

MEDINA CITY COUNCIL MEETING MINUTES OF MAY 15, 2018

The City Council of Medina, Minnesota met in regular session on May 15, 2018 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, Planning Director 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.)

Johnson requested to add an item under New Business, Item C, Long Lake Subwatershed Partnership, Long Lake Carp Study.

*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 May 1, 2018 Regular City Council Meeting Minutes

Johnson stated that revisions from Anderson and Martin were included in the packet and will be incorporated into the minutes.

It was noted on page seven, lines 23, it should state, "Medina has ~~double~~ twice the TMDL load allocation reduction ~~required~~ that Long Lake has." On page seven, line 33, it should state, "Finke stated that if Medina did projects without potential other partners, the City would will gain more of the phosphorus reduction allocation."

*Moved by Anderson, seconded by Pederson, to approve the May 1, 2018 regular City Council meeting minutes as amended. **Motion passed unanimously.***

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

A. Approve Hamel Legion Park Concession Services Agreement with CJS, LLC

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

VI. COMMENTS (7:04 p.m.)

A. Comments from Citizens on Items not on the Agenda

There were none.

B. Park Commission

Scherer reported that the Park Commission will meet the following night to hold the annual park tour at 4:30 p.m. He reported that the new ballfield lights will be on tonight for the first time and the new part-time parks assistant began today.

C. Planning Commission

Planning Commissioner Janet White reported that the Planning Commission met the previous week to consider the Ditter Concept Plan. She stated that the Commission supported the request and believes this use to be a good fit for the properties.

VII. NEW BUSINESS

A. 2019 Hickory Drive Street and Utility Improvement Project (7:06 p.m.)

Stremel stated that this project has been on the Capital Improvement Plan for many years, noting that this is a relatively short segment of roadway with a length of 400 feet. He reviewed some of the existing conditions and drainage issues for the roadway. He stated that the proposed improvements would reconstruct the roadway, repair the sanitary sewer and possibly replace the watermain. He stated that the City has applied for a grant to assist with the construction of a stormwater pond that would assist in treating the water in that area.

Scherer commented on the stormwater conditions that exist in that area and noted that Hennepin County believes that this would be a good project, but the funding decision has not yet been made for the possible grant.

Stremel stated that even though this is a small project there is a fairly large amount of engineering, noting that the drainage is one of the biggest challenges for the project. He stated that they would also have to delineate wetlands and prepare for impacts during construction. He explained that it is a fairly complicated project for the size of the project.

Pederson asked if the water could drain to the north if the road were lowered.

Stremel noted that could be a possibility but said that would also require lowering the sanitary sewer and stormwater pond. He stated that as the City moves through the feasibility process, they will develop cost estimates and complete more preliminary design on the frontend to ensure there is a proper cost estimate. He noted that the proposed pond area is not within public property and therefore staff would also need to prepare for the acquisition process. He reviewed the proposed project schedule.

Anderson asked the difference between obtaining the grant and not being awarded the grant.

Finke commented that he believed that it is a 50/50 grant, which could equate to \$100,000.

Anderson asked if \$100,000 has been allocated or whether the full cost has been allocated.

Scherer provided additional information on the funding, noting that the City would be pulling from four funding sources for the different elements of the project.

Finke stated that the CIP assumes that the grant is received.

Mitchell asked the entire estimated project cost.

Stremel estimated \$450,000.

Mitchell asked if proceeding forward at this time aligns with Maxxon and the improvements that they are doing on their site.

Finke explained that Maxxon did make adjustments to the grading of their site to anticipate the improvements the City is doing. He noted that if the City does not move forward, the grading of the Maxxon site would still work.

Scherer stated that staff believes that the City has a willing landowner for the pond location, which assists with moving the project forward at this time.

Mitchell asked what would happen if the City does not receive the grant funds.

Stremel noted that the City could look at alternate design options.

Finke stated that the pond is not a required element of the design and is an additional water treatment benefit. He stated that the cost estimate in the CIP is a bit lower than the estimated project cost but does not include the utility portion of the project.

Pederson stated that oversizing this pond would assist in moving that element forward as it could then support additional development in the future.

Scherer stated that the original cost estimate did not include the stormwater pond because the City did not have the land for the pond. He stated that the original cost was to reconstruct the road and run the water back to the creek, while this will be a much bigger clean-up effort in order to improve the drainage in the area.

Martin asked the amount of the project that could be assessed.

Stremel noted that would be dependent on whether utilities are included in the assessment.

Scherer stated that the cost for the land acquisition has not been included in the cost estimate but believed that the negotiation would most likely occur with the assessment amount for that property. He stated that it is obvious that something needs to happen for the road and therefore they need to figure out what that plan will be.

Mitchell confirmed that the action tonight would simply be for the feasibility report and would not be approving the project.

