

## **MEDINA CITY COUNCIL MEETING MINUTES OF JUNE 2, 2020**

The City Council of Medina, Minnesota met in regular session on June 2, 2020 at 7:00 p.m. virtually. Mayor Martin presided.

Mayor Martin issued a statement that all meetings of the City Council and other Boards and Commissions continue to occur in a virtual format because of the COVID-19 pandemic and related local and State declarations of emergency. She provided information on how members of the public can participate in 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 Dave Anderson, Finance Director Erin Barnhart, City Engineer Jim Stremel, City Planning Director Dusty Finke, Public Works Director Steve Scherer, and Chief of Police Jason Nelson.

Martin commented that this has been a challenging year with COVID-19 and now the horrific death of a Twin Cities resident at the hands of the Minneapolis police. She stated that Medina has been extremely blessed by a competent and compassionate Police Department. She commented that Ed Belland recently retired and new Police Chief Jason Nelson has stepped into the role during a very difficult time and commended Nelson and his staff for the extraordinary effort they have put forth. She stated that Nelson wrote a very endearing thoughts and reflections memorandum to his department on his first few months as Chief and read aloud an excerpt from the memo.

### **II. PLEDGE OF ALLEGIANCE (7:13 p.m.)**

### **III. ADDITIONS TO THE AGENDA (7:14 p.m.)**

The agenda was approved as presented.

### **IV. APPROVAL OF MINUTES (7:14 p.m.)**

#### **A. Approval of the May 19, 2020 Regular City Council Meeting Minutes**

Martin noted that comments provided by herself and Anderson were distributed for incorporation into the minutes prior to the meeting.

*Moved by Martin, seconded by Anderson, to approve the May 19, 2020 regular City Council meeting minutes as amended. **Motion passed unanimously.***

### **V. CONSENT AGENDA (7:15 p.m.)**

#### **A. Approve 2020-2021 Liquor License Renewals**

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

## **VI. COMMENTS (7:17 p.m.)**

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

There were none.

### **B. Park Commission**

Park Commissioner Sharp reported that the Park Commission met recently and reviewed the Roehl subdivision request, recommending cash in lieu of land. He stated that the Commission is also working to provide an updated parks inventory. He reported that the Hamel Athletic Club will begin its season tonight, in a modified manor to meet the requirements of the Governor's Order.

### **C. Planning Commission**

Finke reported that the Commission will meet the following week to hold a public hearing to consider an ordinance amendment related to building materials within commercial districts, which would add engineered wood as an allowed material when rehabilitating buildings.

Martin asked the process that will be used to fill the position left vacant by Amic.

Finke stated that applications are being accepted through June 18<sup>th</sup> and the subcommittee will make a recommendation to the Council in early July.

Anderson asked the remaining length of the vacant term.

Finke stated that he was unsure but believed that the term ran through the remainder of the year.

Gallup stated that the advertisement states that the position runs through the end of the year and that the Commissioner could request reappointment for an additional three-year term.

Resident Stacy Ladwig stated that she noticed on the application that there is a requirement for residents to live in Medina for a minimum of two years. She asked if there are any circumstances in which that requirement is waived, noting that she has lived in Medina for 18 months.

Martin stated that the Council recently relaxed the requirement from three years to two years, in an attempt to open the position to more people. She encouraged the resident to apply for interested positions once the two-year requirement is met.

Albers stated that perhaps it would make sense to review applicants that may not meet the two-year requirement because this is more of an interim appointment for the remainder of this term and noted that this resident would appear to be eligible at the end of the year.

Martin commented that this appointment would occur immediately because of the vacant position. Martin encouraged the resident to apply, stating that the resident could include the date she moved into Medina in the application.

Finke stated that the two-year requirement is written into the ordinance and therefore if the Council wants to discuss that option, an ordinance amendment would need to occur prior to the appointment.

Pederson commented that the Council recently denied an applicant because they did not meet the residency requirement and therefore did not see it fair to change it at this point.

DesLauriers agreed that the requirement was relaxed from three years to two years and did not think it would be fair to consider an applicant that did not meet the requirement when others have been denied.

Albers stated that guidance should be provided by the number of applications received and the appointment date. He stated that it would be nice to have flexibility, depending upon the situation.

