

MEDINA CITY COUNCIL MEETING MINUTES OF TUESDAY, APRIL 16, 2013

The City Council of Medina, Minnesota met in regular session on April 16, 2013 at 7:00 p.m. in the City Hall Chambers. Acting Mayor Weir presided.

I. ROLL CALL

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

Members absent: Crosby.

Also present: City Attorney Sara Sonsalla, City Engineer Tom Kellogg, Planner Dusty Finke, Public Works Director Steve Scherer, City Administrator Scott Johnson, Police Chief Ed Belland, and Recording Secretary Amanda Staple.

II. PLEDGE OF ALLEGIANCE

III. ADDITIONS TO THE AGENDA

Weir noted that Sergeant Nelson was unable to attend the meeting tonight due to illness and requested a motion to table that action until the May 7, 2013 Council meeting.

*Moved by Pederson, seconded by Martinson, to table the resolution recognizing Sergeant Nelson until the May 7, 2013 Council meeting and approve the agenda as amended. **Motion passed unanimously.***

IV. APPROVAL OF MINUTES

A. Approval of the April 2, 2013 Regular City Council Meeting Minutes

It was noted on page three, line one, it should state, "Jaeb stated that the color of the material ~~was negotiated from a yellow to the~~ is royal blue to match the logo.." On page three, line three, it should state, "...removed a the week after the closing of the season." On page four, line 38, it should state, "He advised that ~~through~~ Resolution 2012-92 the preliminary plat approval for the Fields of Medina West ~~and~~ noted ~~that~~ a condition that required disclosure of the park as potential water tower site." On page nine, line 21, it should state, "...Weir provided additional input noting that Crosby felt strongly that Medina should follow the integrity of the process ~~and of~~ between the City and LMCC to withdraw from the JPA." On page ten, line 31, it should state, "public policy ~~pinning~~ planning began..." On page 14, line two, it should state, "...direction should be given to those who inquire to contact ~~Mr. Wolf~~ Assistant Fire Chief Wolfe." On page 14, line 15, it should state, "...the NEMO training, which was not as well attended, but a lot was learned. She stated the planning and public work department presented their considerable achievements towards improving water quality." On page 11, line eight, it should state, "...information, including reliability statistics."

*Moved by Pederson, seconded by Anderson, to approve the April 2, 2013 regular City Council meeting minutes as amended. **Motion passed unanimously.***

B. Approval of the April 10, 2013 9:30 Special City Council Meeting Minutes

*Moved by Pederson, seconded by Martinson, to approve the April 10, 2013 9:30 a.m. special City Council meeting minutes as presented. **Motion passed unanimously.***

C. **Approval of the April 10, 2013 5:45 p.m. special City Council Meeting Minutes**

Moved by Anderson, seconded by Martinson, to approve the April 2, 2013 5:45 p.m. special City Council meeting minutes as presented. **Motion passed unanimously.**

D. **Approval of the April 10, 2013 6:30 p.m. Special City Council Meeting Minutes**

Moved by Pederson, seconded by Anderson, to approve the April 10, 2013 6:30 p.m. special City Council meeting minutes as presented. **Motion passed unanimously.**

V. **CONSENT AGENDA**

A. **Approve Temporary On-Sale Liquor License to Wildlife Rehabilitation Center at 3000 Hamel Road on August 10, 2013**

B. **Approve 2013 Contract with the Loretto Volunteer Fire Department**

C. **Resolution No. 2013-22 Approving Variances for Woodridge Church Related to Future Expansion Located at 1500 County Road 24**

D. **Approve "Agency" Agreement for Use of Outdoor Firing Range with the City of Corcoran**

E. **Approve Wetland Delineation for the Reserve of Medina Residential Development**

Moved by Martinson, seconded by Pederson, 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**

Scherer noted that the Park Commission will meet the following night to discuss the Trail Master Plan.

C. **Planning Commission**

Finke advised that the Planning Commission met the previous week to hear three requests; a request from the Reserve of Medina, which will be reviewed by the Council in May, a rural lot split, which was tabled pending additional information, and a wide-ranging ordinance, which was also tabled for additional research.