1. **Resolution No. 2018-28 Ordering Preparation of a Feasibility Report on the Hickory Drive Street and Utility Improvement Project**

*Moved by Martin, seconded by Anderson, to adopt resolution no. 2018-28 ordering preparation of a feasibility report on the Hickory Drive street and utility improvement project. **Motion passed unanimously.***

B. Deer Hill Preserve 2nd Addition (7:25 p.m.)

Mitchell recused himself from the discussion.

Johnson stated that on June 21, 2016 the first phase of the project was approved by the Council. He noted that various outlots were identified in that plat and this next phase would create five single family lots in Outlot D.

Finke stated that a proposed development agreement and resolution reallocating the assessments for Outlot D to the new lots are also before the Council for consideration. He reviewed the plat as proposed for the second addition and compared that to the Preliminary Plat which had been approved. He stated that this is largely similar to the Preliminary Plat with the exception of the private road which extends and shifts some of the front yards. He stated that staff also reviewed the conditions to ensure that those have been addressed or will be addressed. He stated that staff finds that this is consistent with the proposed Preliminary Plat and therefore recommends adoption of the actions before the Council tonight.

1. Resolution No. 2018-29 Granting Final Plat Approval for Deer Hill Preserve 2nd Addition

*Moved by Anderson, seconded by Cousineau, to adopt resolution no. 2018-29 granting Final Plat approval for Deer Hill Preserve 2nd Addition. **Motion passed unanimously.***

2. Development Agreement by and between the City of Medina and Property Resources Development Corporation for Deer Hill Preserve Second Addition

*Moved by Anderson, seconded by Cousineau, to adopt Development Agreement by and between the City of Medina and Property Resources Development Corporation for Deer Hill Preserve Second Addition. **Motion passed unanimously.***

3. Resolution No. 2018-30 Reapportioning Adopted Assessments for Deer Hill Preserve Road Improvement Project

*Moved by Anderson, seconded by Cousineau, to adopt resolution no. 2018-30 reapportioning adopted assessments for Deer Hill Preserve Road improvement project. **Motion passed unanimously.***

C. Long Lake Subwatershed, Long Lake Carp Study (7:31 p.m.)

Finke stated that Long Lake Waters intended to be present at the discussion tonight but noted that he provided them with a later estimate of when the item would be considered. He stated that Long Lake Waters is still interested in moving forward on the project and has been the most excited about moving forward. He noted that Orono has chosen not to take part in the partnership and advised that the approval of the Council at the last meeting assumed the participation of all the agencies previously mentioned. He stated that the carp work needs to move forward in the next few weeks in order to be successful and therefore this is time sensitive. He stated that they are still interested in Medina participating along with Long Lake and Long Lake Waters. He noted that Minnehaha Creek Watershed District participation was contingent on the participation of Orono and therefore their participation is unknown. He stated that the new proposal

would be between Long Lake, Long Lake Waters, and Medina at half the original cost. He stated that the project would be scaled down with the hopes that the information gained would support a second project that could gain grant funding and perhaps assistance from other partners in the subwatershed. He noted that Medina's original proposed contribution was \$10,000 while this new proposal would have Medina's share at \$5,000. He asked if the Council still sees value in carrying forward with the study with the hopes that a second project could occur with additional partners in the future. He stated that Long Lake Waters will continue to encourage Minnehaha Creek Watershed District and Orono to participate.

Anderson asked if Minnehaha Creek Watershed District provided any additional input on why they withdrew, other than Orono pulling out of the project.

Finke stated that their participation was contingent upon all the partners participating, similar to Medina. He noted that the difference is that Medina had a meeting prior to the decision needing to be made but the Minnehaha Creek Watershed District did not have an additional meeting in time to reconsider.

Mitchell stated that Orono Planning Commission recommended approval of the participation. He stated that when the project moved forward to the City Council, the Orono Council tabled action and then the item was removed from the next agenda without considering. He stated that from Medina's point of view there are Carp in Medina lakes and water bodies. He stated that timing it critical and if the study does not move forward now, the project would need to wait an additional year and therefore there is an argument that this should continue to move forward. He stated that although he does not like how this played out, he would support moving forward with the project to ensure that it can be completed.

Finke stated that the staff report included more options than currently exist and stated that the options would be to approve the study or not approve the study at this time.

Martin stated that she is disappointed by the action, or lack of action, by Orono but would support moving forward to ensure the study can be completed.

Pederson stated that he has a problem with the fact that this is not split fairly and equally and therefore could not support the action.

Cousineau stated that she also struggles with the fact that two partners have pulled out of the project. She stated that she could still support the study as long as we are not committed to the project.

Johnson noted that the study will also be able to open up additional grant funding opportunities in the future.

Finke stated that water does not care about municipal lines and therefore that is why it was helpful to have all the partners on this project working together to address issues within the subwatershed area.

