

## **MEDINA CITY COUNCIL MEETING MINUTES OF NOVEMBER 17, 2015**

The City Council of Medina, Minnesota met in regular session on November 17, 2015 at 7:00 p.m. in the City Hall Chambers. Mayor Mitchell presided.

### **I. ROLL CALL**

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

**Members absent:** Pederson.

**Also present:** City Administrator Scott Johnson, City Attorney Ron Batty, City Engineer Tom Kellogg, City Planner Dusty Finke, Public Works Director Steve Scherer, Police Sergeant Jason Nelson, and Recording Secretary Amanda Staple.

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

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

The agenda was approved as presented.

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

#### **A. Approval of the November 4, 2015 Regular City Council Meeting Minutes**

It was noted on page two, line 31, it should state, "...the November 18..." On page three, line 18, it should state, "...two additional buildings now." On page four, line 31, it should state, "...by staff adding condition eight to require..." On page four, line 33, it should state, "...and adding condition nine would to require..."

*Moved by Anderson, seconded by Cousineau, to approve the November 4, 2015 regular City Council meeting minutes as amended. **Motion passed unanimously.***

### **V. CONSENT AGENDA (7:03 p.m.)**

#### **A. Approve Labor Agreement between Law Enforcement Labor Services, Inc. (LOCAL #36) and the City of Medina**

#### **B. Resolution No. 2015-96 Approving a Site Plan Review for Highway 55 Rental Portable Storage to Construct Three Mini Storage Buildings at 4790 Rolling Hills Road**

#### **C. Approve Development Agreement by and between the City of Medina and Highway 55 Rental Portable Storage, LLC**

#### **D. Approve LMCIT Liability Waive Form for 2016**

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

### **VI. COMMENTS (7:05 p.m.)**

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

There were none.

**B. Park Commission**

Scherer provided additional information on discussions with the youth baseball associations an attempt to find additional funding sources for improvements as the Commission receives project requests. The Park Commission will further discuss the issue at their next meeting.

**C. Planning Commission**

Finke stated that the next Planning Commission meeting has been canceled due to lack of business. He noted that staff have received four new applications that may be considered by the Commission at their December meeting.

Mitchell asked for planning and growth information.

Finke stated that 76 permits had been pulled this year.

**VII. NEW BUSINESS**

**A. Ordinance No. 591 Amending Section 345.05 of the City Code of Ordinances Regarding Dogs (7:09 p.m.)**

Johnson reviewed some of the proposed amendments to the ordinance, which would be of assistance in more urban areas.

*Moved by Martin, seconded by Anderson, to Adopt Ordinance No. 591 Amending Section 345.05 of the City Code of Ordinances Regarding Dogs. **Motion passed unanimously.***

**1. Resolution No. 2015-97 Authorizing Publication of the Ordinance by Title and Summary**

*Moved by Martin, seconded by Anderson, to Adopt Resolution No. 2015-97 Authorizing Publication of Ordinance No. 591 by Title and Summary. **Motion passed unanimously.***

**B. Ordinance No. 592 Amending Chapter 3 of the City Code of Ordinances Regarding Police Regulations (7:11 p.m.)**

Johnson noted a few changes, which were needed for housekeeping purposes, including bringing language up to date with State Statutes. He stated that there have been issues in the past with people parking construction trailers on the street, which creates problems for plowing, and this would provide a tool for enforcement.

*Moved by Martin, seconded by Anderson, to Adopt Ordinance No. 592 Amending Chapter 3 of the City Code of Ordinances Regarding Police Regulations. **Motion passed unanimously.***

**1. Resolution No. 2015-98 Authorizing Publication of Ordinance No. 592 by Title and Summary**

*Moved by Martin, seconded by Anderson, to Adopt Resolution No. 2015-98 Authorizing Publication of Ordinance No. 592 by Title and Summary. **Motion passed unanimously.***

**VIII. OLD BUSINESS**

**A. 2016 Sioux Drive Turn Lane Improvement Project (7:12 p.m.)**

Johnson stated that originally this was reviewed at the October 20<sup>th</sup> meeting but at that time staff was not aware that another parcel was looking to redevelop, which would be the Arndt property to the east of the Aldi site. He stated that staff would like to have a policy discussion with the Council as to whether to include that parcel with the assessment for the turn lane project.

