

## MEDINA CITY COUNCIL MEETING MINUTES OF MAY 2, 2017

The City Council of Medina, Minnesota met in regular session on May 2, 2017 at 7:00 p.m. in the City Hall Chambers. Mayor Mitchell presided.

### **I. ROLL CALL**

**Members present:** Anderson, Cousineau, Pederson, Martin, and Mitchell.

**Members absent:** None.

**Also present:** City Administrator Scott Johnson, City Attorney Ron Batty, City Engineer Jim Stremel, City Planner Dusty Finke, Public Works Director Steve Scherer, and Chief of Police Ed Belland

### **II. PLEDGE OF ALLEGIANCE (7:00 p.m.)**

### **III. ADDITIONS TO THE AGENDA (7:01 p.m.)**

Johnson requested to add an item following the Closed Session titled Summary of Conclusions Regarding the Evaluation.

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

### **IV. APPROVAL OF MINUTES (7:01 p.m.)**

#### **A. Approval of the April 18, 2017 Special City Council Meeting Minutes**

*Moved by Martin, seconded by Cousineau, to approve the April 18, 2017 special City Council meeting minutes as approved. **Motion passed unanimously.***

#### **B. Approval of the April 18, 2017 Regular City Council Meeting Minutes**

It was noted on page two, line 33, it should state, "Martin agreed noted that the solar array calculations seemed..." On page four, line 28, it should state, "Anderson stated that the Council ~~is~~ was in agreement with the applicant's request but the policy discussion ~~has~~ was of more concern." On page three, line four, it should state, "...an ~~allowed~~ conditional or permitted..." On page three, line two, it should state, "...solar equipment..." On page three, line 15, it should state, "...homes in Medina, and there are often accessory structures on the rural residential properties..." On page three, line 30, it should state, "...~~as it seems within~~ and promotes the rural character of the City..."

*Moved by Anderson, seconded by Pederson, to approve the April 18, 2017 regular City Council meeting minutes as amended. **Motion passed unanimously.***

#### **C. Approval of the April 19, 2017 Special City Council Meeting Minutes**

Anderson commented that despite the weather conditions of the night the consensus was that the City is blessed with an array of parks that range in size and amenity and thanked those that contribute to the parks.

*Moved by Anderson, seconded by Martin, to approve the April 19, 2017 special City Council meeting minutes as presented. **Motion passed unanimously.***

**V. CONSENT AGENDA (7:05 p.m.)**

**A. Approve Staff Needs Analysis and Succession Plan**

**B. Approve Seal Coating Services Agreement with Pearson Brothers, Inc.**

**C. Approve Mill and Paving Services Agreement with Omann Brothers Inc.**

*Moved by Pederson, seconded by Anderson, to approve the consent agenda. Motion passed unanimously.*

**VI. COMMENTS (7:06 p.m.)**

**A. Comments from Citizens on Items not on the Agenda**

There were none.

**B. Park Commission**

Scherer reported that the Park Commission held the annual tour, which took the place of the last regular meeting. He stated that even though the weather was rainy, they were still able to see everything.

Mitchell stated that he is less informed about the trail plan and would like some additional information at some point in the future.

**C. Planning Commission**

Finke reported that the Planning Commission will meet the following week to hold three public hearings regarding a conditional use permit for accessory structure and dwelling unit; the conservation design subdivision ordinance; and regulations regarding the limit high density zoning district, specifically related to nursing home and memory care facilities and the high-density zoning district.

**VII. NEW BUSINESS**

**A. Molde – Animal Structure Setback Variance – 4035 Apache Drive – Public Hearing (7:08 p.m.)**

Finke presented a request to reduce the required 150-foot animal structure setback to 40 feet. He stated that the proposed structure is a chicken coop. He stated that although the parcel is three acres in size, the triangular shape and the easements restrict the placement of the structure on the site. He noted that wetlands encumber a large portion of the south part of the parcel. He noted that there is not a location on the site which would meet the required setback. He identified the public right-of-way, private easements for a private road, and wetlands that restrict the property. He stated that there is a three-part test when reviewing variances and noted that the variance, if granted, would be in harmony with the intent of the ordinance and there are practical difficulties in complying with the zoning ordinance. He stated that the Planning Commission considered this request at its meeting the previous month and recommended approval of the request. He stated the reasonable use part of the test can be viewed from two points of view, whether the use is reasonable or unreasonable based on the intent of the ordinance and size of the lot. He stated that the Commission found the request to be reasonable and the allowed animal units would be reduced by 50 percent. He stated that the Council, as the Board of Appeals, should hold a public hearing before taking any action. He stated that this request could open the door to other requests for similarly sized lots to request a small chicken coop. He noted that

staff could review the ordinance to determine if a smaller setback should be set for certain small animal structures.

