

## MEDINA CITY COUNCIL MEETING MINUTES OF OCTOBER 6, 2015

The City Council of Medina, Minnesota met in regular session on October 6, 2015 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 Tom Kellogg, 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 (7:00 p.m.)**

The agenda was approved as presented.

### **IV. APPROVAL OF MINUTES (7:00 p.m.)**

#### **A. Approval of the September 15, 2015 Special City Council Meeting Minutes**

*Moved by Pederson, seconded by Cousineau, to approve the September 15, 2015 special City Council meeting minutes as presented. **Motion passed unanimously.***

#### **B. Approval of the September 15, 2015 Regular City Council Meeting Minutes**

It was noted on page one "...~~VII~~ III..." On page three, line seven, it should state "...west east..." On page three, line 41, it should state, "...connections..."

*Moved by Anderson, seconded by Pederson, to approve the September 15, 2015 regular City Council meeting minutes as amended. **Motion passed unanimously.***

### **V. CONSENT AGENDA - A (7:02 p.m.)**

#### **A. Amend 10.00 Data Practices Policy for Members of the Public**

#### **B. Amend 10.05 Data Practices Policy on Data Subject Rights**

#### **C. Adopt 10.10 Policy for Controlling Access to Not Public Data on Individuals by City Employees, Appointed Officials and Elected Officials**

#### **D. Resolution No. 2015-82 Recognizing Volunteers and Contributors to Medina Celebration Day**

#### **E. Resolution No. 2015-83 Accepting Donations for Medina Celebration Day**

#### **F. Approve Amended and Restated Contract for Fire Protection Between the City of Maple Plain and the City of Medina**

#### **G. Approve Wine License and 3.2 On-Sale Malt Liquor License to Start Fresh Corporation (DBA Our American Kitchen) at 190 Westfalen Trail**

#### **H. Call Meeting for Fall Business Tours on October 15, 2015 Beginning at 8:00 a.m.**

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

**VI. CONSENT AGENDA – B (7:04 p.m.)**

Mitchell recused himself from the discussion.

Pederson read aloud the items included in Consent Agenda B.

- A. **Ordinance No. 588 Establishing a Conservation Design-Planned Unit Development District for “Stonegate” and Amending the Official Zoning Map**
- B. **Resolution No. 2015-84 Authorizing Publication of the Ordinance by Title and Summary**
- C. **Resolution No. 2015-85 Approving a Preliminary Plat and Establishing Findings of Fact for a General Plan Planned Unit Development for a Subdivision to be Known as “Stonegate”**

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

Mitchell rejoined the Council.

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

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

There were none.

**B. Park Commission**

Park Commissioner Jacob presented a recap of the September 23<sup>rd</sup> Park Commission meeting. He noted that there is a resident actively planting butterfly habitat and the Commission approved a location at Hamel Legion Park and recommended full planting and posting of signage. He stated that the Commission received an update on the Comprehensive Plan process and highlighted other recent park activities including the opening of the Park at Fields of Medina and a decision that the Friends of the Park program will be more actively promoted in 2016.

**C. Planning Commission**

Finke reported that the Planning Commission will meet the following week to consider a text amendment to the zoning code for the rural business holding district and the rural commercial holding district to consider fiber cement board (aka hardi-board). He reported that the Commission will also consider a Site Plan review for Medina Mini Storage for the construction of three more mini storage buildings.

**VIII. PRESENTATIONS**

**A. Resolution No. 2015-86 Recognizing Sergeant Jason Nelson for 15 Years of Service to the City of Medina (7:09 p.m.)**

Mitchell read aloud the proposed resolution recognizing Sergeant Jason Nelson for 15 years of service to the City of Medina which recognized his responsibilities and accomplishments.

Belland stated that Sergeant Nelson is a long-term employee and has acted as his right-hand man for the past 15 years. He highlighted some of the accomplishments Sergeant Nelson has had during that time and praised him for his actions.

*Moved by Martin, seconded by Pederson, to adopt resolution no. 2015-86 recognizing Sergeant Jason Nelson for 15 years of service to the City of Medina. **Motion passed unanimously.***

Mitchell presented the resolution to Nelson and thanked him for his continued service. He noted that he also attended the First Responders luncheon at which Nelson was also recognized for his excellent work.

Pederson stated that while working on the public works and police facility he worked alongside Nelson while Belland was away and he was very impressed with Nelson's high quality of work.