## **VII. NEW BUSINESS**

### **A. Roehl Estate – Preliminary Plat – 1735 Medina Road (7:31 p.m.)**

Finke presented a request for a subdivision of the property at 1735 Medina Road, noting that the preliminary plat would divide the lot into two lots which both exceed the minimum lot standards. He stated that staff would not recommend construction traffic for the northern lot use Morgan Road, noting that access would need to be provided by Medina Road. He stated that there would be no proposed wetland impacts. He stated that staff recommends that the implementation of the wetland boundaries on the northern lot hold off until construction would be completed. He stated that the Park Commission recommends cash in lieu for park dedication.

*Moved by Anderson, seconded by DesLauriers, to direct staff to prepare resolution to approve the preliminary plat for the Roehl subdivision with the conditions outlined in the staff report.*

***A roll call vote was performed:***

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

***Motion passed unanimously.***

### **B. Ordinance Amending Regulations Pertaining to Accessory Structures; Amending Chapter 8 of the City Code (7:36 p.m.)**

Finke stated that the proposed amendment would increase the allowed size of sheds that are allowed as exemptions to the full structure setback. He stated that currently the size is 120 square feet in Medina and the amendment would increase that size to 200 square feet. He stated that the Planning Commission discussed adding a height limitation for the structures allowed exempt from the full setback and recommended a height limitation. He referenced the current requirement that requires a rural residential property to request a CUP for accessory structures over 5,000 square feet. He noted that process adds cost and length to the project, and typically little or no feedback is

provided during the process. He noted that the Planning Commission recommended leaving that requirement in place. He stated that the Planning Commission unanimously recommended approval of the ordinance amendment as proposed.

Pederson asked if the façade is required to match the home.

Finke replied that the ordinance includes general language about complimenting the principle structure on the property for any accessory structure, noting that is fairly subjective language. He stated that structures over 5,000 square feet have more explicit architectural details. He stated that the ordinance amendment as proposed would not change the requirements in terms of architecture for any sheds or outbuildings.

DesLauriers stated that he supports the four measures as identified by staff including the height limitation.

Albers confirmed his consensus of the recommendation of the Planning Commission.

Martin stated that she is a little concerned with the size of the sheds, noting that on some of the smaller lots it could be obtrusive to have a structure of that size in that proximity to the property line. She stated that she also recognizes that many of the neighborhoods have HOA's which have their own covenants that would protect against those measures. She stated that her concern would be that the City is permitting these types of structures close to neighboring property lines. She recognized that there were no public comments at the public hearing held by the Planning Commission. She noted that she would be willing to support the recommendation of the Commission if the other Council members support the action as well.

Albers stated that Martin makes a persuasive argument to not approving the amendment. He asked if the language related to the structure being compatible to the principle structure should be strengthened.

Martin provided some grammatical suggestions that could be added to strengthen the language but noted that those elements could make it cost prohibitive to have these structures. She stated that she is in the rural area of Medina and would still not want to see a prefabricated shed on her neighbor's property.

DesLauriers stated that he would rather have the items stored in a shed rather than outdoors. He noted that some garage sizes are smaller, and residents need additional storage space.

Martin stated that a shed of this size could store a snowmobile or boat and believes that residents should pay for offsite storage of those items if needed. She read aloud language from the staff report related to small residential lots and asked if she interpreted the language correct to allow an outbuilding of up to 1,000 square feet in addition to the small shed being discussed tonight.

Finke confirmed that language to be true but noted that it would be unlikely that the smallest lots in Medina could accommodate an accessory structure of any size because of the required setbacks, which was the reason the exempt allowance came about. He explained that the exemption allows the smaller lots to have a small shed. He stated that the Council could still make the change from 120 square feet to 200 square feet for

exempt sheds, without changing the size of the shed allowed as additional to the accessory structure language.

Martin stated that she would support this item going back to the Planning Commission for additional discussion.

Pederson stated that the points brought forward by Martin are valid, noting that he would not want to see the sheds destroying the views of others.

Albers and DesLauriers agreed that this should go back to the Planning Commission.

*Moved by Anderson, seconded by Martin, to direct the Planning Commission to again review the proposed ordinance amending regulations pertaining to accessory structures as discussed by the Council.*

*Further discussion: Martin suggested that the City Attorney provide a memorandum to the Planning Commission related to the expiration of HOA covenants after 30 years.*

***A roll call vote was performed:***

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

***Motion passed unanimously.***

**C.     Police Officer Recruitment Discussion (8:00 p.m.)**

Nelson stated that in 2019 Belland did some forward thinking related to hiring in advance of his retirement to prevent a shortage of personnel. He stated that an additional officer was also requested and was approved through the budget process. He stated that the application process took place for the backfilling that was necessary and the necessary background checks in February 2020. He stated that one officer was hired as a result of the process. He stated that staff discussed looking at an internal candidate for the additional position, looking at the CSO positions. He stated that the internal application process began, and he is asking the Council for authorization to complete the background check process for the two internal applicants. He stated that currently there are officers that have been unable to use vacation time because of the small size of the department and related challenges with COVID-19. He stated that he has worked with administration and finance staff and a decision was made to allow 200 vacation hours to carry over from 2020 to 2021, because all vacations have been denied in the past three months.

