

MEDINA CITY COUNCIL MEETING MINUTES OF JUNE 16, 2020

The City Council of Medina, Minnesota met in regular session on June 16, 2020 at 7:00 p.m. virtually. Mayor Martin presided.

Martin explained that this meeting is being held virtually because of the continued pandemic and provided directions on how 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 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. CALL TO ORDER AND MOMENT OF SILENCE

Martin asked for a moment of silence to mourn the loss of George Floyd to reflect on the injustice that caused his death and to hope that we can work together to rid our community, our state and our nation of racism.

After the moment of silence, Martin recognized that everyone present believed that the death of George Floyd, at the hands of Minneapolis Police Officers, should not happen in America, and stated that the brutality of that act, and the culture that permitted it to happen, will not be and is not tolerated at the City of Medina.

Martin urged everyone do his or her part to counter bias and racism in our community, to look inward at our own biases and to listen to the experiences of those who have experienced racial injustice and to experts on how we can raise our children to understand but not tolerate racism.

Martin reported that the persons who work at Medina city hall, and in Medina's public works and police departments, are committed to and have collectively reflected on ways to eradicate racism, recognize implicit bias, and review policies and practices to remove any institutional racism where policies may work better for white people than people of color. She noted that she, City Staff and Police Chief Jason Nelson have received many inquiries regarding policing policies in Medina, and she invited Chief Nelson to speak on that topic.

Nelson reported that he has been contacted by members of the public, City staff and the Council about the Police Department and how it operates. He stated that it is the mission of the department to serve the community with honesty, integrity, and dignity. He stated that they pride themselves on being professional and transparent. He advised that he drafted a press release that was included in the Council packet and will be posted on the City website and social media site. He stated that the Medina Police Department does not use chokeholds or strangleholds. He provided information on the training and licensing mandate that began in July 2018, noting that the department has

gone above and beyond to meet those mandates. He stated that the Medina Police Department has a policy that requires a warning to be issued before attempting to use deadly force and requires all other techniques to be used prior to attempting to use deadly force. He provided background information on the continued use of force training completed by Medina Police Officers. He stated that Officers also have the duty to intervene if they see a situation where excessive force is being used. He provided details on the use of force scale and noted that the intent is to use the least amount of force. He welcomed calls or emails from any residents with questions.

Pederson thanked Nelson for doing an excellent job of describing the policies.

Martin thanked Nelson and commended him for all the great work he has done in the past few months since taking the position of Public Safety Director.

III. PLEDGE OF ALLEGIANCE (7:24 p.m.)

IV. ADDITIONS TO THE AGENDA (7:25 p.m.)

The agenda was approved as presented.

V. APPROVAL OF MINUTES (7:25 p.m.)

A. Approval of the June 2, 2020 Regular City Council Meeting Minutes

Martin stated that she provided proposed corrections that were distributed prior to the meeting for incorporation.

Moved by Martin, seconded by Pederson, to approve the June 2, 2020 regular City Council meeting minutes as amended.

A roll call vote was performed:

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

Motion passed unanimously.

VI. CONSENT AGENDA (7:26 p.m.)

A. Approve COVID-19 Preparedness Plan for City of Medina

B. Approve WSB Proposal for Design Work at Hunter Lions Park

C. Resolution No. 2020-32 Granting Preliminary Approval to the Estate of Robert Roehl for the Roehl Heights Plat

Anderson referenced the health questionnaire and hoped that it would be used for the election workers.

Moved by Pederson, seconded by Martin, to approve the consent agenda.

A roll call vote was performed:

Pederson aye
Anderson aye
DesLauriers aye
Albers aye
Martin aye

Motion passed unanimously.

VI. COMMENTS (7:29 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 discuss the five-year Capital Improvement Plan. The Park Commissioners have each been assigned specific parks and trails to review and update the inventory. He stated that the Commission will also discuss the 2020 park goals, noting that some of the projects are underway. He stated that the parks are looking great, getting a lot of use, and baseball has begun.

DesLauriers stated that he noticed that there were three to five signs that were in the parks but not sanctioned by the City and noted that perhaps staff could be on the look out for those signs.

