

MEDINA CITY COUNCIL MEETING MINUTES OF MARCH 6, 2007

The City Council of Medina, Minnesota met in regular session on March 6, 2007 at 7:04 p.m. in the City Hall Chambers. Councilmember Smith presided.

I. ROLL CALL

Members present: Cavanaugh, Smith, Weir, and Johnson.

Members absent: Crosby

Also present: City Attorney Ron Batty, City Engineer Tom Kellogg, Police Chief Ed Belland, Assistant to Planning Dusty Finke, City Planning Consultant Jennifer Haskamp, City Administrator Chad Adams and Recording Secretary Kimberly Stoll.

II. PLEDGE OF ALLEGIANCE

III. ADDITIONS TO THE AGENDA

There were none.

IV. APPROVAL OF MINUTES

A. Approval of the February 20, 2007 Special City Council Meeting Minutes

*Moved by Johnson, seconded by Cavanaugh, to approve the February 20, 2007 special City Council meeting minutes as amended. **Motion passed unanimously.***

B. Approval of the February 20, 2007 Regular City Council Meeting Minutes

It was noted on page 16, the fourteenth paragraph, it should state: "Cavanaugh stated that he thinks there is consensus that will approve having a referendum."

It was noted on page 17, the third paragraph, it should state: "Weir stated that she didn't think land from park dedication funds and environmental funds will be sufficient to purchase expensive Medina land."

It was noted on page 17, the sixth paragraph, it should state: "Weir...availability of grant money which she did by email the next morning after the Open Space Task Force meeting."

It was noted on page 18, the eleventh paragraph, it should state: "Johnson suggested the purchase price should increase, but the cost for the City remain the same."

It was noted on page 18, the fourteenth paragraph, it should state: "Weir inquired if the City could look at the rates for the attorney fees and adjust the rates according to the in-house rate rather than an outside rate."

It was noted on page 19, the fourth paragraph, it should state: "Cavanaugh...at no cost, if it is appropriate based on the outcome of the comprehensive plan."

It was noted on page 20, the eighth paragraph, it should state: "Cavanaugh stated that they will look at vacating the easements if is appropriate after the completion of the comprehensive plan."

It was noted on page 20, the fourth paragraph, it should state: "Johnson inquired if the applicant understood the meaning of city accrued costs."

It was noted on page 20, the seventh paragraph, it should state: "Johnson stated he empathizes with the circumstances and the applicant not understanding the application..."

*Moved by Cavanaugh, seconded by Johnson, to approve the February 20, 2007 regular City Council meeting minutes as amended. **Motion passed unanimously.***

V. CONSENT AGENDA

- A. Approve Independent Contractors Agreement with Carefree Services, Inc.**
- B. Approve Revision to Hamel Community Building Operating Policy**
- C. Accept \$1,093.45 Charitable Gambling Donation from Hamel Lions Club for Hamel Community Building Electrical Improvements**

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

VI. COMMENTS

A. Comments from Citizens on Items not on the Agenda

There were none.

B. Park Commission

Bob Pastor, member of the Park Commission, stated they met on February 21 and discussed the capital improvement list, which included the Hamel Legion Park plaza, the design of the park signs, the rainwater park request for proposal, the fire pit located in the park, the location of the basketball court and the location of the playground. He stated a representative from Three Rivers Park District will provide an update to the Park Commission. He stated that the annual park tour date is April 14th at 9:00 a.m.

Smith inquired about the berm and Rainwater Park. Kellogg stated that it was part of the construction of the wetlands and the excess dirt was placed there. He stated that since the Rainwater design project is not completed, it is unknown whether or not the materials will be needed. He stated that the berm is there temporarily.

Smith stated that the size of the berm obscures the view.

Adams stated that the Park Commission requested some screening at the end of Hunter to block the view of the highway, therefore the berm may help the screening request.

C. Planning Commission

Robin Reid stated they did not meet since the last Council meeting and there is no report for this meeting. She stated the agenda topics for the next meeting include a few

applications combining and creating lots, an accessory structure request, and a conditional use permit for Three Rivers Park.

VII. OLD BUSINESS

A. Uptown Hamel Area – TIF Cashflow Projections for Phase I and Phase II Public Improvements

Dave Callister, financial advisor at Ehlers and Associates, stated they have been discussing the Uptown Hamel district in regards to the tax increments and available cash flow. He stated the City needs to calculate if they can pay for the Phase I and II project using the tax increment bonds and special assessments. He stated the assumption they included was the inflationary increment of the south side of the Hamel District and the Ferrelgas property.

