COMMENTS (7:20 p.m.)**

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

No comments.

### **B. Park Commission**

Scherer provided a review of upcoming park projects including tree planting and ball field lighting.

**C. Planning Commission**

Planning Commissioner Popp reported that the Planning Commission met the previous week to consider a Concept Plan review from Stetler Enterprises for a 17-unit villa project at 500 Hamel Road. He stated that the Commission focused discussion on concern with the buried debris on the site, support for the setback variance, and removal of the pond area from the density calculations.

**VII. OLD BUSINESS**

**A. Medina Townhome Development LLC – 1432 CR 29 – Planned Unit Development (PUD) (7:27 p.m.)**

Johnson stated that this was before the Council in both February and March, noting that the plan has been revised to address comments reducing the number of units, increasing greenspace, and providing additional recreational opportunities.

Finke stated that the previous feedback from the Council raised concerns related to circulation, parking, and a desire for increased greenspace on the site. He stated that the applicant proposed to reduce the number of units by one, which provided additional parking opportunity and greenspace adjacent to the recreational amenity. He displayed the proposed plan and identified the location of the unit which would provide the parking opportunity. He also identified the additional greenspace adjacent to the tot lot. He stated that the surrounding recreational amenities were also identified by the applicant as there was a comment that there was a lack of recreation internal to the site. He reviewed the external amenities including Baker Park and a park one half mile from the site in Maple Plain. He stated that the subject property and property to the east are part of the limited properties in Medina identified for high density residential. He noted that the site is also across the street from the express bus service stop.

DesLauriers referenced the table in the staff report related to maximum hardcover and asked if that information would be provided in the future.

Finke confirmed that because this is a Concept Plan, that information is not yet available. He believed the calculation would be met but simply is not part of this review.

Martin commented that after the last few discussions, she realized that the previous proposals for this land had not come before this current Council and therefore she was unsure if the current members of the Council had the background on this parcel, the challenges it presents for development, and the other proposals the property owner has considered. She noted that there is a long history of the property, to which the property owner and staff could speak and which spans at least five years.

Shane LaFave, developer, thanked the Council for reviewing this concept for the third time in order to hopefully provide an improved plan. He stated that he lives about 10 minutes north of this site and has three young children, while his business partner lives about two minutes from the property and also has three small children. He explained that they are local and have strong opinions on the area and how the property should be developed. He stated that he also has knowledge of affordable housing, what the market demands are, what would fit on the property, and how their vision could fit with the requirements and vision of the City. He stated that this site is two acres with a density requirement of 12 units per acre, along with setbacks and other limitations. He stated that there was a third-party rental study completed that shows there is a high

demand for rental opportunities for families in this area. He stated that some families cannot afford to purchase a home, or perhaps have something on their credit that does not allow for a purchase and therefore rental would be their option. He recognized the previous comments related to reducing the number of bedrooms or size of the units but explained that families need space to operate and have their own spaces. He stated that these units are designed to provide sufficient space for families with children that need extra bedrooms and space. He stated that in this suburban environment families also need garages and room to move around. He stated that there are many recreation amenities and opportunities external to this site and not everything needs to be provided internal to the site. He stated that the goal is to have people in this development interacting with the community. He stated that even with the removal of the unit they would still meet the density requirement specified within the Comprehensive Plan. He believed that the parking situation has been improved which provided additional greenspace adjacent to the tot lot and provided additional room for snow storage. He stated that in order to make this vision happen they would need assistance with the setback, to which they would propose through a PUD. He stated that the PUD would allow them to meet the Comprehensive Plan requirements while providing rental opportunities for families in the community. He believed that this project would be an asset to the community, providing more diversity to the housing stock options, and would bring more families and energy to this part of Medina. He stated that they have attempted to limit their requests to the City to the setback.

DesLauriers appreciated the applicant coming back with the expanded tot lot and increased parking. He stated that he likes the changes that have been made.

