

MEDINA CITY COUNCIL MEETING MINUTES OF OCTOBER 5, 2021

The City Council of Medina, Minnesota met in regular session on October 5, 2021 at 7:00 p.m. in the City Hall Chambers. Mayor Martin presided.

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

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 Dave Anderson, 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 (7:05 p.m.)

III. ADDITIONS TO THE AGENDA (7:05 p.m.)

The agenda was approved as presented.

IV. APPROVAL OF MINUTES (7:05 p.m.)

A. Approval of the September 21, 2021 Work Session City Council Meeting Minutes

Moved by Martin, seconded by Albers, to approve the September 21, 2021 work session 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.

B. Approval of the September 21, 2021 Regular City Council Meeting Minutes

Moved by Martin, seconded by Cavanaugh, to approve the September 21, 2021 regular City Council meeting minutes as presented.

A roll call vote was performed:

Reid aye

Cavanaugh aye
Albers aye
DesLauriers aye
Martin aye

Motion passed unanimously.

V. CONSENT AGENDA (7:07 p.m.)

A. Resolution No. 2021-65 Approving the Agreement between the City of Medina and Law Enforcement Labor Services, Inc. Representing the Local #36 Bargaining Unit for the Calendar Years 2022-2023

B. Resolution No. 2021-66 Accepting Donation from American Legion

C. Resolution No. 2021-67 Accepting Donations for Medina Celebration Day

Moved by Cavanaugh, seconded by Reid, to approve the consent agenda.

A roll call vote was performed:

Cavanaugh aye
Albers aye
Reid aye
DesLauriers aye
Martin aye

Motion passed unanimously.

VI. COMMENTS (7:09 p.m.)

A. Comments from Citizens on Items not on the Agenda

There were none.

B. Park Commission

Scherer reported that they have been working hard at Hunter Park and provided an update. He stated that he and Finke will be visiting Deer Hill Preserve to stake the proposed trail corridor. He stated that the Commission is excited to have the easements in place and identify the corridor. He stated that he and Gallup met with WSB to review the Lakeshore Park comments, noting that a presentation will be provided to the Park Commission the following week related to all three items.

C. Planning Commission

Finke reported that the Planning Commission will meet the following week to hold three public hearings related to a PUD concept plan for an auto condominium development; a continuation of the discussion related to the sign ordinance, specifically dynamic displays adjacent to arterial roadways; and an ordinance amendment related to the swimming pool ordinance.

DesLauriers asked for clarification on the location for the proposed autoplex.

Finke clarified the location as west of Pioneer, between Pioneer and 19 on the south side of Highway 55.

VII. PRESENTATIONS

A. Resolution No. 2021-68 Recognizing Assistant City Administrator Jodi Gallup for 15 Years of Service to the City of Medina (7:13 p.m.)

Martin read a draft resolution recognizing Assistant City Administrator Jodi Gallup for 15 years of service to the City. Martin commented that she enjoys working with Gallup and appreciates the talent she brings to City Hall.

Johnson stated that it is an honor and privilege to recognize Gallup for 15 years of service. He commented that she is a great example of how the intern program can be used to build talent and for staff to move up through the ranks. He stated that Gallup wears a number of hats for the City and is a major talent and asset to the community.

Gallup commented that it has been a pleasure.

Moved by Cavanaugh, seconded by DesLauriers, to Adopt Resolution No. 2021-68 Recognizing Assistant City Administrator Jodi Gallup for 15 Years of Service to the City of Medina.

Further discussion: Cavanaugh stated that in addition to everything Gallup does for the Council and City, she always brings a great attitude and a smile to everything she does.

A roll call vote was performed:

Albers aye
Reid aye
Cavanaugh aye
DesLauriers aye
Martin aye

Motion passed unanimously.

B Resolution Recognizing Public Works Water Operator Greg Leuer for 15 Years of Service to the City of Medina (7:20 p.m.)

Scherer stated that Leuer was having technology problems and was unable to attend. He noted that this could be tabled or could move forward.

Johnson agreed that this should be tabled until Leuer could be on the call.

Moved by Martin, seconded by Albers, to table the Resolution Recognizing Public Works Water Operator Greg Leuer for 15 Years of Service to the City of Medina to the October 19, 2021 meeting.

