

MEDINA CITY COUNCIL MEETING MINUTES OF APRIL 5, 2005

The City Council of Medina, Minnesota met in regular session on April 5, 2005 at 7:00 p.m. in the City Hall Chambers. Mayor Workman presided.

I. ROLL CALL

Members present: Smith, Cavanaugh, Brinkman, Weir, and Workman.

Members absent:

Also present: City Attorney Ron Batty, City Engineer Tom Kellogg, Public Works Director Jim Dillman, Police Chief Ed Belland, City Planner Rose Lorsung, City Planner Consultant Sarah Schield, City Administrator Chad Adams and Recording Secretary Liza Weniger.

II. PLEDGE OF ALLEGIANCE

III. ADDITIONS TO THE AGENDA

Adams stated that items A and F would be removed from the Consent Agenda.

*Moved by Weir, seconded by Smith, to approve the agenda as amended. **Motion passed unanimously.***

IV. APPROVAL OF MINUTES

A. Approval of the March 15, 2005 Regular Council Meeting Minutes

It was noted on page 3, the fifth and sixth line of the first paragraph of A. Comments from Citizens on Items Not on the Agenda, should state: "...she has lived there for thirty years ~~and refuses to sell~~. Eide stated that there is a steep incline along her property, which would make widening a path not conducive a walking path dangerous."

It was noted on page 6, the second line of the last paragraph on the page should state: "...an eighteen and ~~twenty-seven~~ unit build-out in the near future."

It was noted on page 9, the second paragraph should state: "Weir asked if the property did not sell due to the asking price being too high giving the appearance of economic hardship. Truax stated no."

*Moved by Weir, seconded by Smith, to approve the March 15, 2005 Regular City Council meeting minutes as amended. **Motion passed unanimously.***

V. CONSENT AGENDA

~~A. Approve Grounds and Maintenance Agreement with Hamel Athletic Association~~

B. Approve Mediacom Commercial Service agreement at Hamel Community Building

- D. Approve 2005 Road and Material Bids
- E. Approve Metro GIS License Agreement
- F. ~~Approve The Lawrence Group (TL) GBF Data licensing Agreement~~
- G. Approve 3.2 Malt Liquor License to Holy Name Church for April 17, 2005
- H. Approve American Legion Consumption and Display Permit
- J. Table Public Hearing to Establish Storm Sewer Tax District for Keller Estates to May 3, 2005

*Moved by Smith, seconded by Weir, to approve items B, D, E, G and H of the Consent Agenda. **Motion passed unanimously.***

Items C and I were removed for discussion.

C. Approve Alcohol Policy for Hamel Community Building

Adams stated that Council somewhat informally agreed at the last meeting to monitor the affects over the next few months of alcohol use at the Hamel Community Building. Adams clarified that no sale of liquor would be allowed at the building.

Cavanaugh stated that he would be in favor of limiting the alcohol policy to 3.2 beer and wine. He stated that he would recommend that this policy be applied to those who rent the building facility, however allow the Lions to be free to govern their liquor policy, as they were responsible for the funding of the building.

Weir stated she would be in favor of leaving policy as is and recommends monitoring the events allowing all alcohol for the next few months before finalizing the policy.

Workman stated that Cavanaugh is concerned about City liability. Workman polled the Council to see if the proposed policy should be passed as is, changed or tabled.

Smith stated that she understood the current policy to allow for all types of liquor, however, she stated that she agrees with Cavanaugh on the liability factor. She stated that limiting the policy to only allow for 3.2 beer and wine is not uncommon as other facilities throughout the Twin Cities have the same policy. She stated that the amount of alcohol in hard liquor is considerably more and recommends that the City only allow for wine and 3.2 beer. A monitoring process should still be enforced, however, the possibility of allowing hard liquor at future events should remain a consideration.

Cavanaugh again stated that the City should allow the Lions to determine their own policy for Lion's sponsored events.

Weir stated that she thinks it would be difficult to have a two-tier system and feels that there should be one policy for all those that use the facility.

Discussion was held on allowing alcohol use for the interim, as some renters have an expectation to use more than just 3.2 beer and wine. Staff was directed to bring back a revised policy.

Workman requested a motion to revise the policy.

*Moved by Cavanaugh, seconded by Smith, to table the approval of the Alcohol Policy for Hamel Community Building. **Motion passed unanimously.***

I. Approve Development Agreement for Darrel A. Farr Development Inc. – Argent Parc

Cavanaugh stated that in general, he believes that in development discussion, who ever needs the improvement, should pay for improvement. In this case, Farr Development needs the fire access as a requirement from the Fire Marshall; therefore the developer should pay for it. However, if the City would need the road as an access, then the City should pay for the road.

