

MEDINA CITY COUNCIL MEETING MINUTES OF AUGUST 7, 2013

The City Council of Medina, Minnesota met in regular session on August 7, 2013 at 7:00 p.m. in the City Hall Chambers. Mayor Weir presided.

I. ROLL CALL

Members present: Anderson, Pederson, Martin, Martinson, and Weir.

Members absent: None.

Also present: City Administrator Scott Johnson, City Attorney Ron Batty, City Engineer Tom Kellogg, City Planner Dusty Finke, City Planning Consultant Nate Sparks, Public Works Director Steve Scherer, and Chief of Police Ed Belland.

II. PLEDGE OF ALLEGIANCE

III. ADDITIONS TO THE AGENDA

The agenda was approved as presented.

IV. APPROVAL OF MINUTES

A. Approval of the July 16, 2013 Special City Council Meeting Minutes

Anderson noted that there was a discrepancy between the date of the meeting listed on the draft minutes, July 16th, and the agenda, July 17th.

Johnson noted that the agenda was incorrect and the date on the draft minutes, of July 16th, is correct.

*Moved by Pederson, seconded by Martin, to approve the July 16, 2013 special City Council meeting minutes as presented. **Motion passed unanimously.***

B. Approval of the July 16, 2013 Regular City Council Meeting Minutes

It was noted on page three, line 39, it should state, "Weir believed that the City ~~forced~~ required a another developer on Hunter drive to install the irrigation system infrastructure as they built out the site." On page four, line 3, it should state, "...infrastructure for this irrigation system prior to a well being drilled." On page four, line 20, it should state, "...installed in other developments and believed that this should be the case this time."

*Moved by Anderson, seconded by Pederson, to approve the July 16, 2013 regular City Council meeting minutes as amended. **Motion passed unanimously.***

V. CONSENT AGENDA

- A. Approve Job Description Change for Public Safety Director**
- B. Approve Miscellaneous Striping Services Agreement with Paint-A-Lot**
- C. ~~Approve Election Equipment Lease Agreement with Hennepin County~~**
- D. Approve Second Amendment to Cleaning Services Agreement with Tegrete**
- E. Approve Raffle Permit to Minnesota Section PGA Foundation at Medina Golf and Country Club on September 16, 2013**

F. Resolution No. 2013-74 Authorizing Publication of Ordinance 544 by Title and Summary

G. Adopt Wellhead Protection Plan

*Moved by Pederson, seconded by Martin, to approve the consent agenda as amended.
Motion passed unanimously.*

C. Approve Election Equipment Lease Agreement with Hennepin County

Anderson stated that there is not a specified amount included in the document for the lease of the election equipment by the City. He stated that there was a charge of \$750 the previous year for the lease of the election equipment owned by Hennepin County and noted that it is proposed that the charge for the next election be \$1,000. He wanted to clarify that the amounts were different and clarified staff had budgeted for that larger amount.

Johnson stated that the agreement is written and geared towards Hennepin County because the County owns the equipment.

*Moved by Anderson, seconded by Martinson, to approve the election equipment lease agreement with Hennepin County, as amended to include the budgeted cost of \$1,000.
Motion passed unanimously.*

VI. COMMENTS

A. Comments from Citizens on Items not on the Agenda

Darrell Johnson commented on recent activities in the City. He referenced the Night to Unite celebration that occurred the previous night and the recent activities regarding the government and the citizens' rights to privacy. He cautioned that the City should remain focused on the Constitution and rights for privacy.

B. Park Commission

Park Commissioner Dino DesLauriers advised that the Commission met on July 17th to discuss the issue of park dedication for the Enclave – Medina 5th Addition and reported that the Commission unanimously recommended cash in lieu of land. He advised that the Commission also discussed the sport court material for the Park at the Fields of Medina and explained that the cost difference between the two materials was \$50,000. He noted that the Commission preferred the more costly option and agreed to assist by funding the \$50,000 difference in cost through the Park Fund.

Weir questioned the longevity.

DesLauriers stated that he was unaware of the exact longevity but reported that the Commission visited a site composed of the material, which was five years old, and advised that the material looked brand new. He advised that the Park Commission does have the funds available in the budget.

Martinson confirmed that she attended the visit and the material did look to be in new condition.