Anderson asked if the use of the chickens would be personal or commercial use.

Mr. Molde, the applicant replied that it is personal use and they will just have about ten chickens.

Finke provided clarification on the number of chickens that equate to an animal unit. He noted that there have been other requests for a reduced setback for other small animals.

Mitchell stated that in regard to the ordinance, if staff feels that revision is necessary he would support that, but otherwise feels that the ordinance works fine. He stated that if the control for the number of animals is adequate he could support the current situation.

Cousineau asked if the chickens would be penned or running into the setback.

Mr. Molde, 4035 Apache Drive, replied that he intends to have an eight by eight building with a caged area that would allow the chickens to run outside. He stated that he is just requesting to have a few chickens.

Mitchell opened the public hearing at 7:18 p.m.

No comments made.

Mitchell closed the public hearing at 7:18 p.m.

Martin commented that the variance is warranted because of the unique characteristics of the site which were not created by the applicant, including the right-of-way and wetlands. She believed that the natural topography and tree line of the neighboring property will provide an adequate buffer.

Mitchell stated that chickens are pretty neutral in small numbers compared to horses or pigs.

Johnson confirmed that staff will look into the ordinance for possible updates in regard to the setback and type of animal.

*Moved by Anderson, seconded by Martin, to direct staff to prepare a resolution of approval based upon the findings noted in the staff report and subject to conditions recommended by the Planning Commission. **Motion passed unanimously.***

**B. Elim Care Assisted Living/Nursing Home Concept Plan Review – PID 30-118-23-23-0001 (7:21 p.m.)**

Finke noted that this is a concept plan review and therefore only input is requested and formal action is not required. He stated that the applicant's proposal would be a 134-unit facility that would provide a mix of living options between independent living up to memory care. He noted that a second lot is also shown on the concept plan, as the site is bisected by a wetland. He stated that a conceptual footprint is shown as a possibility in the future but is not the main interest of the applicant.

He stated that if you subtract wetlands and wetland buffers there is under ten acres of buildable property. He stated that in the Comprehensive Plan update the land is guided for high density residential, and approval of that plan is expected to occur in 2018. He stated that currently the City allows this type of use as a conditional use in the high-density zoning district and noted that the City will be reviewing the controls to ensure compliance with the new Comprehensive Plan in the nine months following adoption of the new plan. He stated that the density land use has changed the density ranges for high density zoning to be a range of 12-15 units per acre. He stated that the Planning Commission will begin to review the land controls for the high-density zoning district in attempt to come into compliance with the Comprehensive Plan update before adoption.

He identified the property location and adjacent land uses, noting that Baker Park Reserve lies to the east and north. He noted that much of the building would be three stories in height, although some portions of the building would be two stories. He reviewed the transportation network for the surrounding area and provided photographs of other projects the applicant currently has in other municipalities. He noted that the hope for this development would be for a high-density apartment building in order to utilize the transportation services and retail businesses in the area. He stated that staff would also like input on the density range for nursing home/memory care units as those units would have a smaller size and would require less parking and therefore would have a smaller footprint. He stated that perhaps the City would allow a higher density range for that type of use because of the smaller footprint. He stated that the applicant is hoping to start construction next year, which would be in the same year in which the adoption of the new Comprehensive Plan would occur. He stated that the applicant would hope to begin the land use approval process this year before the plan is adopted in order to move forward with financing and finalization of design plans.

Martin asked how many of the 134 units would meet the Metropolitan Council test for kitchens.