Batty stated that the way the agreement reads now, the developer would be required to pay for the base construction of the access and the City would pay for the pavement. Batty clarified that the agreement however was not finalized.

Workman asked Cavanaugh if he was requesting that the City make a change to the agreement even though the developer is not present.

Smith stated that Council had discussed that Farr would pay for the majority of the road construction and the City would possibly do the paving.

Workman asked if Kellogg knew the cost structure of the paving. Kellogg stated that the bituminous is quite a bit more expensive than the gravel. Workman stated that his concern is in regard to the fairness to Farr, as Farr is not present at the meeting to make a defense. He proposed removing the item from the agenda.

Weir stated that she felt that the pay structure is a fair split. She stated that the City is simply asking the developer to fulfill the construction of the access in a specific manner. She asked why Council would consider changing the agreement at this particular time.

Cavanaugh stated that the City does not need the road; therefore the City should not have to pay for the construction of the road.

Workman clarified that the access was a requirement from the Fire Marshall.

Smith stated that the land south of Mill Drive should possibly be partly responsible for the cost of the fire access road. The development to the south would be benefiting from a road that was already put in place.

Dillman stated that with the extensions of Mill Drive, the share of the cost for the City is unknown at this time. The City would most likely contribute 25% of the cost.

Lorsung stated that the developer is not present, but has intentions of submitting plans and getting a permit this upcoming week.

Adams suggested that this agenda item be tabled to later in the meeting, as there would be a discussion later in the meeting of the Uptown Hamel Transportation Study.

*Moved by Smith, seconded by Weir, to table the approval of the Development Agreement for Darrel A. Farr Development Inc. – Argent Parc. **Motion passed unanimously.***

VI. COMMENTS

A. Comments from Citizens on Items Not on the Agenda

Mitch Schields, 4155 Lakeshore Avenue in the Independence Beach area, stated that he has concerns in relation to the water quality of the lake. The water quality has decreased and his taxes have raised 31% this year. He stated that he would like to see the City do more about the water quality and thinks that there are some opportunities for the City to pursue. Schields stated that he has concerns about a farm that is located near the lake and would like to inquire about Ultimate Equestrian. He stated that there are public issues to be concerned about and would like the operation shut down. The horses are often in the lake and manure has been found on the streets. Schields stated that he thought that the farm may be operating under JB Farm's permit, and feels that they are not in compliance.

Schields also stated that he has concerns in regard to the YCMA camp. He stated that he knows that the YMCA are good stewards, but does not think their septic system can handle the amount of campers it hosts each summer.

Workman stated that the camp is within the City of Independence's boundaries.

Lorsung stated that staff has already been researching compliance with stable owners in the City.

Adams stated that a horse/manure management committee would discuss Schields' concerns in the next few weeks. Adams stated that the committee is looking at encouraging the stable owners to implement better policies.

Smith stated that there are no new City rules, but there are standards to be upheld. She requested that Council receive a report in thirty days consisting of an action plan of what they are doing, and what will be done, with the manure. Smith stated that she would like for the neighbors to look at ways of preventing their own property run-off from going into the lake. Smith also proposed that Council send a letter to the City of Independence in regard to the YCMA camp.

Mike McLaughlin, 2887 Lakeshore Avenue, stated that another mechanism is in the second generation of the watershed district plan.

Carol Schields, wife of Mitch Schields, stated that upon receiving their property tax statement, she feels strongly that waiting thirty days for action is not an option. She stated that if the City of Medina is going to raise their taxes, then the water quality would need to be improved immediately. Schields stated that the MPCA is supposed to be going out to the site.

Jeff Martin, 2845 Lakeshore Drive, stated that this concern is of a critical nature. Martin stated that in May of last year, there were two large rainfalls that ran the manure down into the lake.

Dick Picard, 2817 County Rd 19, stated that Workman's predecessor was on the Pioneer-Sarah Stakeholders Committee (the watershed committee which has horse owners and lakeshore owners on the board) and inquired as to whether Workman would be present at future meetings. He stated that the Mayor of Independence is on the committee, however there is a void in representation from the City of Medina.

Workman stated that he would be happy to attend the meeting to help resolve issues.

Cavanaugh asked if Independence is still looking at getting sewer and water over to its sites around the lake. Adams stated a meeting is being held on that issue this week.

B. Park Commission

Dillman stated that the Park Commission has not had much to discuss.