C. Planning Commission

Planning Commissioner Reid reported that the Commission met the previous week to discuss building materials allowed for rehabilitation on buildings within the commercial, industrial, and business districts. She reported that ultimately the Commission recommended that engineered wood and fiber cement panels be added to the list of allowed materials for rehabilitation of existing buildings within the commercial, industrial, and business districts.

VII. NEW BUSINESS

A. OSI – Cavanaugh's Meadowwoods Park 3rd Addition – Final Plat (7:37 p.m.)

Finke stated that the purpose of the final plat review is to ensure that the plat submitted is consistent with the preliminary plat, previously approved by the Council, and that the conditions within that preliminary approval have been met. He reported that the proposed plat is essentially the same as the preliminary plat with the exception of the right-of-way at the northeast corner of the site, which will be provided in the future through an agreement with the property owner rather than through the plat. He advised that the condition for that agreement is included in the development agreement. He noted that many of the conditions within the preliminary plat carry through as conditions in the development agreement. He stated that staff recommends approval.

Martin reported that she had reviewed the development agreement and found it satisfactory.

Pederson stated that his only question was related to the right-of-way and if staff and Martin are comfortable with the agreement, he is satisfied.

1. **Resolution No. 2020-33 Granting Final Approval of the Cavanaughs Meadowwoods Park Third Addition Plat**

Moved by DesLauriers, seconded by Pederson, to adopt Resolution No. 2020-33 granting final approval of the Cavanaughs Meadowwoods Park Third Addition Plat.

A roll call vote was performed:

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

Motion passed unanimously.

B. Hackamore Road Improvement Project (7:45 p.m.)

Stremel identified the project corridor between the cities of Medina and Corcoran. He stated that the intent was to develop a cohesive plan to guide the improvements in the corridor and to plan for future development. He stated that staff has been working closely with both cities and through public and stakeholder engagement in order to develop the 30 percent plans. He reviewed the stakeholder process and public engagement process that was completed, noting that alternative measures were used to gather input because of the pandemic. He stated that there was a focus on turning movements in this study. He stated that there are two options at this time and described the main differences between the options. He stated that staff would not be proposing assessments to the residential properties along the corridor. He stated that there have been meetings about every two weeks with staff from both cities and staff recommends proceeding to 75 percent plans on Option 2. He described the additional details that would be defined in the process. He noted that Corcoran City Council reviewed the plans at their meeting the previous Thursday but stated that he would like the input from the Council before providing that recap. He reviewed the timeline for the next steps and asked for input from the Council.

Martin stated that she would like to hear the response from Corcoran before commenting.

Stremel stated that Corcoran recommended proceeding with Option 1 for phase one. He explained that they felt that the wider road may provide additional safety for pedestrians and cyclists. He stated that Corcoran was fine with Option 2 for phases two and three. He noted that Corcoran wanted to provide flexibility and the extra width on the east side. He commented that the additional cost for Option 1 on phase one was not enough to sway their decision.

Martin asked if Corcoran expects much of its cost to be covered by development on the north side of Hackamore.

Stremel stated that is certainly a possibility with two large development proposals on that side.

Anderson asked if there was any discussion related to the split and what that could be between the two cities.

Stremel replied that there was not specific discussion about the cost split. He stated that there was some discussion as to whether the trail would be on the north side and some felt that there would be additional benefit to Corcoran residents to have the trail on the north side.

DesLauriers asked the cost to go from 30 percent to 75 percent design plan.

Stremel commented that he believed the total cost for 75 percent design was \$117,000 with about \$60,000 of that spent so far to get to 30 percent design.

Martin stated that Medina is attempting to be mindful of costs that may not need to occur in the case that there are income shortfalls ahead.

DesLauriers asked if this is a cost that needs to be incurred in 2020.

Martin asked of the shelf life of the design.

Anderson agreed that would be an important figure. He stated that during the worksession the Council tasked staff to look for ways to save funds in budgeting and he cannot in good conscious say that Medina could move forward without knowing the cost-share arrangement between the two cities.

Scherer stated that Medina budgeted \$100,000 for the planning purposes in 2020. He stated that as the study moves forward the cost is split with the City of Corcoran, but the actual project funds allocated in 2021 would not be close to the amount the project would cost.

Stremel provided an update on the funding that was allocated and spent thus far and the funds that remain. He confirmed that the total of \$117,000 was the total amount to be split between the two cities.