Mr. Palm, property owner, stated that he has been involved in this site for the past eight years. He stated that three years ago they brought a proposal forward and were held off by the Council related to the updating of the Comprehensive Plan. He stated that the property was ultimately guided for high density housing. He stated that during the past few years he has heard comments that the City does not want to see a three-story structure adjacent to the park. He stated that this is a two-acre site, and this plan meets the density requirements as closely as it can. He stated that this is a great location adjacent to the park and other area amenities. He hoped that there would be more support for this project after all the amendments and thought that was put into this Concept Plan.

Reid commented that she was on the Planning Commission when Palm came in with the first proposal and all subsequent proposals. She believed that the applicants are doing the best they can to meet the requirements on this small site.

DesLauriers stated that he was also a member of the Planning Commission and recognized the frustration that Palm has experienced throughout this long process.

Martin commented that she is intrigued by the passion of the developer to bring this housing product to the community. She recognized that this would be a different element for a PUD as it would not preserve a natural resource but would instead create a housing type that achieves an objective of the Comprehensive Plan to have a variety of housing product options available to residents. She stated that she appreciates the concessions that were made by the developer to address the previous comments of the Council along with the input related to the market conditions and reasoning for the larger units.

Cavanaugh commented that he would want to ensure there is a good plan for snow removal going into the submittal process to ensure that the snow would not impede on driveway access and traffic flow.

Reid commented that the applicant has done everything they could do to meet the requirements. She agreed improvements were made and she is comfortable with the plan.

Albers agreed with the comments thus far.

DesLauriers also echoed the comments thus far. He commented that the changes made have been great and agreed that rental units are needed.

Martin confirmed the consensus of the Council to support the Concept Plan. She noted that future submittals should address the staff comments included in the packet.

LaFave thanked the Council for their cooperation and input, noting that he believes it has resulted in a better plan and he looks forward to bringing forward a full and complete submittal in the future.

Palm also thanked everyone for their patience and input throughout this process.

## **VIII. NEW BUSINESS**

### **A. Stormwater Pollution Prevention Program (SWPPP) – Annual Public Hearing (7:53 p.m.)**

Scherer highlighted the stormwater accomplishments of the past year and upcoming projects. He provided details on the new MS4 Permit requirements and updating of the SWPPP, public education and outreach, illicit discharge detection, animal waste cleanup, and construction site runoff and control. He stated that even though staff have a lot of experience with the SWPPP, there are continual changes and learning as it continues to evolve. He reviewed some of the partners that the City has worked with to accomplish and complete projects.

Martin thanked Scherer and his department for the great work they complete on behalf of the City.

Martin opened the public hearing.

Sam Calvert, 1011 2<sup>nd</sup> St N in Saint Cloud, spoke in representation of a Wild Meadows resident that is concerned with proper maintenance of the common areas. He commented that part of the homeowners association work the City is doing, he would suggest that the HOA be required to submit to the public works department periodically the plans it intends to undertake. He commented that the chemicals used may have an impact on groundwater both in the association and to the public. He stated that if the HOA submitted its plans to the City, members of the City and HOA could inspect. He stated that he does have a PowerPoint presentation that he could forward to staff to share with the Council in the future. He stated that they would like to see that the maintenance of the HOA common areas and ponds be shared with the members of the HOA and public.

Martin commented that unless there is a contractual obligation with the HOA which obligates the association to share those details with the City, the City cannot obligate an HOA to share those details unless it falls under the permitting ability or City jurisdiction. She stated that members of an HOA could ask for those details from their HOA Board and/or ask the Board to provide that report to the City.

Batty confirmed the response of Martin and did not have an additional statement to add.

Martin closed the public hearing.

DesLauriers commended Scherer for the report.

Albers echoed the comments of thanks noting that this is a great plan and presentation.

Cavanaugh also expressed thanks and appreciation to Scherer and his team.

Reid echoed the comments of thanks and appreciation to Scherer and his team. She noted that they are a small team that accomplish a lot.

