

MEDINA CITY COUNCIL MEETING MINUTES OF APRIL 7, 2020

The City Council of Medina, Minnesota met in regular session on April 7, 2020 at 7:00 p.m. telephonically pursuant to Minn. Stat. Sec 13D.021. Mayor Martin presided.

Martin reported that this is the second meeting held telephonically and provided a brief update on COVID-19. The City website has links related to COVID-19 along with information on critical City services being provided during this time. She provided additional information on the process for residents to provide comments during the meeting.

I. ROLL CALL

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

Members absent: None.

Also present: City Administrator Scott Johnson, Assistant City Administrator Jodi Gallup, City Attorney Ron Batty, Finance Director Erin Barnhart, City Engineer Jim Stremel, City Planning Director Dusty Finke, Public Works Director Steve Scherer, and Chief of Police Jason Nelson.

II. PLEDGE OF ALLEGIANCE (7:10 p.m.)

III. ADDITIONS TO THE AGENDA (7:10 p.m.)

The agenda was approved as presented.

IV. APPROVAL OF MINUTES (7:10 p.m.)

A. Approval of the March 17, 2020 Regular City Council Meeting Minutes

Martin stated that changes proposed by Anderson and herself were distributed by Johnson for incorporation into the minutes.

Moved by Martin, seconded by Anderson, to approve the March 17, 2020 regular City Council meeting minutes as amended.

A roll call vote was performed:

Pederson aye
Anderson aye
DesLauriers aye
Albers aye
Martin aye

Motion carried.

V. CONSENT AGENDA (7:12 p.m.)

A. Resolution No. 2020-18 Granting Conditional Approval of the Weston Woods of Medina Comprehensive Plan Amendment and Authorizing Submission to the Metropolitan Council for Review

- B. Ordinance No. 656 Amending the Official Zoning Map to Rezone Lots 1 and 2, Block 1, Adams Subdivision
- C. Resolution No. 2020-19 Authorizing Publication of Ordinance Amending the Official Zoning Map to Rezone Lots 1 and 2, Block 1, Adams Subdivision by Title and Summary
- D. Resolution No. 2020-20 Granting Preliminary Approval of the Adams Subdivision Plat
- E. Resolution No. 2020-21 Granting Approval of a Site Plan Review and Conditional Use Permit to Jan-Har, LLP (Adam's Pest Control)
- F. Resolution No. 2020-22 Accepting Donation from Cynthia Piper
- G. Resolution No. 2020-23 Accepting Donation from Robert Belzer
- H. Approve Emergency Siren Replacements
- I. Appoint Curtis Biegert to Full-time Public Works Maintenance Technician Position

Albers referenced Item H, noting that the staff report mentioned looking for a used siren and asked the lifespan of that equipment.

Nelson stated that there is no true lifespan but noted that the City probably reached the true life of that equipment several years ago and the sirens continue to be repaired. He noted that the City was going to purchase new equipment, but the company had some used equipment that was offered. He explained that for the price of new equipment for one site, the City could replace three sites with the used equipment.

DesLauriers asked why the Hamel Fire Department wishes their siren to be removed.

Nelson stated that a reason was not specified, the Fire Department simply alerted the City that they wanted that removed from their property.

Anderson stated that he believes that Hamel received complaints from nearby residents related to the placement and level of noise from the sirens.

Moved by Anderson, seconded by Albers, to approve the consent agenda.

A roll call vote was performed:

Pederson **aye**
Anderson **aye**
DesLauriers **aye**
Albers **aye**
Martin **aye**

Motion carried.

VI. COMMENTS (7:18 p.m.)

A. Comments from Citizens on Items not on the Agenda

There were none.

B. Park Commission

Scherer reported that park trails, open spaces and neighborhood trails were well used over the past few weeks. He stated that some steps have been taken to implement

social distancing, noting that signs were posted near playground equipment. He stated that the extra use has brought extra maintenance as trash receptacles are filling every two days. He noted that public works will be sweeping the streets in the next few weeks.

C. Planning Commission

Finke reported that the Planning Commission will meet the following week to hold a public hearing for a PUD concept plan review for the Meadowview townhome development and a second for a barn and riding arena request.

VII. NEW BUSINESS

A. Ordinance Amending Section 512 of the Code of Ordinances Regarding Surface Use of Lake Independence – Public Hearing (7:22 p.m.)

