

## **MEDINA CITY COUNCIL MEETING MINUTES OF MAY 21, 2019**

The City Council of Medina, Minnesota met in regular session on May 21, 2019 at 7:00 p.m. in the City Hall Chambers. Mayor Martin presided.

### **I. ROLL CALL**

**Members present:** Albers, Anderson, DesLauriers, Martin, and Pederson.

**Members absent:** None.

**Also present:** City Administrator Scott Johnson, City Attorney Ron Batty, City Engineer Jim Stremel, City Planning Director Dusty Finke, City Finance Director Erin Barnhart, 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 May 7, 2019 Regular City Council Meeting Minutes**

Martin noted comments have been circulated from herself, Anderson and DesLauriers.

Pederson noted on page five, line 25, it should state, "...incentivize intensified..." On page seven, line 16, it should state, "Pederson recused himself abstained from the vote."

Johnson noted that the minutes are meant to reflect what was said at the meeting and believed that the statement included in the minutes is an accurate reflection.

Batty agreed that the minutes should reflect the statement that was made at the meeting. He noted that the statement can be included in this set of minutes, as to the intent at the previous meeting, rather than correcting the previous minutes.

*Moved by Anderson, seconded by Albers, to approve the May 7, 2019 regular City Council meeting minutes as amended. Motion passed unanimously.*

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

- A. Approve Tennis Court Rental Agreement with West Minneapolis Chinese Parents Association**
- B. Approve Garden Maintenance Services Agreement with Designing Nature**
- C. Appoint Austin Roerick as Public Works Maintenance Technician**
- D. Resolution No. 2019-33 Granting Preliminary Approval of the Raskobs Elm Creek Addition Plat**

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

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

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

Fred Webber, 100 Clydesdale Trail, stated that a resident at his complex has asked if CR 101 could be restriped, but noted that the County completed that action today. He stated that one week ago there was a Cops and Coffee event hosted at his complex. He stated that Belland and Nelson, along with other officers attended in addition to more than 50 residents. He noted that there was a wonderful presentation from Belland, along with a question and answer session. He stated that it was reassuring to think of what a great police department Medina has and what a great leader Belland is for Medina.

Matthew Cole, 3375 Butternut Drive, stated that he has been working with Finke regarding a variance for his property. He stated that he is working to build a deck on his home and referenced the available space for a deck because of the setbacks on the property. He commented that the planning staff has been great to work with and has provided him with a wealth of knowledge on the topic. He stated that he has obtained signatures in support of his variance from people within his Enclave neighborhood along with those on Hunter Drive. He stated that the cost of the variance is \$1,000 and that is a lot of money. He stated that while they purchased the home knowing there was eight feet available for the deck, he was uncertain as to the degree of difficulty that could exist in obtaining a variance. He believed that the situation was created by Lennar. He stated that he will continue to work with staff throughout the process.

**B. Park Commission**

Scherer reported that the Park Commission held the annual park tour the previous week to complete a thorough review of the parks. He noted that the decision has been made to complete a more comprehensive review of Hunter Lions Park. He stated that the tour was a success and they are still reviewing comments. He noted that items that can be resolved quickly, will be, and bigger items will continue to be discussed.

**C. Planning Commission**

Finke reported that the Planning Commission met the previous week to consider the Uptown Hamel Report, which the Council previously received. He stated that ultimately the Commission discussed next steps and future strategy. He stated that there are some inconsistency issues related to the Comprehensive Plan that must be addressed in the short-term, while the other elements can continue to be digested and engagement can continue.

Martin stated that she began to put together a list of people that could be helpful in continued engagement and noted that she would provide those names and contact information to staff.