Martin echoed the comments.

**B. Gambling License at Medina Entertainment Center, 500 Highway 55  
(8:18 p.m.)**

Johnson stated that the Medina Entertainment Center has ended its lease with the Hamel Lions for charitable gambling and has entered a new lease with the Wayzata Youth Hockey Association to conduct charitable gambling. He stated that the request meets the City requirements and would typically be included on the Consent Agenda, but the Hamel Lions have requested to address the Council regarding this license change. He stated that a letter was included in the packet identifying the great things the Hamel Lions have done throughout the community over the years.

**1. Hamel Lions Gambling Report**

David Nelson, representing the Hamel Lions, stated that their contributions to the City and surrounding areas were included in the letter they submitted to the City. He stated that the organization has enjoyed making the community a better place to live, however they fear that future contributions would be severely limited without the charitable gambling profits. He also feared that other entities conducting charitable gambling would not invest their profits into the community in a similar manner and asked the Council to consider that as it reviews gambling license requests. He stated that they want to continue to be a great community partner.

Martin expressed appreciation for everything the Hamel Lions Club has done for the City and to enhance our sense of community.

Ryan Wilson, Hamel Athletic Club Board member, stated that they were notified of this change by the Hamel Lions. He stated that HAC is a nonprofit that was looking to enter the charitable gambling field but chose not to as they did not want to compete with the Hamel Lions and instead chose to partner with the organization on future projects for HAC. He stated that with this change in course, they wanted to bring to the attention of the Council that this change would most likely move the funds away from Medina and to

the Plymouth Ice Center which is already well funded. He asked that the Council enforce its statutory authority to specify an amount of net profits be expended in the city, youth programming, or certain operations within the city.

Tom Hewitt, Wayzata Youth Hockey, stated that he is present to address any questions on the application.

Martin asked for input from Batty related to the statutes mentioned by Wilson.

Batty commented that a few statutory provisions were mentioned that are relevant to the discussion. He stated that one is a provision that would allow the City to require a licensee to make specific expenditures, up to ten percent, to a specific cause or purpose. He stated that he would not recommend that as it would raise potential issues with the first amendment. He stated that an alternative would allow, by ordinance, the City to review licensees to contribute up to ten percent of the net profits to a fund operated by the City which the City can then use for certain purposes (charitable purposes or emergency and public safety related matters).

Martin asked if the Council could direct that the license be issued to a particular organization.

Batty stated that he did not review the license and looks to the staff recommendation that this applicant would be qualified. He stated that if the City is going to allow charitable gambling it should treat all applicants equally.

Martin asked if the City could specify that all net profits from charitable gambling would have to be directed to a specific organization.

Batty commented that the City could specify that but would have to do that on a case-by-case basis related to the license review.

Martin stated that the City has the Bob Mitchell Memorial Fund for use in the parks and asked if the charitable gambling profits could be directed to that fund.

Barnhart stated that there is an agreement as to how the fund was established and how funds can be withdrawn.

Wilson noted that while this does not have a reason for denial, it could be tabled in order to further discuss the ten percent options.

Martin asked the implications on charitable gambling if the request is tabled.

Batty stated that there would not be an impact. He stated that the Hamel Lions still have a license that would probably lapse when the lease on the site is lost. He stated that if the new license is not issued today, it would not go into effect until such time it is issued.

Martin asked for details on the length of the lease agreement.

Nelson stated that they did receive notice on the lease, which requires a 30-day notice period to May 1<sup>st</sup>. He stated that the license would still be good for at least another six months.

Cavanaugh asked if this were to be tabled and the Medina Entertainment Center wished to continue with charitable gambling, could it rescind that notice and continue with the current license through the Hamel Lions.

Batty stated that the City can only respond to the licenses and does not have control over whether the licensee has a building or leased space. He stated that is the piece the City does not have control over.

Cavanaugh asked if the notice could be rescinded by Medina Entertainment Center if this is tabled and the business wants to continue to allow charitable gambling while the continued discussion occurs.