Anderson Centanni, representing Elim Care, thanked the Council Members for their time tonight and staff for their ongoing cooperative work in mapping a strategy for the project. He thanked Pederson and Anderson for taking time to discuss the larger context. He provided information on Elim Care, which was founded in 1927. He stated that they would like to provide a full continuum of care ranging from skilled memory care to independent living. He noted that the only units that would count towards the Met Council requirements would be 60 and would include the assisted living and independent living units. He stated that the location would allow the residents to take advantage of the outdoors and park area with Baker Park Reserve next door, for those residents that can take advantage. He stated that the proximity to the transit and Maple Plain would also be beneficial for the site. He stated that they would relocate the residents living in the Maple Plain facility to the new facility. He stated that phase I would bring 75 new staff members in addition to the 75 existing staff members at the Maple Plain facility. He stated that they would like to break ground in the Spring of 2018 but on the current trajectory they are looking at August of 2018. He noted that the phase II project, which is not a primary project, would bring an additional 50-75 units of independent living which would count towards the Met Council requirements and would also bring an additional 20 staff members. He stated that they attended recent meetings and are fully aware of the City's status in the updating of the Comprehensive Plan and understand that the City takes that very seriously. He stated that they are attempting to find a solution that will make this work. He stated that they have a funding source

through the State, which provides a timeline of 45 months. He noted that the 45-month window would be held but permits must be in hand within 18 months in order to secure that financing and that is why they are acting proactively in order to continue service levels for the current residents that they serve in Maple Plain. He stated that they are attempting to find a position to successfully move forward in Medina on this project.

Mitchell stated that this concept plan approval seems similar to the last senior housing request the Council considered with timing for the Comprehensive Plan. He stated that staff still does not have a firm opinion from the Metropolitan Council on whether these units would count.

Martin stated that if the City were to allow a project to move forward, the land designated for high density residential in the updated Comprehensive Plan would be removed from the proposed zoning, putting the proposed plan in jeopardy and possibly resulting in the Steering Committee having to find new land to designate for high density residential. She stated that once the Comprehensive Plan is approved this property and the neighboring property could be allowed to move forward with memory care and senior care facilities, which would provide valuable resources to seniors and their families in the community.

Cousineau stated that the City should have a policy in place which would give applicants an expectation rather than having to respond to each application and give them the same answer in that the Comprehensive Plan needs to be approved before they can respond to the requests.

Anderson agreed with the statements regarding timing.

Martin stated that she is curious about kitchens as that is how the Met Council defines a unit. She stated that a memory care unit is a person's home and therefore should be considered a housing unit. She stated that the concern is that if the City designates the property as high density residential and moves the land into a guiding which is not approved by the Met Council, the City would then be in jeopardy of having to designate additional land for high density residential. She stated that if the Met Council does a review of the plan half way through, the City could be forced to find additional land for high density residential units should memory care units not count. She noted that the City is separated by Highway 55 and the area to the north has been residential and the City has made a commitment to its existing residential neighborhoods to minimize additional residential development close to Highway 55 and therefore this location was a great spot for high density residential as it would keep congestion off Highway 55 and the major north/south corridors, and not add to the student count in the Wayzata School District.

Mitchell stated that he likes the housing units and is interested in meeting the setbacks. He stated that he is interested in an analysis of the required parking and has come to understand the issue with the Met Council and approval process. He stated that the timing with the draft plan puts the City in a different situation as this is a great idea but will have to wait a bit. He stated that he does not want the applicant, or the City, to get in the situation where there is a lot of development on lot one and there are constraints on lot two which restrict development.

Pederson stated that the internal roadways would be something to be worked out between the two developers. He stated that he likes that the employees will use the mass transit in that location.

Cousineau stated that she does like the concept but noted that the footprint is large for the site. She stated that it appears that landscaping and buffering would be difficult and it seems that this building is slightly large for the site. She agreed with the comments regarding timing. She stated that even though three stories are allowed she does have concerns with a building that large.

Mitchell stated that there was a similar issue with another concept review request that had a large building on a site and there was question as to whether there would be room for residents to walk outside along the site.

Cousineau stated that the building is very big with a lot of units.

Mitchell noted that if the building goes up to three stories than perhaps the footprint of the building should be smaller to allow more outdoor space.

Cousineau stated that she would like the building to meet the design and setback standards.