Martin commented that if this moves forward to 75 percent design it would then appear that Medina would have covered \$58,500 of the design costs, which would be well under the \$100,000 the City budgeted.

DesLauriers asked if the intent of the \$100,000 was to get to 100 percent design.

Scherer stated that may have been the thinking at the time. He noted that the project expanded since the original planning.

Finke stated that the CIP was set in December and the City was unsure how the planning would move forward. He confirmed that there are available funds to move past the 75 percent design. He stated that with everything going on in Corcoran he would see benefit in continuing the design. He explained that Corcoran would require right-of-way from adjacent developers and would have the opportunity for the adjacent developers to accommodate stormwater from this project, which would be a benefit for both communities. He stated that having more information will help to guide the cost split between the communities.

Martin agreed that, in light of what is occurring in Corcoran, it helps Medina to be at the table in the planning stages. She stated that it sounds like there are sufficient funds in the budget to proceed to 75 percent plans. She stated that the decision on whether to continue with planning would be dependent upon the shelf life of the plans.

Stremel stated that there is quite a bit of longevity for the plans, as the traffic study looks out 20 years. He noted that there may need to be some adjustments dependent upon the final access points for adjacent development. He stated that the item of greatest benefit is the ability to work with adjacent developments on items that could be shared with those developments. He stated that getting to the 75 percent design would assist in being able to work with adjacent developments as they come forward to secure right-of-way and additional cost saving elements, such as stormwater ponding. He noted that those cost savings would more than cover the cost of getting to 75 percent design.

Pederson stated that he understands this is an MSA eligible road but noted that he does not understand MSA funding and asked how the County would come into the equation at the County roads.

Stremel replied that he is unsure of the annual amount of MSA funding the City receives each year. He stated that they would look forward to cost sharing opportunities with those stakeholders. He noted that staff would send letters to begin those discussions in July.

Scherer stated that he is unsure of the dollar amount for MSA funding.

Barnhart stated that the City will most likely be draining most of the MSA funds for the Brockton Road improvements. She stated that it is contemplated to not allow borrowing ahead on MSA funds because of an anticipated shortfall from cities requesting to draw ahead. She noted that the City receives a couple hundred thousand dollars per year for MSA funds.

Pederson asked when the City is allotted additional MSA funds.

Barnhart replied that allocations are provided in January of each year. She confirmed that the available funds will be used this year for Brockton Road improvements. She reported that the City's 2019 allotment was \$269,000. She provided additional details on how the City could choose to fund its portion of the cost for an improvement.

Pederson commented that the most important element for him would be funding, ensuring that the County will be a participant and that MSA funds would be available.

Barnhart stated that staff agrees. She noted that part of the importance of the design phases and project phases is to help guide the funding that would be available.

Stremel stated that the City can combine an MSA project with a 429 special assessment process. He noted that the assessment would come first with the MSA supplementing the City's portion of the cost.

Martin recognized the importance of funding but noted that the question is whether the Council is comfortable moving forward with the next step of plan development. She noted that it has been stated that the plans would have a shelf life that could outlive the

current recession. She stated that she is comfortable moving ahead on the plans because it is important for the City to be involved with the project's planning, given the development being proposed in Corcoran.

Pederson agreed that this would be a good planning tool. He stated that as long as staff is thinking along the same lines in terms of funding, he would support moving forward on the plan development.

Anderson stated he felt it likely that Corcoran would likely move forward more quickly than Medina. Therefore, he believed that this would put Medina in the position of being asked to join the negotiation at a later date and is not confident that monies spent on the plans now would be money well spent.

Albers commented that it would be prudent to move ahead with the planning.

DesLauriers stated that he agrees with Anderson. He recognized the possible budget shortfall that was discussed earlier tonight, noting that these funds would help to make up that shortfall. He stated that he would also be uncomfortable with an unknown cost share on the project.

Anderson stated that he would think Corcoran would want to move ahead more quickly.

Stremel stated that it was commented that Corcoran would want to move forward on phase one in 2021. He noted that there is a possibility that some interim improvements could be completed along with development.

Martin stated that it appears the majority of the Council would like to move forward with the planning process.

Finke provided input on how knowing the design details will help to guide conversations with future developers.

Martin asked the Council for input on Option 1 versus Option 2. She noted that she was inclined to support Option 2 for the purposes of cost and design. She stated that she does see how Option 1 could be of interest for Corcoran.