Batty commented that if the lease does not expire it continues.

Cavanaugh stated that if the City decides to implement a ten percent tax that would be an important factor. He stated that the Hamel Lions contribute a lot to the City and if that funding is taken away, it would shift that burden to the taxpayers.

Hewitt stated the Medina Entertainment Center has terminated the lease with the Lions and has chosen Wayzata Youth Hockey as its gambling partner. He stated that if the City wants to enact that ten percent tax in the future, the organization would have no problem with that as they do that with Plymouth. He noted that could be implemented at any time and they would be open to it. He stated that the organization is involved in the community, with many of their skaters coming from Medina. He stated that they would work with the City in whatever it chooses to do. He commented that they have participated in Medina's Celebration Day event. He noted that if the City decided to implement the ten percent towards a fund the City operates, they could issue a check on a quarterly basis.

DesLauriers commented that the Hamel Lions have done a lot for the community over the years. He stated that if the City goes down this path, for consistency purposes, would it then apply to all future requests, using the example of the church that sells pull tabs at its annual bazar.

Gallup stated that the church has a nonexempt permit and does not have an annual license.

Martin asked if the City can retroactively enact this structure on licensing permits that have been issued, and if so, would that be uniform to any party that receives a license.

Batty spoke first about the ten percent the City could collect for a fund that would then be disbursed to eligible purposes. He stated that the license could be approved tonight, the ordinance could be adopted at a later time, and the ten percent collection policy would apply across the board to all licensees. He stated that the other option spoken of would be to require up to ten percent of the net profits from a specific licensee to be allocated to a certain expenditure. He stated that he is not familiar with that provision and is unsure how discriminatory the City could be, or whether it could be imposed after the issuance of the license.

Martin asked if a temporary 30-day license could be issued tonight or whether licenses have the same length of approval.

Gallup commented that the State requires a resolution to be adopted that would grant a perpetual license. She stated that once adopted the license would end only when the lease ends. She stated that the church is considered exempt as less than \$50,000 is raised in a calendar year and therefore obtains a different license. She stated that the City currently only has two perpetual licensees and provided additional details.

Martin commented that the dilemma is that the Hamel Lions has been a long-term operator that has done great things for the community and then there is another organization that does great things for youth hockey, but the jurisdiction of that group expands well beyond the boundaries of Medina.

DesLauriers asked if the Bob Mitchell fund is a donor advised fund.

Barnhart provided additional details on how the fund works and did not think money could be put in and taken out from the activity of charitable gambling.

Martin commented that she believed that the fund would entertain larger donations.

Johnson commented that it was his understanding that the fund would be open to larger donations.

Martin commented that it was her understanding that while the Mitchell family dollars could not be taken out in that manner, other donations could be accessible. She stated that it was her hope that the contribution from the Mitchell family would be seed money for something larger that would attract additional dollars. She did not believe that the City would be foreclosed from finding additional donations that could be pulled out.

DesLauriers stated that whether it is that fund or another fund created, it would be important that the funds be used throughout the entire community and not just HAC. He asked for a ballpark of the net proceeds generated monthly and annually from the pull tab establishment in Medina.

Nelson stated that he does not have the exact amount, noting that it varies monthly from perhaps \$2,000 to \$8,000 per month.

Martin asked if staff could confirm those numbers.

Johnson commented that City staff does not have the information.

DesLauriers commented that it is a significant amount of money.

Albers stated that he is very disappointed to see that the lease was terminated because the Hamel Lions Club has been a great asset to the community. He stated that while he supports hockey and understands the need for funding, this would not benefit the entire community as there are four hockey associations within Medina. He believed that the discussion should be tabled and studied further to determine if there is a way for the City to recapture the funds that will be lost from the Hamel Lions.

