

## MEDINA CITY COUNCIL MEETING MINUTES OF DECEMBER 20, 2016

The City Council of Medina, Minnesota met in regular session on December 20, 2016 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 (7:00 p.m.)**

The agenda was approved as presented.

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

#### **A. Approval of the December 6, 2016 Regular City Council Meeting Minutes**

Johnson noted that Martin provided changes to staff and a redlined copy of the revisions was provided at the dais.

Martin stated that her redline corrections relate primarily to the AutoMotorPlex Resolutions.

Mitchell stated that it is a great idea for changes to be presented in that manner.

Martin's commented noted on page two, line 49, it should state, "...Medina an even better place to live special." On page six, line 38, it should state, "...legal representation counsel..." On page six, line 50, it should state, "...ordinance in order..." On page seven, line 24, it should state, "...statement, that the Steering Committee worked so hard to create, that the City will create..." On page eight, line one, it should state, "...to: prepare the draft Ordinance Establishing a Planned Unit Development District for "AutoMotorPlex of Medina" and Amending the Official Zoning Map, amending section 5B to move that section into the Development Agreement and replaced with a directional statement; look at various times and dates to ensure those reference the dates the plans were presented to the Council; amend section 7B2, to contain the desired language regarding the use of wood and windows; draft the Resolution Authorizing Publication of the Ordinance by Title and Summary; draft the Resolution Granting Preliminary and Final Plat Approval for Loram First Addition; and draft the Resolution Granting Site Plan Review Approval for AutoMotorPlex of Medina, ensuring that the correct dates are provided in condition two and providing additional clarification on the condition regarding the on-site caretakers unit and amending the language regarding the wood and window garage doors.

(a) prepare the draft Ordinance Establishing a Planned Unit Development District for "AutoMotorPlex of Medina" and Amending the Official Zoning Map, removing

Section 5B therefrom and moving that section into the Development Agreement and replacing Section 5B therein with a directional statement to the Development Agreement, correcting as necessary the various plan dates therein to ensure that the plans referenced were those presented to the Council, and amending Section 7B2 therein to state that garage doors shall be decorative in nature, including shall be wooden appearance and incorporation of shall include windows and other architectural elements consistent with the architectural renderings presented to the Council;

- (b) prepare the draft the Resolution Authorizing Publication of the Ordinance by Title and Summary consistent with that presented to the Council;
- (c) prepare the draft the Resolution Granting Preliminary and Final Plat Approval for Loram First Addition consistent with that presented to the Council; and
- (d) draft the Resolution Granting Site Plan Review Approval for AutoMotorPlex of Medina, ensuring that the correct plan dates are referenced in Condition Two, providing additional clarification on the condition regarding the on-site caretaker's unit to require that the City's public safety staff is notified of such dwelling and amending the language regarding the wood and window garage doors as will be done in the draft Ordinance establishing the PUD."

It was noted on page four, line 22, it should state, "...the amended language states that ~~eight~~ the special events would be ~~allowed per year,~~ limited to once per month..." On page four, line four, it should state, "...~~proposed conditions~~ the ordinance and resolutions..." On page seven, line 13, it should state, "...request for a special events permit, and if so would there be a liability to the City."

Moved by Martin, seconded by Anderson, to approve the December 6, 2016 regular City Council meeting minutes as amended. **Motion passed unanimously.**

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

- A. ~~Approve Letter for Hamel Volunteer Fire Department Truck Financing~~
- B. Approve Labor Agreement between Law Enforcement Labor Services, Inc. (LOCAL #36) and the City of Medina
- C. Resolution No. 2016-100 Denying Variance Request of Ellis and Nancy Olkon at 2362 Willow Drive
- D. Ordinance No. 605 Establishing a Planned Unit Development District for "AutoMotorPlex of Medina" and Amending the Official Zoning Map
- E. Resolution No. 2016-101 Authorizing Publication of the Ordinance Establishing a Planned Unit Development District for "AutoMotorPlex of Medina" and Amending the Official Zoning Map by Title and Summary
- F. Resolution No. 2016-102 Granting Preliminary and Final Plat Approval for Loram First Addition
- G. Resolution No. 2016-103 Granting Site Plan Review Approval for AutoMotorPlex of Medina
- H. Approve Planned Unit Development Agreement by and Between the City of Medina and Medina MP, LLC
- I. Resolution No. 2016-104 Approving Plans and Specifications and Ordering the Advertisement for Bids for the 2017 Water Tower Rehabilitation Project

Johnson requested to pull Item A, Approve Letter for Hamel Volunteer Fire Department Truck Financing, from the Consent Agenda.