VI. **OLD BUSINESS**

A. **Ordinance No. 546 An Ordinance Adopting and Amending the Cable Television Franchise Granted by the Lake Minnetonka Communications Commission (LMCC)**

Johnson reported that this item had been tabled at the April 2nd meeting with direction to meet with representatives from the LMCC. He stated that at the end of the meeting it was staffs' understanding that the city of Medina would have the opportunity to leave the LMCC at the end of 2013. He stated that he received a letter from the LMCC attorney today and distributed that to the Council.

Brian Grogan, attorney representing the City on the Cable Communication Ordinances. He confirmed that the updated version of Ordinance 9A was distributed to the Council tonight. He briefly reviewed the information presented at the April 2nd Council meeting noting that ultimately the actions had been tabled and staff directed to attend a meeting with representatives from the LMCC. He reported that meeting took place on April 12th to discuss the possibility of Medina withdrawing from the JPA and it was the understanding of staff that could occur; he noted that no attorneys attended that meeting. He stated that the key issue is that the current Franchise Agreement with the LMCC expires at the end of 2013, mentioning October 15th as the date necessary to provide notification of withdrawal. He stated because the City has agreed to continue giving its franchise and PEG fees to the LMCC through the end of 2013 there would be no liability issues. He stated that most of the arguments made in the letter, which was drafted by the legal counsel of the LMCC, are made moot because of the position of the City. He noted that the Mediacom Agreement would not become effective until the Franchise Agreement expires or the City withdraws from the LMCC. He confirmed that the City would draft the letter of withdrawal in the next few weeks to ensure that the notification is given much earlier than the October 15th deadline. He did not believe there was anything that would prevent the City from taking action tonight. He read the State statute aloud that was referenced in the letter from the LMCC and confirmed that the action proposed will not interfere with that statute. He recommended that the Council take action on the proposed items in the order provided.

Martinson questioned if Mediacom would begin the build out this summer as previously discussed even though the City will not be able to make the agreement effective until the JPA with the LMCC expires at the end of 2013.

Grogan stated that he spoke with Mediacom prior to attending the meeting tonight and Mediacom supports the Council taking action tonight. He explained that Mediacom feels that this action will provide the commitment of the City and will then voluntarily begin the build out. He clarified that until the document is signed he does not have the statement in writing.

Anderson questioned if proceeding with the build out, even though voluntary, would interfere with the LMCC contract.

Grogan explained that Mediacom has the right to build out voluntarily and confirmed that would not interfere with the LMCC. He noted that the other terms in the Mediacom Agreement will not become active until the documents are effective.

*Moved by Martinson, seconded by Anderson, to approve Ordinance No. 546 An Ordinance Adopting and Amending the Cable Television Franchise Granted by the Lake Minnetonka Communications Commission (LMCC). **Motion passed unanimously.***

1. Resolution No. 2013-24 Authorizing Publication of the Ordinance by Title and Summary

*Moved by Anderson, seconded by Pederson, to approve Resolution No. 2013-24 authorizing publication of the Ordinance by title and summary. **Motion passed unanimously.***

B. Ordinance 547 An Ordinance Granting a Franchise to Mediacom Minnesota LLC to Construct, Operate, and Maintain a Cable System in the City of Medina

*Moved by Anderson, seconded by Pederson, to approve Ordinance No. 547 An Ordinance Granting a Franchise to Mediacom Minnesota LLC to Construct, Operate, and Maintain a Cable System in the City of Medina. **Motion passed unanimously.***

Johnson stated that Judy Mallet was unable to attend the meeting tonight as she was out of the state and read aloud a letter that she provided to the Council.

VIII. NEW BUSINESS

A. City Council Approval of Bid Results for 600 Clydesdale Trail

Johnson stated that the City received very good bids on the project. He stated that alternates had been proposed including the sealing of the concrete floors and reconstruction of the exterior canopy entry. He stated that if those items were added into the project the funding would need to come from reserves as the project budget is at the maximum.

Pederson stated that he thought the alternates would be a good idea but recognized that the project would then be over the budgeted amount.

Martinson questioned the additional cost for these two items.

Johnson reported that the two items would add an additional \$50,000 that would be funded through the reserves.

Weir believed that these items would be important and noted that it would be cheaper to complete the items now rather than bringing a contractor in later and causing additional interruption and cost.

Martinson confirmed that this action would not mean that the City would be over budget at the end of the year.