Smith inquired about the impact if it was run without the development of the Ferrelgas property. Callister stated he did not run the report that way.

Smith stated that the development of Ferrelgas site may not occur.

Adams stated that the Ehlers analysis was intended to be looked at with the assumption that a similar project would go into the Uptown Hamel area of comparable scale, if the Ferrelgas development didn't occur. Adams reminded the Council that an analysis without a comparable Ferrelgas type project was recently conducted in fall 2006.

Callister stated they looked at the cash flows where there was a 0% percent inflation, a 3% increase and a 5% increase. He stated that the special assessments and the tax levy will cover Phase I improvements. He explained the various timeframes of the scenarios based on the inflation for a positive cash flow to occur.

Johnson inquired about the increase in rate over the past 5 years.

Adams stated that the increase has been in the double digits for at least a year or two.

Johnson inquired if they had applied a historical rate. Callister stated that it would continue to decrease the term.

Smith stated that she thought the Council had discussed paying the TIF off prior to 15 years.

Adams stated the Council had previously discussed paying it off between 10 to 15 years.

Smith clarified that the figures were the worst-case scenario.

Callister stated they could run any set of figures, but this was developed to demonstrate the worst-case scenario.

Johnson stated that if there was a 9% or 10% increase, they would be close to a break-even point.

Callister stated that would be true if there wasn't any development.

Johnson stated that the increase could come from appreciation or additional development. He stated he is an advocate for development in Uptown Hamel, but he would like to see an analysis based on what they think is realistic.

Cavanaugh inquired if it is possible to bring in additional properties to the TIF district.

Batty stated it is possible, but there is a 5 year window after the creation of the district to add property. He stated the challenge will be to include parcels that have structurally substandard buildings and meeting the numerical tests. He stated that once the district is created, the parcels that are added need to independently meet the numerical tests.

Weir inquired about the advantage of adding to the district.

Cavanaugh stated that one of the residents has plans that could potentially add to the tax base.

Batty stated the type of tax increment that has been established is based on the substandard structures. He stated that when the district was created the area had shared characteristics.

Cavanaugh stated that he isn't concerned about dealing with the bad soil on the property, but he thinks adding it to the TIF district may add to the tax basis.

Batty stated that the Council would need to consider if the purpose would be to provide increment for that parcel or to bring in excess tax increment. He stated that there may be an on-site use of increment, which the City may then want to create a stand alone district for that parcel.

Adams stated that one intent for not including some of the parcels was that the TIF district would spur non-TIF district development and generate general operating tax revenue which would support day-to-day public service expenditures.

Batty stated that when the Council began discussing the tax increment, they were adamant about have a 10 year maximum. He stated that the bonds for the Ryan project that were sold are for 15 years.

Smith stated that there is an area west of the Uptown Hamel area that could benefit from tax increment financing. She stated that recently there has been discussion about letting the TIF district go and creating a new area in the future.

Batty stated that in January they did discuss that as a possibility. He stated the Council will need to make a decision about selling off some debt or letting this TIF district go.

Cavanaugh stated that if a development would go forward, it would be a shame to not use it for a TIF district because it is a large tax basis.

Smith stated that it could be used for infrastructure.

Cavanaugh stated that if it is used for a TIF district, the City would get a better return.

Batty stated that the Council needs to be careful that they don't assume the development will occur simply for the purposes of tax increment.

Weir stated that she thinks the development will occur regardless of whether that property is in the TIF district.

Callister stated that completing the work before or after July 2009 will impact the amount of funding available for the TIF district. He stated they can run a variety of scenarios based on the Council's requests.

Smith inquired when Callister would return with additional information. Adams stated staff would prefer to wait until the outcome of the land use application before the Council this evening and the completion of the comprehensive plan.

Smith stated that she would like to see a scenario based on the past trends.

Johnson stated he would like to see an analysis based on the historical increase and the best case scenario.

Smith stated there are some additional properties that may impact the analysis.

Johnson stated that it may be useful to have a gap analysis. He stated that if they knew the projected growth based on a parcel, it may be possible to determine if it is worth a buy-down for a property.

Smith stated that the land prices may fall because people may not be willing to pay the asking prices.

Johnson stated he thinks the asking prices are well above the assessed values.