DesLauriers advised that the Commission also began discussion on dog parks.

C. Planning Commission

Finke stated that the Planning Commission did not have any hearings scheduled, so in consultation with Chair Nolan, the meeting for the following week has been canceled. He advised that it looks like there may be three or four hearings on the agenda for the following meeting of the Planning Commission.

VII. NEW BUSINESS

A. Hamel Fire Department Update

Johnson noted that the Hamel Fire Department will be providing the update requested by the City Council in April. He noted that if the Council is satisfied with the progress the Council could direct staff to move forward with negotiations for a new contract with the Hamel Fire Department.

Hamel Fire Chief Neil Wolfe commented that a great deal of work has been done in the past few months and hoped that the Council was in agreement with the progress.

Mario Fabrizio stated that there have been a significant number of changes to the leadership including the Officers and the Board of Directors. He noted that this is one of the items included in the transformation of the department to better serve the community. He advised that there are 27 firefighters on the roster, noting that since March Chief Guest retired, one firefighter resigned and one returned from inactive duty. He explained that the department is relatively young as there are a number of new firefighters that have joined. He cautioned that the important thing in regard to the number of members is that they are active members. He explained that he would rather have 30 active firefighters in the department rather than 50 firefighters that do not regularly respond to calls. He noted that the department is considering the creation of shifts, which would better account for the schedules and availability of members. He noted that the incident response time is included in the packet, with comparison information from previous years, and noted that the department aims to continue a focus on low response time as the amount of time in an injury or emergency situation is important. He reviewed the personnel hours that are used to provide coverage for incidents, as well as other areas such as training, new hiring training, maintenance, administration and non-emergency hours. He acknowledged the amount of time that is contributed towards this volunteer organization. He reviewed the major accomplishments that have been made since April including the enhancement of operational capabilities, administration and business functions. He presented the major capital equipment schedule, which was requested to be updated by Medina. He noted that the number of volunteer hours expended to complete this process saved Medina over \$3,000, the amount quoted by the consulting firm to update the information. He stated that it was also recommended that the department continue and complete the work with ESCI and reported that the work completed with ESCI ensured the department that they were moving in the right direction on those items. He explained that all the members are firefighters and some also handle some of the other responsibilities of the department. He advised of the items that are now tracked on a monthly basis to ensure that firefighters know how they are performing for the year and to ensure that all necessary training is completed. He stated that shared training allows the different departments to ensure that they are completing the same training and noted that it also helps to build trust and relationships between the departments. He noted that while there have always been core standard operating policies for the department, they have

worked hard in the past few months to tweak some of those and to add additional policies to assist in the transformation of the Hamel Fire Department.

Chief Wolfe further discussed the Blue Card Command Training program.

Martinson stated that it is great to see the standard operating policies (SOP) but also believed that there should be an audit, or documentation, at some point to determine how those are being followed and met.

Wolfe stated that while there is nothing in place at that time but he plans to meet with Belland to ensure that the SOP's are in agreement with the Police department. He advised that although there is a verbal process there could also be a written document in the future.

Fabrizio discussed compliance with national regulations and guidelines. He explained that this is important not only in day to day activities but also in times when there are multiple incidents, departments and agencies involved. He reviewed the goals and intentions for 2014 including staff development, increasing skills and the skillset of the members, further development of a wellness program for the members because of the traumatic situations they are involved in, different methods for the generation of revenue, and long-term tactical discussions for the future. He compared this process to walking before running. He stated that the focus of the department is on the people, the people who man the trucks and fight the fires. He commented that the department and its members have completed a significant amount of work since April and has significantly transformed the department and its leadership since that time. He believed that the department responded to and addressed the concerns expressed by Medina, while still maintaining a quality level of service to residents. He stated that in the last four months the department has continued to grow and reshape, has made improvements to technologies and equipment, and has proven its willingness to be held to a high level of services. He believed that the department has reaffirmed its commitment to Medina without knowing what the future with the City will be. He believed that the department has exceeded the concerns and expectations of the City and at this point the department needs clarity from the City as to the future of the relationship.

Martin appreciated the statistics provided tonight by the Hamel Fire Department in regard to response time and questioned if there is an industry benchmark for response times.