**VII. PRESENTATIONS**

**A. Abdo, Eick, and Meyers – 2018 Annual Financial Report (7:16 p.m.)**

Justin Nilson, Abdo, Eick, and Meyers, presented the 2018 Annual Financial Report. He thanked staff for their help in preparing for the audit. He reported that the City received a clean, or unmodified, opinion. He stated that regarding the Minnesota legal compliance issue there were no findings. He reported that there was one minor finding related to an old consultant being listed on one of the investment accounts. He believed that the issue has already been corrected.

Barnhart provided additional details. She noted that the mistake was not made by the City but by the banking institution.

Martin asked if the report could be updated.

Nilson stated that proper procedures were taken and whether it was a mistake at the bank or City, his firm could review that issue again.

Martin stated that she would appreciate an updated letter reflecting the information.

Nilson provided a summary of the different City funds and balances. He provided comparisons of tax rate and taxes per capita of Medina to other similar cities.

Anderson referenced the comparison chart and noted that the Medina tax rates are very favorable. He asked for details on interpreting the taxes per capita.

Nilson stated that the home values and industrial related activity would be factors. He noted that he would have to research that a bit further.

Martin stated that it could also be helpful to have a similar graph showing tax value per capita.

Pederson referenced the debt service funds for the bonds, which have low balances. He asked if cities could choose to wipe out some of those debts.

Johnson confirmed that staff is in discussions with Ehlers to determine if some of the lower balances could be paid off early.

Barnhart confirmed that Ehlers will verify call dates to determine if some of the bonds could be paid off early and noted that the item will come back before the Council this fall.

DesLauriers referenced compensated absences and read aloud the text related to that item. He asked if reserves should be created for employees with accumulated PTO. He stated that he has been told that the time is accounted for when used rather than accrued, which is different than in the private sector and asked for additional information.

Nilson stated that within the fund financial statements there is not an accrual for that but that does show up in the long-term liabilities.

Barnhart stated that the City is currently fully funded for employees that are eligible for retirement. She agreed that staff could work to assign funds for the rest of the staff that has accumulated time.

Martin referenced the net position found in the financial highlights, noting that seems to be the total assets rather than the net position.

DesLauriers provided clarification. He referenced the road improvement fund balance and asked for additional information on any inconsistency.

Nilson confirmed that one of the figures would be an error that could be updated.

Martin and the Council thanked Nilson for his report.

*Moved by DesLauriers, seconded by Martin, to accept the 2018 Audit from Abdo, Eick, and Meyers with the exception of the change related to road improvement on page 25 and to review page three on the authorized bank signatures to potentially remove that based on information provided by the City. Motion passed unanimously.*

## VIII. NEW BUSINESS

### A. Review Draft Ordinance Adding a New Section 360 and a New Section 365 to the Medina City Code Regarding Repeat Nuisance Calls and Disorderly Houses (7:45 p.m.)

Johnson stated that adding nuisance houses to the Code would provide the police department with another tool for enforcement.

Martin stated that she was having difficulty following the intent and how that tied into the existing nuisance ordinance. She suggested a different type of redlining going forward.

Belland stated that this has come forward due to an issue that occurred the previous year related to a problem property that caused issues for more than six months. He stated that one of the departments that assisted with the search warrant suggested that Medina look at a nuisance ordinance that would help when dealing with nuisance properties that generate multiple police calls. He stated that this would allow the City to go after these properties civilly for multiple generated police calls due to drugs, guns, prostitution and other criminal activities. He explained that this would be an additional tool for the department. He provided details on a nuisance house, which does not address the specific criminal activities but would make the owner of the property criminally liable. He stated that staff will continue to work on the draft with legal counsel but wanted to bring this forward to the Council for input.

Anderson asked if most of these types of properties are absentee landlords and rentals.

Belland replied that not all the properties are rentals, some are owner occupied.

Anderson commented that he does not believe that the department can be tough enough on these types of issues.

DesLauriers referenced the fees and asked if they would step up.

Belland noted that the fees have not yet been established. He confirmed that there would be a step-up system.

Anderson agreed that the fees should be on a step-up basis.