Stremel clarified that Corcoran supports Option 1 for phase one and Option 2 for the remaining phases.

Albers asked if Medina would want to align with Corcoran on Option 1 for phase one and Option 2 for the remaining phases.

Finke stated that staff had a fair amount of discussion following the Corcoran meeting. He noted that the interest of Corcoran was more for bicycle safety rather than the inside turn lane and therefore staff feels that perhaps a bicycle lane could be added to the plan that would appease Corcoran. He stated that the Council could state a preference for Option 2 with the intent to add width for bicycle safety.

Stremel provided input on how a bicycle lane could be added on the north and south.

Johnson stated that it would seem the Council is comfortable proceeding with the design based on Option 2 with the addition of the bike lane.

Martin confirmed the consensus of the Council with that direction to direct staff to move forward with planning under that guidance.

Moved by Albers, seconded by Pederson, to direct staff to proceed with design of the Hackamore Road Improvement project to a 75 percent level based upon Option 2 with the flexibility discussed by the Council.

A roll call vote was performed:

<i>Pederson</i>	<i>aye</i>
<i>Anderson</i>	<i>nay</i>
<i>DesLauriers</i>	<i>nay</i>
<i>Albers</i>	<i>aye</i>
<i>Martin</i>	<i>aye</i>

Motion passed with a vote of 3 - 2.

IX. CITY ADMINISTRATOR REPORT (8:59 p.m.)

Johnson stated that the legislature is discussing the allocation of CARES Act funds that will be made to cities for COVID-19 relief. He noted that he will forward on information as it arises.

X. MAYOR & CITY COUNCIL REPORTS (9:00 p.m.)

Pederson asked if the next meeting would be held virtually.

Martin stated that was discussed about nine or ten days ago. She asked the City Attorney to provide input.

Batty confirmed that discussion took place and provided information on the legal framework that allows virtual meetings. He noted that the State declaration of emergency was extended through July. He stated that some cities never went to virtual meetings, some cities went to a half step allowing the Council to meet in person and others participate virtually, and some have been holding meeting completely virtually. He commented that it would be difficult to safely have Council, staff and the public present given the size of the Medina Council Chambers. He stated that the decision would be up to the City as to whether it would like to hold a meeting in a different manner outside of virtual meetings. He asked if the City or Council have heard any complaints about the virtual meetings.

Pederson stated that in order to protect staff at City Hall, it would make sense to continue to hold virtual meetings. He stated that he has not received any complaints.

Batty stated that he sees three legs to the stool: the State emergency order, the local emergency order, and the pandemic. He stated that all three of those would have to go away before the Council would be forced to return to in person meetings.

Anderson agreed that the safety of everyone must come first and therefore he would agree to continuing to meet virtually.

DesLauriers stated that while he prefers in person meetings, he also agrees that waiting another four to eight weeks would be the right thing to do.

Albers stated that Minnesota is getting into phase three of reopening the State and he would like to return to in person meetings as soon as they can.

Martin commended everyone for the cooperative efforts. She commented that the Council and staff have been fortunate that no one among them has fallen ill. She stated that it only takes one or two exposures for a group meeting regularly to become infected and therefore she would like to continue virtually. She stated that this situation can continue to be monitored as things move forward.

XI. APPROVAL TO PAY THE BILLS (9:10 p.m.)

Moved by Anderson, seconded by DesLauriers, to approve the bills, EFT 005541E-005559E for \$116,252.49, order check numbers 050296-050345 for \$237,367.48, and payroll EFT 0510287-0510319 for \$56,441.07.

A roll call vote was performed:

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

Motion passed unanimously.

XII. CLOSED SESSION: POLICE UNION CONTRACT – PURSUANT TO MINN. STAT. 13D.03

Moved by Anderson, seconded by Pederson, to adjourn the meeting to closed session at 9:12 p.m. to discuss the Police Union Contract pursuant to Minn. Stat. 13D.03.

A roll call vote was performed:

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

Motion passed unanimously.

The meeting returned to open session at 10:08 p.m.

XIII. ADJOURN

Moved by Anderson, seconded by DesLauriers, to adjourn the meeting at 10:09 p.m.

Motion passed unanimously.

Kathleen Martin, Mayor

Attest:

Jodi Gallup, City Clerk