Fabrizio stated that there are benchmarks for the industry but explained that the generic benchmark is set to respond to 80 percent of calls by X time. He explained that the trouble with that is that it blends all the fire departments in the country, which includes full-time and volunteer. He encouraged the Council to instead compare the figures to other similar stations listed including Buffalo. He explained that the Hamel station is an unmanned volunteer station. He advised that the industry benchmark also does not separate the types and lengths of calls. He advised that the tracking of response calls completed by Hamel is done in the same manner as Loretto, to ensure that those numbers can be easily compared.

Martin stated that she would be interested in local comparisons, noting that there could also be labeling of neighboring full-time and volunteer stations.

Wolfe stated that he is very pleased with the response times, noting that the members knew of what was going on and really have stepped it up and many times Hamel has been the first responders on a call.

Weir stated that at the last discussion it was her interpretation that the morale was low and asked for an update with all the new changes.

Wolfe stated that any time there is change the environment can be difficult. He stated that the numbers speak for themselves as there are more responders on calls and the response time has been higher. He believed that after the initial shock of the change the department has come together as a team and has really stepped their game up. He stated that morale is no longer a concern he has for the department and is proud of the professionalism.

Pederson stated that he attended a recent meeting of the Fire Department and was able to see the camaraderie and the positive change in morale.

Weir stated that it appears that the Hamel Fire Department has met the goals of the Council and confirmed the consensus of the Council that staff should move forward in the contract negotiations with the department, with a goal to have something complete by the end of the year. She thanked Wolfe and Fabrizio for their presentation tonight and for all their hard work.

Belland stated that the Police Department has not received any complaints regarding the Hamel Fire Department and he has heard many positive comments recently regarding the activity of the department on different service calls. He referenced response times for the department and noted that for a volunteer department you have to think of all the items that are included with a volunteer station. He noted that includes getting the call, getting dressed, driving to the station and then driving to the scene. He advised that you could get stuck at a train crossing, which you cannot plan for on a fire call. He stated that it is more important for him that people are thinking ahead and know their job. He explained that he would rather have a competent response that may take an additional minute compared to a faster response time with people who are not thinking ahead. He referenced the Blue Card training, which is a costly process at \$1,200 per person, and noted that the Hamel Fire Department is having all of their leadership team complete this process. He commended the department for their work and their progress and looks forward to working with them in the future.

B. Fields of Medina West 2nd Addition Final Plat – Adopt Resolution and Approve Development Agreement

Finke presented the request for the Fields of Medina West 2nd Additional Final Plat request, noting that the Council originally approved the Preliminary Plat in December, which included an additional 64 single-family homes to the existing 65 lots in the 1st addition of the development. He advised that the Council approved the first phase of this in April, with the request now to complete the second phase of this addition. He advised that the purpose of the final review is to ensure that the Plat is consistent with the Preliminary Plat. He advised that the other purpose of the review is to ensure that the conditions have or will be met, noting that information is included in the staff report. He stated that staff recommends approval of the request.

1. **Resolution No. 2013-62 Granting Final Plat Approval for Fields of Medina West 2nd Addition**

*Moved by Martinson, seconded by Anderson, to adopt Resolution No. 2013-62 granting final plat approval for Fields of Medina West 2nd Addition. **Motion passed unanimously.***

2. **Development Agreement by and between the City of Medina and Mattamy (Minneapolis) Partnership**

*Moved by Anderson, seconded by Pederson, to approve the Development Agreement by and between the City of Medina and Mattamy (Minneapolis) Partnership. **Motion passed unanimously.***

C. Medina – Enclave at Medina 5th Addition Preliminary Plat

Martin stated that she has represented Nolan Brothers Inc. in the sale of the property and will therefore be recusing herself from the discussion.

Sparks identified the property in discussion, which is northwest to the original Enclave development. He presented the Preliminary Plat request and noted that this 5th addition will match the development guidelines of the other Enclave developments along with the general requirements and conditions of the City. He referenced a cul-de-sac and noted that while staff does not usually support that type of development, staff does deem this use to be acceptable because of the unnecessary connection and wetland impact that a through road would have. He advised of a teardrop island that staff worked with the applicant to create better spacing for the homes and room for snow storage.

Kellogg agreed with the island and noted that he had not yet had time to review the full amended plans but noted that would come before the final review.