Adams stated that in a month or two there may be more data available through the Comprehensive Plan, which would provide for a clearer analysis.

VIII. NEW BUSINESS

A. Conditional Use Permit to Construct an Accessory Structure at 2705 Willow Drive – RJ Ryan Co./Peter Hasselquist

Finke provided an overview of the request for a conditional use permit for the accessory structure at 2705 Willow Drive. He stated that the property is zoned rural residential. He demonstrated other CUPs in the area of this property. He stated the proposed structure is a private use barn and includes animal use and storage. He stated the site plan proposes an additional curb cut. He stated the City Engineer suggested serving the barn off of the existing curb cut. Finke stated there isn't a platted right-of-way in this location of Willow Drive. He stated the Planning Commission unanimously recommended approval and the Staff recommended approval of the CUP with the conditions noted in the Staff report.

Smith stated that the map indicates the various types of CUPs. Finke clarified the types of CUPs on the map.

Weir stated they usually require two septic sites for a new system, but only one is shown. Finke stated that he could add a condition for a secondary septic system.

Smith inquired if there were any significant trees to be cut down. Finke stated that he thought there were significant trees that would be cut down.

Smith stated that if there are significant trees they need to be replaced according to caliper inches.

Cavanaugh stated that the ordinance is for residential uses.

Smith stated that this isn't for a house, but is for an accessory structure.

Cavanaugh stated that he thought the ordinance states that there is an exception for a 1 acre amount of space for trees that can be cut.

Smith stated that the existing trees need to be replaced based on the existing ordinance.

Weir stated the types of trees that are being removed and requested that the property owners consider replacing them with red oak.

Smith stated that she is concerned about the space in the upper level and inquired about having two exits. She stated that one condition that should be included should be clarification that the space not be used as living space.

Adams clarified that it is something the City can request.

Finke stated they could add language stating the plans submitted do not meet codes for residential living.

Weir stated that one condition she would like to add is that all lighting be downcast. She stated the applicant should fence off the wetlands to prevent the animals from grazing.

Batty clarified the lighting requirements as being boxed on all sides, downcast, and not visible from adjacent properties.

Weir stated the City would like to have the easement. Hasselquist stated that he is willing to grant the easement to the City.

Finke stated that it can't be a condition on the CUP process, but they can work on it outside of the CUP.

*Moved by Johnson, seconded by Cavanaugh, to authorize Staff to prepare a resolution to the condition to an amendment, as requested. **Motion passed unanimously.***

B. Preliminary Plat, Site Plan, CUP and Variances for Uptown Hamel Retail Development at 3575 Sioux Drive (Ferrelgas Property) for a Multi-Use Retail Development – United Properties

Haskamp demonstrated the location of the property, the proposed site plan, and provided background information on the project including the concept plan. She stated

the Planning Commission reviewed the application and approved it 4-3. She stated the key items that were discussed included traffic and congestion, completion of the frontage road and its connection to adjacent properties, and architectural qualities. She explained the decision making authority on the various components such as the preliminary plat, CUP, and the variances. She demonstrated other features on the property that need to be factored into the plan including the frontage road, the creek, the drainage/grading plan, the location of the pond, and the parking. She stated one of the key discussion points by the Planning Commission was the atmosphere of the plaza outside of the coffee shop. Haskamp stated that the applicant prepared a rendering for the landscape that has not been seen by the Planning Commission. She stated there was quite a bit of discussion about the retail building having a four-sided appearance and not a front and back appearance.

Johnson inquired if the Planning Commission divided response was based on the architecture and appearance.

Haskamp stated that there were a variety of reasons for the vote, but one of the primary reasons was the traffic. She demonstrated the location of the drive-thrus and stated the variances that would be required. She demonstrated the renderings of the buildings.

Kellogg stated he spoke with C.P. Rail regarding the amount of trains, the speed and the frequency of the trains. He stated that there is an average of 16 to 18 trains per day at about 40 mph and that traffic delay on Sioux Drive is about 2½ minutes for each train. He stated the traffic counts used in the model were approximately double the amount the City counted last October. He stated the model that was prepared is similar to what the City would have prepared.

Weir stated they anticipate a significant growth in Uptown Hamel and inquired if the increase in growth was factored in.

Kellogg stated that his understanding was that the model used today's figures and then did a projection for 2020. He stated that the 2020 figure is an inflationary figure based on the information that is available at this point in time.

