

MEDINA CITY COUNCIL MEETING MINUTES OF SEPTEMBER 7, 2021

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

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, Chief of Police Jason Nelson, and Planning Intern Colette Baumgartner.

II. PLEDGE OF ALLEGIANCE (7:00 p.m.)

III. ADDITIONS TO THE AGENDA (7:00 p.m.)

The agenda was approved as presented.

IV. APPROVAL OF MINUTES (7:00 p.m.)

A. Approval of the August 17, 2021 Work Session City Council Meeting Minutes

*Moved by Albers, seconded by DesLauriers, to approve the August 17, 2021 work session City Council meeting minutes as presented. **Motion passed unanimously.***

B. Approval of the August 17, 2021 Regular City Council Meeting Minutes

*Moved by Albers, seconded by DesLauriers, to approve the August 17, 2021 regular City Council meeting minutes as presented. **Motion passed unanimously.***

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

A. Approve Contract for Fire Protection between the City of Maple Plain and the City of Medina

B. Resolution No. 2021-54 Granting Extension of Time to Request Final Plat Approval for Pioneer Trail Preserve, Amending Resolution No. 2021-39

*Moved by Reid, seconded by Cavanaugh, to approve the consent agenda. **Motion passed unanimously.***

VI. COMMENTS (7:02 p.m.)

A. Comments from Citizens on Items not on the Agenda

There were none.

B. Park Commission

Scherer stated that staff met with the Lakeshore Park Committee to discuss options that they will bring to the next Park Commission meeting.

C. Planning Commission

Finke reported that the Planning Commission is scheduled to meet the following week to hold a public hearing to consider an amendment to the City's sign ordinance specifically related to dynamic signage. He stated that the Commission will also review a site plan review for 1400 Hamel Road.

DesLauriers asked if the signage desired would be similar to the Medina Ballroom.

Finke provided clarification noting that the amendment would allow increased size for dynamic displays.

VII. PRESENTATIONS

A. Resolution No. 2021-55 Recognizing City Administrator Scott Johnson for Ten Years of Service to the City of Medina (7:04 p.m.)

Martin recognized the work of Johnson as City Administrator for the past ten years and read aloud the draft resolution.

*Moved by Albers, seconded by Reid, to Adopt Resolution No. 2021-55 Recognizing City Administrator Scott Johnson for Ten Years of Service to the City of Medina. **Motion passed unanimously.***

Martin presented the resolution to Johnson and thanked him for his dedicated service.

Johnson stated that it has been a great honor and privilege to work as the City Administrator for Medina. He stated that he appreciates the leadership and vision of the City Council and thanked them for the opportunity. He also stated Medina's Staff and consultants are excellent and do a fantastic job for the City. Everyone works together to accomplish what is best for the community.

VIII. NEW BUSINESS

A. 2022 Preliminary Budget and Tax Levy (7:10 p.m.)

Martin noted that there was an open house prior to the regular meeting, which included a detailed presentation by Barnhart. She stated that the Council and staff have put much work into the budget prior to tonight to prepare the draft budget.

Barnhart stated that the goal tonight is to certify the preliminary tax levy to send to Hennepin County along with two other proposed resolutions related to the general fund and debt services tax levies. She stated that the final levy resolution will be presented to the Council on December 7, 2021. She reviewed the proposed 2022 budget, which is an increase of \$516,000. She noted that the majority of those increases are one-time increases and provided additional explanation. She reviewed staffing changes, employee compensation, and health insurance. She stated that Hennepin County projects a 6.8 percent market value increase for Medina. She stated that the City proposes a flat tax rate and therefore any change to property taxes would be related to the market value change. She stated that the City uses its Capital Improvement Plan to budget and plan for the needs of the City and highlighted the proposed projects for 2022 that have been included in the budget.

Martin commented that the Council has studied, questioned, and received additional information related to the budget on multiple occasions including the open house prior to this meeting. She confirmed that there were no further comments or questions from the Council.