Martin also agreed. She noted that language can be included in the draft ordinance that would reference the fee schedule, so that the fee schedule could simply be updated as needed rather than updating the fee schedule and ordinance.

DesLauriers referenced the language stating that written notice will be provided to property owners with more than two repeat service calls and suggested that the notice be provided on every visit.

Belland stated that the department would not know if a property is a nuisance until there is more than one call.

Batty stated that much of this was created based off an ordinance that he created for the City of Maplewood. He explained that there are properties that suck up a disproportionate amount of resources and this is an attempt to address that issue. He stated that the idea would be to provide a warning after the second call and the fees would be charged after the third call.

Martin stated that she would support sending the letter the first time to ensure property owners are aware.

Batty stated that the letter could state that the property owner should be aware that the City has a schedule and future issues could be addressed in such a manner.

Albers stated that there was nothing that jumped out at him. He stated that he did a lot of cross referencing on language terms used, such as dangerous weapons.

Pederson stated that the step-up system for the fees could be like the alarm schedule.

Martin provided some grammatical suggestions. She confirmed the consensus of the Council to direct staff to continue to move forward on this topic.

## **IX. OLD BUSINESS**

### **A. Resolution No. 2019-34 Granting Site Plan Review Approval to Highway 55 Rental Portable Storage to Construct One Mini-Storage Building 4790 Rolling Hills Road (8:01 p.m.)**

Johnson stated that Pederson is recusing himself from this vote and discussion.

*Moved by DesLauriers, seconded by Anderson, to Adopt Resolution Granting Site Plan Review Approval to Highway 55 Rental Portable Storage to Construct One Mini-Storage Building at 4790 Rolling Hills Road. Motion passed unanimously (Pederson recused).*

### **X. APPROVAL TO PAY THE BILLS (8:02 p.m.)**

*Moved by Anderson, seconded by DesLauriers, to approve the bills, EFT 005080E-005096E for \$60,930.35 and order check numbers 048761-048822 for \$554,740.81 and payroll EFT 0509435-0509461 for \$50,964.97. Motion passed unanimously.*

### **XI. CITY ADMINISTRATOR REPORT (8:03 p.m.)**

Johnson had nothing further to report.

### **XII. MAYOR & CITY COUNCIL REPORTS (8:03 p.m.)**

Martin reported that she and DesLauriers attend the Long Lake Fire Department meeting.

DesLauriers stated that it was nice to see how aggressive the organization is on gambling (pull-tabs) and other sources of revenue to fund equipment purchases.

Martin stated that she, Anderson and Johnson held a conference call with Eric Anderson to discuss how the City can work with Lucy Mitchell and her siblings to establish a fund in Bob Mitchell's name. She reported that she also attended the mayors' dinner where Representative Dean Phillips Chief of Staff, provided an update on the Congressman's efforts to address infrastructure needs. She stated that she, Finke and Johnson met with the owners of the westerly parcel that borders Town Line, to discuss the intended use of their property.

Pederson stated that he attended the park tour, which was a fun night. He noted that there were a lot of residents in Hamel Legion Park that were not Medina residents. He stated that Liz Weir did a great job obtaining signatures for the park maintenance fund increase. He noted that it was incredible to see the high amount of use of Hamel Legion Park. He noted that he also attended the bike rodeo and commented that the police department did a great job with the event. He stated that he also attended an Uptown Hamel meeting where Finke did a great job presenting information. He noted that parking will be a challenge in Uptown Hamel.

DesLauriers asked if there is an update on the conduit bond funding.

Barnhart stated that Kennedy and Graven is in the process of obtaining the additional conduit bond issuers, as four are needed. She stated that once that is complete, more information will be available.

**XIII. ADJOURN**

*Moved by Anderson, seconded by DesLauriers, to adjourn the meeting at 8:10 p.m.  
**Motion passed unanimously.***

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Kathleen Martin, Mayor

Attest:

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Jodi M. Gallup, City Clerk