

## MEDINA CITY COUNCIL MEETING MINUTES OF JULY 7, 2015

The City Council of Medina, Minnesota met in regular session on July 7, 2015 at 7:00 p.m. in the City Hall Chambers. Acting Mayor Pederson presided.

### **I. ROLL CALL**

**Members present:** Anderson, Cousineau, Pederson, Martin, and Mitchell (arrived at 7:03 p.m.).

**Members absent:** None.

**Also present:** City Administrator Scott Johnson, City Attorney Ron Batty, City Engineer Tom Kellogg, City Planner Dusty Finke, Chief of Police Ed Belland, and Recording Secretary Amanda Staple.

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

### **III. ADDITIONS TO THE AGENDA (7:00 p.m.)**

Johnson noted that the item titled Loretto Fire Department Auto-Aide Requested should be placed under New Business rather than Old Business.

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

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

#### **A. Approval of the June 16, 2015 Special City Council Meeting Minutes**

It was noted under the Proposed 2016 Hamel Fire Budget, line 10, it should state, "...based on the conversations..." On line 15, the following sentence should be deleted, "~~Anderson stated he could only approve the proposed budget if the Hamel Fire Department agreed to consolidate as soon as possible with the Loretto Fire Department.~~"

*Moved by Martin, seconded by Cousineau, to approve the June 16, 2015 special City Council meeting minutes as amended. **Motion passed unanimously.***

#### **B. Approval of the June 16, 2015 Regular City Council Meeting Minutes**

It was noted on page two, line 48, it should state, "...Anderson ~~questioned~~ asked if there was..." On page three, line 15, it should state, Minnesota Pollution Control Agency,..." On page three, line 16 it should state, "...project area, ~~and a add to develop a was developed~~ response in the ~~case~~ event..." On page three, line 19, it should state, "...began work, asbestos was identified and because the contractor ~~on the job is~~ was not qualified to remove that type of material, a qualified subcontractor ~~would be~~ was needed. On page three, line 22, it should state, "...materials ~~would~~ will be handled through the proper manner while the other contaminates ~~would~~ will..." On page four, line 8, it should state, "...that the funding..." On page four, line 19, it should state, "...~~phase one and two~~ Phase I and Phase II..." On page four, line 20, it should state, "...and there was not a reliance letter issued to the City; therefore,..." On page four, line 24, it should state, "...against the trust that is the property owner of the property. On page four, line 32, it should state, "...the reports..." On page four, line 36, it should state, "...~~would~~ could..."

Mitchell arrived.

*Moved by Pederson, seconded by Anderson, to approve the June 16, 2015 regular City Council meeting minutes as amended. **Motion passed unanimously.***

**V. CONSENT AGENDA (7:08 p.m.)**

- A. Approve Bingo Permit and Temporary On-Sale Liquor License to/at Holy Name of Jesus Church on September 19, 2015**
- B. Approve Raffle Permit to TwinWest Chamber Foundation at 400 Evergreen Road on August 10, 2015**
- C. Approve Contract Renewal for Assessing Services with Southwest Assessing**
- D. Approve Development Agreement by and between the City of Medina and Aldi Inc. (Minnesota)**
- E. Approve 2016 Elm Creek Watershed Management Commission Budget**
- F. Ordinance No. 581 Amending Sections of Chapter 7 of the Code of Ordinances Regarding Public and Private Utilities**
- G. Resolution No. 2015-54 Authorizing Publication of the Ordinance Amending Sections of Chapter 7 of the Code of Ordinance by Title and Summary**

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

**C. Approve Contract Renewal for Assessing Services with Southwest Assessing**

Anderson recused himself from this item.

Mitchell stated that he was interested to see the methodology, contract and percentage increase, which relates to the number of houses and values. He suggested that the financial staff review this chart to determine if an additional marker should be included.

Pederson asked and received confirmation that the increase would be five percent and stated that he would be opposed to that increase. He believed that all contractors should be paid a similar amount.

Johnson stated that staff worked with the consultant in 2014 to decrease the increase from 10 percent to 4 percent with the understanding that an additional increase would be given the following year. He noted that the number of homes in the City and other State/County mandates have increased for the Assessor.

Pederson stated that he would like staff to determine if that increase could be lowered.

Martin referenced the table, which provides the increases over the past few years, noting that an increase in the number of homes could cause an increase in fee. She noted that over the past few years there was a 20 percent increase in the number of homes while the fee increase would only equal 11 percent over those same years.

*Moved by Cousineau, seconded by Martin, to approve the contract renewal for assessing services with Southwest Assessing. **Motion passed 3-1 (Pederson opposed).***

Anderson rejoined the Council.