Martin stated that she agrees with the comments thus far. She noted that the nice trees on the site will be removed to make way for driveways but stated that the trees would be replaced and landscaping buffers would be required. She stated that it would be helpful to have a site line that would provide an elevation of the complex to see what the three stories would look like from different points on the Baker Park Trails. She stated that she is concerned with using up so much of the site with driveway circumference. She also agreed that she would not want to see lot two compromised and would like it to be a real lot rather than an outlot with cross access easements to ensure it remains developable.

Anderson agreed that it would be appropriate to have sight lines from Baker Park Reserve, as they would not want to impact the scenic views from the trails.

Bob Dahl, CEO Elim Care, thanked the Council for its time noting that they are looking for strong feedback for their unique circumstances. He referenced the revenue stream that is available to them to construct a new nursing home facility. He stated that the State created a program to reduce the number of nursing homes and that funding is then allocated to help build a new facility. He stated that the current residents in Maple Plain would be moved to the new facility, thus not creating an additional facility but combining the current residence with a new state of the art facility. He stated that last week they received a letter from the department of health stating they would need to have construction permits in hand within 18 months in order to qualify for the funding. He stated that they are looking for a strong indication to move forward and they are not hearing that. He stated that he is sorry to hear that as they cannot risk losing the revenue stream and will have to investigate options for other sites in other municipalities, which is frustrating. He stated that while he understands the concerns with the Met Council, it is unfortunate when bureaucracy gets in the way of the needs of the people.

Martin asked for a copy of the department of health letter and the applicant responded that it did not bring the letter to the meeting.

Centanni replied that because it's a care center a review is needed by the department of health. He stated that the timeline for the health department is seven to eight weeks and that is being generous as it usually takes longer. He stated that the department of health permit needs to be in hand by October 18, 2018. He confirmed the information that would be necessary in order to obtain that permit. He noted that \$2,500,000 would be at risk if they continue to move forward with no strong positive comments from the City to move forward. He stated that they have tried to obtain an extension but has not found any comfort on extending that timeline. He noted that if the timeline was 24 months he would feel a lot better waiting for City approvals. He stated that this is a very difficult position to be in.

Dennis Zylla stated that he has known Scott Baker, the property owner, for over 12 years and that Mr. Baker asked Mr. Zylla to come out of retirement two years ago to help Mr. Baker sell his property. He stated that previously they promoted his property as commercial. He noted that he was also involved in city government for many years as a staff member for municipalities and as a member of the Plymouth Planning Commission. He stated that they began marketing the property in 2006/2007 and had a national commercial buyer that was going to purchase the property but the deal collapsed when the market collapsed. He stated that they have been in front of the City on a few occasions. He stated that there have been discussions on whether the property should be commercial or residential. He stated that they put together a deal with Mr. Palm and spoke with many organizations. He stated that in 2015 they began discussions with Elim Care and provided a timeline of the progress they have made. He stated that Scott has owned the property for 20 years. He stated that he clearly tried to advise Scott that you have to look at the market, which was commercial in 2006/2007 but the market today is residential to a large degree. He stated that the builders do not want the noise from Highway 12 and therefore high-end townhouses would not be a good fit because of the noise from the traffic. He stated that if not Elim, is there a market for high density residential. He stated that he has a letter from Hans Hagen in which he stated the use that is proposed with Elim is the best use for the property. He stated that high density residential would not be the ideal use. He asked if the land should remain commercial if Elim is not the right fit. He stated that he was hoping that perhaps PUD would be a good fit, or a business park guiding, which would allow the applicant to have a level of comfort to move forward with their investment. He stated that perhaps the land could be zoned to make the applicant comfortable and then reguired when the Comprehensive Plan is adopted. He stated that his hope is that the City can find a way to make this move forward, or give some guidance to the property owner. He stated that they are willing to go to the Met Council office with City staff, if that is what needs to occur.