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

**A. Approve Letter for Hamel Volunteer Fire Department Truck Financing**

Johnson stated that he asked Batty to review the approval and written agreement and Batty has proposed some changes.

Batty stated that he had bond counsel for the City review the agreement and she felt that the suggested phrasing could be improved and therefore suggested some proposed language. He explained that the Fire Department is using this tool to obtain tax exempt financing, which is fine, but one requirement is that there is a written contract with the Fire Department and at least one City. He stated that the agreement as amended acknowledges the contract that is in place, but that is it. He noted that bond counsel did attempt to reach the financing party for the Fire Department but did not receive a response. He suggested that the Council approve the amended language as proposed by bond counsel and, if the finance company for the Fire Department has a problem with the changed language, the Council can consider that in January.

*Moved by Martin, seconded by Pederson, to approve the acknowledgement for financing and written agreement regarding the Hamel Volunteer Fire Department truck financing as proposed by legal counsel. **Motion passed unanimously.***

**VI. PRESENTATIONS**

**A. Senator David Osmeck**

Johnson noted that Senator David Osmeck was unable to attend and will be present at the January 17<sup>th</sup> meeting.

**VII. COMMENTS (7:12 p.m.)**

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

There were none.

**B. Park Commission**

Scherer reported that the Park Commission canceled their December meeting. He reported that there is a lot of action at Hamel Legion Park between the sledding hill and skating rink.

**C. Planning Commission**

Finke reported that the Planning Commission met earlier this month to hold the formal public hearing on the Comprehensive Plan update, at which three people spoke. He stated that the Planning Commission also had a thorough discussion to recommend some changes to language and unanimously recommended approval to the City Council. He stated that the intent would be to present the plan to the City Council at the January meetings. He reported that the Planning Commission also met the previous night to hold a public hearing on the land use applications for Woodridge Church in regard to its lot combination and building expansion, noting that the Commission

recommended unanimous approval of those requests as well. He stated that the Council will consider those requests at its second meeting in January.

Mitchell referenced the legal agreement between the City and Woodridge Church and asked when that agreement was dated.

Batty replied that the agreement was reached in 2013 and that the settlement established a maximum square footage and number of parking spaces. He stated that, from what he has seen, the proposal is within what is allowed under the 2013 agreement.

## VIII. NEW BUSINESS

### A. Ordinance No. 606 Establishing the AutoMotorPlex of Medina Storm Sewer Improvement Tax District – Public Hearing (7:16 p.m.)

Johnson noted that this is a housekeeping item, noting that the intent is to ensure that the storm sewer elements are maintained. He explained that if the improvements are not maintained the City would be able to use this taxing authority to fund the necessary improvements.

Batty stated that this has been done repeatedly, but mostly with residential developments. He noted that it would make sense to follow the same process in this instance as eventually the individual units will have separate ownership. He stated that, in the 20 years the City has been using this tool, the City has not had the need to use the tool.

Mitchell opened the public hearing at 7:19 p.m.

No comments made.

*Moved by Anderson, seconded by Cousineau, to close the public hearing at 7:20 p.m. **Motion passed unanimously.***

*Moved by Martin, seconded by Anderson, to adopt Ordinance No. 606 Establishing the AutoMotorPlex of Medina Storm Sewer Improvement Taxing District. **Motion passed unanimously.***

#### 1. Resolution No. 2016-105 Authorizing Publication of Ordinance No. 606 by Title and Summary

*Moved by Martin, seconded by Anderson, to adopt Resolution No. 2016-105 Authorizing Publication of Ordinance No. 606 by Title and Summary. **Motion passed unanimously.***

## IX. OLD BUSINESS

### A. Capital Knoll – Final Plat – 1575 Hamel Road (7:21 p.m.)

Finke stated that this is a proposed three lot subdivision. He noted that the preliminary approval was provided by the Council two years ago, and the applicant has now applied for final plat. He reviewed the intent of the final plat, to review the consistency between the preliminary and final plats and ensure the conditions have been met. He stated that the final plat is identical to the preliminary plat. He noted that some conditions will be

continued and advised that the applicant has requested an extension to allow one year to record the final plat. He stated that staff supports that request.

Mitchell asked if there was an issue regarding access with the preliminary plat.

Finke stated that was discussed because a property has access from both streets. He provided additional details on the shared access point for two of the lots to Hamel Road.

Cousineau asked if an animal structure is going to be built and whether a variance would be needed.

Finke provided information on the setbacks that are required for an animal structure compared to the available lot sizes. He stated that the condition was simply placed in the agreement stating that the applicant acknowledges that they are requesting the lot split and know of the requirements for an animal structure and therefore cannot claim practical difficulty in a variance request in the future.