A roll call vote was performed:

DesLauriers aye
Albers aye
Cavanaugh aye
Reid aye
Martin aye

Motion passed unanimously.

VIII. NEW BUSINESS

A. BAPS Minneapolis LLC – 1400 Hamel Road – Site Plan Review for Approximately 46,000 Square Foot Building Including Assembly, Classrooms, and Ancillary Spaces (7:22 p.m.)

Johnson stated that the applicant is requesting approval of a site plan for construction of approximately 46,000 square feet of space at 1400 Hamel Road.

Finke stated that this is a site plan review and explained that is an application to review a request for compliance with the City's land use regulations and other policies. He stated that there is a relatively low level of discretion. He stated that the subject site is located north of Hamel Road and east of Arrowhead Drive noting that the proposed use is a religious institution which is a permitted use. He reviewed the surrounding properties and uses. He provided details on the existing site conditions and proposed site layout. He displayed the proposed building elevations and reviewed the proposed building materials. He stated that there are portions of the building that are taller and provided additional explanation on the proposed building height and how building height is measured.

Martin commented that it appears that the site layout is compliant with the zoning district requirements. She referenced the building height for a sprinkled building and asked if the parapet is permitted in addition to the building height.

Finke stated that generally screening things on the roof is not counted, as mechanical screening is required for rooftop equipment. He noted that there commonly are items that exceed from the roofline that are not counted towards building height.

Martin asked for details on the items on the corners and how high those protrude.

Finke estimated a height of about 44 feet.

Pete Moreau, project engineer, replied that the initial estimate is correct. He noted that the decorative spires reach a height of 44 feet with the tallest one labeled at 50 feet. He stated that the midpoint of the spires is 35 feet, which is compliant.

Martin asked if the highest point would have a flag.

Moreau replied that is correct and a flag element is shown with the actual structure 50 feet in height.

Martin referenced the smaller spires and asked if those would not count towards height because they are not structural and are more architectural in nature.

Finke replied that those would be architectural similar to a cupola seen on many other buildings. He stated that those are not counted in building height.

DesLauriers stated that currently the maximum proposed is 50 feet for the spires. He asked if a height of 80 feet would be permitted.

Finke explained how the midpoint is calculated, noting that an 80-foot spire would not be permitted. He stated that with the combination of building height and spires, 50 feet would be the highest point allowed.

Albers asked for clarification on the pitch calculated. He asked if that is a standard pitch roof used in the calculation.

Finke replied that is a relatively mild pitch and provided examples of other roof pitches in Medina.

Reid stated that her main question was related to the height of the spires and that question has been answered.

DesLauriers asked how this would compare to the Automotorplex, as they have some fairly tall buildings. He asked if they are similar in size or whether the proposed spires would dwarf the adjacent use.

Finke replied that the peaked roof on most of the Automotorplex building is at 35 feet with cupolas extending beyond those. He stated that there are portions of those buildings with peaks closer to 40 feet with cupolas on top to about 45 feet. He noted that the spires would be a bit taller than the cupolas on the adjacent property.

DesLauriers stated that he attended the Planning Commission meeting and there was discussion about lowering the spires to better align with the motorplex at 45 feet and asked if that is an option.

Finke stated that if the Council decides that the interpretation of building height is not correct, or if the applicant is willing to make that change, that could be discussed.

Albers stated that he also shared that thought about lowering the spires to 45 feet. He asked the materials the spires would be made of.

Moreau replied that the spires are prefabricated galvanized aluminum. He commented that they are solid and painted.

Martin asked the colors the spires would be painted. She stated that if it were a peaked roof, she would be fine with the proposal as there are peaked roofs in the zoning district. She stated that in this instance there is an elevation with three peaks consisting of spires. She did not believe the business park concept assumed this type of structure with building elements going into the air to this extent. She stated that she has a struggle with allowing this type of height. She stated that she tried to find other architectural features that were allowed to exceed the maximum building height but was unable to find such an example. She stated that she struggles with the spires as they are not seen as peaked roofs.

DesLauriers stated that with a peaked roof there are slow declines down but, in this case, there are several ups and down in elevation.