Anderson stated that he shares the concerns of fellow council members regarding the leadership of Orono at this time. He stated that he also agrees that this is a study that the City could still participate in. He noted that his concern is that the City would begin

on this path and then would be apt to further contribute without the other partners (Orono and Minnehaha Creek Watershed District) joining in on the funding. He went on to say that he is concerned that this would set a bad precedent that Medina would always be seen as willing to contribute funds.

Mitchell noted that the Minnehaha Creek Watershed District has not said no to the proposed project, they simply did not have another meeting yet to reconsider and therefore may agree to participate. He stated that once they have the data, they can go back to Orono and ask that city to reconsider as they had been supportive of the project three times in the past since 2014.

Peter Rechelbacher, 1822 Homestead Trail, stated that he is the Vice Chair of the CAC to the Minnehaha Creek Watershed District and has also been involved in many other water agencies in the area. He stated that the main purpose of doing the study is that one year ago there was a group effort to seek funding from Hennepin County for a three-year study and carp removal for Long Lake and the surrounding watershed. He stated that Hennepin County stated that they wanted additional information on the location of the carp in order to consider the grant request. He noted that this study would provide the necessary information to the County to apply for the grant.

Cousineau asked if the Hennepin County grant would cover the entire cost of the removal.

Rechelbacher stated that he is unsure if there is a cost split but believed that the grant would cover the majority of the cost.

Pederson asked if there is a water quality project that could be completed in Medina.

Scherer noted that there is a culvert that could be replaced in Medina.

Pederson stated that he would like to see a proposal that more shows that all the agencies are moving forward as one. He stated that perhaps the project moves forward with the possibility for the other agencies to be involved. He stated that he would hate to move forward without all the partners on board.

Martin stated that she is interested in moving forward on the study because that will result in useful information, but she would not commit to the project until all the partners have come on board. She stated that Medina has always been a good neighbor and done the right thing and she is concerned with the response or lack thereof from Orono.

Batty stated that at the last meeting the City approved \$10,000 for a project that is no longer on the table. He recommended that the Council rescind that motion and then decide whether to take additional action.

*Moved by Martin, seconded by Pederson, to rescind the motion made on May 1, 2018 which contributed \$10,000 towards the Long Lake Subwatershed Partnership Study and Project. **Motion passed unanimously.***

Moved by Martin, seconded by Cousineau, to approve entering into the agreement for the Long Lake Carp Management Study based on the sharing percentages outlined in the May 15, 2018 draft.

Further discussion: Mitchell stated that this would simply move the study forward and could open up additional grant funds. He stated that additional partners could come forward for a potential project.

Pederson asked if something should be stated that the City is not committing to a potential project and only the study.

Martin stated that the motion references only the study, as does the May 15, 2018 draft which is also referenced.

Cousineau asked how much of the study would be done with the lesser amount of funding.

Finke stated that half of the original cost included obstruction removal and Carp removal. He stated that this would simply provide the study and not the action.

Motion passed unanimously.

IX. CITY ADMINISTRATOR REPORT (7:55 p.m.)

Johnson reminded the Council that the park tour is the following day at 4:30 p.m.

X. MAYOR & CITY COUNCIL REPORTS (7:55 p.m.)

Martin stated that the previous evening she, Belland and Anderson attended the Orono work session in regard to consideration of renegotiating the contract with the Long Lake Fire Department. She stated that the focus of the meeting was to detail possible options in the negotiations, in the form of a letter, that will be delivered to the Long Lake Council requesting to hold a joint study session in June. She stated that there seems to be an absence of rationale for this consideration being proffered by the Orono City Administrator, other than the sense that if Orono contributes the majority of the funding for the Long Lake Fire Department it should then have further control of the Long Lake Fire Department; primarily taking control of the administration. She stated that another consideration was Orono buying out the Long Lake Fire Department. She stated that the current contract runs through 2020 and has one five-year automatic renewal, which has already taken effect as the deadline to stop that extension has passed. She suggested that Belland continue to be a part of the discussions. She stated that she and the Mayor visited the Hamel Fire Department to determine possibilities for future facility expansion, noting the size constraints of the current Hamel Fire building. She stated that the Minnetonka Beach fire contract was also reviewed and approved the previous night.

XI. APPROVAL TO PAY THE BILLS (8:01 p.m.)

*Moved by Anderson, seconded by Martin, to approve the bills, EFT 004599E-004623E for \$64,223.40 and order check numbers 047269-047335 for \$209,625.87 and payroll EFT 0508628-0508659 for \$52,768.06. **Motion passed unanimously.***

XII. ADJOURN

*Moved by Anderson, seconded by Cousineau, to adjourn the meeting at 8:02 p.m. **Motion passed unanimously.***

Bob Mitchell, Mayor

Attest:

Jodi M. Gallup, City Clerk