Scherer advised that staff was able to secure the generator, which should provide some savings on the soft cost budget. He stated that while that is not a guarantee it could provide a savings of approximately \$40,000.

*Moved by Martinson, seconded by Anderson, to approve expenditure to seal the concrete floors and reconstruction of the exterior canopy entry in the amount of \$50,000. **Motion passed unanimously.***

1. Accept Bid Alternates No. 1 \$130,518 and No. 3 \$6,848 for a Total of \$137,366 for a Total Construction Budget of \$2,649,269

*Moved by Pederson, seconded by Anderson, to accept bid alternates No. 1 \$130,518 and No. 3 \$6,848 for a total \$137,366 for a total construction budget of \$2,649,269. **Motion passed unanimously.***

2. Approve the Contracts for the Low Bidders of Bid Categories 3A, 7A, 9A, 9B, 13A, 22A, 23B and 26A Along with Low Bidders of Quote

Categories 1A, 1B, 2A, 2B, 5A, 5B, 6A, 6B, 6C, 7B, 8A, 8B, 8C, 9C, 9D, 9E, 21A, 31A, 32A, 32B, 32C and 32D, per the Recommendation Summary from RJM Construction dated April 10, 2013, with the Understanding that the Original Low Bids for Bid Categories 9A and 9B have been Rejected and that the Award is being Made to the Second Low Bidder in each Category

*Moved by Anderson, seconded by Pederson, to Approve the contracts for the low bidders of Bid Categories 3A, 7A, 9A, 9B, 13A, 22A, 23B and 26A along with low bidders of Quote Categories 1A, 1B, 2A, 2B, 5A, 5B, 6A, 6B, 6C, 7B, 8A, 8B, 8C, 9C, 9D, 9E, 21A, 31A, 32A, 32B, 32C and 32D, per the recommendation summary from RJM Construction dated April 10, 2013, with the understanding that the original low bids for Bid Categories 9A and 9B have been rejected and that the award is being made to the second low bidder in each category. **Motion passed unanimously.***

3. **Reassign all of the Awarded Contracts for the Public Bid Categories and all Received Quotes for Work to RJM Construction, Pursuant to this Reassignment, RJM Construction will enter into a Contractual Agreement with each of the Approved Contractors, Resulting in the City having no Direct Contractual Obligation with these Reassigned Awards. Subsequently the City will have only one Contract for the Construction of the Entire Project, Executed Solely with RJM Construction for a Total Contract Amount of \$2,649,269**

*Moved by Martinson, seconded by Pederson, to reassign all of the awarded contracts for the public bid categories and all received quotes for work to RJM Construction. Pursuant to this reassignment, RJM Construction will enter into a contractual agreement with each of the approved contractors, resulting in the City having no direct contractual obligation with these reassigned awards. Subsequently, the City will have only one contract for the construction of the entire project, executed solely with RJM Construction for a total contract amount of \$2,649,269. **Motion passed unanimously.***

B. Road Project Discussion – Chippewa Road West; Willow Drive, South of County Road 24; Tuckborough Farms Road

Scherer noted that there had been a recent discussion regarding the schedule for road improvements in the City. He discussed the opposition that had come forward regarding the reconstruction of Chippewa and believed that a reclaim and pave could provide a long-term solution for that roadway. He reviewed the proposed cost estimates for the improvements and noted that the City would fund those improvements at a rate of 80 percent, with the remaining 20 percent being assessed to residents along the roadway. He stated that should these roadway improvements continue forward, then the projects would begin next year, he believed that the culverts should also be installed this year to allow them to settle. He reviewed the recent condition and history of Willow Drive and noted that at this time staff would recommend an overlay for that roadway which would add another seven to ten years to the life of the roadway. He stated that in the future this roadway could be reviewed to possibly become an MSA roadway, which could assist in the ultimate reconstruction of the road.

Kellogg noted that the cost would be increased if transferred to an MSA roadway, as the road would then need to be built to the design standards. He confirmed that the State Aid funds could assist in the cost to reconstruct the road to the correct design standards.

Scherer stated that he would like to see the overlay on Willow done this year, but noted that he would need direction from the Council due to the public notice that would be required.

Pederson questioned if culverts for Willow Drive would need to be replaced along with that project.