Martin stated that in the business park there are building materials that blend with the rest of the building design. She stated that it would be unreasonable to permit three structures 50 feet in height on a single building, particularly when the details of what

those might look like are unknown in comparison to the natural environment. She did not believe this fits the analogy of a peaked roof.

DesLauriers agreed with the comments of Martin.

Reid stated that she also had concern with the height. She stated that she also wondered what the spires would look like as the description was vague. She asked if the Council would see the plan again with more detail.

Finke stated that the Council could request more information on those to consider at a future meeting. He stated that there is no action proposed, other than providing direction to staff to prepare a resolution of approval or denial.

Reid stated that she would want more information on the structures as they would be prominent. She stated that one spire would be okay, but this would have three and they do not appear to fit within the guidelines.

Cavanaugh stated that the representative of the applicant stated that the spires would be hollow, aluminum, and prefabricated and asked if there is information available related to wind load.

Moreau clarified that the architecture and height is based on the religious beliefs and practices. He stated that the color would be white/ivory and would match the color scheme of the building. He stated that there are other members of the team on the call that would like to provide input.

Bharat Patel, representing the applicant, stated that they are building a Hindu place of worship which is based on architecture going back thousands of years. He stated that the details of the building are determined by dimensions described in scripture. He stated that one feature of a Hindu place of worship is to have certain features mounted that identify the structure as a place of worship. He stated that they are not just a set of pillars, but they have a religious purpose below the roofline where prayers occur. He stated that each component has a meaning of its own and provided additional details. He stated that the building is sturdy to weather the elements found within the Midwest and each of the seasons and weather conditions. He provided details on the structural soundness. He noted that the spires are the most essential pieces of the institution in order for it to be a place of worship. He stated that this would function as a place of worship, with classroom space, and space for community activities and charity work.

Martin asked if three spires are required or whether one would be sufficient.

Patel explained that three spires are required and explained the purpose and meaning of each of the spires.

Martin asked how many temples BAPS maintains across the country.

Patel replied that there are over 100 centers across the country and provided details on other locations. He noted that there are about 25 to 30 centers that would have these types of features.

Martin asked if all of those temples have spires of this height.

Patel confirmed that all the temples would have three spires. He noted that the height of the spires is based on the location and zodiac star locations. He stated that the Los Angeles location has a spire 75 feet in height. He noted that these temples add to the fabric of diversity within a community.

Albers thanked Patel for providing that background information as that was helpful information.

Martin asked how high a peak would need to be if there were going to be a peaked roof that encased these three structures. She believed that is what should be considered for the height calculation and estimated that peaks would need to extend another 30 to 40 feet in order to encase those spires.

DesLauriers commented that he follows that analysis and agreed with the comments of Martin.

Martin commented that the height of the spires is more than the code anticipated. She stated that she appreciates the details from a religious perspective but was unsure this would meet the requirements of City code. She believed that using a peaked roof analysis would require the spires to be encased in the peaked roof.

Patel commented that if the spires are encased, that would become a big block at a heightened level that would not appease anyone. He stated that they do not want neighbors to see a huge roof, and that is why the design allows the natural elements to be seen around the spires.

Martin stated that her comments were related to what would be required to encase the spires with a peaked roof and the violation of building regulation that would occur in that instance.

Reid stated that she is comfortable with the calculations as provided by staff and the materials proposed for the building. She stated that she would like more information on what the spires will look like. She stated that the building looks very nice and would be an interesting addition to Medina.

DesLauriers stated that the staff report mentions that the applicant proposes to use that method of calculation for height. He stated that using the business codes, the City would use its determined method of analysis and asked staff for clarification.

Finke stated that the initial review of staff would not have gone against that calculation proposed by the applicant. He stated that using the eave as part of the building height calculation has to do with livable space rather than architectural details.

Martin asked staff for input on heights of other spire like elements in Medina.

Finke replied that there are some steeples that exceed 50 feet, noting that some of those are historical buildings. He noted that some of the steeples exceed 70 feet.

Martin moved to building materials and the design portion of the discussion.

Finke stated that staff believes that certain modulation and fenestration proposed would generally exceed what would be required in the zoning district. He stated that the west elevation is closest to the property line and would appear to have the least amount of architectural detail, therefore staff suggested additional landscaping along that façade.