Johnson stated that staff received a letter from LICA on February 12th requesting a change to the no wake zone due to high water levels. He provided details on the current trigger and the requested change to the trigger level. He noted that the changed level was a compromise between Independence, Medina, and Three Rivers Park District. He stated that the DNR is requiring Independence and Medina to hold public hearings on the change with the other required information for the DNR review.

Pederson commented that it is reasonable to make the change to protect the improvements that have been completed on the lake.

Anderson stated that the April 5th email from staff was great and provided a compromise between all the parties.

Martin opened the public hearing.

Tom Blank, 5010 South Lakeshore Drive, stated that he lives in Independence but was asked to represent LICA as he is the President of the LICA Board. He stated that the mission of the lake includes protection of water quality and encouraging responsible use and recreation for the lake. He stated that the high-water levels in recent years have increased the level of the lake. He noted that the LICA Board spent months gathering input from different stakeholders and LICA members in order to get to this point. He recognized that people have different points of view on the topic and are passionate about their position. He stated that the LICA Board concluded that some changes need to be made and therefore suggested the modest change proposed tonight.

Randy Cole stated that he is a 20-year resident of Medina and has lived on the lake for 20 years. He stated that in his mind the lake has moved backwards since the 2014 amendment. He stated that he believes the trigger level is too restrictive and there is no scientific reasoning for increasing the trigger to the proposed level. He stated that from the graph he provided, there were zero lake days when boats could be used as desired. He stated that the decision from 2014 has an economic impact on recreational activity on the lake. He stated that he appreciates the work that LICA has done, but the membership remains split on whether LICA is making the right choices with lake levels and the trigger. He stated that he enjoys the lake and is proud to live in the community. He asked the City Council to consider the research that he has provided to have the trigger level changed to that of neighboring lakes. He asked that different members take over the monitoring of the lake levels and asked that the no wake go back to 250 feet from the lakeshore rather than the entire lake.

Max Smith, 2961 Lakeshore Avenue, stated that while he supports the increase, he would want the trigger to be increased more to perhaps 10 or 12 inches. He stated that he has lived on the lake for three years and there have been many more no wake days than wake days. He stated that they purchased their property to use the lake and believed increasing the trigger would be in the best interest of the families that live on the lake.

Pederson commented that he understands the direction this is moving and feels that the compromise between the cities and Three Rivers Park District is a good solution to protect the improvements that have been made to the lake.

DesLauriers referenced the information provided by Mr. Cole asked for examples of the lakes within the measurement as noted under bullet three of the key facts.

Mr. Cole provided the high-water mark for Lake Minnetonka, noting that Lake Sarah also follows that. He stated that he gathered that information from the DNR.

Mr. Blank stated that as the leader of LICA he has sensitivity to lakeshore property owners that feel strongly against any kind of change. He referenced information on recorded water levels that was provided to the Council and explained that in moving the trigger to the proposed level, that would open up the lake for use on many of the days that were previously restricted under the current trigger.

Albers stated that it appears there were a lot of fluctuations in 2010 through 2012. He stated that there would be more days to recreate on the lake under the newly proposed trigger.

Pederson asked for information on the outlet/channel, as the City previously contributed to a project to clear that.

Johnson confirmed that the City partnered with Independence and LICA to clear that channel. He stated that LICA is responsible for maintaining that channel per the agreement.

Martin stated that she appreciates the tensions between the various users of the lake; and that everyone has been respectful and that the parties have continued to communicate. She stated that while she loves water recreation, she has also learned to respect the City's investment and commitment to improving water quality. She stated that she is compelled to honor that commitment and appreciates the compromise that has occurred.

Martin closed the public hearing.

Moved by Anderson, seconded by Albers, to direct staff to submit the minutes from the public hearing, the DNR Work Sheet on Lake Independence, and the updated draft ordinance to the DNR for final review.

A roll call vote was performed:

Pederson aye

Anderson **aye**
DesLauriers **aye**
Albers **aye**
Martin **aye**

Motion carried.