Martinson predicted that perhaps in the next year once the homes are sold there may be a rush of variance requests for homeowners that would like bigger decks.

Weir referenced certain lots and advised of language that could possibly be used to avoid a variance request situation in the future.

Anderson noted that the applicant could make it clear to the purchasers of those lots that the decks could not be made larger on those lots.

Sparks stated that the applicant has been providing notification of the standards and will continue to do so through this addition of the Enclave. He advised that the irrigation system is still in the discussion process with staff and noted that there is not significant tree removal. He advised that buffers to the north were discussed at the Planning Commission review, noting that there is a different zoning district to the north. He advised that the Planning commission recommended that the buffer be exceeded to further screen the development from the existing older neighborhood. He advised that the applicant did not have any issue with that. He advised that the Park Commission already reviewed this request and recommended cash in lieu of land for the park dedication. He noted that while a possible sidewalk connection was discussed to Hunter Drive, it was ultimately decided against by the Commission. He advised that the final design for the cul-de-sac with the island would be included in the Final Plat review.

Joe Jablonski, Lennar, referenced the sidewalk connection and noted that after review from their civil engineer, in order to make it handicap accessible there would be a high cost because of the high slope next to the pond. He also did not believe it created a good connection, as it really would not go anywhere.

1. **Resolution Granting Preliminary Plat Approval Based on the Findings, and Subject to the Conditions, Recommended by the Planning Commission**

Moved by Anderson, seconded by Pederson, to direct staff to prepare a Resolution granting preliminary plat approval based upon the findings, and subject to the conditions, recommended by the Planning Commission, Park Commission and City Council.

Motion passed unanimously.

Finke provided an update on the timeline for the project including grading.

Martin rejoined the Council.

D. Hedtke Rezoning

Finke presented a request from Dennis Hedtke to rezone the property located at 3522 Sioux Drive, which is immediately south of the Hamel Station property. He stated that this would rezone the property from UH-2 to CH-RR, which the property to the west is also zoned. He advised that the property to the east is separated from the property by the railroad tracks and elevation. He explained that the CH-RR designation would allow for additional options compared to the UH-2 zoning. He discussed the land use designating under the Comprehensive Plan but noted that the rezoning can reflect the desire for the area for the future. He noted that during the Planning Commission meeting the property to the east was also discussed, especially access, noting a recommendation to rezone that property to the east as well if the Council approves the rezoning for this parcel. He confirmed that there is not an official request to rezone that parcel and advised that the regular process would need to be followed for that action. He explained the reasoning for the four to two vote of the Planning Commission, referencing the copy of the minutes supplied to the Council via the packet. He stated that the majority of the Planning Commission does recommend the rezoning of the parcel to the CH-RR Zoning District.

Weir noted that the lot in discussion is different in size than the other Uptown Hamel lots and is also separated geographically from the other Uptown Hamel lots.

Wayne Elam, real estate broker for the property, noted that the request tonight is an attempt to be proactive and gain the zoning that they believe would be desirable for the potential buyers. He stated that as Weir stated this lot is different than the Uptown Hamel properties and is the only property in the area not zoned CH-RR. He advised that the site would be suitable for a two to three story building and would suit a medical use very well. He believed that it would be more difficult to market the property without the additional potential uses available to the buyer.

Weir believed that it would make more sense to zone the property as CH-RR rather than UH-2.

Anderson stated that he would have reservations that another gas station type business would come into the location.

Pederson acknowledged that the proposed zoning makes sense and did not believe it would make sense to leave the lot zoned UH-2.

Martinson noted that if another gas station were to be built, that volume of traffic may benefit the Uptown Hamel area.

Martin asked for additional information on the process for rezoning as well as the allowable uses for both zoning districts. She acknowledged the desire to rezone the parcel because of the location and size of the parcel but noted that she would be opposed to blindly voting to rezone the parcel without a known use. She did not believe that the land use designation for the parcel would affect the sale of the property. She stated that she felt as if the Council was giving up their "cards" without getting anything in return. She asked for comment from Batty as to whether she was making comments that she should not.

Anderson questioned if the Council were to approve rezoning of this property, would that also mandate a rezoning of the parcel to the east as well. He also asked for additional information on the ability to divide the lot into two smaller parcels.