Scherer stated that there could possibly be a culvert that needs replacement, but advised of the recent activity. He confirmed that he would recommend moving forward with this project this year ahead of Chippewa. He stated that he would also like to do the culvert work in Tuckborough this year to prepare for paving the next year.

Johnson confirmed that Scherer would be proposing to do the Willow and Tuckborough culvert work this year. Chippewa road work and the remainder of the Tuckborough project will be completed in 2014.

Scherer provided information on the condition and history of the Tuckborough area. He recommended to simply add blacktop to the existing surface and would not mill the street beforehand. He stated that this roadway would be split equally between the City and assessment to the residents.

Martinson questioned which roadway is in the worst condition.

Scherer stated that aesthetically Chippewa is but noted that under the road it is in better condition. He stated that Loretto is also paving on Chippewa and he would like to complete that project this year along with the trail and the work on the Tuckborough culverts. He confirmed that the culvert replacement along Chippewa would also be done this year in order to let them settle before paving. He confirmed that the City would still patch Chippewa to assist until the work is completed in 2014. He stated that he would like to send a letter out to residents to gauge their input.

Weir confirmed that staff should proceed with the public notice procedures for the projects proposed in 2013, the Willow project and the culvert work for Tuckborough and Chippewa.

C. Willowbrook Improvement Project – Accept Feasibility Report and Call for Public Hearing/Assessment Hearing

Scherer moved onto Willowbrook noting that this work would be similar to what is proposed for Tuckborough. He stated that the cities of Medina and Orono will attempt to work together to minimize the truck exposure, as garbage haulers had caused damage in the past. He provided additional information on the condition of the roadway, noting that the City portion and assessment portion will be split equally between residents.

*Moved by Pederson, seconded by Martinson, to accept the Feasibility Report as prepared by staff. **Motion passed unanimously.***

*Moved by Anderson, seconded by Pederson, to call for a Public Improvement Hearing/Assessment Hearing at the May 21, 2013, City Council Meeting. **Motion passed unanimously.***

D. Fields of Medina

Finke presented the request for the Final Plat for the Fields of Medina West project, noting that the Preliminary Plat was approved by the Council on December 18, 2012. He advised that the Final Plat would include 34 of the 64 lots and provided additional information. He advised that the hearing in regard to storm sewer is scheduled to take place in May. He stated that staff determined that the Final Plat is consistent with the Preliminary Plat and highlighted conditions of note and recommended approval.

1. **Resolution No. 2013-23 Approving the Final Plat of the Fields of Medina West**

Moved by Pederson, seconded by Anderson, to *adopt Resolution No. 2013-23 granting final plat approval for Fields of Medina West.* **Motion passed unanimously.**

2. **Development Agreement by and Between the city of Medina and Mattamy**

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

E. **Storm Water Pollution Prevention Plan (SWPPP) – Annual Public Hearing**

Scherer noted that the Wellhead Protection Plan, Part II, was reviewed by the Council about one month ago and the document was out for comment. He stated that after the approval of the Council the document will be sent to the Health Department. He reviewed the three parts of the Plan, the objectives of the Plan, and the plan of action categories. He explained that these items would be used to report the drinking water information to the Health Department. He identified the City wells and the areas of study.

Weir opened the public hearing at 8:17 p.m.

No comments made.

Weir closed the public hearing at 8:18 p.m.

Scherer thanked John Frietag from the Health Department for his assistance with this matter.

John Frietag, Minnesota Department of Health, commended Linda Lane for the work she did alongside Steve Scherer.

F. **Wellhead Protection Plan Part II – Public Hearing**

Scherer noted that this report and public meeting is required on an annual basis as a part of the Storm Water Pollution Prevention Plan (SWPPP). He briefly reviewed the projects that were completed during 2012 and also advised of the projects that will take place in 2013 and beyond. He reviewed the minimum control measures, which include pollution prevention and housekeeping, public education and outreach, and public participation. He also reviewed the partners the City works with on these matters.

Weir opened the public hearing at 8:28 p.m.

No comments made.

Weir closed the public hearing at 8:28 p.m.

X. CITY ADMINISTRATOR REPORT

A. Hamel Fire Department Response Letter

Johnson reviewed the direction of the Council that occurred at the April 2nd Council meeting for Johnson to send a letter to the Hamel Fire Department and advised that the response letter from the Fire Chief was included in the Council packet.