**D. Approve Development Agreement by and between the City of Medina and Aldi Inc. (Minnesota)**

Johnson stated that staff worked with Aldi to fill in gaps in the Development Agreement, highlighting specifically the letter of credit and noting that more accurate numbers were included.

*Moved by Martin, seconded by Pederson, to approve the execution copy of the Development Agreement by and between the City of Medina and Aldi Inc. (Minnesota).*  
**Motion passed unanimously.**

**VI. COMMENTS (7:21 p.m.)**

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

Fred Webber, 100 Clydesdale Trail, stated that there is an issue in the area he lives in with power outages. He stated that there are often power outages during storm events, which can last a few hours. He noted that they have received assistance from Scherer and Johnson but at some point perhaps the support of the Council will be needed. He stated that while his building is not an assisted living facility, it is a senior building and there are some people that are not able to get down the stairs when the elevator is not working during outages.

Martin questioned if the source of the issue has been identified.

Webber stated that Xcel has given different reasons for each outage but we think that perhaps the outages are in relation to the significant development in that area.

Anderson questioned if the building has a backup generator.

Webber stated that the building does not have a generator.

Johnson stated that staff has been working with the residents in the area and Xcel to determine the problem. He stated that he will provide an update to Council once a solution is found as there have been four outages recently.

Cousineau noted that section of the City would also be impacted by the development nearby in Plymouth.

Mitchell suggested reaching out to Plymouth as well.

**B. Park Commission**

Park Commissioner Linck stated that the Commission met on June 17<sup>th</sup> to discuss potential interest in community gardens, noting that some of the smaller lots do not accommodate gardens. She stated that if an organized neighborhood group came to the Park Commission with a proposal which includes land, then the Commission would seriously consider the item. She advised that the Commission discussed a request from the Hamel Hawks for a formal bullpen, noting that the Commission allowed a temporary setup for this season until a more formal plan could be developed to find a location for that aspect and address the parking issue. She stated that the Commission followed up

the discussion regarding Monarchs and milkweed plantings, which occurred at the previous meeting and noted that the Commission is considering plantings in certain parks along with educational signs and potentially working with a consultant to determine how the City can further educate residents. She reported that the Commission reviewed the results of the park tour that had been held and drafted a list of ideas, improvements, and maintenance items. She stated that the Commission also reviewed and made potential amendments to the CIP.

**A. Comments from Citizens on Items not on the Agenda (Continued)**

Mario Fabrizio, 290 Calamus Circle, stated that he attended the June 16<sup>th</sup> Special City Council meeting and did not believe the minutes approved accurately describe what occurred at the meeting. He stated that the meeting was a premeditated ambush and believed that the Council owes an apology to the Hamel Fire Department. He stated that the organization provides service to the community 24 hours a day, 365 days per year, regardless of the poor treatment they receive in the Council chambers time and time again.

Mitchell stated that the Hamel Fire Department budget would be discussed at the next meeting.

**C. Planning Commission**

Finke reported that the Planning Commission will meet the following week to hold five hearings to consider a request from Stonegate, a subdivision request on Willow Drive, whether ground mounted solar panels should be allowed on residential property, required setbacks for decks from wetland buffers, and site plan review processes and the possibility of making more commercial property reviews administrative.

**VII. PRESENTATIONS**

**A. Resolution No. 2015-55 Recognizing John Vinck for Ten Years of Service to the City of Medina (7:40 p.m.)**

Mitchell read aloud the Resolution recognizing John Vinck for ten years of service to the City of Medina as a member of the Medina Police Department.

*Moved by Pederson, seconded by Anderson, to adopt Resolution No. 2015-55 Recognizing John Vinck for Ten Years of Service to the City of Medina. **Motion passed unanimously.***

Mitchell presented the Resolution to Vinck and thanked him for his service to the City. He thanked the Police Department for a safe Fourth of July weekend.

Belland stated that Vinck does a great job for the department day in and day out and has made a great contribution to the planning and development of the workout area.

**VIII. NEW BUSINESS**

**A. Loretto Fire Department Auto-Aid Change (7:44 p.m.)**

Mitchell stated that there was a meeting on June 29<sup>th</sup> where the auto-aid change was discussed and additional information was requested from Ray McCoy. He stated that the potential Hamel Fire budget would be discussed and reviewed at the next Council

meeting. He stated that the Council should determine whether the Council is comfortable with continuing to work with Ray McCoy.

Martin stated that she believes the Council should stand aside. She stated that the Fire Departments work very well and she has never heard a concern from a resident. She believed that the Council should step back and let Ray McCoy facilitate the discussions between the departments. She stated that any Council involvement in hearsay and innuendo undermines the confidence of those departments are building together. She suggested that instead the Council should address their concerns to Johnson rather than raising comments in public forums.