Reid commented that she was upset when she realized what was going on, as she has been long aware of the Hamel Lions contributions to the community. She stated that the Lions have put a lot of effort and money into Medina. She commented that Wayzata Youth Hockey would only benefit a few people in the community, rather than spreading the benefit across the community. She stated that her original idea was to table this to allow the Lions to renegotiate but that does not seem to be an option. She stated that she would support looking into the ten percent contribution option. She believed that this should be tabled.

DesLauriers asked if there is knowledge from Nelson as to why Medina Entertainment Center terminated the lease.

Nelson replied that he received the letter from the gambling manager and the only thing said was that it was a business decision. He stated that Hamel Lions only does gambling, and it seems the business would want someone to do bingo and a meat raffle in addition to the pull tabs.

DesLauriers asked if the Lions could provide those activities as well.

Nelson stated that if the organization had the manpower, perhaps they could. He stated that sports associations require parents to donate time and therefore typically have more volunteer hours to work with. He stated that the Lions were told that this was a business decision.

Cavanaugh commented that he spoke with a member of the Lions and as he understood it, there was a possibility for the Lions to do the extra activities.

Nelson commented that they have done meat raffles and bingo in the past at other locations but those are once per week events.

Martin commented that the City cannot micromanage the relationship between the landlord and tenant. She stated that the City can entertain ways to legally secure a portion of the proceeds to support a cause that reaches a larger area of Medina than the hockey association.

Batty agreed that the City should be careful of interfering with the business relationship the Medina Entertainment Center has with whom they would like to conduct legal gambling. He stated that the options would be to consider amending the ordinance to allow the City to create a fund that all licensees would contribute to, now or in the future, or if the City requires this licensee to make specific contributions that needs to be done at the issuance of the license. He stated that perhaps a two-week delay in the issuance of the license would allow additional time for review. He stated that the Council does not meet until May 4<sup>th</sup> and if the Lions lease expires on May 1<sup>st</sup>, there would be a short gap in which there would be no gambling at the facility.

*Moved by Martin, seconded by Albers, to table this matter for additional consideration as to how the City can secure ten percent of net profits generated from charitable gambling activities at Medina Entertainment Center to the Council meeting of May 4, 2021.*

*Further discussion: Martin stated that she would like to know if the City could designate that ten percent of the net profits from this license be designated to the Hamel Lions*

*Club and whether or not the charitable gambling funds could be channeled through the Bob Mitchell Fund, and if so, could they be removed for the purpose of parks and recreation.*

*A roll call vote was performed:*

*Reid            aye  
Cavanaugh   aye  
Albers        aye  
DesLauriers  aye  
Martin        aye*

**Motion passed unanimously.**

Martin called a brief recess at 8:56 p.m.

Martin reconvened at 9:01 p.m.

**C.     Ditterswind Final Plat (9:01 p.m.)**

Johnson stated that the plat proposed would subdivide four existing lots into five lots. He stated that various other approvals were required with the preliminary plat. The application is consistent with the preliminary plat approval.

Finke stated that in addition to review of the final plat there is an action related to the Comprehensive Plan amendment which was conditionally approved last fall. He stated that authorization has been received supporting the amendment from the Metropolitan Council and therefore formal action can now be taken as such. He displayed a copy of the plat showing the five lots, noting that lots one and four would be low density residential with lots two, three and five as rural residential. The lots would be serviced by a private road with driveway easements. He stated that the final plat is essentially identical with the preliminary plat. He noted that many of the conditions of preliminary plat are proposed to carry over through the final plat resolution and as requirements of the development agreement, which is also before the Council tonight for action. He stated that a public hearing would be required for the storm sewer improvement tax district, as is common practice in Medina. He stated that staff recommends approval of the five actions before the Council tonight. He stated that the City Attorney recommends a requirement be added to the development agreement related to a driveway easement maintenance agreement.

Martin asked about the matter that required changing the plan.

Finke stated that the map exhibit within the ordinance related to the storm sewer improvement tax district is incorrect and staff would update that with the appropriate map.

Martin opened the public hearing.

No comments.