B. 2020 Budget Update (7:56 p.m.)

Barnhart stated that there have been a lot of calls between staff and other entities. She noted that she participated in a national webinar that reinforced that the City should maintain its core functions and operations and not delay its CIP plans as delaying those actions would have impacts on future budgets. She stated that this type of situation is when a city should use its reserve funds, if a budget shortfall occurs. She stated that 73 percent of the City's annual revenue is generated through property taxes. She stated that currently the property tax deadlines remain the same, May and October, and therefore the City will anticipate that revenue as expected. She reviewed some of the City's other revenue sources. She stated that construction has been slated as an essential employment and therefore that activity continues, although permit revenue may experience a delay or decrease dependent upon the building season activities. She explained that unlike the private sector, the City budget has been set for the year and cannot be modified. She stated that staff can continue to monitor but encouraged the City to continue to provide its services. She stated that there are some smaller overlay projects slated for this summer and there has been discussions about postponing those because of the related assessments that would occur. She noted that staff would not want to add an assessment to residents at this time if the improvement could be delayed. She stated that Medina is fortunate with the strides that it has made with electronic documentation and online banking activity. She stated that as staff moves forward, adjustments would be made to the 2021 budget, if things need to be slowed down. She stated that the equipment fund, which is used for the CIP purchases, is designated for that purpose and cannot be used for general expenses.

Albers stated that this just shows the importance of digitizing the back offices of the City and any businesses as COVID-19 has shown that business continuity is an important concept. He appreciated the work that the City has done to ensure that it can perform its work and maintain its service levels.

DesLauriers agreed that government is different than the private sector and agreed that the City should stay the course. He asked if there is a mechanism that could be enacted for the next 90 days that would enact a discussion related to hiring or purchasing items that were included in the budget.

Martin stated that staff cannot hire without Council approval.

Barnhart stated that Scherer and Nelson are very transparent about the activity within their departments and communicate well when purchases are anticipated. She stated that the purchases are also included in the claims statement for the Council packet. She stated that she would want those discussions to take place prior to the checks being issued. She stated that staff wants to be transparent with the public related to the reason for hiring personnel or purchasing equipment. She agreed that communication is essential during a time like this.

DesLauriers stated that the virus has moved so quickly, and he would have found it helpful to have a discussion on whether the appointment of the full-time maintenance position should have occurred tonight.

Martin stated that there was a previous discussion about the position and there was testimony from public works about the necessity of filling that position. She noted that any member of the Council could have pulled that item from the Consent Agenda, if desired.

DesLauriers stated that he agrees with the hire, but simply used that as an example. He stated that he would want the City to watch its spending in the next 90 days.

Anderson stated that he is very pleased that Barnhart has been speaking to other colleagues across the country, as there are many cities going through the same things Medina is and it can be helpful to share information through a webinar format.

Pederson stated that he enjoys how enthusiastic Barnhart is about the subject but feels the opposite way. He believes that property values and businesses will struggle, dependent upon how long COVID-19 goes. He believed that if this continues, the City could find itself in a difficult position. He believed that the Council should be involved in the decision on purchases over \$25,000. He stated that some businesses may go out of business if this continues much longer, which will impact property values, using the example of the Medina Entertainment Center.

Martin thanked everyone for their input and Barnhart for the report and update. She stated that all staff members participating in the meeting are concerned with costs and are carefully evaluating the decisions made and funds expended.

Johnson stated that staff will continue to bring information forward to the Council to make informed decisions.

Martin stated that perhaps it would make sense during this time to have a weekly conference call with staff and the Council to provide updates.

Johnson stated that those could be provided at the City Council level and did not believe an extra meeting would be necessary at this time.

Martin thanked staff for the report. She stated that the City is lucky because it has staff that is cognizant of budgeting.

C. Loretto Tractor Agreement (8:16 p.m.)

Scherer recognized that this is not the best timing but noted that legal counsel told him that this decision was made months ago, and the City is in the middle of the process. He stated that the CIP was approved, and he ordered the tractor in January, expecting delivery in June. He stated that trying to reverse the operation is almost impossible because the City contracted for the purchase through the State contract. He provided background information on the maintenance issues the previous tractor/mower were experiencing. He stated that he knew there was a possibility that Loretto would not participate in the sharing and therefore the full amount was included in the CIP. He stated that Loretto has chosen to take its chances with the current tractor and will not cost share this purchase. He stated that if the budget is tight going forward, he would be

willing to push out future purchases but noted that the City is already in a contract for this purchase.

Pederson stated that he spoke with Scherer prior to the meeting to discuss this purchase. He stated that while he does not ever think it's too late to cancel something, he did like that Scherer would be willing to extend out a future CIP purchase if needed. He stated that in the future the City could look at contracting out snowplowing and mowing services, if needed. He stated that Scherer does a good job of being flexible and making equipment last longer and has faith that he would do that in the future if needed.