C. Planning Commission

Lorsung stated that the Planning Commission has been discussing the Ryan/Target retail site and at the next Council meeting, the Target retail site will be discussed as well as possibly adopting resolutions for approval or denial.

Workman asked Lorsung about the review of code enforcement compliance of the City. Lorsung stated that she has several pages of notes on compliance checks. She stated that horse stables have been included as a topic of concern.

VI. OLD BUSINESS

A. Uptown Hamel Transportation Study

Adams stated that this item was tabled from the March 15, 2005 meeting due to lack of Council attendance. Staff is seeking direction on a future road/access plan for Uptown Hamel. Staff is presently recommending the "preferred alternative" as a plan for Uptown Hamel.

Adams stated that a key discussion point would be the access routes southbound from Mill Drive along the northern edge of the park. Staff would also want to talk about the funding of future improvements and whether the City should be requiring special assessments or TIFs.

Adams recapped the critical issues by stating that Sioux Drive and Mill Drive are the main concerns. Alternative discussions have taken place on the general accesses. Adams opened the discussion to Council.

Brinkman asked for staff recommendations. Adams presented a slide of the recommendations.

Weir asked if a realignment of Sioux drive would be sensible. Kellogg stated that two proposed sketches have illustrated two different accesses. The right-of-way would be permanent and temporary easements would be needed.

Workman asked if the grade could be mitigated. Kellogg stated no, as the grade is fixed along Hamel Road and Sioux Drive.

Workman asked about ice control. Dillman stated that the intersection would be difficult to salt, and the general slop/slosh would be a problem. Workman stated that there is no stop at the intersection as there is a concern for the size of the hill during the winter months. He asked Kellogg about the concern for the increase of traffic.

Kellogg stated that the assumption is that Uptown Hamel and redevelopment would maximize the traffic count. However, the peak hours would increase by less than 10

percent from the southbound traffic. This report demonstrates that there are not a lot of problems today or even in the future. Kellogg stated that he is a little skeptical about the alternative option to realign Sioux Drive.

Workman paraphrased Kellogg's recommendation by stating that Kellogg does not see a need to do anything at this time for the intersection. Kellogg stated that the benefits do not support the cost.

Workman stated that the biggest issue would be to make Sioux Drive one-way.

Smith stated that she has a problem believing the traffic numbers. With the redevelopment, Uptown Hamel and Target across the street, she stated that she just has a difficult time believing the traffic count numbers. Target draws from a three-mile radius and the traffic numbers do not seem logical.

Kellogg stated the numbers Smith is looking at are for peak hours. A lot of the housing redevelopment is due to senior housing so the traffic will not be as busy as expected.

Kellogg stated that Smith's concern about Mill Drive not being one-way is a valid concern.

Workman stated that he would like to direct staff to come back with a plan for the access of Mill Drive.

Smith stated that at the Park Commission, there was some discussion that the road along the east side of the park is not wanted. Smith stated that Gerry Dykhoff stated the Legion has land located behind the Legion that could be used for parking.

Lorsung stated that staff has discussed parking with Dykhoff, however there is not enough right-of-way to build a City road or a fire access there.

Dillman stated that there was discussion about relocating the existing parking.

Smith stated that there is some land behind the Legion that could be changed.

Workman stated that he would like to refer back to staff. Workman summarized that there is not a lot of interest in redoing Sioux Drive, however he would like it if staff could look at redirecting traffic from Mill Drive.

Smith stated that the Park Commission was not interested in a road along the north of the park going west from Mill Drive.

*Moved by Smith, seconded by Weir, to table the discussion of the Uptown Hamel Transportation Study. **Motion passed unanimously.***

VIII. NEW BUSINESS

A. Ryan Companies US, Inc. – Request for Approval of a Rezoning to PUD, PUD General Plan, and Preliminary Plat for a Retail Development (including Target) on a cumulative 42.85-acre parcel located northwest of Highway 55 and County Road 101

Sarah Schield stated that most of the Council Members should have received the project/staff packet a few weeks ago. In addition, staff has received a new memo from MnDOT since that time.

Schild provided a PowerPoint presentation of the Ryan Companies US, Inc. plan by stating that the applicant is requesting approval of a rezoning to PUD, PUD general plan and preliminary plat to allow a retail development to include a 123,800 square foot free-standing discount store (Target), a 33,000 square feet of general retail space, a 5,600 square foot restaurant, a 6,300 square foot stand alone retail building, a 3,200 square foot fast-food restaurant and a 5,000 square foot drive-through bank. The project area is approximately 32.5 acres. The total platted area including the adjacent ballroom and motel property is 42.85 acres.