Martin closed the public hearing.

1. **Resolution No. 2021-25 Adopting the Ditterswind Comprehensive Plan Amendment**

*Moved by Martin, seconded by Cavanaugh, to adopt resolution no. 2021-25 adopting the Ditterswind Comprehensive Plan Amendment.*

*A roll call vote was performed:*

*DesLauriers aye  
Albers aye  
Cavanaugh aye  
Reid aye  
Martin aye*

***Motion passed unanimously.***

2. **Resolution No. 2021-26 Granting Final Approval for the Ditterswind Plat**

*Moved by Martin, seconded by Cavanaugh, to adopt resolution no. 2021-26 granting final approval for Ditterswind Plat.*

*A roll call vote was performed:*

*Martin aye  
Reid aye  
Cavanaugh aye  
Albers aye  
DesLauriers aye*

***Motion passed unanimously.***

3. **Ordinance No. 672 Establishing the Ditterswind Storm Sewer Improvement Tax District – Public Hearing**

*Moved by Martin, seconded by Cavanaugh, to adopt ordinance no. 672 establishing the Ditterswind Storm Sewer Improvement Tax District, with the stipulation that the map appended match the legal description in exhibit A.*

*A roll call vote was performed:*

*Albers aye  
Reid aye  
DesLauriers aye  
Cavanaugh aye  
Martin aye*

***Motion passed unanimously.***

4. **Resolution No. 2021-27 Authorizing Publication of the Ordinance by Title and Summary**

*Moved by Martin, seconded by Cavanaugh, to adopt Resolution No. 2021-27 Authorizing Publication of the Ordinance by Title and Summary.*

A roll call vote was performed:

Cavanaugh aye  
DesLauriers aye  
Reid aye  
Albers aye  
Martin aye

**Motion passed unanimously.**

**5. Development Agreement by and Between the City of Medina and Ditter Properties for Ditterswind**

Moved by Martin, seconded by Cavanaugh, to approve the Development Agreement by and Between the City of Medina and Ditter Properties for Ditterswind with the requirement that the driveway maintenance agreement be added to the Development Agreement.

A roll call vote was performed:

Reid aye  
Albers aye  
Cavanaugh aye  
DesLauriers aye  
Martin aye

**Motion passed unanimously.**

**D. Stetler Enterprises LLC – 500 Hamel Road – Concept Plan Review  
(9:12 p.m.)**

Martin noted that Cavanaugh will be recusing himself.

Cavanaugh commented that he does not have financial interest in this matter but does have ownership in the adjacent property and has submitted comments as a private resident on this matter and therefore will recuse himself.

Johnson stated that the applicant has brought forward a Concept Plan for a 17-unit villa project at 500 Hamel Road.

Finke identified the subject site and adjacent land uses. He stated that the Uptown Hamel zoning district allows for residential, commercial, or a combination of those uses. He stated that the Concept Plan proposes 17 detached villa units with a circle driveway and provided additional details on the proposed site layout. He noted that the Uptown Hamel district anticipates structures with reduced setbacks, closer to the street, therefore there is a maximum front yard setback. He stated that in this case there is a sewer easement north of Hamel Road which would prevent construction within that easement and therefore the applicant proposes to place the buildings on the edge of the easement line. He reviewed the density guiding for the property which would equate to between 20 and 98 units. He stated that there are five net acres for the subject site, but the pond to the west accounts for 1.5 acres of the five. He explained that the pond was constructed by the City with a road improvement project as a regional benefit. He noted that the subject site only accounts for 20 percent of the drainage managed by the pond.