Weir stated that she and Anderson attended a meeting the previous day and noted that while she had believed that this would be a relatively simple process, she learned that this is actually quite complex. She stated that there are consultants coming to work on this matter at the end of April but advised that additional direction would need to come from the City in regard to the merging of the Hamel and Loretto Fire Departments.

Belland explained that Medina is at a turning point and noted that the City Council would need to provide direction for the future. He advised that Corcoran has withdrawn from the contract, which then leaves Medina as the only customer of the Hamel Fire Department. He explained that the City can now provide additional input as to the desired outcome. He stated that there is the possibility to merge the Loretto and Hamel Fire Departments that could be done quickly, with Loretto then in essence taking over the Hamel Fire Department. He stated that if that is the direction, the consultants can assist in that process and it may require the Hamel contract to be withdrawn and the City to then contract with Loretto for services. He stated that there have been liability issues in the past with the Hamel Fire Department and advised that in the past there was no flexibility in the contract, which meant that if the services were not on par the only option would be to terminate the contract. He stated that the other option would be to work with the Hamel Fire Department to determine what could be done if the City is not satisfied with the services. He stated that with Corcoran withdrawing from the contract, there is a funding issue as well. He stated that the two options would be to move forward with the merger and contract with Loretto or to work with Hamel to determine a course of accountability.

Martinson confirmed that the second option could include absorbing some of the cost associated with Corcoran leaving. She asked for input of the Fire Chiefs on which direction they would like to move.

Chief Leuer stated that he was not prepared to make that statement following the meeting.

Weir summarized some of the items that were discussed at the meeting with the Fire Departments.

Acting Hamel Fire Chief Wolfe stated that this is new territory for everyone involved and stated that he would first like to hear the input of the Council.

Anderson questioned the reservations of Acting Chief Wolfe towards the merger.

Acting Chief Wolfe stated that there is a difference between a merger and an acquisition. He stated that it was the position of the Hamel Fire Department that a merger between the two organizations would occur and stated that his department is behind the idea of

providing joint services to the City. He stated that he would like to move forward with the original proposal and development of measures of accountability. He stated that he only speaks for himself as the members own the department but stated that he would be against the idea of Loretto acquiring the Hamel department. He believed that the consultants should do the work they were hired to do and focus on that task, rather than distributing information that goes in contradicting directions as they have been. He believed that he could work with the City, Belland, and Chief Leuer to find a solution and path to move forward. He believed that certain aspects could be completed within six months and also believed that the complete merge could take place within approximately one year. He stated that he believed that the City and the Hamel Fire Department have a good relationship and would like to continue to work to improve things and move forward.

Martinson stated that the Council is sympathetic to the position that the Hamel Fire Department is in but wanted to ensure that the City will be provided with services without interruption. She stated that if Hamel is not agreeable with the timeline identified by the consultant, she would like to see another timeline identified that he believed could be followed. She stated that Medina may have to make up for the shortfall caused by Corcoran withdrawing. Belland noted that he recently took over the leadership of the Department and advised of the improvements that have been made since that time. He stated that Hamel has acknowledged the new leadership and will continue to work to meet the desire of the City. Chief Leuer stated that he would like to take two weeks to allow him and Chief Wolfe to meet and present a plan of action for moving forward. He stated that there are too many issues out there right now and he would like to get a handle on things and develop a sound plan for moving forward, rather than attempting to move forward in multiple directions. He stated that he is confident that he could exceed the expectations of the City.

Pederson thanked both Chiefs for the amount of work that they have done and also believed that the timeline identified would be too tight. He stated that he has not heard the cost of the new fire station and the impact that would have on Medina taxpayers and believed that this timeline is putting too much pressure on the departments and is causing them to go in a direction they do not wish to go. He believed that the October deadline should be extended to give everyone some additional time. He believed that the City should be reasonable when dealing with public safety. He suggested allowing one year from the time the consultant comes back to make a recommendation. He also noted that he had spoken with Belland in regard to him becoming a Public Safety Director to work with Hamel. He stated that the costs are not known for the merger without knowing the cost for the new fire station. He also questioned if Corcoran would be willing to come back to the Hamel Fire Department with all the recent strides they have made.