Schild stated that staff has informed the developer to prepare a fifteen minute presentation. The review deadline for the project is April 19, 2005, which would require Council to make a decision on the land use application tonight (allowing staff enough time to prepare resolutions of approval or denial for the Council meeting of April 19, 2005). Schild stated that developer can however provide a letter of extension, and have indicated they will bring a letter to the meeting extending the time limit.

Schild reviewed her staff memo by reviewing the results of the Planning and Park Commission, and providing a conclusion with staff recommendations.

Richard Kopyy, representing Ryan Companies, stated that he feels he has a well-rounded group of representatives to discuss the two-year process behind bringing in the Medina Retail Development. He affirmed that he does not feel that this is just strictly the "Target" project. He confirmed that traffic would be the number one issue with a project such as this.

Bob Lucius of RSP Architects, architect of the project, summarized the goals of the project and site design issues. He stated that the overall design guidelines of the project had a major impact on how the project was laid out in order to meet the character and quality of the project. The City's goals, as well as the neighboring properties concerns, were all attempted to be met with various design elements proposed in tonight's presentations.

Peter McEnery, landscape architect with Ryan Companies, stated that a laser survey was performed for the purpose of better fitting the site on the property as well as with its surrounding neighbors. The layout of site was very challenging and a tiered system was produced to protect the view of the access and protecting the access to the site.

Lucius stated entry into site would come from Clydesdale Trail access and would flow into the tiered architectural elements and pedestrian friendly shopping district.

McEnery stated that retaining walls were eliminated as much as possible to keep the site more natural looking.

Kopyy stated that the layout allows the development to slope into Highway 55 naturally. Weir stated that she is concerned that a retaining wall would have to be built if Highway 55 would eventually expand into six lanes.

Molly Carson, leasing and sales agent for Ryan Companies, stated that they have had five design and planning workshops and have made changes accordingly. She stated that they have received seventy-five letters of support from neighbors and Ryan Companies is happy with the response. Ryan Companies currently has five to seven retailers in negotiation, which include a coffee shop, bank, a chocolatier, and a beauty salon; all of which were proposed as needs within the community.

Workman asked for clarification on the impact of Clydesdale Trail on traffic. Kopyy asked him to wait five minutes, insisting that Vern Swing would answer his question during his presentation.

Vern Swing, RLK Associates and Traffic Engineer on project, provided an overview of his traffic study and discoveries made on this project. He stated that over a twenty-year span, 29,000 trips per day would increase to 65,000 trips per day. He stated that they have been in contact with MnDot and Hennepin County and have learned that Highway 55 may be increased to six lanes in the future. The future time span is unknown at this time. Swing stated that with the information acquired from the study, Ryan Companies is planning on expanding the access to the site with dedicated turning lanes. Traffic on County Road 116 and Clydesdale Trail will start to cue up resulting in a blockage of Clydesdale Trail, therefore an analysis provided that a median must be added to endorse smooth traffic flowage.

Lucius stated that Ryan Companies is working with Ace Properties, County, City and the Holiday Station, to look at traffic altering options.

Workman asked if the County was concerned about the left turn accesses. Lucius stated that the County is endorsing the proposed plan set before Council tonight.

Workman asked if the Ace property had a problem with the proposed access areas.

Lorsung stated that the County has submitted a plan and proposed preliminary design elements for the access locations to the retail development.

Kopyy stated that he has a few "work-in-progress" items that the City should be aware of. Ryan Companies is still waiting for input from City staff on a high and low level system of lighting; the pond located at the entrance and the walls to surround the pond are also in work-in-progress status, the third item is a work in progress because City staff's opinion is different than Ryan Companies on the County Road 116 and Clydesdale Trail intersection. Ryan's opinion is to leave the access as is until the project is complete, and then assess the situation at that time. Finally, the last items of concern are the driveways along Highway 55, which have been addressed by MnDot. He stated that Ryan Companies is not in agreement with MnDot and they look forward to future discussions to make a more sensible decision. The aforementioned issues have been unfinished, and there are many details that need yet to be ironed out.

Forrest Russell, Senior Development Manager of Target Corp., stated that in support of this specific plan, he hopes that Council recognizes the work involved in the development plan. He stated that Target is expanding to one hundred new stores a year. He stated that it is a very competitive retail market and Target Corporation has to be a moving Target. Each store stands on its own, and does its own market research to ensure that there is a current need for a Target that also allows for future development

and potential business opportunities. He stated that Target takes a real proprietor stance on making sure that they work well within the community. He discussed how Target returns a portion of its profits to local schools, and takes an active role in volunteerism to community service.