Scott Baker, property owner, stated that he was a resident in Medina on the north side of 55 for many years but moved because it became too dense. He stated that he likes the open space and that is why he purchased the property because of the proximity to Baker Park Reserve. He stated that they talk about high density residential but they need more trees and fewer parking lots. He stated that if they give the density range the Council wants, the view from Baker Park would be infringed. He stated that to lose that would be a huge detriment. He stated that they lost a potential buyer in the past because he was emotionally involved with the property and the buyers wanted to put in a lot of parking lot and commercial building space. He stated that many people have family members that

require memory care and start out vibrant and able to walk near the property but then have to move to another facility without the view of nature. He stated that this facility would allow residents to maintain the views of nature while remaining in the same facility as their condition requires more care.

Larry Palm stated that he has heard many of the same comments through the past several meetings. He stated that the applicant is asking for the same thing he asked for. He stated that the applicant wants an idea of when they would have some timeline. He stated that he is again hearing the same comments he heard, that the Council supports the project but the timing is off. He asked about the timing.

Mitchell stated that the plan is out for review by municipalities and asked City Planner Dusty Finke to provide a timeline update.

Finke stated that the plan is out for jurisdictional review from April to October and hopefully staff would be able to support the plan formally in November, which would be followed by a 90-day approval period by the Met Council, which would provide a February date of adoption by the Met Council, if there are no comments that need to be responded to by the City. He stated that he has had many conversations with the applicant about the overall timeline with land use approvals and all the review before a structure is actually built. He stated that he has suggested that the City not take formal land use approvals on a project under the new Comprehensive Plan until the plan is in effect. He stated that he has left the door open for the review process to occur while the Comprehensive Plan is still under review, at the full risk of the applicant. He stated that therefore a land use application could be submitted in October/November of 2017 to become effective in conjunction with the Comprehensive Plan. He stated that it is in the City's best interest to not consider a land use application until the plan is formally submitted to the Met Council by its Staff.

Pederson stated that this is a good project and good use and would hate to see it go away simply because of timing.

Mitchell stated that everyone is generally in favor of the project but the timing is the issue.

Anderson stated that having an approved new Comprehensive Plan assumes that a lot of things go right. But that is not a guarantee as things can go awry.

Batty stated that the timeline proposed by Finke is just an estimate as many things can lengthen that process to make the timeline longer. He urged the Council not to focus on a specific date as that can change. He stated that this would be an atypical review period as the City would be considering and initiating approvals before the draft Comprehensive Plan is adopted. He stated that realistically the deadlines talked about assume that the Council would be willing to initiate the approval process, with what might be a contingent approval, which would spring into action when the Comprehensive Plan is adopted.

Pederson asked what would happen if the approval process was initiated and could not be completed within the 120-day window.



Batty stated that the City would have 60 days and would extend another 60 days. He stated that the position then would be to request another extension or face the consequence of denial. He noted that generally developers are willing to grant an extension because the alternative is that the project would be denied.

Mitchell stated that the October/November 2018 deadline could be met but realized that puts risk on the applicant. He stated that there is support for the project and the City will do what it can to help move this along, although it may seem that the City is part of the obstacle.

**C. Board of Appeal and Equalization vs. Open Book Process Discussion (8:36 p.m.)**

Rolf Erickson stated that City Administrator Johnson asked him to talk about how to make the local Board of Review more efficient and to compare Review to an open book system. To make the review Board process more efficient, he recommended at the first meeting you would only review the requests that you've received ahead of time and then you would allow people that walk into the meeting to speak and provide comments. He stated that typically the second meeting would be very short. He provided examples of how other municipalities hold a reconvened meeting and which actions take place at the original and reconvened meetings. He stated that is the easiest method in order to make the meeting efficient.

Mitchell stated that the first issue would be whether the City wants to go to the open book meeting process in which residents would just meet with the assessor and the Council is out of the process. He stated that his thought is that the Council is elected and therefore should be involved as part of their job and confirmed the consensus of the Council. He asked if the process of the Board of Appeal and Equalization should be made more efficient by adopting some of the steps suggested. He confirmed the consensus of the Council that staff should attempt to streamline the process to match the more efficient process.

Martin stated that she would like to have the applications listed in order of submission with helpful information including the PID number, the values proposed by the assessor and the applicant, a notes area, and final conclusion. She stated that way people that follow the process receive priority and it sets the stage for the future. She noted that the comparable packet should be updated and include the property address and an index where each case could reference a specific page number.