Pederson stated that he has confidence in Ray McCoy and would like to see additional meetings being held with the departments and Ray McCoy.

Cousineau questioned if this is the normal pace for a consolidation.

Mitchell stated that another consultant was interviewed who stated that it could be up to eight years. He stated he is comfortable with the initial work being done in the first eight months to one-year period. Mitchell educated the City Council about serial meetings under the Minnesota Open Meeting Law and encouraged Council Members to send questions or comments to the City Administrator. He agreed with the comments made by Martin that any input should filter through Johnson, and Ray McCoy should be left to assist in the consolidation.

Martin stated that the City contracts with the fire departments and does not rule nor own the fire departments. She stated that while the City would like to see a consolidation, that decision would be up to the fire departments themselves. She believed that the participation of the fire departments thus far shows their cooperation and service to the City.

**B. Goddard School – PUD General Plan and Site Plan Review – 345 Clydesdale Trail (7:52 p.m.)**

Finke presented a request for the development of a vacant parcel to construct a 9,300 square foot early childhood education facility, Goddard School. He stated that the original PUD had included a restaurant on this site, explaining that although this building is larger than the restaurant pad had been, the parcels will be the same because of the lesser amount of parking needed. He provided a sketch of the proposed layout, identifying the building, parking, fencing around the property and proposed access to the site. He described the proposed building materials and design as well as aspects relating to transportation. He referenced the neighboring Caribou Coffee site, noting that while the applicant is not causing the existing issue, staff would not like to see that issue become worse. He stated that the applicant had preferred no access from the Caribou site but staff feels that the drive aisle between the two locations should be made two car widths in order to accommodate emergency vehicles and possible use changes in the future. He stated that the Planning Commission supported a two-car width for that access. He reviewed the proposed parking and noting that there would be sufficient parking as proposed and also provided in neighboring lots for large events. He stated that the Planning Commission reviewed the request in June and recommended approval, highlighting some of the recommended conditions. He reviewed the alternate access option proposed by the applicant to accommodate emergency vehicles, noting that option would not address the potential future use change.

Aaron Amic, applicant, stated that he and his wife operate the Plymouth Goddard School and have since 2007. He explained that the Goddard School is a franchise which is individually owned and operated. He stated that following the Planning Commission meeting additional windows and signage had been added to the design. He stated that the trash enclosure appears to be entirely connected to the building but is not in order to accommodate for leaky trash. He stated that different orientations were reviewed for the site. He stated that he had visited the site and they have attempted to orientate as far away from Caribou as possible. He stated that they do have a concern with a full access between the two sites and that is why they are proposing a lower curb, which would accommodate emergency vehicles but not encourage cross traffic.

Anderson questioned if the plan would be to close the Plymouth site.

Amic stated that they would keep that location open and split duties at the sites between him and his wife.

Pederson referenced the location of a light pole and asked staff to review that location.

Anderson asked the average age of the students at Goddard School.

Amic stated that the school services ages six weeks to six years old, providing service through pre-k. He stated that the average would be about 3.5 years old as there are state mandates regarding the number of younger students allowed.

Cousineau questioned if the widening of Outlot Drive would cause problems with the setback as proposed.

Finke confirmed that the setback would not be impacted.

Cousineau questioned how trash trucks would access the site.

Finke explained that the trash trucks would continue to use the regular access without problem.

Mitchell questioned how patrons would access the restaurant as originally planned through the PUD.

Finke noted that the alignment would be similar to what is proposed, noting that additional connections to Outlot Drive could be provided.

Mitchell asked and confirmed that the property would pay property taxes and would not be exempt.

Amic stated that the trash enclosure is attached to the building, explaining that this layout was designed in order to avoid bringing trash out through other rooms. He stated that the location is limited by the amount of space allowed by Target and the restriction on the gym space needed. He explained how the trash is picked up at the Plymouth location and how the trash would be picked up at this location.

Mitchell questioned if there would be sufficient space in the parking lot to accommodate a restaurant.

Finke stated that there would be a possibility should the property owner wish to replat that site.

Mitchell questioned if the access issue would need to be worked out prior to approval.

Finke stated that the action would be for staff to prepare approval documents and noted that additional information can be reported to the Council when the documents are ready for approval.

Batty stated that the Development Agreement would deal with those issues.

Amic stated that they are purchasing the property but the intent is not to use that access to exit to the Caribou parcel. He noted that the western access is a full access.

Cousineau stated that one of the materials was not excluded through the PUD but is not listed as an allowed material.