Workman opened discussion to Council.

Brinkman asked when comments would be welcome from the public. Workman stated that he would accept public comment after Council discussion.

Brinkman stated that the project has come a long way, however it seems it is a real intense use of the area that does not line up with the project. He asked how the PUD could be changed to address the traffic and parking issues. He stated that the area however does need to be rezoned, because what is currently going on is not working. Brinkman stated that Target, Ryan Companies and retailers are very interested in the project, however Council needs to also get interested in the project in order to make sure that this would be financially viable.

Weir stated that she has concerns about the County Road 116 and Clydesdale Trail intersection. Schield stated that this would be something that staff would have to look at more carefully. A future guarantee, such as an escrow would have to be collected which would ensure a change would be made with the intersection.

Weir asked how the lighting on Clydesdale Trail would affect traffic on Highway 55. She expressed concern on its impact and the safety of drivers.

Swing stated that he has not looked into the lighting and its impact on Highway 55.

Weir discussed her concern with the height of the monument sign, pylon signage, and height of lighting. She stated that she is not in favor of area signage and would like to prevent area clutter. She would only like area signage for the purpose of directing traffic to the Uptown Hamel area.

Weir asked Kopy to demonstrate plantings and landscaping variety off-site on the Cherry Hill properties. Kopy stated that he would provide a copy of the plan, however the landscape plan was included in the submittal.

Weir asked if the fence design met the concern of the neighboring properties. Kopy stated yes.

Weir asked if the lighting along the back of the building would be lower than the berm. Kopy stated yes.

Weir expressed her concern in regard to the parking of the various lots in the development. Lorsung stated that the Fire Marshall had taken a look at the parking requirements for the development. Weir proposed parallel parking spots.

Kopy stated that the buildings were designed to be placed close along the street to provide a village appearance. He stated that parallel parking would really not be feasible, but would be addressed if decided to be a requirement from Council.

Weir expressed concern about bringing in another fast food restaurant by stating that it is not fair to the local fast food restaurants already in place immediately to the west.

Weir stated that she would like the freestanding buildings to have an all around architectural appeal, of which she would like posted as a condition. She stated that she would like the signage to be uniform in height. She also stated that she did not like the northeast corner of the building and its shoebox style of masonry design. She proposed a trellis to mask the current design. Weir proposed other design elements.

Cavanaugh stated he agrees with Weir's fast food concern for different reasons. He does not like the idea of a lot of moving traffic within the vicinity. He proposed a different type of restaurant to slow down amount of moving traffic. He stated he likes the 116/Clydesdale access with the proposed median. He stated that with Target coming in, he feels that the Holiday Station will receive even more business.

Cavanaugh stated he has only one concern with the design. He would like to incorporate the rock from the front of the Target building along the northeast corner of the building, which currently has an expansive amount of exposed masonry. Cavanaugh stated that in talking with the residents, he understands that Ryan has been working well with the neighbors. He asked that discussions with neighbors be documented for future reference. Cavanaugh stated that he would like the sidewalks to be lighted well to create a more pedestrian friendly area.

Smith stated that Russell wants to compliment the new Hamel Uptown area with the new Target building. Smith asked that Ryan Companies however remove the proposed bank, as Farmers State Bank of Hamel just built a bank without TIF money. Smith stated that she would like a condition posted that would not allow a bank within the development. Smith announced that she is a business protectionist. She stated that she does not think that this type of development fits into Uptown Hamel and Medina.

Smith questioned the lighting and whether they would provide ample security without conflicting with Medina's lighting ordinance. She stated that she does not want the lights to be on all night.

Smith stated that she would like to make sure that the people affected by this project have had their voices heard. She expressed that she would like more public comment from those affected by the County Road 116/Clydesdale Trail intersection. Smith also stated that the continuity of the frontage road seems to be unnatural with all of its 90-degree angles and stops.

Smith addressed a resident letter from the Cherry Hill Neighbors and their concerns referring to fencing, sound barriers, loading hours, noise abatement and pollution issues. She would like the fencing to also be further discussed.

Smith stated that she has concerns with the parking and whether it fits the parking ordinance of Medina.

Kopyy stated that Ryan Companies has looked at the parking situation but Target has 4.65 in their requirements based on their research. Smith presented Council and Ryan Companies with the parking stall sizes of shopping centers throughout the Twin Cities area. She stated that Medina is "SUV land" and does not think that the proposed

parking stall widths are large enough. She proposed that they designate a certain percentage of the stalls for compact cars.