Finke confirmed that the Council would not be mandated to rezone the parcel to the east, even if this parcel is rezoned, but noted that there would be arguments that the parcels should be zoned the same in order to develop the area. He confirmed that if the zoning were left UH-2 the lot could be divided into two smaller parcels and developed as such, similar to the Uptown Hamel area. He stated that if the parcel were rezoned CH-RR you would not be able to divide the parcel into two lots because of the dimension requirements of that district.

Batty stated that in his opinion Martin was not treading on shaky ground with her comments. He stated that most rezonings are completed with a development request. He stated that the advantage would be that the City is able to see what they are getting. He noted that there is nothing wrong with rezoning the parcel absent of a development request. He stated that perhaps that was what the Planning Commission struggled with, because this is not the normal process that is followed. He confirmed that approval of the request would open the City to a number of allowable uses, none of which could be predicted. He noted that Martin made more practical comments as to the way the process usually happens.

Weir stated that she would be sorry to see a gas station or car wash built on that lot.

Martin stated that if there is a proposed use that the Council approved of and would like to see in the location, the lot could certainly be rezoned. She stated that to blindly rezone the parcel, which is in a gateway location to Uptown Hamel, would be premature.

Martinson questioned the motivation to rezone the parcel now by the applicant.

Elam noted that the intention was to be consistent with the other properties in the area. He read the description of the Uptown Hamel zoning district and noted that small retail has not recovered from the economic downturn and he did not believe the parcel fit within that description. He believed that if the property were rezoned it would sell more quickly and for a higher price.

Weir stated that she believed the Council was willing to rezone the parcel but may be more conservative in blindly rezoning. She recognized that the Council would have more control if the slower approach is taken.

Anderson stated that because of the location of the property to Uptown Hamel he would be in favor of a more conservative approach and would reject the rezoning.

Martinson stated that she would be in favor of rezoning the parcel simply because she believed that inevitably the parcel would be rezoned because it does better fit with the CH-RR district. She also noted that the rezoning could provide the property owner the ability to sell their property more quickly and to obtain a better price.

Pederson stated that everyone had made good points and agreed with the comments made by Martin. He also recognized that the Council would be willing to rezone the property if an appropriate use for the property were brought forward.

Weir questioned if the property owner would be okay with this decision from the Council to delay the decision to rezone until an application to consider is brought forward.

Dennis Hedtke recognized that it would be helpful to have the property rezoned but acknowledged that it would be beneficial to know that the Council would support the rezoning for a medical use. He noted that the applicant does have a timetable and if the delayed rezoning would not meet the schedule for those medical uses, they would most likely move onto another site. He advised of failed gas stations in the area on the south side of Highway 55 and stated that typically gas stations do not have success and therefore are not interested in the parcel. He asked that the parcel be rezoned as soon as possible.

Pederson stated that he would like to see something on that parcel that would be a good fit. He also did not want to see the zoning hurt the sale or marketability of the parcel and noted that the current zoning would not allow the type of use that the Council would want to see for the parcel.

Martinson stated that she is not a real estate professional and is simply following the advice of those who are.

Batty explained that if the property is rezoned the parcel would allow the uses allowed within the zoning district and the Council would review the use under a Site Plan review, which is much more limited. He explained that the action would either adopt the Ordinance as presented or direct staff to prepare a resolution of denial.

1. Ordinance No. 553 to Rezone the Subject Property to the CH-RR Zoning District with the Recommended Conditions

*Moved by Martinson, seconded by Pederson, to adopt Ordinance No. 553 rezoning the subject property located at 3522 Sioux Drive to the CH-RR zoning district with the recommended conditions. **Motion passed 3-2 (Anderson and Martin opposed).***

Weir noted that the two adjacent properties that have come forward recently, including the Eye Clinic, have been attractive and have also been under this CH-RR zoning

district. She questioned if the Council would now need to make a motion requesting the rezoning of the adjacent property to the east.

Finke stated that the Planning Commission direction was absent a request from the owner of the property. He advised that the City could rezone the parcel on their own or they could wait for the applicant to come forward on their own accord, noting that if the latter choice is made the applicant would be subject to the rezoning costs.

Weir briefly recessed the meeting at 9:00 p.m.