Weir stated that the understanding was that there would be dissolution of the Hamel Department with Loretto then coming in, but recognized that Hamel has made improvements.

Johnson stated that they could allow the Chiefs to bring back a recommendation to the Council at the May 7th meeting.

Chief Leuer stated that would not be enough time. He explained that his department is membership driven and noted that he would need to bring the position of the City back to

his department in order to gain their input. He stated that the consultant will come back but advised that they do not have direction.

Belland stated that ultimately the acquisition comes up because Medina is in the position where they could terminate the contract with Hamel and force the issue because the merger process has been discussed for the past eight years. He explained that an acquisition is a tool that could be used to quickly complete the process that has been a struggle.

Johnson stated that the Council is missing key points of information from the Fire Departments, including the cost for the new Loretto building and the percentage of equipment that is owned by Medina within the Hamel Fire Department.

Weir briefly recessed the meeting at 8:59 p.m.

Weir reconvened the meeting at 9:04 p.m.

Weir explained that it is very difficult to make any decisions when there are key pieces of information that are still unknown. She explained that the method of dissolving and acquiring would be difficult to impose on Hamel since they are starting to make positive improvements.

Martinson stated that she would like to see complete plans for the options, the acquisition and the merger, in order to make a rational decision. She believed that process alone would take up to six months. She stated that the other option would be for the City to simply make a decision without all the necessary information and jump in. She stated that her position on a merger would be that both departments are equal and work together with the same policies and procedures.

Belland stated that was one of the original thoughts with the exception that it would be one entity managed under one management team, which would be the complete merge of the two companies into one. He explained that in the past eight years nothing had been done to meet that goal.

Anderson stated that he believed a great deal had been done during that time and recognized the high level of frustration from the Loretto Fire Department.

Belland stated that the Hamel Fire Department is already under stress and did not believe that they had the resources to move any faster as Martinson had suggested. He recognized that these are all volunteers who work with the Fire Department on a part time basis and do not have 40 hours a week to devote to this.

Chief Leuer stated that they were clearly following the plan from December 2011. He stated that he covers four other cities and the next step was to follow these four steps, noting that those cities do not support funding of this merger. He stated that the plan has changed because Corcoran withdrew and because the position of Medina is unknown. He stated that they were following a plan but noted that plan has changed. He asked that the Council provide direction and noted that they will make the decision after that. He advised that there were three consolidation options that they had been working towards, noting that they had been following the path of a functional consolidation. He likened it to dating but never getting married.

Weir asked for Belland's input regarding functional consolidation.

Belland clarified that they would continue to be two organizations but would operate the same.

Acting Chief Wolfe addressed the issue of accountability and while he totally agrees that a plan is needed to move forward, he did not believe that the blame fell solely on the Hamel Fire Department. He stated that he is the Assistant Chief for the next three years and believed that they could continue to move forward with the merger that was originally planned for the departments.

Mario Fabrizio stated that while history is an important indicator, it needs to be let go before they can move forward. He agreed that the blame is shared between all three organizations. He asked what the expectations are for the City to move forward and noted that they are not asking the City to design the solution as the Fire Chiefs are the professionals. He asked that the Council determine their desire, whether that is to have one agency for fire protection, or whatever their ultimate outcome is. He stated that these are two volunteer organizations in which the people wake up early to provide public safety services to the City. He asked that the City be practical as the cost that Medina would incur for covering the Corcoran portion of the contract would be less than two thirds of the cost the City will spend to paint the entrance and seal the floors on their public works building. He asked that the City put these costs into perspective when dealing with public safety. He recognized that the consultant was sent in a totally different direction when they were here in March but noted that those directions did not come from either Fire Department.

Belland noted that the direction came from the meeting that took place with the consultant when Corcoran withdrew.

Acting Chief Wolfe stated that the City jumped the gun on that direction and therefore the waters have been murky. He stated that while Medina is a stakeholder, they did not hire the consultant and should not have given that direction.

Weir stated that in the past there was an agreement that was being worked towards for a functional administrative merger prior to Corcoran withdrawing. She questioned if that would be a reasonable position to fall back on for the next year, given that Hamel is operating proficiently.

Belland stated that process could be followed but believed that it would take about three years.