Martin stated that was one of her concerns, the boxiness of the west elevation. She commented on the unique uses on the west side of the property line that would look this direction and agreed that landscaping would help to improve that.

Cavanaugh noted that there was a comment from a neighboring property owner, discussing their hobbies in that use with vehicles and that property owner requested more landscaping along the property line. He commented that would make sense for both parties to provide a buffer and help absorb sound from the vehicles.

Albers stated that he generally agrees with the comments of Cavanaugh to add landscaping along the western boundary.

Reid also agreed with the comments of Cavanaugh.

Finke stated that the City does have a limited amount of discretion in site plan review as the intent is to review against the existing regulations and add any necessary conditions. He stated that the Planning Commission reviewed the request at its last meeting and similarly recommended screening along the western boundary, whether through fencing or landscaping. He stated that the Commission did recommend approval of the request.

Martin commented on the mass of the building and lack of modulation on the back. She was unsure there was sufficient modulation along the western elevation. She agreed that additional landscaping would be helpful to mitigate that.

Albers referenced the lighting and asked if the spires would be lit at night, and if so, would that be compliant with the lighting ordinance.

Finke stated that the lighting ordinance would not allow up lighting, the lighting would have to be downcast. He stated that any lighting would be subject to the light trespass requirements.

Moreau stated that if there were lighting on those elements, they would ensure they were in compliance with the ordinance.

Patel confirmed that their lighting would be compliant with the lighting ordinance.

The Council viewed images from similar temples in other locations. Martin noted other locations that do not have spires. She asked why some temples have spires while others do not. She commented that she is struggling to find that the spires are compliant with the City code.

Patel provided additional explanation on the use of the word temple and stated that as BAPS has grown across the nation, they have built the buildings in different types and styles. He highlighted different designs, noting that each locality designs based on their location. He stated that this temple would be similar to the Detroit location.

Martin stated that the Planning Commission did recommend approval of the site plan, so now the Council must decide if it would like to approve the site plan with the recommendations within the staff report, whether additional conditions should be added, or whether the site plan should be denied. She stated that formal action will not be taken tonight, but rather direction will be provided to staff to draft the appropriate resolution. She stated that she is concerned with whether the three spires would meet the building code from the perspective of height. She believed it would be appropriate to request greater architectural diversity on the west elevation or the addition of screening/landscaping. She asked if the applicant would agree to place additional trees and screening on the west elevation.

Moreau stated that they did take the feedback from the Planning Commission seriously and increased the number of trees from four to ten and would be open to increasing that further if desired.

Patel confirmed that he would be willing to work with his team to address that concern.

Cavanaugh commented that there are a few ways the height for the building could be viewed. He stated that if the first photo is used with the three spires side by side, looking from east to west, it would probably not fit within the height requirements. He stated that the second picture showing the elevation from the north side, however, would meet the height requirement. He asked staff if that is a correct analysis and for additional input. He stated that the adjacent property owner to the west was concerned with screening at the property line to help absorb sound and prevent a nuisance or complaints in the future.

Reid stated that overall, she is satisfied with the proposal. She commented that spires appear tall but seeing the images from temples in other cities helped to explain the purpose. She stated that she would still like additional details on the spires but was able to gain more understanding from the images of the other temples. She stated that she is okay with the request.

Albers commented that he did not have additional comments as the discussion has been thorough and his concerns were expressed well by Martin related to height.

DesLauriers stated that overall, this is a nice design; noting that he likes the design and layout. He stated that he does not know what the spires look like and that is the only thing he is questioning. He stated that Cavanaugh helped to address the height concern by showing it from another angle. He stated that overall, this is a great looking building. He noted that this property backs up to a property owned by Loram and he is unsure of their future plans. He stated that could also add noise in the future, if Loram develops that, and BAPS should be aware of that potential.

Asit Waghani, president of BAPS Minneapolis, stated that they met with the CEO of Loram and understand their future plans. He stated that he believes they will be able to coexist and commented that it was a great discussion.

Martin stated that she appreciated the different viewpoint from the south. She stated that this is not a peaked roof and is instead three individual components that exceed the height. She stated that she still struggles with whether this would meet the City code.