Weir reconvened the meeting at 9:05 p.m.

Batty stated that normally the Council would wait for a request for rezoning to be submitted from the property owner.

E. Three Rivers Park District and Michael Reimer – Lot Line Rearrangement

Finke identified the Reimer property located at 1822 Homestead Trail and the property to the west of Homestead Trail that is owned by the Park District. He provided background information and noted that the applicant is requesting to swap the land to the correct side of the street. He advised that the two properties are zoned differently but noted that this rearrangement would bring the Reimer property into compliance with the lot width standards. He discussed the issue of easements specific to the Three Rivers Park District property and noted that the District would have no issue with the easements on the triangle portion of the property but would oppose easements on the remaining parcel. He noted that staff would recommend the triangle easements for the Three Rivers District parcel but would recommend the broader easements for the remaining property at 1822 Homestead.

Weir stated that she would see no purpose in obtaining easements on the entire Three Rivers property and would be in agreement with the triangle easement. She did not see use in easements away from the road on that property.

1. Resolution Approving the Lot Line Rearrangement Upon the Findings, and Subject to the Conditions, Noted in the Staff Report

*Moved by Anderson, seconded by Pederson, to direct staff to prepare a Resolution approving the lot line rearrangement upon the findings, and subject to the conditions, noted in the staff report, amending recommendation number one to reflect easements along Homestead Trail and the triangle portion of the park property. **Motion passed unanimously.***

F. Resolution on the Establishment of a Reserve of Medina Storm Sewer Improvement Tax District – Public Hearing

Johnson noted that the home owners association is required to complete storm water improvements and advised that this is a part of the process for any new subdivision in Medina.

Pederson recused himself from the discussion and votes.

Weir opened the public hearing at 9:07 p.m.

No comments made.

Weir closed the public hearing at 9:07 p.m.

1. **Ordinance No. 554 Establishing Reserve of Medina Storm Sewer Improvement Tax District**

*Moved by Anderson, seconded by Martinson, to adopt Ordinance No. 554 establishing Reserve of Medina Storm Sewer Improvement Tax District. **Motion passed unanimously.***

2. **Resolution No. 2013-63 Authorizing Publication of the Ordinance Establishing Reserve of Medina Storm Sewer Improvement Tax District by Title and Summary**

*Moved by Anderson, seconded by Martinson, to adopt Resolution No. 2013-63 authorizing publication of the Ordinance establishing Reserve of Medina Storm Sewer Improvement Tax District by Title and Summary. **Motion passed unanimously.***

Pederson rejoined the Council.

VIII. CLOSED SESSION: ONGOING LITIGATION

Johnson advised that there are two ongoing litigation cases that require discussion and because of attorney client privilege the issue should be discussed in closed session.

*Moved by Martin, seconded by Anderson, to adjourn the meeting to closed session to discuss two ongoing litigation cases at 9:10 p.m. **Motion passed unanimously.***

The meeting reconvened to open session at 10:40 p.m.

IX. CITY ADMINISTRATOR REPORT

Johnson reported on August 20th there will be two members absent from the City Council and confirmed that the other three Councilmembers would be in attendance. He confirmed that the Worksession scheduled for that night should be canceled.

*Moved by Martinson, seconded by Pederson, to cancel the August 20, 2013 Worksession meeting. **Motion passed unanimously.***

X. MAYOR & CITY COUNCIL REPORTS

Pederson reported that the work on the Public Works and Police facility is moving along well and believed that significant progress would be visible in the near future.

Weir suggested a walkthrough of the facility after completion for the Council and Commissions.

Martinson suggested discussing the Fire Department contract with Hamel at an upcoming Worksession.

Pederson commented on Night to Unite activities, which occurred the previous night in the community.

XI. APPROVAL TO PAY THE BILLS

*Moved by Pederson, seconded by Anderson, to approve the bills, EFT 002182E-002222E for \$99,811.95 and order check numbers 039963-040064 for \$1,157,052.14 and payroll EFT 505076-505125 for \$92,892.99. **Motion passed unanimously.***

XII. ADJOURN

*Moved by Martin, seconded by Martinson, to adjourn the meeting at 10:44 p.m. **Motion passed unanimously.***

Elizabeth Weir, Mayor

Attest:

Scott Johnson, City Administrator