1. Resolution No. 2021-56 Approving Proposed Tax Levy for 2022

*Moved by DesLauriers, seconded by Martin, to Adopt Resolution No. 2021-56 Approving the 2022 Preliminary Tax Levy. **Motion passed unanimously.***

2. Resolution No. 2021-57 Approving Proposed General Fund Budget for 2022

*Moved by DesLauriers, seconded by Martin, to Adopt Resolution No. 2021-57 Approving the 2022 Preliminary General Fund Budget. **Motion passed unanimously.***

3. Resolution No. 2021-58 Reducing Debt Service Tax Levies for 2022

*Moved by DesLauriers, seconded by Martin, to Adopt Resolution No. 2021-58 Reducing Debt Service Tax Levies for 2022. **Motion passed unanimously.***

4. Establish Public Discussion Date for Final 2022 Tax Levy and Budget

*Moved by DesLauriers, seconded by Martin, to Establish the 2022 Final Tax Levy and Budget Discussion for December 7, 2021 at 7:00 p.m. **Motion passed unanimously.***

B. Stetler Enterprises LLC – 500 Hamel Road – Prairie Creek Preliminary Plat and Variance (7:20 p.m.)

Cavanaugh recused himself from the discussion due to his interest in the adjacent property..

Johnson stated that the applicant is requesting preliminary plat for 17 villa style townhomes along with a variance from the maximum front yard setback from Hamel Road.

Finke presented a request for a preliminary plat for 17 villa units on the property at 500 Hamel Road, which is 4.9 net acres. He stated that as discussed at the concept plan review there is a stormwater pond on the property that serves mostly offsite areas and was oversized to accommodate this development. He stated that because of that, the Council decided that it would be reasonable to subtract some pond acreage from the density calculation.

DesLauriers stated that he would like to see that applied consistently in the future, should a similar situation present itself.

Finke stated that the property is guided, and zoned Uptown Hamel and the proposed development did go through the concept plan review process earlier this summer. He stated that generally the units on the south, facing Hamel Road, would have garages facing the loop road in the center with the porches facing Hamel Road. He provided additional details on the proposed site layout and noted that the looped road would be standard width with parking allowed on one side of the street. He stated that the garages for the homes on the north would also face the looped road. He explained how the pond calculation was formed noting that 1.5 acres of the property is found within the pond and the site only accounts for 20 percent of the pond storage, therefore 80 percent

of the pond area was removed from the site acreage for density purposes. He stated that the proposal falls on the low end of the density range for the Uptown Hamel zoning district. He reviewed the setbacks within the zoning district noting that the Uptown Hamel District has a maximum front setback of ten feet with the intent to pull buildings closer to the road. He noted that this parcel has an easement from the Metropolitan Council encumbering the first 30 feet, which is the reasoning behind the variance request to push the front setback further from the road and out of the easement. He stated that the variance criteria are found within the staff report and noted that the Planning Commission supported the variance request as building is not allowed within the easement. He noted that the Uptown Hamel zoning district requires a site plan review and therefore staff recommends that be a part of the preliminary plat process.

Martin stated that she did not discern any issue with the variance request as she felt the criteria had been met when the Council reviewed the concept plan. She confirmed that there were no issues with the variance request from members of the Council.

DesLauriers stated that the Planning Commission minutes state that the developer intends to sell the lots to a builder. He asked how the City would ensure the design is maintained if there are multiple builders.

Finke stated that the general site layout provides the building envelopes. He stated that related to site plan review, the most relevant item would be the architectural review of the individual units. He stated that conceptual renderings were provided. He confirmed that the developer is looking to market the lots to one builder, which would help with consistency. He stated that there would be more information at the time of final plat, but the City would look to establish specific design guides at the time of final plat.

Martin stated that the cottage craftsman type style in the concept elevations were wonderful, along with the mix of materials and color schemes. She stated that, in his report, Planning Director Finke had detailed the design components of the zoning code specific to this property. She stated that she could imagine, however, that either a contemporary or craftsman type home could meet those design criteria. She stated that this is the first look into the application of the Hamel-related design criteria as applied to a more dense single-family development and the Council should consider the desire previously expressed by the Council to present Hamel as a farm-based, western Hennepin County small town. She noted that standards could be crafted that implement that vision through design guidelines and provided examples.

Albers agreed with many of the comments from Martin. He stated that there were not specifications for what the look should be for this villa type product, therefore it would be best to specify those details. He stated that he likes the examples provided but those are only examples. He stated that he would prefer not to forgo the site plan review and would prefer to hold that out until a builder is known, and the actual plans could be provided.

Martin stated that this is a preliminary approval, and those additional details could be specified prior to final plat approval. She stated that perhaps she would not call them design guidelines but design requirements. She invited the applicant to address the Council.