Anderson echoed the comments of Pederson.

Moved by Martin, seconded by Anderson, to approve the Loretto Tractor Agreement to purchase the current tractor for \$17,500 and terminate the 2008 agreement.

A roll call vote was performed:

Pederson aye
Anderson aye
DesLauriers aye
Albers aye
Martin aye

Motion carried.

VIII. CITY ADMINISTRATOR REPORT (8:24 p.m.)

Johnson thanked the Council, staff and department heads for their extraordinary response to the COVID-19 situation. He stated that he and Mayor Martin have continued to meet with Senator Osmeck and Representative Phillips and provided a brief update on recent State legislation. He also provided a brief update on recent Federal declarations. He stated that there is a COVID-19 section on the City website to provide residents with updates and links for applicable sources of information.

Scherer provided an update on the functioning of public works staff, including the implementation of social distancing. He advised of projects that the group is working on that do not require close contact. He stated that the brush pile has been busy as residents are working from home and cleaning up their yards.

Nelson stated that the police department is doing well. He stated that it has been one week since Chief Belland retired. He stated that the department has no COVID-19 employee related illness and the department is trying to space out employees to avoid exposure. He stated that time off requests are not being approved and the weekly cleaners have been eliminated to eliminate exposure and unnecessary people in the building. He stated that there is a staffing plan developed with the Lakes Area Management Group, noting that they continue to hold weekly conference calls with the group. He stated that they have also been working with the County and Medina is a part of the County staffing plan as well. He stated that he continues to work with multiple vendors in attempt to find PPE. He stated that the best practices are being evaluated daily as information continues to come in. He reported that the fire departments are operating under similar formats, attempting to separate personnel and develop staffing

plans. He stated that he has spoken with the larger residential facilities to develop plans in the case someone is infected with COVID-19. He stated that on Friday night members of the department and fire department performed CPR on a four-week-old infant, noting that the infant was revived and is at Childrens Hospital.

The Council congratulated Nelson on his new position and thanked him for the report.

IX. MAYOR & CITY COUNCIL REPORTS (8:36 p.m.)

Pederson stated that he received a call from a member of the Hamel Lions regarding Hunter Park. He stated that the resident would like to see the area burned. He stated that there is a burning ban right now that would prevent that activity.

Scherer stated that a DNR variance is needed to burn right now. He explained that by the time he went through the process last year, there were three weeks of rain and burning was not a possibility. He stated that they did mow it last year and will probably mow again this year. He did not believe that burning would be an option with the COVID-19 situation because of social distancing.

X. APPROVAL TO PAY THE BILLS (8:39 p.m.)

Moved by Anderson, seconded by DesLauriers, to approve the bills, EFT 005450E-005469E for \$1,151,503.26, order check numbers 050059-050123 for \$152,551.13, and payroll EFT 0510109-0510170 for \$106,985.41.

A roll call vote was performed:

Pederson aye
Anderson aye
DesLauriers aye
Albers aye
Martin aye

Motion carried.

**XI. CLOSED SESSION: CONSIDERATION OF LAND ACQUISITION AT
03-118-23-24-0002 PURSUANT TO MINN. STAT. SEC. 13D.05, SUBD. 3(c)**

Pederson stated that he will be recusing himself from the closed session as he owns property adjacent to the property being discussed.

Batty confirmed that Pederson should not participate or listen in on the closed session conference call.

Moved by Anderson, seconded by DesLauriers, to adjourn the meeting to closed session at 8:44 p.m. for the consideration of land acquisition at 03-118-23-24-0002 pursuant to Minn. Stat. Sec. 13D.05, Subd. (c).

A roll call vote was performed:

Anderson aye
DesLauriers aye
Albers aye
Martin aye

Motion carried.

The Council returned to open session at 9:12 p.m.

Martin commended staff, police, fire and the Council for the excellent service that everyone has provided in this unprecedented situation.

XII. ADJOURN

Moved by Anderson, seconded by Albers, to adjourn the meeting at 9:13 p.m.

A roll call vote was performed:

Anderson aye

DesLauriers aye

Albers aye

Martin aye

Motion carried.

Kathleen Martin, Mayor

Attest:

Jodi Gallup, City Clerk