Acting Chief Wolfe stated that the training program could be consolidated in a short period of time, as well as the administrative and operational aspects. He stated that while he was unsure of the remaining aspects of the merger that would need to be completed, he believed that they could work towards that goal productively in a reasonable amount of time.

Pederson believed that additional time should be given and noted that direction from the Council would need to be given. He believed that the audit and the cost for the new Loretto station would be factors. He stated that he would like to continue to work

towards the merger and give them the additional time because they are volunteers and still need to have time for their families.

Belland stated that they need the direction from the Council.

Martinson questioned if one area of the merger would be financial.

Chief Leuer noted that would be a full merger.

Acting Chief Wolfe stated that ultimately he would like to see that happen in the long run. He stated that ultimately Medina does not own the Hamel Fire Station.

Mario Fabrizio stated the real question is whether the two organizations act like one or be one. He stated that if the outcome is simply for the two departments to act like one that could occur more rapidly. He stated that ultimately it becomes an issue of manpower and the consideration of the pride of ownership that the fire fighters have in their own department. He stated that while the Council could force the action in a draconian manner, they could lose the firefighters in the process. He explained that the two organizations could act like one organization quicker than they could physically become one.

Weir stated that she would support the two departments acting like one and working towards the original path. She stated that she has seen great strides recently from the Hamel Fire Department. She stated that she is worried about the possibility that this could take five years.

Belland recognized that those are the right questions, including the resources and time involved.

Pederson agreed with the comments made by Weir but stated that he would like to see communication with Corcoran to determine whether there is interest in coming back. He was unsure if Hamel could make it without the financial support of Corcoran and noted that if they could not survive that may force the timeline.

Martinson confirmed that Corcoran will withdraw officially from Hamel on May 19th and is signing their contract with Loretto next week.

Acting Chief Wolfe stated that Medina is not on the hook for the portion that was funded by Corcoran in 2013 and assured the Council that they would be able to cover that shortage themselves. He also believed that budgeting concerns could be addressed in the budget process.

Anderson stated that Medina is a customer that has two choices for fire service and believed that it is extremely dangerous for the City to focus solely on Hamel and not on the input of Loretto. He believed that the needs of both vendors needs to be taken into account as he did not believe that Loretto was being allowed the same input as Hamel.

Acting Chief Wolfe stated that Medina staff has not identified a breach in the contract and written notice would be required.

Johnson stated that a number of concerns have been brought forward to the previous Fire Chief but confirmed that it was not done in writing. He confirmed that the contract expired in 2012 but the City is still operating under that contract for the time being.

Weir confirmed that when a decision is made a new contract would be needed.

Martinson stated that she would like to allow Hamel some time to get things together and develop a long-term plan for a quick merger that could take place much quicker than three to five years. She recognized that there will be budget concerns in 2014 and Medina needs to know within six months how quickly the two organizations could have an "engagement."

Anderson confirmed that additional time should be given but advised that there would be reporting issues, as to who will report to whom.

Acting Chief Wolfe stated that he had been told to report to Belland and noted that he would also not have a problem reporting to Chief Leuer if that would allow additional time.

Johnson explained that Acting Chief Wolfe reports to Belland and stated that staff needs direction from the Council on how to move forward.

Weir confirmed the consensus of the Council to allow the departments to move along the original path towards a functional merger within 12 to 18 months.

Chief Leuer stated that he did not think everyone would still be on board in a year and advised that he would take this information back to his membership and they would review the option. He stated that Medina must make a decision and the Loretto Fire Department will then make a responsive decision.

Anderson questioned if Chief Leuer believed that his membership would be on board for working towards this goal within one year. He stated that if they would not support that the City would have to move forward with the shotgun wedding.

Chief Leuer stated that the membership may consider that option but stated that it has been 14 years and the decision needs to be made to move forward or not. He stated that the Loretto Fire Department is independent and will make their decision after the Council makes their decision. He stated that he also works with four other cities and needs to make them happy as well. He confirmed that the membership was comfortable with the original path.

Johnson confirmed that the Council consensus of moving towards the functional administrative merger and speaking with the consultant to determine the timeline, which would include six month and 12 month assessments.