Fred Stetler, applicant, stated that they plan to partner with a single builder for the project. He stated that in the concept review he heard the direction towards a craftsman or modern farmhouse design, therefore that was the vision they followed. He stated that they started working on a new design this past week and he would be happy to share and noted that variations on the elevations could be developed as well. He stated that he is very excited and provided copies to the Council. He stated that they want to show the City that they are very sensitive to their input and believe this would be a wonderful and unique product in the market. Mr. Stetler shared the revised elevations with Council

Martin commented that the revised elevations, featuring a modern farmhouse design, captures the farmhouse type aesthetic she was looking for.

DesLauriers acknowledged that is what some members may desire but this area is next to a commercial building and standard single-family ramblers. He stated that this design would follow the comments some members of the Council provided and is a newer design look that would follow the City Code.

Martin asked if the Council would be comfortable providing direction to staff and whether the rendering matches the desires of the Council architecturally.

DesLauriers commented the Uptown Hamel zoning is very unique and challenging to dictate criteria because of the mix of buildings that exist in that area.

Reid commented that this would make a good transition between the commercial Uptown Hamel and the residential development. She stated that she does not worry about consistency if there is only one builder.

Stetler stated that he has provided examples, and this is a transition property. He stated that he would have the opportunity to work with staff between this time and final plat review to present a detailed plan which would continue as site plan review.

Batty stated that perhaps information could be specified in an exhibit to the development agreement.

Martin stated that the actions before the Council are the variance request and preliminary plat. She stated the exhibit related to the development agreement could include a requirement for design/architectural criteria specific to the discussion tonight and City ordinance. She stated that could further be expressed in item 12 and provided additional language that could be added to that statement. She also suggested that the date be changed in item 12 to reflect the handouts provided tonight, September 7, 2021. She provided additional language suggestions for item 13 related to the design/architectural criteria.

Moved by Martin, seconded by Reid, to direct staff to prepare resolution approving the variance and preliminary plat for Prairie Creek, subject to the terms and conditions noted in the staff report with the amendments as described by Martin.

Further discussion: Finke referenced the widening of Hamel Road to facilitate on-street parking. He stated that staff added condition four related to the widening of Hamel Road for that purpose.

Albers asked the number of stalls that would be added.

Todd Olin, Landform, representing the applicant replied that there would be 14 spaces provided, about 23 feet in length.

Finke stated that the calculation for reimbursement by the City will be determined prior to Final Plat.

DesLauriers asked if there is an estimate for that cost.

Olin estimated less than \$25,000 stressing that is an estimate. He stated that cost accounts for the pavement subbase, as the other costs (curb, gutter, stormwater, etc.) would already be included in the original project cost.

DesLauriers stated that the project identified in the CIP and asked if that cost would be the City's portion. It was confirmed that \$25,000 or less would be the City's portion and DesLauriers stated that he was comfortable with that cost. He asked for clarification on the grading and drainage plan.

Finke provided details on the site and noted that fill would be needed on the eastern portion of the site in order to drain to the pond. He suggested not including the not-to-exceed amount of \$25,000 and noted that the final resolution can address the cost.

Albers referenced the buried debris on the site and asked how large the buried debris field is on this site.

Finke stated that the developer did a thorough review on the site.

Stetler stated that there was extensive work done to gather that data before he purchased the site and then did additional work with Braun. He stated that the debris is a bullseye shape and covers about one third of the site. He noted that the smallest section is about two or three feet of debris with the largest about eight feet of debris. He stated that the road was designed and the construction method that will be used to minimize impact. He stated that they continue to work with the MPCA. He provided additional details on the soils composition and advised that helical piers will be used for construction to minimize impact to the soils and debris. He stated that the majority of the debris is concrete and rebar as it was a commercial building. He stated that the builder he has been working with is comfortable with helical pier construction.

DesLauriers stated that perhaps the site benefited from the material the City excavated when the pond was constructed.

Stremel stated that when the pond was constructed the City ran into a lot of concrete, rebar, and some asbestos from the tile that was in the building. He noted that the City provided its report to the applicant.

Finke stated the pond material was excavated for the City project to create the pond and therefore the methods of avoidance the applicant will use were not available to the City.

Motion passed unanimously. (Cavanaugh abstained)

Cavanaugh rejoined the Council.

**C. All Energy Solar/Steve Lerum – 2832 Hamel Road – Conditional Use Permit
(8:00 p.m.)**

Johnson stated that the applicant is requesting a Conditional Use Permit for a ground mounted solar panel array for 112 panels at 2832 Hamel Road.