## **IX. NEW BUSINESS**

### **A. 3 Rivers Church – Conditional Use Permit – 52 Hamel Road (7:15 p.m.)**

Finke presented a request from 3 Rivers Church for a conditional use permit to operate a religious institution within the existing office space. He stated that the church leases space out of the office building and would use a portion of the site for their offices while using another area for assembly. He presented an aerial view of the property site and highlighted the available parking for the building. He stated that the applicant proposed no more than 60 people to gather in the assembly at one time and noted that assemblies would occur outside of regular office hours. He stated that the Uptown Hamel district allows for flexibility in regard to parking because of the available on-street parking and other opportunities for shared parking. He reported that the Planning Commission reviewed this case and recommended that if a parking arrangement is displayed the occupancy of the assembly could rise. He noted that the applicant would like to move to a permanent location once their congregation is more established. He stated that at the public hearing held by the Planning Commission the Commission recommended unanimous approval with the conditions noted in the staff report, which included the increased flexibility for the maximum assembly number should additional shared parking be demonstrated.

Mitchell asked the type of activity that occurs in the remainder of the building outside of the space leased by the church.

Finke replied that the building is used by a commercial insurance company for office space. He noted that the business purchased a larger building than originally needed because of the price they were able to obtain and therefore this lease option fills out the use of the building.

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

## **X. CITY ADMINISTRATOR REPORT**

### **A. Updates from Johnson (7:21 p.m.)**

Johnson presented information for his review which will occur on October 20<sup>th</sup>. He stated that Belland is on the cover of the latest issue of *Minnesota Cities* magazine and noted that there is an excellent article as well on his leadership award. He thanked

Linda Lane, public works, police, staff and the sponsors that assisted in making Celebration Day a great event.

**B. Tower Drive Update (7:22 p.m.)**

Kellogg stated that there is still some work to do on Tower Drive, which involves some concrete work and restoration, along with paving of Tower Drive. He stated that the contractor has been a little frustrating to work with as they do not appear to be giving it their best effort. He stated that the contractor has requested one additional week, which would push the substantial completion date to November 6<sup>th</sup>. He stated that engineering staff and Batty have discussed this and have not granted the extension as of yet. He noted that a two week extension was given in regard to the asbestos removal. He stated that the original substantial completion was October 16<sup>th</sup>, noting that the two week extension had now pushed it to the end of October. He explained the timelines that were setup for portions of the project. He stated that the recommendation would be to extend the substantial completion date one additional week with the stipulation that smaller deadlines will be set for the remaining items that need completion. He noted that there are liquidated damages, up to \$2,500 per day that can be charged if they do not meet the completion date they agree upon.

Martin asked if the asbestos had been a reason for the requested extension.

Kellogg noted that the main reason for this extension request is the rain mixed together with the poor soils on Tower Drive. He explained that while soil borings had been done prior to the project, the rain caused additional problems. He acknowledged that issue would be a reason for a delay in the project but also did not believe that the contractor has been giving it their best effort.

Anderson asked about the quality of work thus far.

Kellogg stated that he has heard no problems with the quality of work. He noted that a fiber optic cable was cut and a raw water main was hit but those issues had been corrected.

Anderson asked if the contractor has enough workers to complete the project.

Kellogg acknowledged that the contractor has been stretched thin in regard to workers. He noted that the concrete work is actually through a subcontractor and acknowledged that it has been tough to find concrete workers this year.

Anderson asked how the City would communicate with those businesses to advise them of the changed completion date for the project.

Kellogg stated that WSB did hand deliver messages to the businesses which state that the project could stretch into the first week in November.

Pederson asked if there would be any concern with paving in the cold weather.

Kellogg stated that the paving plants usually stay open until Thanksgiving but concrete is a problem when the cold weather hits. He noted that only the base course would be laid this year and final paving would occur next year.

Mitchell stated that he likes the idea of having smaller deadlines along the timeline to reach the extended substantial completion date.

Martin stated that she has concern that the sod may not survive the weather as the contractor will not be able to meet the full 30 days of watering.

Kellogg stated that the remaining timeline from the 30 days would restart on April 15<sup>th</sup> and if the sod has failed at that time the contractor would be liable to replace it.

Mitchell confirmed the consensus of the Council to grant the additional one week extension contingent upon the additional deadlines being set.

**XI. MAYOR & CITY COUNCIL REPORTS (7:33 p.m.)**

Mitchell stated that many of the Council attended public events which were well attended by residents and families of Medina including Celebration Day. He noted upcoming open house events that members of the Council and public may attend. He provided background information that has occurred regarding cost of living increases for staff and how the calculation was determined and compares against other communities. He spoke about precision and how important that is in all aspects.

**XII. APPROVAL TO PAY THE BILLS (7:37 p.m.)**

*Moved by Anderson, seconded by Martin, to approve the bills, EFT 003326E-003349E for \$62,373.96, order check numbers 43378-43456 for \$242,983.89, and payroll EFT 506669-506693 for \$45,169.91. **Motion passed unanimously.***

**XIII. ADJOURN**

*Moved by Anderson, seconded by Pederson, to adjourn the meeting at 7:37 p.m. **Motion passed unanimously.***

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Bob Mitchell, Mayor

Attest:

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Scott Johnson, City Administrator