She asked if there is a recommended condition within the staff report related to the landscaping for the west side.

Finke confirmed that additional language could be added related to the western landscaping.

Martin asked if a berm would be appropriate.

Cavanaugh asked if there would be soil moved that would be in excess and could be used for a berm.

Moreau commented that there is an elevation change between the property and the property to the west, therefore the site sits about five feet lower than the neighboring property, which provides additional screening.

Martin added additional language to be added to the condition related to lighting. She asked if an additional condition should be added related to the color and design of the spires.

Reid asked if it would be appropriate for the applicant to request a variance related to the height. She stated that she would like to see more details on the spires, whether that is done through another review or whatever method is chosen.

Martin stated that she would prefer to gather additional information on the spires and the western elevation landscaping. She stated that she would also like to review the City code and review how height is interpreted in other instances. She asked if it would be appropriate to approve this based on the analysis of a peaked roof. She stated that she would want to know what other cities have done. She asked if the applicant would be willing to allow this to be tabled.

Anderson stated that the City does have the authority to extend the 60-day review period for up to an additional 60 days in order to gather additional information and conduct additional review.

Finke commented that there is plenty of time as the 60-day deadline expires at the end of the month and therefore the City could use the 60-day extension after that deadline expires.

Martin stated that she would prefer to table the request in order to gather that additional information and confirmed the consensus of the Council. She asked for input from Loram.

MacKenzie Mendez, representing Loram, stated that they support the request for additional landscaping on both the west and north sides. She stated that there is equipment moved on the current site and perhaps the additional site to the north and therefore the screening would provide additional safety for the subject site users.

Patel stated that he would like the opportunity to show what the spires would look like, noting that he could provide the examples from two other locations that have both a place of worship and gathering space.

Martin confirmed that the Council would like to see that additional information at its next meeting.

Moved by Albers, seconded by Reid, to table the review based on the discussion.

A roll call vote was performed:

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

Motion passed unanimously.

Martin asked if the timing would work for the applicant to have the additional information submitted for the next meeting. She noted that perhaps the first meeting in November would be more appropriate.

Finke asked if a specific date must be mentioned or whether staff can schedule the item once the appropriate items are received and reviewed.

Anderson confirmed that staff could bring the item back when it is ready.

IX. OLD BUSINESS

A. Discussion on Meeting Options Due to the Ongoing Pandemic (9:06 p.m.)

Martin stated that she believes it appropriate to continue meeting virtually through the end of the calendar year because of the number of COVID cases in Minnesota.

DesLauriers suggested removing this item from the agenda until the first meeting in January so that the Council does not have to continue talking about this at every meeting.

Martin confirmed that could be done and noted that if there is a reason to return to in person meetings prior to that date, the item could be placed back on the agenda.

X. CITY ADMINISTRATOR REPORT (9:09 p.m.)

Johnson had no further comments.

XI. MAYOR & CITY COUNCIL REPORTS (9:09 p.m.)

No comments.

XII. APPROVAL TO PAY THE BILLS (9:09 p.m.)

Moved by DesLauriers, seconded by Cavanaugh, to approve the bills, EFT 006093E-006108E for \$55,420.44, order check numbers 052048-052087 for \$124,701.51, and payroll EFT 0511331-0511361 for \$58,659.97.

A roll call vote was performed:

DesLauriers aye

Albers aye
Cavanaugh aye
Reid aye
Martin aye

Motion passed unanimously.

XIII. CLOSED SESSION: CITY ADMINISTRATOR ANNUAL PERFORMANCE REVIEW, PURSUANT TO MINN. STAT. SEC. 13D.05, SUBD. 3(a)

Moved by Cavanaugh, seconded by DesLauriers, to adjourn the meeting to closes session at 9:10 p.m. to conduct the City Administrator annual performance review pursuant to Minn. Stat. 13D.05, Subd. 13(a).

A roll call vote was performed:

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

Motion passed unanimously.

The meeting returned to open session at 9:10 p.m.

XIV. ADJOURN

Moved by DesLauriers, seconded by Cavanaugh, to adjourn the meeting at 9:45 p.m.

A roll call vote was performed:

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

Motion passed unanimously.

Kathy Martin, Mayor

Attest:

Jodi Gallup, City Clerk