Finke stated that item can be addressed through the PUD amendment.

Amic presented an example of the proposed materials.

*Moved by Martin, seconded by Anderson, to direct staff to prepare an ordinance for the General Plan of Development to amend the PUD and a resolution for the Site Plan Review, based upon the findings noted in the staff report and subject to the conditions recommended by the Planning Commission.*

*Further discussion: Martin questioned the benefit that would be gained by forcing this applicant to widen the access between this site and Caribou.*

*Finke replied that the original intent had been to allow traffic to flow and believed that if this were any other use the cross traffic would be encouraged.*

*Mitchell stated that the two-way curb cut could be installed and signage or flowerpots could be installed to detour traffic.*

*Finke stated that a financial guarantee could be required for the future. He agreed that there could be temporary options to detour traffic.*

***Motion passed unanimously.***

**C. Proposal for Audio-Visual Upgrade to Council Chambers (8:40 p.m.)**

Johnson stated that as part of the cable franchise agreement the City receives franchise fees and PEG fees. He explained that PEG fees can only be used for specific purposes, one of those being audiovisual upgrades for the Council Chambers. He stated that the current equipment is dated and staff has received bids for the upgrades. He reviewed the best proposal received, which was from Tierney Brothers. He stated that the City currently has \$12,401.71 available in PEG fees and receives roughly \$2,500 quarterly with three quarters remaining this year. He stated that the total project cost is estimated

at \$17,243.45. He stated that the gap in funding could be funded through the equipment replacement fund and that fund could be replenished when the remaining PEG fees are received. He clarified that the PEG funds could be used for equipment upgrades at the Council Chambers and possibly at other City locations.

Martin questioned if there is any way that the Council could have their own iPads or computers linked to the system to follow along with presentations. She noted that also perhaps the screens could be placed on rollers to be able to move closer when the room is not full.

Johnson stated that he could follow up with Tierney Brothers to determine if that would be possible.

*Moved by Martin, seconded by Anderson, to approve Tierney Brothers proposal and fund the project through cable franchise PEG fees, with interim borrowing from the equipment replacement fund and direct staff to investigate the additional items discussed. **Motion passed unanimously.***

**D. Ordinance No. 582 Amending Section 625 of the Code of Ordinances Regarding Alcoholic Beverage Licenses (8:47 p.m.)**

Johnson stated that there were changes made during the 2015 legislative session regarding alcoholic beverages and licensing. He stated that staff has drafted the proposed amendments to the ordinance in order to match the changes made by the legislature this year.

*Moved by Anderson, seconded by Pederson, to adopt Ordinance No. 582 Amending Section 625 of the Code of Ordinances Regarding Alcoholic Beverage Licenses. **Motion passed unanimously.***

**1. Resolution No. 2015-56 Authorizing Publication of Ordinance No. 582 by Title and Summary**

*Moved by Martin, seconded by Pederson, to adopt Resolution No. 2015-56 Authorizing Publication of Ordinance No. 582 by Title and Summary. **Motion passed unanimously.***

**IX. CITY ADMINISTRATOR REPORT (8:50 p.m.)**

Johnson stated that the first phase of the overlay has been completed in the Independence Beach Neighborhood.

Kellogg provided an update on the progress of the Tower Drive project, noting that the class five material is being laid on Hamel Road this week with reclamation on Tower Drive to begin next week, and utility work on Tower Drive to begin the following week. He referenced the asbestos work and reported that Hennepin County has approved up to \$62,500 for the work and advised that the contractor could begin work tomorrow.

Johnson stated that the contractor should be reminded that the class five material must be laid this week on Hamel Road because of the Hamel Rodeo this weekend.

Martin asked for additional information on the funding from the County.

Kellogg advised that the County would pay 50 percent of the cost for the asbestos work, up to \$62,500.

**X. MAYOR & CITY COUNCIL REPORTS (8:54 p.m.)**

Mitchell commended Belland for his receipt of the Leadership Award through the League of Minnesota Cities. He stated that the Hamel Rodeo will occur this weekend, Thursday through Sunday, and encouraged the Council to show their support.

**XI. APPROVAL TO PAY THE BILLS (8:55 p.m.)**

*Moved by Anderson, seconded by Pederson, to approve the bills, EFT 003200E-003232E for \$97,020.10, order check numbers 42988-43067 for \$199,716.61, and payroll EFT 506472-506530 for \$93,021.27. **Motion passed unanimously.***

**XII. ADJOURN**

*Moved by Anderson, seconded by Cousineau, to adjourn the meeting at 8:55 p.m. **Motion passed unanimously.***

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Bob Mitchell, Mayor

Attest:

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Scott Johnson, City Administrator