Smith stated that there have been some requests for building additional houses further down on Hamel Road.

Bruce Bojae, Senior Transportation Analyst from Westwood Professional Services, demonstrated the location of turn lanes, the traffic signals, the frontage road, and the flow of traffic during busy times of the day and the impact of the train.

Johnson inquired about Bojae's assumption regarding the number of cars flowing in and out.

Bojae stated the rate was calculated based on ITE trip generation report. He stated this report uses an estimated number of cars for each of the business.

Johnson inquired about the number of parking spaces.

Dan Parks, representing the development team, stated there are approximately 82 parking spaces.

Johnson inquired about the assumptions in an increase in traffic that need to be made based on future development.

Bojoe stated they have another model with a 1% increase in traffic per year and the developer could support an additional lane for traffic.

Smith stated her concern is for traffic crossing the road.

Bojoe stated that he thinks the majority of traffic wouldn't be crossing, but would be turning.

Smith stated she is concerned about the potential of the land located across the street being developed and the impact of that traffic.

Bojoe stated that an island would only allow traffic to go one way and it would make it difficult for traffic to get to TH 55.

Johnson inquired about the location of the entrance and noted that the access point is close to the railroad.

Bojoe stated putting a road closer to the railroad tracks would be more hazardous. He stated that MnDOT would not approve of having intersections coming in to turn lanes.

Kellogg stated that the bridge over Elm Creek isn't clearly demonstrated on the map, but also impacts the location of the road.

Cavanaugh inquired if there could be a flashing light to notify drivers to not block the intersection.

Bojoe stated a first step would be to install a sign that states not to block the intersection.

Cavanaugh stated that an eventual frontage road would alleviate some of the problems.

Smith stated that Crosby stated in an email that he thought there would need to be a through street from the west.

Bojoe stated that it works without a connection to a frontage road and with a connection it would work better.

Smith expressed concern that the model may not be realistic.

Bojoe stated that the computer software that was used is a widely accepted tool used for projecting traffic.

Johnson stated that if the properties further down on Hamel Road are developed, there will be a significant increase in traffic.

Smith stated that her experience has been that the trains are longer than 2½ to 3 minutes.

Dennis Hedke, Medina resident, stated that the trains are often 4 minutes long.

Bojae demonstrated a scenario where during an hour traffic would be stacked further back.

Johnson stated that without the development and the additional traffic increase, Hedke already sees traffic backing up past his property.

Johnson suggested looking at historical data for the growth pattern.

Smith stated the development is primarily for people driving on TH 55 and not for the residents.

Bojae stated that one assumption that was made was that all of the trips in and out of the development were new trips.

Eric Simmer, from United Properties, demonstrated the site plan and the plaza detail.

Weir inquired about the furniture on the property for the plaza. Simmer stated that it would be provided by the coffee shop.

Tom Morse, from HTG Architect, provided pictures of the plans that have been developed.

Weir inquired if the rooftop units would be visible.

Johnson clarified that Morse was stating that the units would be not be visible because of the height of the terrapin towers.

Morse demonstrated the details that have been added to the plans based on feedback that has been received previously. He stated the building materials would tie the buildings together.

Haskamp stated the information being presented was not presented to the Planning Commission or the City Planner.

Cavanaugh stated that he would prefer to see the trash area outside, but enclosed.

Haskamp stated that the ordinance states that it should be enclosed within the primary structure unless the outside structure is made to look like the primary structure.

Johnson inquired about the topography of land.

Simmer stated the existing trees will be taken out. He demonstrated the end of the frontage road and the alignment of the frontage road with the neighboring property. He stated the frontage road is designed to be built to the City standards and dedicated to the City.

Haskamp suggested the Council focus their discussion on the variances, architecture/landscaping, and compliance with ordinance.

Cavanaugh disclosed that he is a partner in a real estate company that has periodic discussions with United Properties about properties they respectively represent, but not with regard to this property.

Batty stated that he sees 3 distinct applications that will be needed: a plat, a site plan, and a conditional use permit. He stated the variances that are required are not stand alone variances. He stated that 3 of the variances are related to the conditional use permit and the remaining 2 variances are related to the site plan. He stated the Council has the discretion to grant variances based on hardships.