**1. Resolution No. 2016-106 Granting Final Plat Approval for Capital Knoll**

*Moved by Anderson, seconded by Pederson, to adopt Resolution No. 2016-106 Granting Final Plat Approval for Capital Knoll, changing Condition Seven to change the allowed timeframe to be extended to 365 days. **Motion passed unanimously.***

**2. Upland Buffer Easement Agreement**

*Moved by Martin, seconded by Pederson, to approve the Upland Buffer Easement Agreement. **Motion passed unanimously.***

**B. Resolution No. 2016-107 Granting Extension of Time to Submit Final Plat for Woods of Medina Amending Resolution No. 2014-04 (7:27 p.m.)**

Pederson recused himself from the discussion.

Johnson noted that a six-month extension was requested by the developer.

*Moved by Cousineau, seconded by Anderson, to adopt Resolution No. 2016-107 Granting Extension of Time to Submit Final Plat for Woods of Medina Amending Resolution No. 2014-04. **Motion passed 4-0 (Pederson recused).***

Pederson rejoined the Council.

**X. CITY ADMINISTRATOR REPORT (7:28 p.m.)**

**A. Upcoming Meeting**

Johnson stated that staff has been in contact with Hennepin County and MnDOT in attempt to set up a public meeting regarding County Roads 116, 19, and 101 and their speed and traffic issues. He stated that a meeting has been set for January 25<sup>th</sup> at 6:30 p.m. at City Hall.

**B. Police Radio Update**

Johnson stated that Belland attended a meeting at Hennepin County today where police radios were discussed. He noted that there may be a good opportunity to upgrade the radios in 2017, earlier than the scheduled CIP date of 2019.

Belland stated that it was late notice for the meeting but Motorola provided a presentation where they offered to lower the price of the radios by approximately \$900 per radio. He noted that Hennepin County has about 8,000 radios on its system. He stated that the end of life for the Medina police radios is fast approaching. He stated that the replacement for the equipment is slated for 2019 in the CIP and noted that the total amount for the replacement would be \$93,000. He stated that previously the department leased the equipment through Hennepin County but then the City decided to save funds and purchase the equipment outright. He stated that the department would have the ability to once again lease the equipment from Hennepin County, at a rate of \$15,000 per year for seven years, which would then be included in the Hennepin County package of services. He reported that there is \$146,000 available in the DWI fund and therefore the City could choose to purchase the equipment outright. He stated that the lease option would include the newest model radios with the ability to remotely download software.

Anderson asked if the equipment would come with training.

Belland stated that training would be included and the radios would also include encryption. He stated that it sounds as if Hennepin County is going to move forward on this in 2017 and, if the other agencies use the encrypted lines, Medina police would not be able to access those encrypted lines.

Scherer stated that he would accept some of the old radios for use in public works.

Cousineau asked when the decision would need to be made.

Belland stated that he received a rough quote and would have until the end of the year to make a decision.

Cousineau asked if the company would be offering the deal annually.

Belland stated that this is the first time that he has heard of a deal of this nature. He stated that the company has stated that as long as the department is working with the company, it will be allowed to continue to the first Council meeting in January. He noted that the funds used for the purchase or lease would be through the DWI fund and therefore would not be taxpayer money. He stated that the lifespan of the radios would be 20 years and after seven years of the lease the equipment would be paid in full.

Pederson suggested that the item be run by Finance Director Barnhart to determine if the better option would be to purchase or lease the equipment. He stated that his fear is that Hennepin County would change their equipment again during the course of the lease and therefore perhaps leasing would be better.

Belland stated that Hennepin County has a large number of radios and therefore this is a big expense for them and there would be no incentive to switching equipment.

#### **XI. MAYOR & CITY COUNCIL REPORTS (7:39 p.m.)**

Martin stated that she and Anderson attended the Public Hearing of the Planning Commission for the review of the Comprehensive Plan and the changes suggested were minimal and therefore the plan will come before the Council in relatively the same manner it was presented from the Steering Committee. She stated that she also

attended the opening of the Medina Townhomes, which was a lovely event. She stated that a lot of credit was given to the City for its commitment to the project. She stated that Dominion did a great job of thanking all the partners in the project.

**XII. APPROVAL TO PAY THE BILLS (7:41 p.m.)**

*Moved by Anderson, seconded by Cousineau, to approve the bills, EFT 003938E-003957E for \$58,262.27, order check numbers 045240-045311 for \$256,921.07, and payroll EFT 507595-507626 for \$47,124.92. **Motion passed unanimously.***

**XIII. ADJOURN**

*Moved by Anderson, seconded by Pederson, to adjourn the meeting at 7:42 p.m. **Motion passed unanimously.***

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Bob Mitchell, Mayor

Attest:

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Jodi M. Gallup, City Clerk

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