*Moved by Anderson, seconded by DesLauriers, to authorize staff to continue the internal recruitment to fill Police Officer position.*

***A roll call vote was performed:***

***Pederson     aye***  
***Anderson    aye***

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

***Motion passed unanimously.***

**D. Administrative Assistant to Planning and Public Works Recruitment Discussion (8:07 p.m.)**

**1. Resolution No. 2020-31 Accepting Resignation of Administrative Assistant Katrina Jones**

*Moved by Martin, seconded by Anderson, to adopt Resolution No. 2020-31 Accepting the Resignation of Administrative Assistant Katrina Jones. **Motion passed unanimously.***

Johnson noted that Katrina Jones received a higher-level position with the City of Crystal and wishes her the best in her change of employment.

Gallup stated that her memorandum identified the primary job duties and other key roles for the position. She stated that minor changes were made to the description to clarify the other roles of the position, which were identified in the redline version.

Martin stated that she has found that in her personal situation with her private office staff, there have been less administrative needs during this process and efficiencies have been identified. She stated that she has been challenged to keep her private staff busy and asked if there has been a similar feel at City Hall.

Johnson replied that he spoke with Finke and Scherer and noted that the permit requests continue at a high level and there have been more calls and activity for public works.

Scherer stated that the position also assists with DNR reporting for water and sewer, coding of the bills, and answers phones. He noted that Katrina had been on maternity leave since February and it has been a struggle to continue to ask other departments for assistance with these duties. He stated that if the process for recruitment began today, it would still be some time before someone came on board. He noted that he has a new foreman in public works, and he is currently down two people. He stated that public works continues to receive inbound calls constantly during this time. He stated that he backed off on filling a public works position last fall and is currently running two people under budget. He stated that he feels strongly that this position needs to be filled.

Finke echoed the comments of staff that planning traffic has been just as high. He noted that this position handles the over the counter permits that are issued which allows the other staff to focus on their duties. He encouraged the Council to authorize the recruitment as it will still take time to bring that person on board.

Albers stated that it is an interesting time to recruit for candidates, noting that the pool has been increased by those unemployed. He believed that it would be a good time to move forward on recruitment for this position. He recognized while it may be challenging to keep administrative assistant staff busy during this time in the private sector, it appears that there is a demand at City Hall.

Martin agreed that it seems beneficial to move forward and proceed with the actions proposed.

*Moved by Anderson, seconded by DesLauriers, to approve Administrative Assistant Job Description. **Motion passed unanimously.***

*Moved by Anderson, seconded by DesLauriers, to authorize staff to begin recruitment to fill the vacant Administrative Assistant position.*

**A roll call vote was performed:**

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

**Motion passed unanimously.**

**E. Regulatory Flexibility Discussion for Businesses (8:20 p.m.)**

Martin provided background information on the previous suggestion that staff look into what the City could do to provide flexibility to businesses allowed to open under the new restrictions.

Johnson provided additional information on recent orders from the Governor related to the partial reopening of certain businesses (restaurants, bars, salons). He noted that communication was sent to those businesses advising of the flexibility available. He stated that Batty drafted a memorandum and recommendation for the Council to consider that would allow staff to continue to apply that flexibility.

Albers applauded the staff and thanked them for the work they have done. He commented that hopefully the restaurants and bars were able to see that the City is willing to work with them to help them reopen and serve the public. He stated that hopefully people can begin to return to normal life and support these businesses.

*Moved by Albers, seconded by DesLauriers, to authorize City staff to apply City rules and regulations regarding restaurants and bars with flexibility to facilitate the partial reopening of those businesses starting June 1, 2020, while maintaining public health and safety and compliance with State laws and regulations.*

**A roll call vote was performed:**

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

**Motion passed unanimously.**

## VIII. CITY ADMINISTRATOR REPORT

### A. 2020 Election Update (8:25 p.m.)

Gallup provided an update on a new law signed by the Governor on May 12<sup>th</sup> to address absentee polling and polling locations related to COVID-19 and reviewed the changes that were made through the law. She stated that she has had communication with previous Election Judges that are not interested this year because of COVID-19. She stated that she has begun recruitment for those positions. She noted that polling locations can be changed and asked for input on whether the City would like to allow in person absentee voting at City Hall for the primary or allow the County to handle that activity. She noted that in person absentee voting historically has a low turnout at City Hall and would recommend allowing that to continue at City Hall.