Anderson stated that the ultimate responsibility of the Council is to the residents of Medina and wanted to avoid too long of a timeline as that would cause frustration with the Loretto Fire Department.

Chief Leuer stated that there was a path being followed and that took a drastic turn two months ago when Corcoran withdrew. He stated that there is a new path now and will

need to be a new plan as well. He stated that Loretto will continue to work with Hamel and has had positive experiences recently but wants to ensure that he can hold his group together as well. He reassured the Council that Loretto would continue to provide service to the residents of Medina.

Acting Chief Wolfe stated that he is looking forward to rebuilding the relationship with Loretto so that they could trust that a merger would work in the long-term. He stated that he would bring this forward at the Hamel Fire Department meeting the following Monday and was enthusiastic that this could move forward.

Anderson stated that he would like items spelled out clearly.

Johnson noted that he would work to draft a letter that could be sent to the consultant and each Fire Department.

IX. OLD BUSINESS (Continued)

B. Ordinance No. 547 An Ordinance Granting a Franchise to Mediacom Minnesota LLC to Construct, Operate, and Maintain a Cable System in the City of Medina (Continued)

1. Resolution No. 2013-25 Authorizing Publication of the Ordinance by Title and Summary

*Moved by Martinson, seconded by Pederson, to approve Resolution No. 2013-25 authorizing publication of the Ordinance by title and summary. **Motion passed unanimously.***

X. CITY ADMINISTRATOR REPORT (Continued)

B. Resolution No. 2013-26 Accepting Resignation of Mayor Thomas M. Crosby, Jr.

Johnson reported sad news that Mayor Crosby dropped off his letter of resignation to the City the previous Friday.

Weir recognized the contribution that Crosby has made to the City.

*Moved by Anderson, seconded by Martinson, to approve Resolution No. 2013-26 accepting the resignation of Mayor Thomas M. Crosby, Jr. **Motion passed unanimously.***

*Moved by Anderson, seconded by Pederson, to elevate Elizabeth Weir to the position of Mayor to fulfill the remainder of term. **Motion passed unanimously.***

Martinson nominated Anderson for the position of Acting Mayor. The nomination failed for lack of a second.

Pederson stated that he has a longer tenure with the Council and has more experience with the City as a former member of the Planning Commission. He stated that although he would like the position, he would support the consensus of the Council.

Weir stated that she did invite Kathy Martin to come up to the Council. She stated that Crosby brought a lot of legal expertise and noted that Martin has a lot of real estate development knowledge and has no interest other than that of the City. She believed that Martin would help round out the skills on the Council.

Pederson believed that Martin would be a wonderful addition to the Council and noted that he has seen her in action on the Planning Commission.

*Moved by Pederson, seconded by Martinson, to appoint Kathleen Martin to the City Council to fill the vacant position for the term to expire in 2014. **Motion passed unanimously.***

Weir noted that the decision for Acting Mayor should be left until the full Council meets with the new addition of Kathleen Martin.

XI. MAYOR & CITY COUNCIL REPORTS

Weir noted of a Citizens Advisory Committee that is being formed for the Elm Creek and Pioneer Watersheds and asked if the Parks Commission could take on that task.

Scherer noted that they could discuss that item at their meeting the following night.

Johnson reported that the Annual Spring Clean-Up Day will take place on Saturday, April 27th.

Pederson noted that he attended the Uptown Hamel meeting and provided a brief update on activity.

Anderson noted that he attended the Long Lake Pancake Breakfast the previous weekend.

Martinson commented on the recent visit to Randy's Environmental Services and noted that up to 40 percent of the waste is recycled.

Belland asked if the Mayor would be formally recognized. He referenced a previous reception that was held.

Weir stated that she could speak with the Crosbys prior to that decision being made because of his health.

XII. APPROVAL TO PAY THE BILLS

*Moved by Pederson, seconded by Anderson to approve the bills, EFT 002060E-002081E for \$50,504.53 and order check numbers 039575-039613 for \$81,743.40 and payroll EFT 504881-504910 for \$47,268.02. **Motion passed unanimously.***

XIII. ADJOURN

*Moved by Pederson, seconded by Anderson, to adjourn the meeting at 10:16 p.m. **Motion passed unanimously.***

Elizabeth Weir, Acting Mayor

Attest:

Scott Johnson, City Administrator