Smith further proposed that the retaining walls match the Sioux Dr. bridge material for consistent architectural design. She inquired as to the location of the plazas. Kopyy demonstrated the plaza locations.

Smith stated that she would hope that the recycling space would be enclosed right along with the trash enclosures. She also stated that she would like the wetland impacts, the delineated wetlands and setbacks to also be addressed.

Smith inquired as to a guardrail to separate the retail from the highway. Brooks stated that the landscaping and shaping should be ample, as drivers do not drive sixty miles an hour in a retail/restaurant development.

Workman stated that he too disagrees with the fast food restaurant. He stated that this is a large project and that there are a lot of details that need to be ironed out. Council needs to decide if this development is what the City really wants to have happen to the area. Workman stated that if the development is an acceptable use of space, than he thinks Council should okay a PUD and start negotiations with the development.

Brinkman asked if Target is willing to work on the village appeal. Russell stated that he is not sure what Target is willing to do at this point, as this Target is totally unique and distinctly Medina. The store will use materials to match the surrounding retail stores, the classic architectural appeal would match the rural appeal of Medina.

Kopyy stated that Ryan Companies is willing to work with staff and Council on the aforementioned issues, however, they need to know that the City of Medina is willing to work with them as well. Kopyy stated that there are quite a few design elements that need to be ironed out.

Brinkman expressed a need for a gathering place in order to fit in with this type of retail market. Kopyy stated a design element could be addressed with park benches, etc.

Brinkman stated that he would need to be reassured that there would be a real team effort between Ryan Companies, Target and the City of Medina.

Workman asked if there were any disagreements amongst the Council members about comments made tonight. Smith stated no, however she would expect to hear and see that all issues and concerns are clearly defined as there are some big changes from both parties.

Workman asked for a mechanism ensuring a conditional approval to iron out the unresolved details.

Batty stated that he would recommend not approving a PUD until the details are better specified. However, Ryan needs confirmation that Medina is on board with their ideas and project. Batty stated that he recommends authorizing preparation of a series of resolutions. He again raised the concern of the sixty-day rule.

Koppy asked if there was anyway the Council could approve something tonight so that Ryan Companies has an indication that they are on the right track. He stated that Ryan Companies deserves a vote at this time, which would represent Ryan's standing with the City of Medina.

Weir asked Workman if Council could do what Batty proposed. Workman stated that Council could ask for preparation of resolutions.

Batty stated that Koppy needs to hear the Council's comments and feel comfortable with what has been discussed. If no further extensions were granted, than a resolution would have to be ironed out within two weeks for the April 19, 2005 Council meeting.

Workman asked for a motion for a resolution to approve the zoning change.

Smith stated that Ryan has worked very hard on this proposal. She stated that she is still concerned about the lack of public comment. She stated that there is a long list of unresolved matters and an extension is needed.

Batty proposed initiating a motion to direct staff to prepare the resolutions per staff report in support of the project which would give Ryan the idea that Medina is on board with the project. He stated that hopefully Ryan would then provide an extension so that Medina can iron out all the details.

Moved by Weir, to direct staff to prepare the resolutions for Approval of a Rezoning to PUD, PUD General Plan, and Preliminary Plat for a Retail Development (including Target) on a cumulative 42.85-acre parcel located northwest of Highway 55 and County Road 101 to also include the comments and concerns raised by Council.

Batty interpreted to read that the motion is to authorize staff to prepare three resolutions: PUD, preliminary plat subject to staff concerns and concerns raised by Weir in regard to fast food and design elements of the free standing buildings, and dumpster enclosures.

Cavanaugh asked Koppy if there was anything in tonight's discussion that he completely disagreed with. Koppy stated that the 116/Clydesdale Trail issue is a global matter. Dick Brooks, Ryan Companies, stated he would have to take a look at everything.

Schield stated that the conditions would include the fifty-four already listed plus: number 55 for a storm water pond, number 56 stating that a stand alone building must have a trash enclosure inside the building as well as recycling enclosure, number 57 stating that each stand alone building would have four-sided architectural appeal, number 58 stating that no fast food restaurant would be allowed onsite, number 59 for a filtration system, number 60 stating that parking lot lights cannot be on all night, and number 61 for a 10' setback around the wetland.

Smith proposed a nineteen-foot parking space allowing for 18' if there is a compact car area. Smith also requested a specification of decorative material to match the bridge, and a condition allowing for public input of the 116/Clydesdale Trail intersection.