He stated that staff believes it reasonable to account for the fact that the pond is oversized to manage drainage from other sites in addition to the subject site and therefore the pond area could be removed from the density calculation. He stated that the Planning Commission agreed that it would make sense not to count the larger pond area against the property owner in terms of density, as the property owner provided the easement for the pond. He stated that conceptual drawings were provided for the villas but noted that the applicant proposes to prepare the lots to sell to builders and therefore the renderings are meant to inform the construction for the lots. He provided details on the private roadway and noted that because 17 units is on the low end of the density range, it would not be anticipated to cause any impacts to traffic on adjacent roadways. He stated that staff recommends a trail along Hamel Road with improved pedestrian connections. He noted that comments addressing sewer, water and stormwater were included in the packet. He stated that there were phase one and phase two environmental assessments completed on the property which identified buried construction debris on the site, some of that material was found to be hazardous. He stated that the City came across similar materials when digging the pond on the western portion of the property and therefore followed the proper process for disposal of those materials. He stated that staff recommends development of a response action plan and contingency construction plan for any construction on the site to ensure that issue is being monitored and material is disposed of in the proper manner. He stated that the applicant is familiar with the process and additional funding that may be available for that purpose. He stated that the City received input from the property owner to the east (Cavanaugh), which stated that they would prefer higher density on the parcel. He stated that the Planning Commission held a public hearing at its meeting the previous week and there was discussion related to the buried debris and proper disposal of material. He stated that Commissioners supported the increased front setback because of the utility easement and believed it made sense to reduce the acreage of the pond in terms of density. He stated that one Commissioner questioned whether the villa product was in line with the broader vision for Uptown Hamel and believed this would be an opportunity for more dense development given the lack of property designated for high density land uses.

Martin commented that she struggles with the issue of density, noting that she was hoping to see the rowhouse concept on this parcel. She hoped that with a villa product perhaps more architectural details could be added than original anticipated by the zoning district. She asked for details on the front and back of the homes.

Finke commented that there are not renderings of the rear of the units and perhaps the applicant could better address that.

Mr. Stetler commented that the rear lots would have a more traditional look. He stated that they would want to have a nicer presentation from the street which would be seen from Hamel Road.

Martin received confirmation that the elevation within the packet would be seen from Hamel Road and the uncolored elevation would be seen from the private drive. She asked for details on what would be seen as someone drives the private drive, whether they would see porches or garages. She asked if the porch would look out onto asphalt and the backs of the other row of homes.

Stetler commented that in order to have the private drive provide access for all the homes, garages would need to be on the rear side of the homes for those facing Hamel Road and the front side of the home for those on the other side of the road. He noted that backyards could also have porches or patios and lawn space.

Martin asked why this style was chosen over a rowhouse style.

Stetler commented that he has been looking at this property for four or five years and has spoken with realtors and builders. He commented that there are so many complexities to the site, including be adjacent to residential. He stated that he looked at rowhomes previously and did not receive much support from realtors and builders and therefore decided to look at this type of product. He stated that because of the construction process that is necessary on this site with the buried debris, it is easier to construct a slab on grade villa compared to a rowhome.

Reid asked the definition of a villa as opposed to a single-family home, whether the difference is slab on grade or setback related.

Stetler replied that typically a villa is single level living.

Albers asked if the excavation of the debris is required or whether there would be disclosure if the material is left in place. He commented that he is unsure whether he would want to purchase a home built on a dump.

Stetler commented that he has spent a lot of time researching this issue and talking with the MPCA. He stated that the debris field is buried under six feet of clay fill which exceeds the requirements of the MPCA. He explained that when Highway 55 was worked on in the past there was removal of a commercial building and they backed up to the swamp and buried that. He stated that the approach to build on helical piers would eliminate substantial digging into the debris while still providing a substantial building foundation. He stated that he is working closely with builders familiar with the use of helical piers and therefore they have a really good approach to building without disturbance to the debris. He noted that the most significant debris field will fall under the roadway. He stated that most of the debris is brick, concrete, wood, etc. He provided additional details on the process he would follow involving the MPCA and noted that part of that would involve an environmental covenant which would state property owners will not dig past a certain depth. He stated that he would be comfortable disclosing the information to buyers. He was confident that if this moves forward to preliminary plat, he will have a builder on board and could provide more detailed elevations.