Weir stated that she thinks the property is overbuilt for the site, especially in regards to the drive-thrus. She noted the drive-thrus are car oriented and it is not a pedestrian oriented development as originally planned. She stated the Uptown Hamel ordinance encourages shared parking. She stated that she isn't sure why the coffee shop couldn't be connected to the retail building instead of a stand alone building. She stated that she is concerned about safety for the pedestrians who will need to cross the bank drive-thru lanes.

Johnson thanked United Properties for working on the project. He stated that it is a project that is the gateway to Uptown Hamel and it can be a cornerstone for setting the tone of the community. He stated he is concerned about the pedestrians and connecting the development to the rest of the community. He stated he is concerned about the assumptions made about the amount of traffic on the traffic models.

Kellogg stated that he intends to discuss the traffic and assumptions with the transportation group and then rework the traffic model. He stated that he thinks the current traffic is probably overstated and it needs to be studied further.

Johnson stated that it will be an area that is extremely visible from TH 55 and they need to make it a place that encourages traffic to visit.

Cavanaugh thanked the builders for working on the project. He stated that he would like the coffee shop to be a part of the retail building and reorienting the building would reduce the signage on TH 55 making it more inviting. He inquired if the consultants would be able to time the trains and complete the traffic counts.

Kellogg stated the City has data from October for the traffic counts for Sioux Drive. He stated he thinks the information that needs to be found out is the delay and the projection going forward.

Cavanaugh stated that it is important to know what it is right now and then make a best guess for the increase in traffic. He stated it would be good to include what they think will happen when the frontage road goes through.

Smith stated that there is a lot of time and money being spent on the TH 55 corridor. She stated she would like to have the consultants look at the traffic on TH 55.

Weir inquired if they could include a frontage road in the analysis from the Hedke property based on the assumption that it will be developed.

Kellogg stated that they will need to have some conversations about the expectations for that property.

Weir inquired if there was a reason that the coffee shop was not included in the retail building.

Simmer stated that the coffee shop wants to be a stand alone shop, the Uptown Hamel zoning promotes smaller buildings to give it more of a pedestrian friendly feel, and there is a maximum building size. He stated the coffee shop drive-thru is a major component of the decision making process for this site.

Smith stated that the setback from Elm Creek was reduced and the applicant was reluctant to give up parking spaces to meet the setback.

Haskamp stated that there was discussion about the setback and the parking spaces, but she didn't think it was intended for the applicant to appear reluctant about giving up the parking spaces.

Johnson clarified that the Watershed wouldn't be satisfied with 30 or 35 feet.

Weir stated that an additional variance would be required and they may or may not choose to do that.

Smith stated that the hardships are created by the building they intend to build, not because of the property. She stated that the ordinance requires a setback due to the drive-thrus. She stated that Crosby stated that he thinks 2 drive-thrus are too many. She stated that she isn't willing to grant a variance for Elm Creek to allow for extra parking.

Johnson stated that this site is not an easy site to build on, but it is an important site and suggested the Council recognize the value of the development. He stated he would like to explore the potential trade-offs.

Smith stated that she thinks the builders have not done what they could have done with the site. She stated that it isn't a walkable area, which was the primary intent. Smith stated another concern is the stormwater pond.

Kellogg stated that one comment in the letter is that the stormwater pond needs to be moved outside of the dedicated right-of-way.

Simmer stated that he doesn't think the pond can be built over the Met Council line, but it could be built under a parking lot. He stated that when the other properties develop there will be other infrastructure put in place that will reduce some of the current issues.

Smith stated she would prefer to buy down the property to put in a development that was more appropriate and she is unwilling to grant a variance for Elm Creek.

Simmer stated that according to Elm Creek's ordinance there is a 25% minimum impervious surface coverage on this site. He stated that if the variance for total impervious surface is not granted, then the entire site is un-developable.

Smith stated that there are alternatives for impervious surface. She clarified that the variance she was referring to was the setback for parking.

Simmer stated the density of the site is 10.9%. He stated that projects that are less dense than this don't get built because developers can't afford to build them. He stated that it looks more dense because of the shape.

Weir inquired if the bank needs to have 4 drive-thru lanes or if they could have 3.

Simmer stated he would like to get the variances if there were a trade for a drive-thru lane and a decrease in 1,000 square feet. He stated the credit union and the coffee shop both have made concessions to make the building possible.

Weir stated it would be helpful for the TIF district if the development were to happen. She stated she is bothered by the duplicative services in the area, but recognizes that can not be a reason for denial. Weir inquired if Council would be willing to work on setting some parameters and have the developers bring back the plans.