Workman stated that County Road 116 is a road owned by the County and that public input would have no impact. Smith still requested public opinion so that the residents are not blindsided by the construction of the road and development.

Smith stated that she would also like the Cherry Hill resident's letter to be honored. She also would like a fountain to be constructed and added as a condition.

Koppy stated that Ace Properties already has a fence and stated that Ryan Companies could look into the fence issue but would need to get input from Ace Properties.

Smith read the letter from the Cherry Hill Neighbors in regard to the chain-linked fence and requested it to be added as a condition of the resolutions.

Schild stated that the Public Works Supervisor would like a condition added that requests that the ponds support the irrigation of the plants, landscaping and the pond water be supplemented by a well.

Smith asked for clarification on whether the motion was for final approval. Batty stated that the motion would be to authorize preparation of resolutions consistent with the motion made by Weir, and additional conditions subsequently noted.

Smith asked that a condition be made which would require the developer to provide an extension. Workman stated that is to the discretion of the developer.

Motion seconded by Cavanaugh.

Cavanaugh requested that Russell change the front appearance of the store by requesting that he run the stone along the entire width of the building. Russel stated that he would not support that suggestion, as he is not an architect.

Weir stated that she would be satisfied with the trellis work in lieu of the stone front. Brooks stated that the stonework could be looked at and possibly an accent could be workable. Brooks stated that Russell does not have the authority to make design changes and that the architects from Target would have to address this.

Workman asked for a vote.

Batty stated that a vote needs to be made, and then Council can request Brooks to grant the extension. Batty stated that perhaps in two weeks staff may or may not have the details worked out.

Motion passed unanimously.

Workman requested public discussion.

Joe Francis, owner of the Holiday gas station at 255 Medina Road, complimented Ryan Companies and Target by stating that he has been in favor of the development until two weeks ago. Francis stated that he does not agree with the revised Clydesdale/101 intersection design including a median, as it would greatly diminish the business of his convenience store. A convenience store is supposed to be an easy in and easy out experience. Francis stated that he was hoping to see some other plans. He stated that he wants to be on record stating that he would fight the median.

Reggie Peterson, co-owner of Highway 55 Rentals, stated that he has questions in regard to the south frontage road and whether it is or is not part of the project. Workman stated yes, the frontage road is part of the conditions. Workman stated that the road is part of the condition but it has not been decided on how it will be constructed or paid for.

Kopy stated that MnDot wants the access left open until 2008. Peterson asked if Ryan Companies negotiated with MnDot and the City in regard to the access. Kopy stated that Ryan Companies does not negotiate with the MnDot in regard to road issues.

Peterson stated that he has never been against the project, just against being put out of business. Peterson stated that he would like to be invited to the meetings with MnDot. Lorsung stated that staff would invite affected business owners to applicable future meetings.

Randy Mayer, 762 Highway 55, stated that he does not foresee closing Clydesdale Trail anytime in the near future. He stated that he is supportive of the project.

Shorty Dorweiler, Farmer's State Bank of Hamel, stated that he is not here to speak against the project. He urged Council to take a look at the regulations of what may or may not be allowed in regard to bank construction proximity.

Carol Wegner, 303 Cherry Hill Bay, thanked Ryan Companies for their presentation and efforts. She stated that in regard to the Holiday gas station and the County Road 101 access, she is concerned about the traffic and asked that Council please consider the traffic safety as the utmost importance.

Workman called for a break at 10:40 p.m.

Meeting was reconvened at 10:50 p.m.

B. Vacation of Flowage Easement Agreement and Waiver of Damages at Lot 6, Block 2, Wild Meadows Fourth Addition – Public Hearing

Batty stated that a public hearing is needed on this item before the resolution is considered for approval. Publication of the public hearing has been satisfied. Staff recommends approval of the resolution.

Batty reviewed the drainage issues in regard to the Wild Meadows Fourth Addition project. He stated that he received a call from the builder three weeks ago stating that they put on a deck, patio and improvements, which now extend onto the City's easement. The easement needs to be vacated which explicitly trades the new easement for the easement granted from last year.

Open public hearing at 10:52 p.m.

Closed public hearing at 10:52 p.m.

*Moved by Smith, seconded by Cavanaugh, to approve a Resolution Vacating Flowage Easement. **Motion passed unanimously.***

IX. CITY ADMINISTRATOR REPORT

A. Water Meter Upgrade

Adams stated that Dillman recommends an upgrade to the City's water meters and reading program. By partnering with Rockford and Loretto, each City will benefit from cost savings, and ultimately labor expenses. Staff has been reviewing the option for the last few months with Rockford and Loretto, and that is why it was not included in the 2005 Budget. The majority of expenses would come from the Sewer Capital Improvement Fund, and partially from the Water Capital Improvement Fund, along with users. Medina has sufficient funds for the acquisitions. Staff eventually desires to change to a monthly billing cycle to maximize on cash flow/investing, however, the City currently does not have adequate staff resources to move in that direction.

