

**MEDINA CITY COUNCIL MEETING MINUTES OF AUGUST 7, 2019**

The City Council of Medina, Minnesota met in regular session on August 7, 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, Finance Director Erin Barnhart, Assistant City Administrator Jodi Gallup, 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 July 16, 2019 Special City Council Meeting Minutes**

*Moved by Anderson, seconded by Pederson, to approve the July 16, 2019 special City Council meeting minutes as presented. **Motion passed unanimously.***

**B. Approval of the July 16, 2019 Regular City Council Meeting Minutes**

*Moved by Anderson, seconded by Albers, to approve the July 16, 2019 regular City Council meeting minutes as presented. **Motion passed unanimously.***

**V. CONSENT AGENDA (7:01 p.m.)**

**A. Approve 2020 Kennedy and Graven Rates**

**B. Approve 2020 Steve Tallen Rates**

**C. Approve 2020 WSB Engineering Rates**

**D. Resolution No. 2019-45 Accepting Resignation of Community Service Officer Melissa Robbins**

**E. Authorize to Recruit and Hire Community Service Officer Position**

**F. Approve Updated Job Description for Assistant City Administrator/City Clerk**

Johnson noted that the Council has requested additional discussion on Item F and requested to pull that item from the Consent Agenda.

Anderson noted that he had the pleasure of riding with Community Service Officer Melissa Robbins the previous night for Night to Unite and commended Belland on her hiring. He noted that she was a tremendous asset for the community and wished her the best in her new position.

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

**F. Approve Updated Job Description for Assistant City Administrator/City Clerk**

Johnson stated that Council Member DesLauriers pointed out under the comparables from Saint Anthony Village there was a typo regarding the minimum/maximum salary and provided the correct figure. He noted that two Council members also commented that the Assistant City Administrator/City Clerk classification should be effective January 1, 2020 with the new budget. He stated that staff suggested that the change take place immediately but noted that the change could be made effective either way based on Council's policy direction.

DesLauriers stated that he spoke with Johnson the previous day and this seems like a pretty big jump to go up two pay grades. He asked if this was in line with the other pay grades in the City and how this would impact other groups.

Barnhart stated that she can provide documentation, noting that the City follows a well thought out method/plan for salaries which involves grading and points for each position an employee holds. She stated that there are 11 pay grades and provided examples where different leadership employees would fall on those grades. She stated that they attempt to avoid inconsistencies or inequity by using this system.

Johnson noted the job description for the position would also change from hourly to a salaried, professional position.

Barnhart agreed that this position currently receives overtime and the reclassification would provide an immediate cost savings to the City. She stated that the position has already been completing the additional duties and the reclassification simply updates the job that is already being done.

Albers stated that he is comfortable with the proposed increase.

Pederson referenced the comparables that have been completed and noted that similar cities have considerably higher population. He noted that perhaps Corcoran would be most similar of the list and they do not have an Assistant City Administrator. He asked if a similar pay grade increase has been done in the past.

Barnhart confirmed that a similar pay grade increase has been done before.

Johnson explained that each city is a little different on how they setup their organizational chart and therefore it was difficult to find comparables. He explained that some of the cities have larger populations or are closer to the metro but have similar positions.

DesLauriers stated that it would be helpful for him to have better information on the pay grades for other positions.

Barnhart explained that staff have slowly been reviewing the positions to update job descriptions and structures to better match the duties being completed.

Martin noted that this position would be somewhat similar to the Sergeant, who would take over in the absence of the Chief but noted that this position also handles many

duties that the City Administrator would not typically handle. She asked how the change impacts the budget.

Barnhart noted that the change is factored into the proposed 2020 budget and believed that this would be a good time to make the change as there was a recent retirement. She noted that there would also be a cost savings because of the overtime that this position is accruing.

Martin asked if the Council is comfortable with the pay grade increase.

Pederson asked how this change would impact other positions, specifically whether step increases are done during the year.

Johnson stated that the job description for this position is being updated and therefore this would not impact wages for other positions.

Barnhart agreed that there are specific reasons supporting this change and would not open the door to other requests. She confirmed that this has been done in the past. She provided examples of changes in public works and accounting that received similar pay grade increases during past years.

Martin stated that this seems to be making a correction rather than a typical promotion, better matching the salary range that is appropriate for the position and duties being fulfilled.