Cavanaugh stated that getting a development like this is critical and it is the first step. He stated having a gas company next door is dangerous. He stated that having a coffee shop that is willing to pay a high rent allows the developers to do a number of things they wouldn't typically be able to afford to do. He stated that the frontage road needs to be worked out with the Highway 55 Rental. He stated that the plans look good and could be tweaked to make it more inviting for pedestrians.

Jeff Pederson, representing Highway 55 Rental, stated he is in favor of the project. He stated the frontage road needs to go to the north due to the interceptor. He stated that in order to keep the business going there is no room for the frontage road to go through at this time. He stated the property doesn't allow for it to go through to the south because the property would be cut in half.

Adams stated the issue is if Highway 55 Rental is able to alter the way their business is done in response to the frontage road being built and yet operate their business to a similar level or sufficiently.

Pederson stated that the business could not be done another way due to the size of the lot and that there are two separate businesses located at that site.

Kellogg stated that when they met there was a suggestion to include a frontage road that didn't impact the business, but it would take further research.

Pederson stated that they don't want to be put out of business for a new business to come in.

Smith stated that it isn't the City's intent to put them out of business because of a new development.

Pederson stated he would like to work with the developer.

Cavanaugh stated that his understanding is that the developer has left enough room for the frontage road to be on that site and it wouldn't be developed until the land owned by Ferrelgas is developed.

Smith stated that she doesn't think the City wants to see his business close because of the development. She stated that there have been nearby businesses that have been brought in and now gone out of business. She stated that it may be possible for Pederson to benefit from funding from the TIF district. She stated that she isn't sure how the new businesses could be supported.

Simmer stated that a financial institution is a permitted use and they have been working on this for 7 months. He stated that the runoff from the current site passes over and they would be gathering the water on-site and treating it prior to releasing it responsibly. He stated that the key to Uptown Hamel success is getting the traffic off of TH 55. He stated they are not asking for public assistance and do not want to have a frontage road, but are doing it out of an accommodation for the City.

Johnson stated that the development can't be penalized for placing in a frontage road when it is what the City wants done.

Simmer stated that it is difficult to present before the Council when they aren't given the opportunity to revise the plans based on the feedback from the Planning Commission.

Weir stated they should give the developers some clear guidelines if there is a will to move ahead. She suggested the credit union could work with 3 drive-thru lanes, make the parking so it doesn't encroach on Elm Creek, and the plaza is developed.

Simmer stated that if the Council wants the road to go to the north, then he will design the plans that way.

Cavanaugh stated that he thinks it would work to have the frontage road going north based on the location of the MUSA line.

Simmer stated that if the same criteria were applied to a development on the Ferrelgas site, there would be additional parking available. He stated that the City asked them to put the road in that way based on the City's request based for flexibility. He stated that they are trying to be good neighbors by accommodating the alignment on this site.

Kellogg stated staff initially requested the flexibility on the frontage road, but after recently learning of the Met Council interceptor line, that the north frontage road alignment is preferable.

Cavanaugh inquired if it is possible to orient the retail building perpendicular to TH 55.

Simmer stated it is something he would look into, but would need to go back to the leasing agents.

Smith stated she doesn't think the building needs to be reoriented.

Simmer stated that as it is drawn, it will be a successful business. He stated that the Council needs to decide if they are fundamentally against drive-thrus.

Cavanaugh stated he would like to provide the developers with concrete feedback.

Johnson stated that he thinks the Council should provide specific issues for the developer. He stated he would like to create a downtown environment that is pedestrian friendly so that it can be decided if it can move forward.

Simmer stated that his challenge has been the conflicting feedback from the various members of the Planning Commission and the Council.

Johnson stated that he is in favor of the uses of a coffee shop and a bank. He inquired about clarification of the impervious surface variance in regards to runoff.

Smith stated that the way the runoff is done now by the existing business would not be approved under today's standards.

Johnson clarified that Smith would like to see improvement on the impervious surface issue.

Simmer inquired about the percent of impervious surface necessary to gain approval. He stated that it is currently at about 60%. He stated the Watershed will permit 25%

Smith stated that 25% is not reasonable. Weir concurred and stated that it would make the site unusable.

Cavanaugh suggested leaving the percentage as it is, but requesting the developers use impervious pavers for parking.

Simmer stated their preference is sidewalks and patios because a person wouldn't want water under a substructure when it could freeze.