Baumgardner presented a Conditional Use Permit application from All Energy Solar for the property at 2832 Hamel Road. She reviewed the surrounding adjacent uses, noting that the subject property is 19 acres and located in the rural residential district. She stated that the proposal would be located in the northwest area of the property adjacent to the wetlands and would be two arrays totaling 112 panels. She reviewed the criteria that must be considered and how they apply to the request. She stated that one public comment was received in writing prior to the Planning Commission and reviewed the concerns that were then addressed by the applicant and staff. She stated that the Commission unanimously recommended approval of the CUP subject to the conditions within the staff report. She stated that there was a condition added in response to the written comments stating that the panels shall be nonreflective.

Cavanaugh stated that the presentation noted this would support 137 percent of the annual power required for the household and asked if that is a limiting factor.

Baumgardner stated that she was unsure if additional panels would be desired by the applicant.

Danielle DeMarre, All Energy Solar, stated that typically they recommend about 120 percent of the needed energy but additional was included to support the pool pump and other elements. She stated that people do not typically want to generate more than they can consume.

Cavanaugh asked if there would be benefit to creating a larger array.

DeMarre stated that typically a larger size is not recommended.

Cavanaugh commented that he is excited to see this type of project.

Albers asked if additional screening would help to address some of the concerns from the written comment.

Martin commented that the Planning Commission added a condition that would ensure the panels do not have a reflective nature to address the concern of the other resident. She noted the distances the panels will be from adjacent property lines and stated that she is fine with that distance.

DesLauriers noted that the property is large and asked what type of screening Albers would recommend.

Albers suggested Black Hills Spruce or Arborvitaes. He was unsure if the adjacent home would have a line of sight to the solar array.

Baumgardner stated that the neighboring property does have a line of sight to the array but noted there are also elevation changes between the properties. She stated that if there was additional screening, the neighboring property owner would still see the array because the adjacent home is elevated on a hill. She stated that a comment was made from a member of the Planning Commission that the array would only be visible from the third floor of the neighboring home but noted that comment was not confirmed by the property owner or staff.

Reid commented that there will be minimal exposure to anyone else and she supports alternative energy.

DesLauriers stated that while he does acknowledge the intent from Albers, it is a large property, and he does not think it would impact the neighboring property.

Moved by DesLauriers, seconded by Cavanaugh, to direct staff to draft a resolution approving the Conditional Use Permit based upon the findings and subject to the conditions described in the staff report.

Further discussion: Albers stated that he will support the motion but believes additional screening should be required.

DesLauriers confirmed that he would amend the motion to add additional screening if necessary.

Martin stated that she would suggest the statement to require screening if the array is visible from the first floor of the neighboring home.

Baumgardner reviewed the typical screening recommendation.

Cavanaugh stated that the purpose of the solar panel is to capture the sun and if you add landscaping that may shade the solar panels, that defeats the purpose. He stated that the distance from the neighboring property is pretty far. He stated that his goal is to make it easy for a homeowner to switch to alternative energy sources, not more difficult. He stated that there are standards under the current ordinance.

Albers stated that one of those standards is screening, but that was discounted by the Planning Commission because of the location on the property.

Batty commented that he would recommend that the Council not say "if necessary" in the resolution as that would be difficult to determine. He stated that the Council needs to determine when screening would be necessary in order to impose that or ask that the applicant consider screening if it is simply a recommendation.

DesLauriers asked what additional screening would look like.

Albers stated that staff provided the requirement based on linear foot.

Martin noted that the site may already satisfy that requirement.

Baumgardner confirmed that the existing screening on the site meets the landscaping/screening requirement.

Albers asked if there is anything in the standard that states the screening would need to be an approximate distance to the array.

Finke provided additional clarification on the screening requirement for solar arrays.

Scherer stated that he lives across from an array and the placement of a few trees really helped to provide screening.

Martin reviewed the language that could be used related to screening.

DesLauriers accepted the friendly amendment to the motion to add screening.

Motion passed unanimously.