Johnson agreed that this is an update that is being made to reflect reality.

Martin stated that it seems that there is consensus to make the change and then asked about timing. She noted that there are funds available in the budget for the remainder of the year because of a recent retirement and that there would be a cost savings because of the overtime currently being accrued.

Pederson commented that he would like to delay until January 1<sup>st</sup>.

DesLauriers stated that he does not feel that he has enough information.

Albers believed that this change should be made immediately.

Anderson also supported making the change now. It was his opinion that this is a corrective measure and therefore should be done now.

Martin shared that sentiment.

*Moved by Anderson, seconded by Albers, to approve updated job description for Assistant City Administrator/City Clerk. **Motion passed 3 - 2 (Nay – Pederson and DesLauriers).***

## **VI. COMMENTS (7:26 p.m.)**

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

There were none.

**B. Park Commission**

Park Commissioner Terry Sharp stated that the Park Commissioners attended a number of Night to Unite parties the previous night at different parks. He stated that everyone he talked to was having a great time and he was able to secure 16 signatures in support of the municipal park fund. He provided updates on other Commissioners that attended parties and received additional signatures in support of the municipal park fund. He stated that the Commissioners did not hear any concern with supporting the municipal park fund and there was overwhelming support. He noted that people enjoy the parks and the ability for their kids to enjoy the equipment.

Martin stated that it is tremendous that the Park Commission has gone into the community to gather this input and support, as that will help the Council to make future decisions. She explained that the Council is very mindful of tax dollars and this information will be helpful in making decisions. She stated that it would be helpful to gain input from people that may not often frequent parks as well.

Park Commissioner Sharp agreed that it can be helpful to position themselves at other events. He noted that he attended the bike rodeo but the problem with that event was that two thirds of the attendees were not Medina residents. He reviewed some of the questions that he asks people when talking to them. He stated that it would be great to get some survey data on what people value in parks.

**C. Planning Commission**

Finke reported that the Planning Commission will meet the follow week to hold two public hearings. The first hearing will be related to a Conditional Use Permit and Variance request from 1582 Homestead Trail for an accessory dwelling unit and other accessory buildings and the second for setback encroachments for decks along major roadways.

**VII. NEW BUSINESS**

**A. Presbyterian Homes Conduit Bonds – Public Hearing (7:35 p.m.)**

Johnson noted that an update was received from legal counsel recommending that the Council open the public hearing and continue it to August 20<sup>th</sup> because the lender and borrower need additional time for negotiation.

Martin stated that it does not appear that the Metropolitan Council has yet issued a letter in support. She stated that the Council should be mindful if that has not been issued at the next review.

Martin opened the public hearing at 7:37 p.m.

No comments made.

*Moved by Anderson, seconded by Pederson, to continue the public hearing to the August 20<sup>th</sup> meeting. **Motion passed unanimously.***

**B. Hamel Fire Department Transition Group Study Request (7:38 p.m.)**

Johnson stated that City Attorney Ron Batty submitted a memorandum to discuss attendance for the transition group meetings.

Batty stated that at the last worksession there was discussion about this topic and the result was to appoint two Council members to participate in a joint committee with the Hamel Fire Department to discuss the topic. He stated that the issue that arose after was whether there was an option to expand participation in that group to additional Council members on a rotating basis. He did not believe that would be advisable as it could easily be construed as serial meetings to form consensus without holding a City Council meeting. He explained that while he does not believe that is the intent, it could be construed in that manner. He stated that if it is important to the Council that more than two people attend, they should call concurrent Council meetings with this Committee which would allow all Council members to attend if desired.

Johnson noted that he would like policy direction from the Council on whether two members of the Council would attend and provide updates or whether a concurrent Council meeting should be called.

Pederson stated that he would agree to continue with the liaisons that have been working on the matter along with Johnson and noted that group can provide updates to the remainder of the Council.

Anderson stated that in the spirit of transparency these meetings should be noticed, and members of the public should be allowed to attend the meetings. He stated that because of the potential tax ramification, everyone should have the opportunity to attend.

DesLauriers stated that if Johnson takes detailed notes that should be sufficient. He stated that it is already difficult to get people to attend and therefore recommended keeping the group as is.

Albers agreed that he would recommend keeping the subcommittee with Johnson taking notes.