Anderson stated that because of the sensitivity of the nature of the topic it will be important that the City communicates clearly with residents on how the new process will work and the benefits of streamlining the process.

**D. Willow Drive Improvement Project (8:50 p.m.)**

Scherer noted that he would go through the three projects and then action could be taken individually. He stated that the projects are fairly simple but noted that Willow Drive and Clydesdale Trail are more commercial areas. He noted that the wrong street sections were included in the figure one information but advised that Finke will pull up the correct figure one for the projects. He stated that Willow Drive would be north of Highway 55 and north of Chippewa through to the gravel section. He stated that they are not going to mill the course but level it and add two inches to the top, so it is an overlay project that will stop at the gravel.

Martin stated that in receiving the feasibility report it will be amended to state that figure one will be changed to two inches.

**1. Resolution No. 2017-28 Receiving Feasibility Report and Calling for Public Hearings on Willow Drive Improvement Project and Levying Special Assessments for Same**

*Moved by Martin, seconded by Pederson, to adopt resolution no. 2017-28 receiving feasibility report and calling for public hearings on Willow Drive improvement project and levy special assessments for same provided that the Council agreed to amend the feasibility report to replace figure one with the figure one presented at the meeting tonight. **Motion passed unanimously.***

**E. Wichita Trail Improvement Project (8:56 p.m.)**

Scherer noted that this would be a similar project with an overlay and some curb sections being added. He noted that this is a simple project. He spoke with a resident that is going to do an email blast to the other residents in the area. He noted that this is a low assessment and he will make a call to the residents to walk through the project, noting that there are only six homes in the project area. He noted that the assessment would be 50 percent because it is a dead-end residential road.

**1. Resolution No. 2017-29 Receiving Feasibility Report and Calling for Public Hearings on Wichita Trail Improvement Project and Levying Special Assessments for Same**

*Moved by Martin, seconded by Anderson, to adopt resolution no. 2017-29 receiving feasibility report and calling for public hearings on Wichita Trail improvement project and levy special assessments for same. **Motion passed unanimously.***

**D. Clydesdale Trail Improvement Project (8:57 p.m.)**

Scherer noted that this will be about 845 feet and will be in essence an extension of the CR 116 project. He stated that over the years the road has not been overlaid or received a lot of improvements. He noted that corings were done last year and showed approximately six inches of blacktop with just the top that needed improvement. He noted that two inches will be milled off and there will be curb replacement with the overlay to finish. He noted that this is an urban collector roadway and the assessment would have a 40 percent share for residents/businesses. He noted that curbs are calculated on a frontage basis. He noted that it would be a fairly large assessment to the neighbors west of the City property because of the amount of property they own on both sides of the street.

Mitchell asked if the City would pay a frontage share and assessment share.

Scherer replied that the City would pay both assessments. He noted that he plans to start this project later in the summer once the CR 116 project progresses.

Finke displayed the updated figure one.

**1. Resolution No. 2017-30 Receiving Feasibility Report and Calling for Public Hearings on Clydesdale Improvement Project and Levying Special Assessments for Same**

*Moved by Martin, seconded by Anderson, to adopt resolution no. 2017-30 receiving feasibility report as amended with the revised figure one and calling for public hearings on Clydesdale Trail improvement project and levy special assessments for same.*  
**Motion passed unanimously.**

#### **VIII. CITY ADMINISTRATOR REPORT (9:02 p.m.)**

Stremel provided an update on the I&I issues noting that metering began a few weeks ago and weekly maintenance occurred the previous week. He stated that they found that one of the metering stations showed a fairly significant flow. He noted that some inspections were done.

Scherer noted that along Clydesdale Trail there was a gap of a couple of inches where water was running out at a good pace. He stated that Stremel has done some calculations and they are going to include the findings in the appeal to the Metropolitan Council.

Stremel noted that calculations were done to include in the appeal, noting that about half of the flow and cost is being appealed. He noted that he also requested an extension because of the metering data as they might find more areas that require repair and therefore those could be included in the appeals.

Scherer stated that staff has been walking almost every day in the rain in an attempt to find other areas where repair is needed.

Mitchell asked some of the reasons that the City could be relieved of some of the cost.