Mitchell asked for information on the municipal boundary.

Finke stated that the municipal boundary runs through the property. He stated that staff has a petition and waiver with properties one through four identified. He stated that it would be very easy to see that benefit would also be provided to the Arndt property as well as they plan to access the site through the Aldi site. He stated that adding the Arndt property could reduce the assessment for the other four parcels.

Mitchell asked the status of the Arndt property's right to utilize Sioux Drive through the Aldi site.

Batty stated that there is a recorded easement. He noted that the Arndt property has limited access to Highway 55 and their concept plan shows the Highway 55 access being closed and all the traffic would be accessing the site from the Aldi access. He stated that the Council began a process that did not require hearings because of the waivers in place. He explained that if this parcel is to be included on the assessment than the hearing would need to be called at the December 15<sup>th</sup> meeting.

Finke explained that typically the policy would be to react to development, as has been done with the petition and waivers for this project. He stated that the Aldi property could be included because of their intent to develop. He noted that the developer could still walk away from the project at this time. He explained that this decision would simply open the discussion to include the Arndt property but the Council would not decide the amount or whether to assess the property at this time. He asked that the Council not approve the Resolution tonight as a change would need to be made to the Resolution and therefore that action could be taken at the December 15<sup>th</sup> hearing should the Council choose to do so.

Batty noted that this would not be an insignificant shift as this could shift \$40,000 of the \$219,000 project cost to this property.

Martin requested confirmation that if the Council were to order the hearing and decided not to proceed with the addition of parcel five, the petition and waivers would still be in effect and the project could be assessed to the first four properties.

Batty explained that this would simply hold the hearing to follow the necessary steps for assessment, as a hearing would not be necessary if the petition and waiver were going to fund the project solely.

Mitchell stated that it would seem the fair thing to do to include the Arndt property.

Batty concurred that was the opinion of staff.

*Moved by Martin, seconded by Cousineau, to call for a Public Hearing on the 2016 Sioux Drive Turn Lane Improvement Project on December 15, 2015. **Motion passed unanimously.***

**IX. CITY ADMINISTRATOR REPORT (7:24 p.m.)**

Johnson stated that he received a letter and proposed contract amendments from Hamel Fire. He stated that he met with Mayor Mitchell and Public Safety Liaison Pederson to discuss the proposed amendment. He stated that staff continues to review the information with the City Attorney. He advised of the community conversation water quality meeting he attended at the Pioneer Sarah Creek Watershed the previous night, which was attended by Martin and her husband as well. He noted that another meeting would be held in the spring.

**X. MAYOR & CITY COUNCIL REPORTS (7:25 p.m.)**

Martin stated that she was impressed with the presentation at the Pioneer Sarah Creek Watershed District meeting the previous night and believed there was a good public discussion.

Mitchell stated that he collects water from a local water body for water quality testing by the Minnehaha Creek Watershed. He noted that there were changes in the phosphorus levels identified in the water body but a cause had not yet been identified.

Martin stated that she and Anderson have been attending the Steering Committee meetings for the Comprehensive Plan along with Finke and Johnson. She stated that the meetings have been moving smoothly and noted that although there have not been public visitors the meetings are open to the public.

Anderson echoed the comments of Martin, noting that it is a good group with good discussions.

Mitchell stated that he attended the Mayor's meeting and had nothing special to report as the speaker did not attend.

**XI. APPROVAL TO PAY THE BILLS (7:30 p.m.)**

*Moved by Anderson, seconded by Cousineau, to approve the bills, EFT 003176E-003199E for \$46,378.45, order check numbers 42921-42987 for \$389,313.47, and payroll EFT 506440-506471 for \$47,669.02.*

*Further discussion: Mitchell noted that he followed up to ensure that Ray McCoy had been fully paid for his services.*

***Motion passed unanimously.***

**XII. ADJOURN**

*Moved by Anderson, seconded by Cousineau, to adjourn the meeting at 7:31 p.m.*

***Motion passed unanimously.***

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Bob Mitchell, Mayor

Attest:

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Scott Johnson, City Administrator