Martin agreed and stated that this is simply an exploration and no action is being taken. She stated that there is nothing to discuss until the Council knows what may be proposed and any potential action would need to come back before the Council in a public forum. She believed that it would be important to keep the two appointed members attending the meetings to maintain consistency.

Pederson asked if there is input from Hamel Fire as to how they would like the meetings to be run.

Hamel Fire Chief Jeff Ruchti stated that they would like to keep the group small and would agree that it would be helpful to continue working with the same liaisons.

Anderson stated that if people choose not to attend, that would be fine, but believed that the meetings should still be noticed for the public.

Batty clarified that the committee meetings are subject to the open meeting law and should be held as open meetings. He stated that the issue he addressed in his

memorandum was whether they were Council meetings. He stated that the meetings would need to be noticed and open to the public. He stated that in his opinion Fire Department meetings would be subject to the open meeting law.

Martin stated that Loretto and Hamel Fire are both nonprofit organizations and therefore did not believe those organizations are subject to the open meeting law.

Batty stated that as a volunteer fire department he believed that they would be subject to the open meeting law. He stated that the purpose of the memo was that his opinion was to not trip the open meeting law in respect to the City Council.

Martin asked who would notice the meeting.

Batty stated that if the meeting is a committee of the Fire Department, the Fire Department should be noticing those meetings. He stated that he will review the issue further.

Johnson stated that he will work with Batty to gather additional clarification on the meetings and how they should be setup.

**C. Raskobs Elm Creek Addition – Final Plat (7:53 p.m.)**

Finke stated that the Council granted preliminary plat approval in May for this two-lot subdivision. He stated that most of the conditions of preliminary plat approval would be continued on and implemented in the future upon development of the site. He noted that the current owner is not looking to develop but simply divide the sites for sale. He stated that the conditions would then continue through to the ultimate developer. He stated that staff recommends approval of the final plat and development agreement.

Martin asked if the legal description issue had been resolved.

Finke replied that issue was resolved at the time of preliminary plat.

**1. Resolution No. 2019-46 Granting Final Plat Approval of Raskobs Elm Creek Addition**

*Moved by Pederson, seconded by Anderson, to adopt Resolution No. 2019-46 Granting Final Plat Approval of Raskobs Elm Creek Addition. **Motion passed unanimously.***

**2. Development Agreement by and between the City of Medina and Patricia R. Raskob Trust**

*Moved by Pederson, seconded by Anderson, to approve the Development Agreement by and between the City of Medina and the Patricia R. Raskob Trust. **Motion passed unanimously.***

**D. Arrowhead Quiet Zone Project – Update from WSB (7:58 p.m.)**

Johnson stated that the City received a \$400,000 grant for the quiet zone work from the State of Minnesota. He stated that WSB has provided a not to exceed quote for the final design work.

Stremel stated that the City is proposing to implement a quiet zone and pedestrian crossing features at Arrowhead Drive. He noted that the City is required to lead the project because of the receipt of the grant funds. He stated that the City is utilizing a

consultant that specializes in quiet zone work. He noted that they are attempting to minimize the amount of changes in order to implement the quiet zone and highlighted the proposed improvements. He reviewed the progress to date which has involved the different stakeholders. He reviewed the funding and project schedule.

DesLauriers referenced the lane width and asked if there is any concern with reducing that to 11 feet.

Stremel stated that they worked with the County directly on that aspect and 11 feet is the minimum width on a County roadway. He stated that they attempted to minimize impacts to the adjacent wetland.

Finke stated that another factor was using the existing railroad arms.

Stremel confirmed that if the gates/railroad arms needed to be moved that could add hundreds of thousands of dollars.

Pederson asked if the contingency is included in the grant funds.

Stremel confirmed that the proposed project cost includes the contingency funds.

Martin asked why the crosswalk is proposed in the manner it is.

Stremel stated that MnDOT provided input on the design, noting that there are two left turn lanes for westbound traffic which would cause additional lanes to cross. He noted that it would be a safer route to first cross Arrowhead.

Martin asked if the crosswalks should continue to the new trail.

Finke stated that the wiggle in the trail would be a good idea as there would not be a gate for pedestrians and therefore causing a slowdown as people approach the tracks would be a good thing.

Albers referenced the width of the median being added and asked if five feet is the minimum.