Stremel noted that reasons that would be supported are for things that happen out of the City's control including repairs that could've resulted from outside of the City's control. He noted that there is no guarantee that the City will be granted the appeal.

Anderson thanked Stremel and staff for their work in identifying potential decreases in the cost.

Belland advised of a proposed closure for Highway 55 on Saturday night from CR 116 to CR 101 from 12:45 a.m. to 4:45 a.m. He stated that Medina Ballroom has a prom scheduled that night but it should be done and people will have left before the closure begins.

Johnson noted that the closure information is on the City's website and Facebook page.

Belland stated that the special events permits for the summer are beginning to come in. He noted that two to three noise complaints come in each year for the Hamel Rodeo Dance. He stated that as that area continues to develop, perhaps an earlier time should be enforced for outdoor music activity. He noted that 11 p.m. would be reasonable for other events and perhaps that would be a good end time for the outdoor music for the Hamel Rodeo as well. He asked for the opinion of the Council.

Mitchell stated that is always an issue and should continue to be watched closely rather than amend the time now.

Anderson noted that if there is a spike in complaints that should be brought to the attention of the Council.

Mitchell referenced the emailed article that was sent from Belland and asked that the article to be printed for him to read.

**IX. MAYOR & CITY COUNCIL REPORTS (9:12 p.m.)**

Pederson stated that he had a resident call him regarding fast traffic on Chippewa and noted that he forwarded the complaint to the police department. He noted that the resident was very happy with the efforts of the police department.

Mitchell noted that there has been a lot of rain recently and the ditches, creeks and drainage systems are working properly. He stated that although it is not the responsibility of the City, residents sometimes call with questions about their private drainage and thanked staff for attempting to respond. He stated that Clean-Up Day was the previous Saturday and was well attended. He applauded everyone for the successful community event.

Martin stated that she had a good meeting with the Long Lake Fire Department Chief and representatives from Long Lake and Orono. She stated that they have been working to amend the language of the agreement which has been presented and well received. She stated that she, Chief Belland, and Administrator Johnson have also reviewed the Hamel budget and that the Hamel Fire Department is doing well.

**X. APPROVAL TO PAY THE BILLS (9:15 p.m.)**

*Moved by Anderson, seconded by Pederson, to approve the bills, EFT 04116E-04134E for \$57,187.31, order check numbers 045794-045831 for \$62,270.24, and payroll EFT 507855-507880 for \$47,032.44. **Motion passed unanimously.***

**XI. CLOSED SESSION: MINN STAT. 13D.05, SUBD 3 (a) TO EVALUATE THE PERFORMANCE OF AN INDIVIDUAL SUBJECT TO ITS AUTHORITY**

*Moved by Anderson, seconded by Martin, to adjourn the meeting to closed session at 9:18 p.m. for the purpose of evaluating the performance of an employee, Officer Craig Swalchick.*

Further discussion: Batty noted that this is an exception to the open meeting law because the employee is under the authority of the Council. He noted that the Council has the right to close the meeting. He noted that an individual has the option to block that and keep the meeting open. He noted that the employee does not oppose to close the meeting but would like the opportunity to speak at the closed session meeting. He reviewed the procedure that should be followed in order to allow the individual to speak to the Council.

***Motion passed unanimously.***

The meeting returned to open session at 10:12 p.m.

**XII. SUMMARY OF CONCLUSIONS REGARDING THE EVALUATION**

Mitchell noted that the Council discussed in closed session the employment of Officer Craig Swalchick.

*Moved by Martin, seconded by Anderson, to adopt resolution no. 2017-31 terminating the employment with Officer Swalchick. **Motion passed unanimously.***

Further discussion: Mitchell noted that in closed session there was input provided from Swalchick along with Belland and Nelson and the consensus was that termination would be the appropriate course of action.

Anderson noted that the decision is made with regret.

***Motion passed unanimously.***

*Moved by Martin, seconded by Anderson, to authorize the police department to begin the process of hiring a new officer. **Motion passed unanimously.***

**XIII. ADJOURN**

*Moved by Anderson, seconded by Cousineau, to adjourn the meeting at 10:14 p.m. **Motion passed unanimously.***

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Bob Mitchell, Mayor

Attest:

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Jodi M. Gallup, City Clerk