Martin thanked Gallup for her continued excellent work. She stated that perhaps both precincts are not needed to be open for the primary but noted that it would be nice to have one location available in Medina.

Albers expressed appreciation for the process Gallup went through to outline the options. He also commented that one location should be made available in Medina.

Anderson agreed that the more polling locations Medina can offer its residents, the better the City would be.

Gallup stated that Medina can combine its polling places, if needed, due to COVID-19. She stated that the problem would be that any combined location would need to be within the precinct or within one mile of the precinct, therefore Medina does not have a location that large to support the activity. She noted that one option would be to allow polling at the Hamel Community Building and not at City Hall.

Anderson stated that he is strongly in favor of keeping both locations open.

Gallup agreed that it would be difficult to communicate to all the residents that the location has changed.

DesLauriers agreed that it would be better to disburse residents between two locations.

Gallup stated that staff will push hard to recruit additional Election Judges to support two locations. She noted that affidavits of candidates can now be done electronically and provided details on how the City will allow that option. She noted that in person candidate filing can still occur.

It was the consensus of the Council to continue with two polling locations within Medina.

### B. Update from Police Chief (8:37 p.m.)

Johnson commented on the great job that Nelson and his team have done with COVID-19 and the recent civil unrest.

Nelson thanked City staff and the Council for their support and for the support from the community. He stated that these are trying times and it is nice to be a part of the community with mutual love and respect. He stated that COVID-19 has been quiet in recent time, but the department continues to monitor situations and exposures. He



reported that the police department has been back to its regular schedule for one week. He stated that planning and preparing continues related to COVID-19 as the department continues to gather PPE supplies to meet its 30-day stock of supplies. He stated that it is nice to see people resuming some normal activity with the partial reopening of some businesses. He stated that the death of George Floyd at the hands of the police has sparked outrage locally and globally. He stated that there have been both peaceful and violent protests. He stated that these are unprecedented times with the civil unrest and the local, state and National Guard resources being used. He stated that the Medina police department added extra patrols and has worked with community leaders and businesses during this time, along with the Lakes Area Management Group to provide a coordinated plan. He stated that fortunately there have been very few issues compared to the first ring suburbs. He noted that there have been protests scheduled for neighboring communities. He stated that social media has been spreading fear and misinformation and noted that the police department can attempt to vet any concerns.

Pederson thanked Nelson for his update and for the work his department is doing to keep everyone in the community safe.

**IX. MAYOR & CITY COUNCIL REPORTS (8:46 p.m.)**

Albers thanked Nelson for the update and echoed the comments of Pederson with thanks to Nelson and the whole force for the work they have done in recent months.

Martin stated that members of the Council and staff attended a meeting of the Hamel Fire Department Advisory Board to review the preliminary budget numbers, expressing a need to suppress increases to the budget to the degree necessary. She recognized that there are some costs which are out of their control (insurance) and additional PPE are needed during this time.

**X. APPROVAL TO PAY THE BILLS (8:48 p.m.)**

*Moved by Anderson, seconded by DesLauriers, to approve the bills, EFT 005528E-005540E for \$49,191.15, order check numbers 050251-050295 for \$172,757.40, and payroll EFT 0510259-0510286 for \$51,885.70.*

**A roll call vote was performed:**

<b>Pederson</b>	<b>aye</b>
<b>Anderson</b>	<b>aye</b>
<b>DesLauriers</b>	<b>aye</b>
<b>Albers</b>	<b>aye</b>
<b>Martin</b>	<b>aye</b>

***Motion passed unanimously.***

**XI. ADJOURN**

Martin commented that she misses seeing everyone and hopes everyone remains well.

*Moved by Anderson, seconded by DesLauriers, to adjourn the meeting at 8:50 p.m.*

***A roll call vote was performed:***

***Pederson aye***

***Anderson aye***

***DesLauriers aye***

***Albers aye***

***Martin aye***

***Motion passed unanimously.***

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Kathleen Martin, Mayor

Attest:

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Jodi M. Gallup, City Clerk