**D. Medina Townhome Development LLC – 1432 County Road 29 – PUD
General Plan and Site Plan Review (8:24 p.m.)**

Finke stated that the Council reviewed this at a concept level earlier this year. The subject site is guided for high density residential development which would require 12 to 14 units per acre. He stated that the PUD is requested to provide flexibility to underlying zoning while better achieving the objectives of the City. He reviewed the adjacent property uses. He noted that the proposal would include four buildings with a total of 23 units. He highlighted the other elements of the site including guest parking. He noted that the proposal would have a density of 11 units per acre, which would be slightly lower than the high-density range and noted that the Council seemed to support this density in order to achieve the goal of rental townhomes. He stated that the underlying zoning and requested flexibility is outlined in the staff report with the main variation being the setback from the looped road. He stated that the applicant also proposes that two units be reserved to provide affordable housing options within the community. He stated that the architectural design proposed was included in the packet and exceeded the underlying zoning requirements. He stated that there was discussion of the Planning Commission to accommodate additional architectural details into the garage doors on the internal portion of the site and the applicant has stated that they will add windows. He stated that the proposal would preserve five trees along Baker Park but would remove the remainder. He provided details on tree replacement that would be required and stated that because the property is designated for high density and the trees are spread around the site, staff determined that it would be difficult to preserve trees and develop the site as high density. He stated that staff recommends replacement of 120 inches, which likely could not all be planted on the site and therefore a payment could also be made into the City's reforestation account. He provided details on the tot lot and open space area proposed noting that the Planning Commission wanted to see recreation opportunities for older children as well. He stated that there have been conversations with the developer and other entities to discuss non-motorized pedestrian opportunities and connections and provided a summary of those discussions. He stated that ultimately the recommendation was to grade out the section where the trail connection could go but not require construction of that trail. He reported that the Planning Commission held a public hearing at its last meeting and one resident made broad comments about the City and its changes to high density housing. He stated that the Commission unanimously recommended approval of the request.

Reid referenced the tot lot which is shown in primary colors. She stated that in the past the City requested more neutral/natural colors and she would like to see that in this development as well. She stated that she has been following this project since inception on the Planning Commission. She noted that along the way the developer has made various changes in response to the comments from the City. She stated that it is a tight site, but the City needs rental townhomes and therefore she supports this project.

DesLauriers stated that the property owner has worked on this over the course of the past three years and has done everything the City has asked them to do.

Albers agreed and commented that the developer has done great work.

Cavanaugh agreed that this is a great job on a challenging site.

Martin stated that she likes the vision of creating a rental townhome development for families. She provided suggested language changes and additions to the proposed conditions.

*Moved by DesLauriers, seconded by Martin, to direct staff to prepare documents granting approval of the PUD General Plan of Development adding language related to the color of the play structure to a more natural color. **Motion passed unanimously.***

IX. CITY ADMINISTRATOR REPORT (8:42 p.m.)

Johnson reported that Celebration Day will be held on September 18th. He stated that local, long-term, Reporter Sue Van Cleaf was let go from the *Crow River News*, noting that she covered the City for years and will be missed.

Martin stated that the Council and staff appreciate her years of service and good reporting.

DesLauriers asked if assistance is needed for Celebration Day.

Gallup stated that help with teardown would be appreciated.

Martin reviewed some suggestions for upcoming work session discussions.

X. MAYOR & CITY COUNCIL REPORTS (8:44 p.m.)

Reid provided an update on progress she has made related to branding for Uptown Hamel.

Albers noted that there is a sign for Hamel but nothing advertising the businesses.

Reid commented that the monument sign was done years and years ago and could most likely be replaced as that would assist with branding once that process progresses.

XI. APPROVAL TO PAY THE BILLS (8:48 p.m.)

*Moved by DesLauriers, seconded by Martin, to approve the bills, EFT 006051E-006077EE for \$111,429.49, order check numbers 051919-051976 for \$224,195.72, and payroll EFT 0511236-0511300 for \$110,927.62. **Motion passed unanimously.***

XII. CLOSED SESSION: POLICE UNION CONTRACT PURSUANT TO MINN. STAT. 13D.03

*Moved by Martin, seconded by Cavanaugh, to adjourn the meeting to closed session at 8:49 p.m. for the purposes of discussing the police union contract pursuant to Minn. Stat. 13D.03. **Motion passed unanimously.***

The meeting returned to open session at 9:05 p.m.

XIII. ADJOURN

*Moved by Cavanaugh, seconded by Albers, to adjourn the meeting at 9:06 p.m. **Motion passed unanimously.***

Kathleen Martin, Mayor

Attest:

Jodi M. Gallup, City Clerk