Moved by Weir, seconded by Smith, to upgrade the City water meters. Motion passed unanimously.

B. Resolution Supporting League of Minnesota Cities Legislative Policy Priorities

Adams identified priorities for the legislative session as stated at the March 31, 2005 Legislative Conference he attended.

Adams stated that staff is seeking Council support of the resolution.

Weir stated that she would like Council to be more active by informing its legislators of issues Council feels are important.

Moved by Weir, seconded by Cavanaugh, to approve a Resolution Supporting League of Minnesota Cities Legislative Policy Priorities. Motion passed unanimously.

Smith asked if it would be appropriate for City members to send letters to legislators. Adams stated yes.

C. Schedule Special Meeting for Discussion of City Hall Improvements

Adams stated that he has been working on getting everyone's schedule for a desired work session. Adams made his date recommendation of Monday, April 25, 2005 at 6:30 p.m. to Council Members.

Moved by Weir, seconded by Cavanaugh, to schedule a special meeting (work session) for Monday, April 25, 2005 at 6:30 p.m. at City Hall. Motion passed unanimously.

D. Community Event Discussion

Adams stated that as a follow-up to the goal setting session in February, staff has been discussing the possibility of the Cabin Social for June or another event later in the summer at the Hamel Legion Park. Staff prefers the event in Hamel Legion Park and seeks direction and brainstorming to plan for such an event.

Other Issues:

Adams provided an update on the Shared Road Issue by stating that Orono and Independence have been meeting with their citizens in reference to Townline Road improvements and the affects on the road from the Park Ridge Acres development. Adams stated that he has a meeting in a few weeks with Orono and Independence city officials to learn more about their City concerns and how the Cities or residents will fund future improvements. Future maintenance of Townline Road is an area concern.

Dillman stated that the road is in horrible condition. Workman stated that he has received calls from Orono and Independence.

Workman stated that Medina already has granted final approval, so now it is too late to go back on that agreement and ask for more funding from developer. Workman stated this is more of a political situation with residents than it is with Cities.

Adams announced the April 12, 2005 Work Session with Planning Commission and Park Commission at 7:00 p.m. would take place at the Community Building. Adams requested Council to submit their suggestions for the agenda.

Batty stated that he is not concerned about any other issue other than recommendations made on financial considerations from Planning Commission.

X. MAYOR & CITY COUNCIL REPORTS

Workman reintroduced Consent Agenda Item I. Development Agreement Farr Development Inc. – Agent Parc. He stated that City/Council had made a deal with Farr and he felt the deal should be honored. Farr agreed with laying the base, and Council/City agreed with placing the blacktop. Workman stated the timing is bad to renegotiate the deal, as the developer is not present at tonight’s Council meeting.

Cavanaugh stated that he heard that the deal could be “worked out”, which to him did not necessarily mean that the City would pay for the blacktopping.

Dillman stated that Farr would prep the access with a good road base. Dillman then stated that he thought \$8,000 would be the cost of the pavement. Smith stated that the City should consider using TIF money as the whole matter was not an issue until the Fire Marshall made the access a requirement. Smith also proposed incrementing the funding for the road through the developer to the South of the proposed property.

Workman stated that Council’s mistake was not following up and actually working out the details. Each member of Council interpreted the discussion different.

*Moved by Weir seconded by Smith, to adopt the Development Agreement for Darrel A. Farr Development Inc. – Agent Parc. **Motion passed unanimously.***

Lorsung asked if the agreement would need to be amended. Batty stated no.

XI. APPROVAL TO PAY THE BILLS

Weir stated that the engineering fees appeared to be high and asked if the developer would reimburse the City for the fees. Adams stated yes for those items identified as “reimbursable.”

*Moved by Weir, seconded by Cavanaugh, to approve the bills order check numbers 027731-027798 for \$162,115.64 and payroll check numbers 019164-019207 for \$52,585.13. **Motion passed unanimously.***

X. ADJOURN

*Moved by Weir seconded by Cavanaugh, to adjourn the meeting at 11:20 p.m. **Motion passed unanimously.***

Bruce Workman, Mayor

Attest:

Chad M. Adams, City Administrator-Clerk