Dan Parks stated that pavers with cracks would allow water to go through the subsurface, concrete products would allow water to permeate through, and bituminous products. He stated that impervious surface could be used, but water would stand below the surface and bleed back down to the creek due to the soil composition.

Smith stated that it is not impossible for impervious surface to be used.

The Council agreed that 50% impervious surface would be appropriate.

Weir stated that the drive-thrus need to be minimized as much as possible. She stated she would like to keep the connectivity for pedestrians and reduce the size of variance for the retaining wall to 40 feet for Elm Creek.

Johnson clarified the variance to decrease the retaining wall.

Parks stated that the area that is less than the ordinance is due to the flow of the creek and in order to meet the ordinance they would lose some parking stalls.

Johnson clarified that the variance would be eliminated.

Smith stated that the variance would still exist, but it would have a 40 foot setback instead of the 50 foot setback, which would still create a need for the variance.

The Council agreed that there would be 3 drive-thrus for the credit union and 1 for the coffee shop.

Weir inquired if the developers would be able to meet the parking requirements for the size of the buildings.

Simmer stated that he would be able to lose approximately 1000 square feet of building which would help to meet the parking requirements.

Weir inquired about the landscaping.

Parks stated the site plan meets the code for the boulevard trees and the palate of ornamental trees and shrubs are not determined on the plan at this point.

Weir inquired how the landscaping would be maintained. Simmer stated that they will have a reciprocal easement agreement. He stated that the plants and trees will be irrigated.

Johnson stated the City requested the property across the street place shrubs to block the visual line of cars in the drive-thru.

Simmer stated they had originally had the plants and trees drawn in, but they were asked to remove them by the Planning Commission.

Weir suggested that it may be possible to widen the median in the drive-thru for plants and trees.

Kellogg stated they are asking the developers to move the stormwater pond outside of the proposed right-of-way.

Weir inquired about the location of the Uptown Hamel monument. Simmer demonstrated the location on a map.

Smith apologized to Staff for overlooking the fact that Staff did not have the opportunity to preview the updated plans prior to the discussion at the Council.

Johnson clarified that the variance to allow the driveway to the entrance of the drive-thru for the coffee shop, not to encroach 80 feet within the 100 foot setback of an improved street was referring to Sioux Drive.

Batty stated that it was referring to Sioux Drive. He stated that it was in relationship to the Uptown Hamel ordinances that apply to this property.

Smith stated that the remaining variances would be altered based on the previous decisions about the variances.

Johnson inquired about the 80 foot encroachment.

Haskamp stated the 80 foot encroachment is referring to the intersection of Sioux Drive and the proposed frontage road. She stated the variance for the 300 feet from TH 55 is in regards to the coffee shop.

Simmer stated his understanding from talking to Rose Lorsung was the ordinance developed to minimize the amount of drive-thrus.

Haskamp stated that this specific property has unique characteristics and it would be reasonable for the variances for this property to reflect that.

Weir inquired about where the City is at in regards to the 60 day rule. Haskamp stated she thinks they have until April 18th.

Batty stated that there isn't enough time for everyone to complete the work that needs to be done by next meeting.

Adams concurred that he didn't think there was enough time to turn it around in two weeks.

Cavanaugh clarified the agreements that have been made including: a 50% maximum impervious surface, 40 foot setback from Elm Creek, reduce the number of drive-thru lanes to 3 for the bank and 1 for the coffee shop, lose up to 1,000 square feet of the building, and minimize the impact of the drive-thrus through landscaping.

Haskamp stated that aside from the conditions that have been identified at the end of the Staff report and the issues that have been identified by the Council she isn't aware of additional issues.

Adams stated that they will be working with the developers regarding the changes prior to it coming before the Council.

Weir inquired if it should go before the Planning Commission.

Moved by Weir, seconded by Cavanaugh, to table the discussion and request Staff to work with the developer and bring it back to the Council in April, as requested.

Adams clarified the list of items to work on as outlined by Cavanaugh and also stated that there was consensus to bring back information on traffic counts and information about the frontage road connection.

Smith stated that Crosby is requesting that the issue of the frontage road be worked on.

Cavanaugh stated that it makes sense for the frontage road to go to the north and requested that Pedersen work with Staff on that issue. Adams clarified they will do so.

Batty stated that putting aside some money in escrow for a road is something that has been talked about. He stated that it can be addressed by forcing them to put up some money or sign a petition or waiver agreement.