Stremel confirmed that five feet is the minimum. He noted that signs will be placed on the median and this width would be the minimum to provide a clear zone for vehicles.

*Moved by DesLauriers, seconded by Pederson, to authorize preparation of final plans and specifications and approve engineering services agreement with WSB for final design and bidding services. **Motion passed unanimously.***

**B. Hamel Fire Department Transition Group Study Request (Continued)  
(8:12 p.m.)**

Johnson noted that the open meeting law would apply to the full Fire Department Board. He noted that this meeting would be two subcommittees, with two members from the Fire Department Board and Council.

Batty stated that if a body is subject to open meeting law, a committee of that Board would still be subject to the open meeting law. He noted that his memorandum

addressed the issue of whether the meeting would be a City Council meeting. He stated that his comments were in response to the comments of transparency from Anderson. He stated that additional work will need to be done to determine if the meeting should be subject to the open meeting law. He noted that his comments were based on his assumption that the group was subject to the open meeting law.

Martin stated that there is a question of whether the committee of the Hamel Fire Board would be subject to open meeting law and noted this situation also gave rise to a question of whether the other fire department meetings that two Council members attend would also need to be noticed.

Batty confirmed that is a basic issue that should be clarified.

Martin noted that Loretto has a Fire Department meeting in August and asked if she could still attend as a representative of the City, awaiting an answer on this topic, and whether there would be a difference in one or two Council members attending.

Batty noted that there would not be any difference in whether there are one or two members present. He did not believe there would be an issue if Martin attended as an interested party, noting that the issue would be to the degree that person is appointed.

#### **VIII. CITY ADMINISTRATOR REPORT (8:18 p.m.)**

Johnson referenced the wetland delineation and right of entry agreements for Hackamore Road, noting that legal counsel has been working on that issue.

Batty stated that he was provided with a copy of what Corcoran was going to use on their side and he was asked whether that is adequate for when consultants are on the Medina side of the road. He stated that he provided a form as a sample that was used on a previous Medina project. He noted that Finke updated the sample and he is comfortable with the form as proposed.

Martin asked if this has been done on other projects.

Finke stated that right of entry forms are not uncommon.

Johnson confirmed direction from the Council to move forward with the right of entry for property owners along Hackamore Road.

*Moved by Martin, seconded by Anderson, to authorize City staff and the Mayor to execute the right of entry documents with each landowner for the Hackamore Road project.*

*Further discussion: Pederson asked if this project will be assessed.*

*Johnson replied that portions of this project would be assessed. He noted that there are funds from developers for this project.*

*Anderson asked what would happen if the landowner refuses right of entry.*

*Finke stated that if there is access, it would make the design easier. He noted that assumptions can be made staying within the right-of-way, but it is important to get out of*

*the existing right-of-way to survey and attempt to improve the drainage. He noted that most property owners along Hackamore would like help with the drainage problems.*

*Batty stated that these would essentially be temporary easements and in his experience most people will sign the agreements.*

*Batty asked the policy of restoration for these projects.*

*Johnson stated that typically that would involve black dirt and seed.*

*Finke stated that if a fence is in the area, the fence would be removed, and the City would prefer the homeowner to reinstall the fence if desired.*

*Batty stated that it seems that there is some gray area on the policy.*

*Martin proposed to amend the motion to further refine section 2C and 2D to limit the liability to damage caused within property not subject to the right-of-way. Pederson accepted the amendment.*

**Motion passed unanimously.**

Johnson thanked the Police and Fire Departments and the Council members that visited different Night to Unite parties the previous night.

**IX. MAYOR & CITY COUNCIL REPORTS (8:33 p.m.)**

No comments.

**X. APPROVAL TO PAY THE BILLS (8:33 p.m.)**

*Moved by Anderson, seconded by Pederson, to approve the bills, EFT 005163E-005182E for \$54,919.43 and order check numbers 049085-049160 for \$588,008.79 and payroll EFT 0509589-0509618 for \$53,962.82. **Motion passed unanimously.***

**XI. ADJOURN**

*Moved by Anderson, seconded by DesLauriers, to adjourn the meeting at 8:34 p.m.*

**Motion passed unanimously.**

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Kathleen Martin, Mayor

Attest:

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Jodi M. Gallup, City Clerk