DesLauriers asked the projected selling price for the units and square footage of the units.

Stetler replied that the build box would allow for a fairly large footprint but believed they would target between 1,800 to 2,000 square feet with a price range most likely in the upper \$400,000's and above.

DesLauriers asked if there would be any support under the road or things that should be considered in the future related to degradation of the road.

Stetler commented that the site has been settling for some time and provided additional details. He stated that a liner could be used to provide additional support.

DesLauriers commented that he would support the requests related to the pond and setback. He stated that obviously debris is a concern and something the applicant seems educated about. He stated that he likes the product and would be a good fit for Uptown Hamel. He stated that he likes the concept and looks forward to additional detail in the future.

Martin appreciated all the comments from the Council and wanted to ensure some architectural compatibility and something that makes the homes look like separate residence. She commented that the separate homes would most likely best blend with the existing homes across the street and as a transition into Uptown Hamel.

Stetler commented that there is a tremendous amount of upfront cost because of the components that are not typical. He stated that he wanted to make sure that the Council is on board with the site design so that there are no surprises if he comes back with a preliminary plat. He stated that he would be more than happy to work in advance of that on the product design to give the Council and staff more information on that. He explained that he wanted to ensure there was support for the concept before he expends significant resources moving forward.

Martin commented that the devil is in the details and therefore the Council cannot commit to something it has not seen. She stated that she would want to see additional details on the back row and what the homes would look like from different view and whether it would be a pleasing streetscape. She stated that if the end result is pleasing and acceptable there would most likely be a green light. She stated that it seems the Council is okay with the density and concept but wants to ensure it fits well in this area of Uptown Hamel.

Stetler thanked Martin for the guidance and stated that he is willing to take that input and run with it.

#### **IX. CITY ADMINISTRATOR REPORT (9:45 p.m.)**

Johnson stated that Clean Up Day is Saturday, April 24<sup>th</sup> from 8 a.m. to Noon.

Martin commended Scherer and the public works team for making that event possible without the assistance of volunteers.

#### **X. MAYOR & CITY COUNCIL REPORTS (9:46 p.m.)**

Martin thanked Nelson and his tremendous team of Officers. She stated that the Medina Officers have been giving up much of their personal life to ensure Medina is well protected during a very challenging period of potential civil unrest. She stated that Medina has been challenged and stretched during these recent times and expressed gratitude to all the members of the department, noting that she has never heard a complaint against a Medina Officer.

Nelson expressed appreciation and confirmed he would pass on that thanks to his department.

Martin commented that she attended the three virtual meetings held by Three Rivers Park District related to public input for a corridor along Hamel Road. She stated that each meeting had about three or four new participants in addition to a handful that attended every meeting. She stated that there was also a public forum at the Fields of Medina Park. She noted that a Hamel Road resident has agreed to work with Three Rivers Park District to organize a public meeting, perhaps at Baker Park, to gain increased participation within the next month. She stated that she also attended the West Hennepin County Mayors meeting and provided an update related to changes in market value and potential related budgetary impacts to cities.

**XI. APPROVAL TO PAY THE BILLS (9:54 p.m.)**

*Moved by DesLauriers, seconded by Martin, to approve the bills, EFT 005890E-005903E for \$50,138.53, order check numbers 051431-051480 for \$370,159.76, and payroll EFT 0510949-0510981 for \$54,571.01.*

*A roll call vote was performed:*

*Albers aye  
Cavanaugh aye  
DesLauriers aye  
Martin aye  
Reid aye*

***Motion passed unanimously.***

**XII. ADJOURN**

*Moved by Cavanaugh, seconded by Reid, to adjourn the meeting at 9:57 p.m.*

*A roll call vote was performed:*

*DesLauriers aye  
Albers aye  
Cavanaugh aye  
Reid aye  
Martin aye*

***Motion passed unanimously.***

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Kathleen Martin, Mayor

Attest:

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Jodi M. Gallup, City Clerk