Motion passed unanimously.

IX. CITY ADMINISTRATOR REPORT

A. Speeding on City Roads Report

Belland stated the report was initiated based on a complaint by Kerry Kaluza regarding speeding in the City. He stated he put together statistics on Holy Name Drive. He stated the police investigate the complaints and increase traffic control based on the complaints. He stated the placement of speed trailers on the roads, the Safe and Sober traffic campaign, extra patrol, and the Chiefs' Challenge patrols all decrease the speeds of the traffic. He stated other ideas for controlling the speed include speed surveys, speed humps, road design, electronic speed signs, stop signs, and the use of trails and sidewalks for pedestrians. He stated that he agrees with the citizens that the speed of traffic is an issue.

Weir inquired if Belland would recommend placing stop signs at Holy Name, Cheyenne and Lakeview.

Smith inquired how it works in Wayzata. Weir stated that they have a speed hump ordinance and also use stop signs.

Johnson stated that speed humps cause havoc on snow plows.

Weir stated that this road is not appropriate for speed humps.

Cavanaugh provided an example of a street in Plymouth where speed humps have been implemented and the result has been a decrease in the speed of traffic.

Weir stated that Wayzata won't allow speed humps on roads over 28 feet wide.

Smith stated she thinks they should pilot speed humps on Holy Name. Weir stated that it isn't an appropriate road for speed humps.

Smith stated she would like to know how Plymouth places their speed humps.

Johnson stated that a stop sign is a fast response with some impact. He suggested considering speed cameras.

Moved by Weir, seconded by Johnson, to put a stop sign at the intersections of Holy Name Drive and Cheyenne and Holy Name Road and Lakeview and request Staff to conduct research on speed humps in Wayzata and Plymouth and conduct research on an ordinance, as requested.

Cavanaugh stated he would like to see something done and he would like to have speed humps in place as a pilot.

Weir stated that it would make sense to have an ordinance guide the placement of speed humps. Johnson concurred that it is appropriate to have an ordinance for placing speed humps.

3 ayes (Cavanaugh, Johnson, Weir) – 1 nay (Smith) Motion passed.

B. Ordinance Establishing Fees for City Clean-Up Day

Moved by Johnson, seconded by Weir, for the approval of fees for City clean-up day, as requested. **Motion passed unanimously.**

C. Appointment of Office Assistant to Planning and Public Works

Moved by Cavanaugh, seconded by Weir, to approve the appointment of Office Assistant to Planning and Public Works, as requested. **Motion passed unanimously.**

D. Facilities Master Plan Update

Adams stated that he would like to obtain services not to exceed \$5,000 for the Public Works facility to look into the availability of properties.

Johnson stated that it would be appropriate for a commercial realtor to look into the availability of land. He stated the commercial realtor would receive a commission when land was purchased.

Adams stated he would like direction from the Council to consult a realtor.

Cavanaugh stated that they aren't ready to sign an agreement with a realtor.

Moved by Johnson, seconded by Weir, to authorize Staff to consult a realtor to survey the area for available commercial sites for a potential Public Works building, as requested.

Smith clarified that they are not agreeing to pay a realtor.

Johnson stated there is a list of potential available properties, but if there was a specific property that was being sought out, then it would be likely the City would need to pay a realtor to go after the property.

Motion passed unanimously.

Adams provided an update on the City Hall site for the administrative staff and police department. He stated it is likely there will need to be some soil bearing done. He stated that Metro West will be doing a preliminary review when the snow clears. He stated that there is additional data that needs to be gathered before they determine what the facility growth will look like.

X. MAYOR & CITY COUNCIL REPORTS

Weir stated that she had been asked to work on an educational meeting regarding the SWPPP and TMDL requirements. She stated that she is working with staff to set up the meeting in May about stormwater management and rain gardens.

XI. APPROVAL TO PAY THE BILLS

Moved by Weir, seconded by Cavanaugh, to approve the bills, order check numbers 030591-030638 for \$312,851.99, and payroll check numbers 020029-020036 for \$34,719.27. **Motion passed unanimously.**

XII. ADJOURN

Moved by Weir, seconded by Johnson, to adjourn the meeting at 11:26 p.m. **Motion passed unanimously.**

Carolyn A. Smith, Acting-Mayor

Attest:

Chad M. Adams, City Administrator-Clerk